Minnesota Department of Labor and Industry

STATEMENT OF NEED AND REASONABLENESS

Proposed Amendment to Rules Governing the Administration of the Minnesota State Building Code, Minnesota Rules, chapter 1300; and Proposed Amendment to Rules Governing Minnesota Provisions, Minnesota Rules, Chapter 1303; Revisor's ID Number R-04140

INTRODUCTION

The Commissioner of the Department of Labor and Industry proposes to amend rules governing the administration of the Minnesota State Building Code, Minnesota Rules, Chapter 1300. The Department also proposes to amend rules governing Minnesota provisions of the Minnesota State Building Code, Minnesota Rules, Chapter 1303.

This rule chapter incorporates the necessary administrative information from each "Chapter 1" of the International Code Council ("ICC") model codes that are adopted by reference. This rule chapter also incorporates administrative requirements specific to Minnesota. Where specific administrative provisions are necessarily related to a specific rule chapter, the specific administrative provision will govern.

The Department utilized an advisory committee to review the existing rule and to propose necessary changes to the rule. The committee consisted of representatives from the Builders Association of Minnesota, the Association of Minnesota Building Officials, greater Minnesota Building Officials, the League of Minnesota Cities, the Minnesota Building Permit Technicians Association, and Construction Codes and Licensing Division staff. The proposed amendments incorporate changes proposed by the committee and changes made to the administrative provisions in the model codes that affect this chapter or other chapters of the Minnesota State Building Code.

ALTERNATIVE FORMAT

Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make a request, contact Colleen Clayton at the Department of Labor and Industry, 443 Lafayette Road N., St. Paul, MN 55155, phone: 651-284-5867, and fax: 651-284-5749. TTY users may call the Department at 651-297-4198.

STATUTORY AUTHORITY

The Department's statutory authority to adopt the rules is stated in the following Minnesota Statutes:

> **326B.02, Subdivision 5. General rulemaking authority.** The commissioner may, under the rulemaking provisions of chapter 14 and as otherwise provided by this chapter, adopt, amend, suspend, and repeal rules relating to the commissioner's responsibilities under this

chapter, except for rules for which the rulemaking authority is expressly transferred to the Plumbing Board, the Board of Electricity, or the Board of High Pressure Piping Systems.

326B.101 Policy and purpose. The State Building Code governs the construction, reconstruction, alteration, and repair of buildings and other structures to which the code is applicable. The commissioner shall administer and amend a state code of building construction which will provide basic and uniform performance standards, establish reasonable safeguards for health, safety, welfare, comfort, and security of the residents of this state and provide for the use of modern methods, devices, materials, and techniques which will in part tend to lower construction costs. The construction of buildings should be permitted at the least possible cost consistent with recognized standards of health and safety.

326B.106, Subdivision 1. Adoption of code. Subject to sections 326B.101 to 326B.194, the commissioner shall by rule and in consultation with the Construction Codes Advisory Council establish a code of standards for the construction, reconstruction, alteration, and repair of buildings, governing matters of structural materials, design and construction, fire protection, health, sanitation, and safety, including design and construction standards regarding heat loss control, illumination, and climate control. The code must also include duties and responsibilities for code administration, including procedures for administrative action, penalties, and suspension and revocation of certification. The code must conform insofar as practicable to model building codes generally accepted and in use throughout the United States, including a code for building conservation. In the preparation of the code, consideration must be given to the existing statewide specialty codes presently in use in the state. Model codes with necessary modifications and statewide specialty codes may be adopted by reference. The code must be based on the application of scientific principles, approved tests, and professional judgment. To the extent possible, the code must be adopted in terms of desired results instead of the means of achieving those results, avoiding wherever possible the incorporation of specifications of particular methods or materials. To that end the code must encourage the use of new methods and new materials. Except as otherwise provided in sections 326B.101 to 326B.194, the commissioner shall administer and enforce the provisions of those sections.

Under these statutes, the Department has the necessary statutory authority to adopt the proposed rules.

REGULATORY ANALYSIS

Minnesota Statutes, section 14.131, sets out eight factors for a regulatory analysis that must be included in the SONAR. Paragraphs (1) through (8) below quote these factors and then give the agency's response.

"(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule"

The classes of affected persons who probably will be affected by the proposed rule include building contractors, designers, engineers, certified building officials, material manufacturers, and building owners.

Those that will probably bear the costs of the proposed rule include building contractors, material manufacturers, and building owners; however the costs will likely be passed on to the building owners.

Those that will likely benefit from the proposed rule include building contractors, designers, certified building officials, designers, engineers, material manufacturers, and building owners.

"(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues"

The probable costs to the agency for the implementation and enforcement of the proposed rule include costs to copy and distribute the rule to agency staff.

The probable costs to any other agency of implementation and enforcement include copy costs for the rule for building officials and other entities involved with enforcement of the code, and any necessary educational expenses necessary for training on the proposed rule.

There is no anticipated effect on state revenues as a result of the implementation and enforcement of the proposed rule.

"(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule"

There are no less costly or intrusive methods for achieving the purpose of the proposed rule. The adoption of this rule will provide uniform administration and enforcement of construction standards. The uniform administration and enforcement of this code will result in more predictable code application and enforcement, which will tend to lower costs by reducing the need for review by local and state review boards and other entities responsible for code interpretation and review.

"(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule"

Pursuant, in part, to Minnesota Statutes, section 326B.106, subdivision 1, the commissioner must establish a code of standards that "must conform insofar as practicable to model building codes generally accepted and in use throughout the United States, including a code for building conservation. In preparation of the code, consideration must be given to the existing

statewide specialty codes in use in the state. Model codes with necessary modifications and statewide specialty codes may be adopted by reference."

Chapter 1300 is the administrative chapter that is used to administer and enforce the State Building Code. Several rule chapters that make up the State Building Code incorporate model building codes. The administrative provisions for the model codes are located in chapter one of the codes, however, the Department's analysis revealed that not all of the administrative provisions from model code to model code are consistent. To reconcile this issue, the first chapter of the model codes is amended out of the code in a rule amendment and replaced with Minnesota Rules, chapter 1300 in order to provide uniform administrative provisions for the entire State Building Code. The Department believes this method is the best way to achieve uniform and consistent administration and enforcement of the State Building Code.

"(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals"

This rule chapter provides regulations to code users about how to administer and enforce the Minnesota State Building Code. Actual code requirements referenced in this chapter are located in the specific chapters of the Minnesota State Building Code. Because the administrative chapter does not provide specific code requirements, there are no compliance costs as they relate to code requirements.

