

## OFFICE MEMORANDUM



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**DATE:** October 5, 2015  
**TO:** CCLD Staff  
**FROM:** Scott McLellan, State Building Official  
**SUBJECT:** Application of 2015 Legislation affecting Code Adoption

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Following are the changes and impact on the building code adoption process. These provisions do not apply to the state fire code because the fire code is not part of the State Building Code chapters.

M.S. 326B.13 Subd.8: Some of these changes apply to only CCLD chapters of the building code, and some also apply to Board chapters of the building code as described below:

- 1) A rule adopting or amending the State Building Code is now effective 270 days (9 months) after publication of notice of adoption in the State Register. This was increased from 180 days (6 months) in order to provide additional time for stakeholders to educate and otherwise prepare to implement new code provisions. This change applies to CCLD rules and Board rules. Only rules proposed by the commissioner may provide for an earlier effective date if the commissioner finds an effective date is necessary to protect public health after certain considerations; board-proposed rules cannot provide for an earlier effective date.
- 2) The commissioner must publish an electronic version of the entire adopted rule chapter on the department's website within 10 days of receipt of a copy of the new rule from the Revisor of statutes. Rather than waiting until after the 270 days have passed for a Rule to become effective, the Revisor's office has committed to providing the department an electronic copy of the new adopted rule chapter within 60 days of adoption. Providing this integrated final chapter of new and existing rules 4-5 months sooner will enable both our stakeholders and us to provide necessary training well in advance of the effective date. This change applies only to CCLD chapters of the building code, but board-proposed rules will likely follow this same timeline.

M.S. 326B.106 Subd.1: These changes apply only to CCLD chapters of the building code and NOT to Board rules:

- 1) Subpart (c) requires that beginning with the 2018 edition of the model building codes and every six years thereafter, the commissioner shall review the new model building codes and adopt the model codes as amended for use in Minnesota within two years of the published edition date. This codifies the practice the department began in 2006 that new editions of the model codes are adopted on the six year publication cycle (every other published edition). As the model codes are available from the publisher in the spring prior to the publication date, this gives the department most of 2017, 2018, 2019 and until the end of 2020 to adopt. This is nearly 4 years to publish a rule notice of adoption in the State Register.
- 2) Subpart (d) requires that the commissioner act on or evaluate each new model energy code for adoption in accordance with the parameters of federal law. As also in subpart (c), the commissioner may adopt amendments prior to adoption of new published codes to advance technology, methods and materials or protect public safety or improve efficiency.