There may be negligible costs to a municipal building department associated with a need for building officials to implement additional procedures, such as an additional inspection, or to revise certain documents, such as a permit. Most of the procedures and documentation are currently in place, so the changes would likely be revisions to current practices and would not create a need for new procedures or documents.

"(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals"

The Department anticipates that the probable costs and consequences of not adopting the proposed rule include confusion with the application and enforcement of an older administrative code when a newer code is available and in use throughout the industry. The family of ICC Codes is designed to work together as they reference each other within the body of each individual model code provision, and as noted in the "Introduction" section above, the administrative provisions of each model code is typically found in Chapter 1 of those codes. The Department intends to adopt several of the 2012 ICC codes at the same time. Therefore, if this proposed rule were not adopted, it could create confusion in other rule chapters that adopt and incorporate the 2012 ICC model codes. Another consequence of not adopting the proposed rule would be having to use older materials and methods because the Department currently administers and enforces the 2006 versions of the ICC model codes. The Department chose to skip the adoption of the 2009 ICC codes because of a slowdown in the economy. The existing rule chapter 1300 is therefore based on the 2006 version of the ICC model codes. Older methods may prove to be less efficient and older materials, including 2006 ICC code books, will be more difficult, if not impossible, to obtain.

Therefore, failure to update the codes' administrative provisions by not adopting the proposed rule would have a negative impact on the administration, application and enforcement of Minnesota's state building code.

"(7) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference"

There are no applicable federal regulations that address administration of state building codes.

"(8) an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule. . . . '[C]umulative effect' means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules. Cumulative effects can result from individually minor but collectively significant rules adopted over a period of time."

The Minnesota State Building Code is a single set of coordinated building construction regulations that apply throughout the state of Minnesota. There are no other building codes that can be used or enforced in this state. When the Department adopts the individual rules that make up the State Building Codes, it works with other state agencies that may also have an effect on certain buildings to ensure that the requirements that are parallel or that cover the same building type, are not cumulative.

For example, portions of Minnesota Rules, chapter 1305, Adoption of the International Building Code, regulate the planning and construction of care facilities in Minnesota. The Department utilized an advisory committee to review the 2012 International Building Code. The committee members included technical expertise from other state agency personnel to ensure the rule would coordinate with any other state regulations that may be affected by the rule.

The Department also develops the Minnesota Accessibility Code so that it incorporates the federal accessibility requirements to the extent they are applicable. In certain accessibility areas that are not required in Minnesota, our accessibility experts inform code users that although something is not required by the Minnesota Code, it may still be required federally and must be complied with.

The adoption cycle for the Minnesota State Building Code generally occurs every three years so it reflects the most recent changes that occur federally and with other state agencies. For example, the Department of Energy implements federal requirements for energy in construction by working through the international model code process. By adopting and incorporating international model codes into the Minnesota State Building Code by reference, the cumulative effect is greatly reduced or eliminated. Department staff also monitors any regulatory changes that occur federally and on a state level. The Department also has staff that monitors code changes being proposed to the model building codes at the national level to ensure that the Minnesota State Building Code will not conflict with other building code regulations.

PERFORMANCE-BASED RULES

Minnesota Statutes, section 326B.106, subdivision 1, authorizes the Department to establish by rule a code of standards for construction. This statute requires the code to "conform insofar as practicable to model building codes generally accepted and in use throughout the United States." At the same time, this statute mandates that, "to the extent possible, the code must be adopted in terms of desired results instead of the means of achieving those results, avoiding wherever possible the incorporation of specifications of particular methods or materials." The Minnesota State Building Code establishes minimum regulations for building systems using prescriptive and performance-based provisions with emphasis on performance. This rule chapter not only defines the composition of the State Building Code, but it also provides direction for its administration and enforcement, utilizing the philosophy established in this statute.

ADDITIONAL NOTICE

This Additional Notice Plan was reviewed by the Office of Administrative Hearings and approved in an Order dated November 5, 2013 by Administrative Law Judge Barbara L. Neilson.

Our Notice Plan also includes giving notice required by statute. We will mail or email the Notice of Intent to Adopt/Dual Notice, which will contain an easily readable and understandable description of the nature and effect of the proposed rule, to everyone who has registered to be on the Department's rulemaking mailing list under Minnesota Statutes, section 14.14, subdivision 1a. We will also give notice to the Legislature per Minnesota Statutes, section 14.116.

The Department will mail the Notice of Intent to Adopt/Dual Notice to the following interested parties:

1. All certified building officials involved in code administration. This list includes all municipal building officials responsible for administration of the state building code;
2. Builders Association of Minnesota;
3. Association of Builders and Contractors;
4. Builders Association of the Twin Cities;
5. Minnesota Association of Building Officials
6. Fire Marshals Association of Minnesota
7. League of Minnesota Cities
8. American Institute of Architects Minnesota
9. Association of Minnesota Counties
10. Building Owners and Managers of Minneapolis and St. Paul

Our Notice Plan did not include notifying the Commissioner of Agriculture because the rules do not affect farming operations per Minnesota Statutes, section 14.111.

CONSULTATION WITH MMB ON LOCAL GOVERNMENT IMPACT

As required by Minnesota Statutes, section 14.131, the Department consulted with the Commissioner of Minnesota Management and Budget ("MMB") concerning the fiscal impact and benefits the proposed rules may have on units of local government. This was done on May 14,

2013, by providing MMB with copies of the Governor's Office Proposed Rule and SONAR Form, the proposed rules, and the near-final SONAR. On June 24, 2013, the Department received a memorandum dated the same day from MMB Executive Budget Officer Elisabeth Hammer which provided general comments and concluded that:

> [b]ased upon the information provided to me by the Department of Labor and Industry, there does not appear to be significant costs to local units of government that are not recoverable through local fees as a result of this proposed rule.

The Department will submit a copy of its correspondence with MMB and the June 24, 2013 response received from that agency to OAH at the hearing or with the documents it submits for ALJ review.

DETERMINATION ABOUT RULES REQUIRING LOCAL IMPLEMENTATION

As required by Minnesota Statutes, section 14.128, subdivision 1, the agency has considered whether these proposed rules require a local government to adopt or amend any ordinance or other regulation in order to comply with these rules. Pursuant to Minnesota Statutes, section 14.128, the Department has determined that a local government will not be required to adopt or amend an ordinance or other regulation to comply with these proposed rules. The State Building Code is the standard that applies statewide. Minnesota Statutes, section 326B.121, subdivision 1, mandates compliance with the State Building Code whether or not a local government adopts or amends an ordinance. As a result, an ordinance or other regulation is not required for compliance. If a city wishes that its ordinances accurately reflect legal requirements in a situation in which the State Building Code has superseded the ordinances, then the city may want to amend or update its ordinances.

COST OF COMPLYING FOR SMALL BUSINESS OR CITY

Agency Determination of Cost

As required by Minnesota Statutes, section 14.127, the Department has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed $25,000 for any small business or small city. The Department has determined that the cost of complying with the proposed rules in the first year after the rules take effect will not exceed $25,000 for any small business or small city because the proposed rules do not require any construction to occur within the first year after the rules take effect. The proposed rules provide the administrative provisions for the Minnesota State Building Code, which requires compliance with code requirements for a construction or remodeling project. The proposed rules do not, however, establish the time frame for any construction project to occur. Any small business or city contemplating new construction or remodeling will decide whether or not to undertake the construction or remodeling project and when that project will occur. Because the proposed rules provide administrative provisions for the Code and no new construction or remodeling is required by these administrative provisions within the first year after the rules take effect, no new construction or remodeling is required to occur within the first year.

Additionally, any small business in the construction industry will likely pass through any additional costs that occur resulting from code changes, so the costs would not be borne by the small business, but by the building owner. A small city would likely need to purchase new code books and attend training to learn about new code changes, but this cost would not exceed $25,000 for the small city.

The costs of construction are subject to many variables, including the current construction economy, material costs, and local labor costs. The cost of life-safety provisions that change in the rule are part of the base costs upon which the cost of the other features are added. Other features may be reduced to adjust the cost.

Small businesses and cities will never build the exact same building under the existing code and under the proposed rules. The number of variables and the fact that the new rule will provide for cost savings as well as costs, makes it unlikely the specific set of provisions that apply to a specific building on a specific site will increase the cost by more than $25,000.

LIST OF WITNESSES

If these rules go to a public hearing, the Department anticipates having the following witnesses testify in support of the need for and reasonableness of the rules:

1. Staff from the Construction Codes and Licensing Division, if necessary; and
2. Members of the 1300 Advisory Committee, if necessary.

RULE-BY-RULE ANALYSIS

MINNESOTA RULES, CHAPTER 1300
STATE BUILDING CODE ADMINISTRATION

1300.0010 ADMINISTRATION.

Subpart 1. The text of subpart 1 is not modified, however, the paragraph was given a subpart number and heading because two new subparts have been added to the rule part. It is necessary to separate the text into subparts because all three paragraphs pertain to different subject matter.

Subpart 2. This paragraph is modified by adding a subpart number and heading to the paragraph. This subpart is also modified by changing Minnesota Rules, chapter 3800 to chapter 3801. This modification is necessary because in 2009 chapter 3800 was divided into two rule chapters: chapter 3800 and chapter 3801. Chapter 3800 is composed of rules adopted and enforced by the Board of Electricity and chapter 3801 is composed of rules adopted and enforced by the Department of Labor and Industry. This change is necessary and reasonable to properly indicate that Minnesota Rules, chapter 1315, the Minnesota Electrical Code, is administered according to the pertinent parts of chapter 3801.

The statutory citation to the Minnesota Electrical Act is changed to reflect numbering changes made to sections of that Act by the Minnesota legislature in 2007. It is necessary and reasonable to change the statutory citation to update it to the current and correct citation.

Subpart 3. A new subpart regarding the Minnesota Plumbing Code is added to clarify, for administrative purposes, that Minnesota Rules, chapter 4715 is administered and enforced statewide, pursuant to Minnesota Statutes, section 326B.106, subdivision 3.

1300.0030 PURPOSE AND APPLICATION.

Subpart 2, subitem A. This rule part is modified to reflect changes made to statute requiring that the State Building Code "is the standard that applies statewide..." This change to statute was made during the 2008 Regular Session and can be found in Minnesota Statutes, section 326B.121, subdivision 1. This change is necessary to keep this rule consistent with statutory language.

This subpart is also modified to delete exceptions located in citations to Minnesota Statutes, sections 326B.112 (bleacher safety provisions), 326B.16 (enforcement of requirements for persons with disabilities), and 326B.184 (fees for licensure and permits). These citations are no longer needed because those sections are not exceptions to the statewide standard.

The rule is further modified to remove the citation to subdivision 8 in Minnesota Statutes, section 103F.141, because subdivision 8 no longer exists, and to add Minnesota Statutes, section 326B.121, subdivision 1 (c)(2) as applied to agricultural buildings. It is necessary to add reference to this statute in subitem A because this subitem addresses the application of the Minnesota State Building Code to agricultural buildings and Minnesota Statutes, section 326B.106, subdivision 15, specifically requires that the State Building Code address this issue.

1300.0040 SCOPE. The changes to this section are necessary to coordinate this rule part with new language in the model code documents that are incorporated into the State Building Code.

Subpart 1, Exception. This exception is added to permit the construction of certain buildings to mirror actual field conditions encountered by military, police, fire, or first responders. These buildings permit training in buildings that simulate the conditions they will encounter in the field. It is reasonable to permit the exception because it will allow emergency personnel to be more fully prepare for their duties. These buildings are not used by the general public, but by persons trained and equipped for the anticipated field conditions.

The structural provisions of the code are still required to be applied to ensure that the buildings are structurally sound for snow loads, wind loads, intended use loads, and any other structural consideration that makes the building withstand general building use loads.

Subpart 2. The Minnesota Rule citation to part 1300.0070, subpart 12a, has been renumbered to subpart 12b. This modification is necessary to accommodate the renumbering and to provide correct citations.

The exception in this subpart incorporates a change to provide optional compliance and adds two circumstances (buildings undergoing addition and buildings being moved) to the list of exceptions that may be designed to comply with Minnesota Rules, chapter 1311, instead of the requirements of Minnesota Rules, chapter 1305.

Minnesota Rules, chapter 1311, was adopted to comply with a statutory requirement enacted during the 1999 Regular Session, located in Minnesota Statutes, section 326B.106, subdivision 1, which required that the "code must conform insofar as practicable to model building codes generally accepted and in use throughout the United States, including a code for building conservation." The intention was to adopt a code that permitted existing buildings to be renovated in whole or in part without having to comply with all of the provisions required for new buildings. Chapter 1311 provided requirements to renovate existing buildings.

Currently the exception requires that existing or historic buildings "shall be designed" to meet the requirements of chapter 1311 to renovate an existing building. The phrase "permitted to be" has been inserted to allow designers and owners the option to choose to use chapter 1311 instead of chapter 1305.

The current requirement to use chapter 1311 causes conflicts for building designers who chose to use chapter 1305, which is the code for new buildings but is more restrictive. Chapter 1311, on the other hand, is less restrictive, but was required to be used. With the proposed modification to the requirement, the choice is now up to the designer to determine which code to apply.

This change is necessary to permit the designer or owner to make the choice at the beginning of the project. It is reasonable because the use of chapter 1305 is more restrictive than chapter 1311, and the proposed language will now permit the designer, and ultimately the owner, to decide which code to use to renovate the building.

The change to this exception also permits additions to existing buildings or moved buildings to be evaluated using chapter 1311. This is reasonable because the entire building is not new construction and moved buildings are considered existing buildings.

1300.0050 CHAPTERS OF MINNESOTA STATE BUILDING CODE.

Subitem E (1305, Minnesota Building Code). This change to the existing rule deletes the phrase "Adoption of the International Building Code" and replaces it with the phrase "Minnesota Building Code." This change is necessary to clarify and provide a more accurate title for the code, with its amendments, which is being included in the Minnesota State Building Code. The existing title can be misinterpreted to mean adoption of the model code document without amendment.

Subitem H (1309, Minnesota Residential Code). This change to the existing rule deletes the phrase "Adoption of the International Residential Code" and replaces it with the phrase "Minnesota Residential Code." This change is necessary to clarify and provide a more accurate title for the code, with its amendments, which is being included in the Minnesota State Building

Code. The existing title can be misinterpreted to mean adoption of the model code document without amendment.

Subitem J (1315, Minnesota Electrical Code). This change to the existing rule deletes the phrase "Adoption of the National Electrical Code" and replaces it with "Minnesota Electrical Code." This change is necessary to clarify and provide a more accurate title for the code, with its amendments, which is being included in the Minnesota State Building Code. The existing title can be misinterpreted to mean adoption of the model code document without amendment.

Subitem L (1335 Floodproofing Regulations). This proposed change deletes the reference and inclusion of Minnesota Rules, chapter 1330, Fallout Shelters, as a part of the Minnesota State Building Code. This rule chapter was previously repealed through the obsolete rules procedure and must be deleted from the list of chapters that make up the Minnesota State Building Code for accuracy. The remaining subitems are relettered to adjust for the deleted rule chapter.

Subitem T (relettered) (1322 and 1323, Minnesota Energy Codes). This change to existing rule deletes references to Minnesota Rule chapters 7670, 7672, 7674, 7676, and 7678 and replaces them with references to Minnesota Rule chapters 1322 and 1323. This modification is necessary because the previous rule chapters no longer make up the Energy Code in Minnesota. Those chapters have been replaced with Minnesota Rule chapters 1322 and 1323, the residential and commercial energy code chapters. This modification is necessary to direct the user to the correct rule chapters of the energy code.

Subitem U (relettered). This proposed amendment adds rules for high pressure piping systems. Rules for high pressure piping systems were added to the Minnesota State Building Code because of a Department reorganization that occurred in 2005, which incorporated High Pressure Piping into the Department's Construction Codes and Licensing Division and into the Minnesota State Building Code.

1300.0060 OPTIONAL ADMINISTRATION.

Subitem C. This proposed change deletes subitem C, Floodproofing Regulations, from the list of optional chapters in the State Building Code. This modification is necessary because there is a conflict with Minnesota Rules, part 1335.0600, which requires that "this section shall apply unless equivalent provisions are incorporated in the city or county flood plain zoning ordinance." Minnesota Rules, parts 1335.0600 to 1335.1200, cannot be optional if they may be required under certain circumstances for a city or a county to adopt. It is necessary and reasonable to repeal a rule part that conflicts with another rule part to ensure coordination and uniformity.

1300.0070 DEFINITIONS.

Subparts 3, 10a, 11, 12, 18, 22 and 23. These subparts are repealed however, the content of these definitions is included in chapter 1305 (IBC) in Table 302.2. The Table describes the types of facilities, number of occupants and the occupancy classification that is described in these definitions.

Subp. 4a. Approved. This definition is needed in this administrative chapter to coordinate the definition of "approved" with the other chapters of the Minnesota State Building Code to address all situations similarly where the building official is authorized to take formal action to indicate whether or not proposed construction methods have been determined to be in compliance with the state building code. It is reasonable to provide coordinated definitions of frequently used terms throughout the building code to avoid conflicts between terms from one chapter to another.

Subpart 8. Code. This definition is modified to distinguish the use of the term "code" in chapter 1300 from the definition of "code" in other chapters of the State Building Code. Other chapters use the term to refer to the content of that specific chapter rather than the entire State Building Code as it is used in chapter 1300.

Subp. 12a. Historical building. This definition is needed to coordinate with the definition for "Historic Building" in Minnesota Rules, chapter 1311. Chapter 1311 is intended to be used solely for the renovation of existing buildings. When buildings are renovated using Minnesota Rules, chapter 1305, the rules in chapter 1311 do not apply and chapter 1305 does not provide a definition for "historical building." Therefore, it is reasonable to include the definition in this chapter because it is the administrative chapter for all chapters in the Minnesota State Building Code. (*See* Minnesota Rules, part 1300.0040, Scope, for information about the application of chapter 1311.)

Subp. 12b. International residential code (IRC) occupancy classifications. The content of this definition is not changed. The subpart number is changed from 12a. to 12b. to accommodate the new definition for "historical building" located in subpart 12a.

Subpart 25. State licensed facilities. This definition is changed to reflect changes made to the statutory definition of "State Licensed Facilities," which was previously located in Minnesota Statutes, section 16B.60, subdivision 11, now renumbered to Minnesota Statutes, section 326B.103, subdivision 13. It is reasonable to change the rule to match the statute to clarify that boarding care homes and residential hospice are "state licensed facilities."

1300.0110 DUTIES AND POWERS OF BUILDING OFFICIAL.

Subpart 1. General. This subpart is changed to coordinate with the same language in the incorporated model code documents.

Subpart 3. Applications and permits. This subpart is changed to coordinate with the same language in the incorporated model code documents. It is reasonable and necessary to give the permit applicant the opportunity to meet with the building official before an application is made for a permit to ensure that the proposed project is viable before any time or money is spent in the application process.

It is also reasonable and necessary to give the applicant and building official the right to refuse to meet at a location that is not suitable given any certain circumstance. Municipalities may establish a fee for this service to cover the costs of the building official's time.

Subpart 5. Inspections. This subpart is changed to coordinate the same language in the incorporated model code documents.

Subpart 8. Department records. The changes made to the first sentence of this subpart are needed to coordinate with the same language in the incorporated model code documents.

The changes to the remainder of the subpart are needed to properly address the records management requirements in Minnesota Statutes, section 138.17. It is the responsibility of the municipality to create the records management schedule so the building official can follow the schedule. This change is reasonable because the building official is responsible for the record keeping aspect and compliance with the records management schedule created by the municipality.

Subpart 9. Liability. This change is needed to protect the Board of Appeals members from liability and legal costs to the same degree that the building official is protected. The existing rule recognizes that both building officials and Appeal Board members are protected from liability while discharging their duties in good faith. The rule also recognizes that building officials are not liable for litigation costs when being defended against a legal claim. However, the existing rule does not address this same protection for Appeal Board members. It is reasonable that these persons are afforded the same protection against costs as building officials because they already enjoy the same basic immunities from liability as building officials and there is no reason why these immunities should not also extend to liability from costs for Board of Appeal members who perform their duties in good faith. Additionally, Board of Appeal members serve ad hoc and on a voluntary basis, without pay or other remuneration. Without equal protection from liability, including indemnification of legal costs, recruitment and retention of these individuals by the building official for performance of these necessary duties would be unreasonably difficult to obtain.

1300.0120 PERMITS.

Subpart 4, subitem A (1). The change to this existing rule is needed to resolve the difference that exists between the International Building Code (IBC) and the International Residential Code (IRC) regarding square footage requirements that exempt work on structures from permitting requirements. The IBC exempts the subject structures from a permit when the structure does not exceed 120 square feet. The IRC exempts the subject structures from a permit when the structure does not exceed 200 square feet. This change reconciles the difference and makes the code application consistent.

It is reasonable to exempt accessory structures that do not exceed 200 square feet from a permit for buildings built under the IBC and IRC because the structures are small enough to not justify a permit or fee, however the structures must still comply with the State Building Code. There will be a negligible financial impact to the municipal permit fee revenue because the exempted structures under the proposed rule will only be slightly larger than the structures exempted under the current provision, and a very small number of structures will be affected by the change.

Subpart 4, subitem A (2). The change to this subitem is needed to coordinate this subpart

with the same changes that were made in both the 2012 IBC and 2012 IRC.

Subpart 4, subitem A (13). This subitem needs to be deleted because the exemption for agricultural buildings already exists in part 1300.0030, subpart 2.A., and that part explains more completely the application of other parts of the State Building Code to agricultural buildings. It is reasonable to delete a part that is merely repetitive of existing provisions and is not needed.

Subpart 4, subitem A (14). This subitem is renumbered because of the deletion of subitem 13. The language in this subitem did not change.

Subpart 4, subitem D. This subitem is deleted because currently no plumbing work in Minnesota Rules, chapter 4715 is exempt from a permit. Therefore, it is necessary to delete this exemption to prevent a conflict with Minnesota Rules, chapter 4715. However, limited exemptions from permitting and inspections for plumbing work are being proposed in Minnesota Rules, part 1300.0215, Plumbing.

Subpart 4, subitem D (relettered). The change to this subitem is needed to identify the appropriate statute that exempts certain electrical work from a permit. It also changes the appropriate jurisdiction for electrical inspections from the Board of Electricity to the Commissioner of Labor and Industry. These changes are necessary to coordinate with statutory changes.

Subpart 6. Repairs. This change is needed to incorporate more commonly-used terminology for the words "cutting away." The phrase "opening or removal" more accurately describes the action taking place and will help to clarify the requirement.

Subpart 10. Validity of permit and Subpart 11. Expiration. Subpart 10 is modified by deleting the sentence pertaining to the issuance of a permit based on construction documents from the subpart and adding language pertaining to invalidating a permit for suspended or abandoned work beyond 180 days. Subpart 10's deleted language has been relocated to Minnesota Rules, part 1300.0130, subpart 6, because part 1300.0130, subpart 6, pertains to the approval of construction documents and is a more appropriate location for this language.

The new language in subpart 10 is revised language about invalid permits, which is currently located in Minnesota Rules, part 1300.0120, subpart 11. The language is being relocated to subpart 10 because it deals with the "validity" of a permit. The language is further revised because the current language in subpart 11 could be misinterpreted to mean that a permit will become invalid if work is suspended or abandoned at any time during the 180-day period after work is commenced. The new language proposed for subpart 10 clarifies that a permit will become invalid if the work is suspended or abandoned for more than 180 days. This new language also clarifies that the 180-day period begins the first day the work is suspended or abandoned. This change is necessary to provide clarity and uniform application to the requirement and to ensure that the requirement is properly located within the rule.

The phrase "become invalid," currently found in subpart 11, is deleted from that subpart and replaced with the word "expires." This change clarifies that a permit will expire. The expiration of a permit and the validity of a permit are different concepts. Subpart 11 is describing

expiration and not validity. The change in this provision is necessary and reasonable as it clarifies the intent of the section and will provide more uniform enforcement. In addition, the word "may" has been changed to "shall" as it pertains to granting permit expiration extensions. It is necessary to require the building official to grant an extension if the applicant has demonstrated justifiable cause for the extension.

Subpart 13. Information and placement of permit. This rule subpart is changed to include language from Minnesota Statutes, section 15.41, which requires that every state agency and every political subdivision shall specify on every construction permit the name and address of the permit applicant and the name of the general contractor, if there is one. This statute also requires the construction permit to be posted in a conspicuous and accessible place on the premises or construction site. This statute is not regularly used or referenced by the Department, so it is reasonable to include the requirement in the proposed rule so that building officials are aware of requirements that are not part of Minnesota Statutes, chapter 326B.

Subpart 14. Responsibility. The change to this subpart is needed to clarify that the person, firm, or corporation that obtains the building permit is the appropriate party to address for correspondence from the building official, including correction notices, to comply with the code. It is necessary and reasonable to have a designated person, firm, or organization responsible for code compliance and for the building official to have a responsible and readily identifiable contact for which the permit was issued.

1300.0130 CONSTRUCTION DOCUMENTS.

Subpart 6. Approval of construction documents.

Subitem A. The text of Subitem A is not modified, however, the paragraph was given a subitem letter because a new Subpart B has been added to the existing rule part. It is necessary to separate the text into subparts because the two paragraphs pertain to different subject matter relating to the approval of construction documents by the building official.

Subitem B. This change is needed to make building officials aware of the laws and rules of the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscientists and Interior Design ("Board") concerning the practice of building officials "marking-up" code deficiencies directly on plan documents that have been prepared, signed, certified and dated by a person licensed or certified by the Board.

With limited exception, Minnesota Statutes, section 326.03, subdivision 1, prohibits individuals from preparing and certifying construction documents unless the person is licensed or certified by the Board pursuant to Minnesota Statutes, sections 326.02 to 326.15. Building officials are not licensed or certified by the Board under sections 326.02 to 326.15, and therefore cannot prepare and certify construction documents for projects which require participation of a licensed design professional.

Each construction document is required by Minnesota Statutes, section 326.12, subdivision 3, to bear the signature and licensing certification of the design professional preparing the document, including the date on which the signature and certification were affixed. The signature

and license certification become a permanent part of the document to which they are affixed in accordance with Minnesota Rule part 1800.4200 and operate to ensure the public that the document was prepared by a licensed design professional "whose professional skill and judgment are embodied in the document signed" and who "assumes responsibility for the accuracy and adequacy thereof." If the certified construction document is marked up by someone other than the licensed design professional who originally signed and certified the document, then it becomes difficult for anyone viewing the document to determine whether the changes therein were made by the licensed design professional, building official or some other person, thus putting the public's reliance upon the certification at risk.

Since the licensed design professional is responsible for the accuracy and adequacy of the certified construction document, changes made to the document are also the design professional's responsibility and it is therefore reasonable to require building officials to itemize any changes or corrections to the certified construction document in a separate plan review letter, rather than on the certified document itself.

The sentence "[t]he issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction document and other data" is added to this subitem. This sentence has been relocated to this subpart from part 1300.0120, subpart 10. The relocated language is more appropriately included in this subitem because the language pertains to construction documents and this subpart addresses this topic.

The sentence "[a]ll sets of required construction documents , including the site copy, municipality copy, or inspector copy, must be marked identically by the building official, with one copy retained by the building official after construction is completed" is added to this subitem. This sentence is added to ensure that all sets of plans that are "marked up" by the building official are identical to avoid confusion on the construction site. Further, two more sentences "[w]ork regulated by the code must be installed according to the reviewed construction documents. Work that does not comply with the approved construction documents must not proceed until the applicant submits changes that are approved by the building official" are added to this subitem. This language is needed and reasonable because it clarifies that changes made during construction must first be approved by the building official before it can proceed, if the work is not being installed according to the approved plans.

1300.0160 FEES.

Subpart 4, subitem C. This subitem is deleted because the statute placing a permit fee limitation on the replacement of a residential fixture or appliance was repealed in the 2007 Regular Legislative Session. It is reasonable to eliminate a rule requirement that mirrors a statutory requirement if the statute no longer exists.

Subpart 6, subitem A.

Exception (a). Exception (a) is amended by deleting the phrase "types to include" and replacing it with "configurations of" to provide clarity to the exception.

Exception (b). Exception (b) is amended by deleting "to include poured concrete, masonry units, and wood" and adding "alternate" before the word "foundation," and by adding "approved by the building official," after the word "materials." This modification is necessary because the existing exception is too specific and does not permit flexibility by the building official for approving modifications to master plans.

Exception (c). Exception (c), "garage dimensions," is deleted because garage size changes cause additional structural plan review work that was not intended when this exception was included in the rule.

Exception old (d), new (c). This exception is not modified, but relettered because subitem (c) is deleted.

Exception new (d). New exception (d) is relocated from exception (g). This modification is necessary because subitems (e) and (f) are deleted.

Exceptions (e), (f), and (g). Exceptions (e) "bays or cantilevered floor areas," and (f) "decks and porches," are deleted because the modifications are significant enough to cause structural plan review work that was not intended when the rule was written. Also, a master plan with a small attached deck may not have a suitable structural floor system to support a larger deck. Exception (g) is relettered to become new exception (d).

Subpart 8. Work commencing before permit issuance. This subpart is modified by adding the phrase "whether or not a permit is issued" after the phrase "[a]n investigation fee established by the municipality shall be collected." Adding this phrase is necessary to clarify that an investigation fee will be charged regardless of whether a permit is ultimately issued if an investigation occurs. After the investigation, it may be determined that the project will not be permitted to proceed based on zoning violations, improper construction techniques, or other ordinances of the municipality. It is reasonable to collect the investigation fee nevertheless because of the time and expense the municipality incurred in determining the work that will require permitting or whether the work can be completed at all.

Subpart 10. State surcharge fees. This subpart is modified by deleting the phrase at the end of the first and second paragraphs that states "to the attention of the state building official." These phrases were in the rule to direct surcharge report mail to the office of the State Building Official, which was physically located in a different building than the offices of the Department of Administration. The office of the State Building Official is now located within the same building as the Department of Labor and Industry, so it is no longer necessary to redirect the mail.

1300.0170 STOP WORK ORDER.

The change in the first paragraph is needed to authorize the building official to issue a stop work order, or a notice or order specified in part 1300.0110 subpart 4. This is reasonable because the building official can require corrections without stopping the work on the entire project or portion thereof by using a correction notice or order to accomplish the goal to require the work to meet the state building code.

This part is further modified by adding a phrase near the end of the part regarding the continuance of work after service of a stop work order. This modification is necessary to coordinate with the incorporated model code documents. In addition, it is needed to clarify that continuing work after a stop work order is a violation of law.

It is also needed to clarify that a stop work order may authorize limited work to be done to abate a continuing violation or unsafe condition. It is reasonable to clarify that while violating a stop work order by continuing to work may be a violation, a stop work order may also include orders to correct work that cannot continue to exist until the stop work order is lifted.

1300.0180 UNSAFE BUILDINGS OR STRUCTURES.

The first sentence of the third paragraph is modified to require the building official to order dangerous buildings to be vacated. It is reasonable to require the building official to take this action rather than to use discretion when a building is, in fact, dangerous to occupy.

This rule is further modified by adding language to the third paragraph giving the building official authority to order disconnection of utilities to eliminate a safety hazard. This modification is necessary to permit the building official to order disconnection of building utilities in emergency situations. Building utilities, such as electricity and gas, can add to the emergency if not disconnected in the event of a fire, flood, or damaging storm. It is reasonable to give the building official the authority to order the disconnection of utilities to help prevent additional damage to property and to minimize hazards to emergency personnel.

1300.0190 TEMPORARY STRUCTURES AND USES.

Subpart 1. General. This subpart is modified by deleting the language pertaining to limiting the time the permit is effective. Deleting this language is necessary to allow municipalities to regulate the time period that a temporary structure will be permitted to continue. It is reasonable to permit municipalities to limit this through local zoning rather than be regulated and confined by the State Building Code.

1300.0210 INSPECTIONS.

Subpart 6, subitem D. This subitem is modified to reflect changes made to language contained in incorporated model code documents.

Subpart 6, subitem H. This subitem is modified to reflect changes made to language contained in incorporated model code documents.

1300.0215 PLUMBING.

Subpart 1. Inspection, testing and permits. The heading to this subpart has been modified to reflect changes made to the remainder of the subpart to more accurately describe what is contained in the subpart. The existing language in the subpart is deleted in its entirety but has been revised and relocated in two new subparts. It is necessary to revise the language for ease of

understanding and to separate the requirements in the provision because the current provision combines issues that are better presented separately for clarity. There are two reasons for this change. First, neither the Minnesota Plumbing Code nor this chapter contains any provisions to provide exceptions for a permit for plumbing work. As a result, this section is amended to specifically identify plumbing work that would not require a permit and inspection by the municipality. Second, local jurisdictions often question which type of plumbing work, pursuant to 1300.0215, subpart 1, requires a permit and inspection. In some jurisdictions, permits are required for any plumbing work covered by the Minnesota Plumbing Code in any building or home, including mere replacement of any plumbing material, faucet, or a toilet. This requirement is unreasonable and unrealistic because fixture replacement is considered basic maintenance and does not involve the replacement of plumbing piping, so it should not require permitting, inspections, or testing by the administrative authority.

Subpart 1, subitem A. The phrase "administrative authority," as used in this part, refers to a different entity than the entity defined in Minnesota Rule, part 1300.0070, subpart 2, and referenced in the rest of chapter 1300. To avoid confusion, it is necessary to define "administrative authority" separately as it relates to administration of the plumbing code in Chapter 1300.

Subpart 1, subitem B This subitem contains language that was located in the existing subpart 1 but has been revised to further clarify the testing and inspection requirements for new plumbing systems or parts of existing plumbing systems that have been altered, extended or repaired. These requirements are consistent with the existing rule language and past practices.

Subpart 1, subitem C. This subitem provides exceptions to plumbing work that typically require permits, inspections, and testing. The listed exceptions are considered basic work and common installations that do not need to be subject to permit, inspection, and testing requirements unless the plumbing work poses an unsanitary or hazardous condition. Types of basic plumbing work may include water line connections to the replacement of a refrigerator or a clothes washer with existing plumbing connections that are associated with plumbing in residential installation. For this reason, it is reasonable to waive plumbing permits, inspections, and testing without jeopardizing health and safety. The exceptions are limited to one-and two family dwellings only and apply only if the plumbing work does not pose an unsanitary or hazardous condition. In addition, this part does not waive the plumbing licensing requirement to perform any plumbing work listed in the exceptions (1) through (4).

Subpart 1, subitem D. This subitem provides exceptions to testing requirements for limited plumbing work. This language already existed in rule but has been relocated to this subpart. Examples of plumbing work that may not require testing are adjustment of a water closet carrier for accessibility height requirement under Chapter 1341, repair work by replacement of wax rings for water closets, or replacement of faucet parts. Testing requirements for this type of work may be waived if the work does not create a hazardous or unsanitary condition. The exceptions are specific to testing requirements only for residential and commercial installations. The proposed language is consistent with existing language and past practices.

Subpart 2. Notifications. This subpart is repealed because it is not consistent with inspection and approval processes established in Minnesota Rules, part 1300.0120. This part was moved into Minnesota Rules, chapter 1300 from Minnesota Rules, chapter 4715, and was a

separate requirement for plumbing inspection notices. Plumbing inspections are the same as other inspections required by the Minnesota State Building Code and, as such, should follow the same administrative procedure for uniformity purposes. It is reasonable to delete a rule that is not consistent with other rules found in the same chapter.

Subpart 6. Plans and specifications. The existing rule is modified to correctly identify the governmental authority responsible for administration of the Minnesota Plumbing Code. The Governor's Reorganization Order Number 193, issued on April 4, 2005, transferred the authority responsible for administering the Minnesota Plumbing Code from the Commissioner of Health to the Commissioner of Labor and Industry.

This subpart is also modified to clarify that plans for plumbing plan review submitted to the Department do not require duplicate sets, which is consistent with current practices.

This rule subpart is further modified by adding the phrase "and specifications" after the phrase "approved plans" in the third sentence of the subpart. This change is necessary because the phrase "plans and specifications" is referenced several times throughout this subpart. In this sentence, the phrase "and specifications" is missing from the reference. The Commissioner requires that both plans and specifications be submitted to him for approval of plumbing work. This change is necessary to ensure that all phrases that refer to "plans and specifications" are consistent.

The submission of plans and specifications to the Commissioner of Labor and Industry extends to all plumbing installations in state licensed health care facilities. These facilities are licensed by the state as a hospital, nursing home, supervised living facility, free standing outpatient surgical center, hospice, or a boarding care home. The proposed change clarifies that, in cities of the first class, plumbing plans for all state licensed health care facilities must be submitted to the Commissioner of Labor and Industry. This proposed change is needed to provide consistency with current practices and the Minnesota Department of Health's health care licensing requirements.

This subpart is also amended to clarify that plan review and specifications for federal buildings are not required to be submitted and approved by the Commissioner of Labor and Industry. This modification is consistent with federal preemption laws.

Finally, additional language is added to clarify that a connection may be not made to a water supply system except when proper backflow preventer devices are provided and approved, pursuant to Minnesota Rules, chapter 4715. Without this amendment, the requirement is inconsistent with the rule parts that permit backflow preventer devices in the water supply system.

1300.0220 CERTIFICATE OF OCCUPANCY.

Subpart 2. Existing structures. This subpart is modified by deleting the phrase "except as specifically required in chapter 1311." This modification is necessary to coordinate this requirement with Minnesota Rules, part 1300.0040. Part 1300.0040 permits existing structures undergoing a change of occupancy to be designed to comply with the provisions of either chapter 1311 or chapter 1305. Requiring the use of chapter 1311 creates conflicts for building designers who chose to use chapter 1305, which is the code for new buildings, but is more restrictive.

Chapter 1311, on the other hand, is less restrictive, but was required to be used. With the proposed modification to part 1300.0040, the choice is now up to the designer to determine which code to apply. It is reasonable and necessary to coordinate this subpart with Minnesota Rules, part 1300.0040.

Subpart 3. Change in use. This subpart is modified by deleting the phrase "shall not be made except as specified in chapter 1311," and replacing it with the phrase "must comply with the Minnesota State Building code or chapter 1311." This modification is necessary to coordinate this requirement with Minnesota Rules, part 1300.0040. Part 1300.0040 permits existing structures undergoing a change of occupancy to be designed to comply with the provisions of either chapter 1311 or chapter 1305. It is reasonable and necessary to coordinate this subpart with Minnesota Rules, part 1300.0040.

Subpart 4. Moved buildings, exceptions. This subpart is modified by adding a new exception that states "buildings designed to comply with chapter 1311." This new exception is necessary to permit buildings to be moved into a jurisdiction if it is designed to comply with chapter 1311. It is reasonable to permit a moved building to comply with chapter 1311 because other existing buildings within a municipality are also permitted to be designed to comply with chapter 1311.

1300.0225 MAINTENANCE. This is a new rule part regarding maintenance on buildings and structures. Similar language is in the Guidelines for the Rehabilitation of Existing Buildings Code book that is currently incorporated in rule chapter 1311 but is not included any of the ICC model documents, including the 2012 International Existing Building Code. It is necessary to incorporate this requirement into the administrative provisions so an owner can continue use of a building built under a certain code edition without having to update the building to a new code with each subsequent code adoption. This protects the owner from future costs for unknown future code changes. However, it requires the owner to maintain the building in a safe, sanitary, and habitable condition. It is reasonable to require buildings to be maintained and to permit the building to be maintained in accordance with the code under which it was constructed.

1300.0230 BOARD OF APPEALS.

Subpart 5. Final interpretive authority. This subpart is modified to remind the user that, in accordance with Minnesota Statutes, section 326B.127, the commissioner has final interpretive authority to all codes adopted as part of the State Building Code, except for the State Plumbing Code, the State Electrical Code, and the State High Pressure Piping Code, which are all governed by their respective Boards.

MINNESOTA RULES, CHAPTER 1303
MINNESOTA PROVISIONS OF THE STATE BUILDING CODE.

1303.1600 FOOTING DEPTH FOR FROST PROTECTION.

Subp. 2. Soil under slab on grade construction for buildings (exception). This amendment is modified by deleting the current 3,000 square-foot size limit and replacing it with

1,000 square feet. This exception is intended to apply to accessory structures, such as garages, carports, and sheds, at risk of experiencing structural damage resulting from frost heave. The Structural Advisory Committee believed that structures built to the 3,000 square-foot threshold are not necessarily considered to be a low risk for damage from frost heave. The 3,000 square-foot threshold is also greater than the 400 and 600 square foot thresholds allowed in the 2012 IRC and IBC. The advisory committee believed that 3,000 square feet does not accurately reflect the sizes to which these structures are commonly constructed and that the 1,000 square-foot threshold would better reflect a size to reduce the risk for damage from frost heave. The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscientists and Interior Design's rules, Minnesota Rules, part 1800.5900, requires the 1,000 square-foot threshold for Group U occupancy types, which are structures defined as buildings and structures of an accessory character. The occupancy Group U structures that exceed the 1,000 square-foot area or a structure that is greater than 1-story are not exempt from the Board's professional design requirements, pursuant to Minnesota Rules, part 1800.5900. The structural engineer of record's design, therefore, would be required to protect the structure from effects of frost heave. For these reasons, the advisory committee chose the 1,000 square-foot threshold as the new limit for this exception.

While the proposed threshold is more restrictive than the current rule, the proposed amendment is less restrictive than similar requirements in the IRC and IBC proposed for adoption. There is a potential initial cost increase to a small percentage of buildings, but there will also be potential for long term cost savings because of reduced structural damage and repair costs to larger structures. Most detached, one-story private garages, carports, and sheds built over 1,000 square feet are built with a post and beam structure with the posts extending to minimum frost depth, so these structures are at less risk of damage caused by ground movement.

1303.2200 SIMPLIFIED WIND LOADS.

Subp. 2. Simplified design wind pressures. This subpart is modified by changing the equation and tables for horizontal pressures. This modification is necessary and reasonable to keep the Minnesota State Building Code's "Simplified Wind Load Procedure" current with procedural changes that have occurred in the International Building Code. By maintaining the "Simplified Wind Load Procedure," the cost of designing simple structures for wind loads is reduced.

REPEALER. 1303.1800 RADIAL ICE ON TOWERS.

Minnesota Rule part 1303.1800, Radial Ice on Towers, added a necessary requirement that was not in the 2006 IBC. This rule part is now being repealed because the 2012 edition of the IBC contains Section 1614, Atmospheric Ice Loads, and references Chapter 10 of the ASCE-7 (Section C10.0, Ice Loads—Atmospheric Icing), which contains the necessary requirements and references.

The national standard lists the requirements by county. There will be an increase in requirements in some counties, and therefore an increase in cost in some counties. Requirements and associated costs will vary based on location and on type and size of the structure.

LIST OF EXHIBITS

In support of the need for and reasonableness of the proposed rules, the Department anticipates that it will enter the following exhibits into the hearing record:

EXHIBIT A – List of 1300 Advisory Committee Members

CONCLUSION

Based on the foregoing, the proposed rules are both needed and reasonable.

11/5/13
Date

Ken B. Peterson, Commissioner
Department of Labor and Industry

EXHIBIT A

1300 ADVISORY COMMITTEE MEMBERS

Michael Godfrey, Committee Chair, Department of Labor and Industry
Doug Nord, Committee Co-Chair, Department of Labor and Industry

Jim Williamette, Association of Minnesota Building Officials
Rick Breezee, Association of Minnesota Building Officials (Alternate)

Karen Linner, Builders Association of Minnesota
Pam Perri, Builders Association of Minnesota (Alternate)

Scott Qualle, Greater Minnesota Building Official

Frank Martin, League of Minnesota Cities
Duane Willenbring, League of Minnesota Cities (Alternate)

Michele Engberg, Minnesota Building Permit Technicians Association
Barb Williams, Minnesota Building permit Technicians Association (Alternate)