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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-SIXTH
SESSION**

HOUSE FILE No. 1526

March 9, 2009

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The bill was read for the first time and referred to the Committee on Commerce and Labor

1.1 A bill for an act
1.2 relating to labor and industry; modifying municipal enforcement provisions of
1.3 State Building Code; amending Minnesota Statutes 2008, sections 326B.106,
1.4 subdivision 9; 326B.16.

1.5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

1.6 Section 1. Minnesota Statutes 2008, section 326B.106, subdivision 9, is amended to
1.7 read:

1.8 Subd. 9. **Accessibility.** (a) **Public buildings.** The code must provide for making
1.9 public buildings constructed or remodeled after July 1, 1963, accessible to and usable by
1.10 persons with disabilities, although this does not require the remodeling of public buildings
1.11 solely to provide accessibility and usability to persons with disabilities when remodeling
1.12 would not otherwise be undertaken.

1.13 (b) **Leased space.** No agency of the state may lease space for agency operations
1.14 in a non-state-owned building unless the building satisfies the requirements of the State
1.15 Building Code for accessibility by persons with disabilities, or is eligible to display the
1.16 state symbol of accessibility. This limitation applies to leases of 30 days or more for
1.17 space of at least 1,000 square feet.

1.18 (c) **Meetings or conferences.** Meetings or conferences for the public or for state
1.19 employees which are sponsored in whole or in part by a state agency must be held in
1.20 buildings that meet the State Building Code requirements relating to accessibility for
1.21 persons with disabilities. This subdivision does not apply to any classes, seminars,
1.22 or training programs offered by the Minnesota State Colleges and Universities or the
1.23 University of Minnesota. Meetings or conferences intended for specific individuals none
1.24 of whom need the accessibility features for persons with disabilities specified in the State

2.1 Building Code need not comply with this subdivision unless a person with a disability
 2.2 gives reasonable advance notice of an intent to attend the meeting or conference. When
 2.3 sign language interpreters will be provided, meetings or conference sites must be chosen
 2.4 which allow hearing impaired participants to see their signing clearly.

2.5 (d) **Exemptions.** The commissioner may grant an exemption from the requirements
 2.6 of paragraphs (b) and (c) in advance if an agency has demonstrated that reasonable efforts
 2.7 were made to secure facilities which complied with those requirements and if the selected
 2.8 facilities are the best available for access for persons with disabilities. Exemptions shall
 2.9 be granted using criteria developed by the commissioner in consultation with the Council
 2.10 on Disability.

2.11 (e) **Symbol indicating access.** The wheelchair symbol adopted by Rehabilitation
 2.12 International's Eleventh World Congress is the state symbol indicating buildings, facilities,
 2.13 and grounds which are accessible to and usable by persons with disabilities. In the
 2.14 interests of uniformity, this symbol is the sole symbol for display in or on all public or
 2.15 private buildings, facilities, and grounds which qualify for its use. The secretary of
 2.16 state shall obtain the symbol and keep it on file. No building, facility, or grounds may
 2.17 display the symbol unless it is in compliance with the rules adopted by the commissioner
 2.18 under subdivision 1. Before any rules are proposed for adoption under this paragraph,
 2.19 the commissioner shall consult with the Council on Disability. Rules adopted under this
 2.20 paragraph must be enforced in the same way as other accessibility rules of the State
 2.21 Building Code.

2.22 ~~(f) **Municipal enforcement.** Municipalities which have not adopted the State~~
 2.23 ~~Building Code may enforce the building code requirements for persons with disabilities by~~
 2.24 ~~either entering into a joint powers agreement for enforcement with another municipality~~
 2.25 ~~which has adopted the State Building Code; or contracting for enforcement with an~~
 2.26 ~~individual certified under section 326B.133, subdivision 3, to enforce the State Building~~
 2.27 ~~Code.~~

2.28 Sec. 2. Minnesota Statutes 2008, section 326B.16, is amended to read:

2.29 **326B.16 ENFORCEMENT OF REQUIREMENTS FOR DISABLED**
 2.30 **PERSONS WITH DISABILITIES.**

2.31 Subdivision 1. **Application.** The State Building Code's requirements for persons
 2.32 with disabilities apply statewide. A statutory or home rule charter city that does not have
 2.33 in effect an ordinance adopting the State Building Code is responsible for enforcement in
 2.34 the city of the State Building Code's requirements for ~~disabled~~ persons with disabilities.
 2.35 In all other areas where there is no ordinance in effect adopting the State Building Code,

3.1 the county is responsible for enforcement of the State Building Code's requirements for
3.2 ~~disabled~~ persons with disabilities.

3.3 Subd. 2. **Municipal enforcement.** Municipalities which have not adopted the State
3.4 Building Code shall enforce the State Building Code's requirements for persons with
3.5 disabilities by either entering into a joint powers agreement for enforcement with another
3.6 municipality which has adopted the State Building Code, or contracting for enforcement
3.7 with an individual certified under section 326B.133, subdivision 3, to enforce the State
3.8 Building Code.

3.9 Subd. 3. **Responsibilities.** Municipalities shall fulfill code responsibilities including
3.10 duties and responsibilities for code administration, plan review, and inspection in
3.11 accordance with the procedures established in the State Building Code.

3.12 Subd. 4. **Enforcement by state building official.** If the commissioner determines
3.13 that a municipality is not properly administering and enforcing the State Building Code's
3.14 requirements for persons with disabilities, the commissioner may have the administration
3.15 and enforcement in the involved municipality undertaken by the state building official
3.16 or by another building official certified by the state. The commissioner shall notify the
3.17 affected municipality in writing immediately upon making the determination, and the
3.18 municipality may challenge the determination as a contested case before the commissioner
3.19 pursuant to the Administrative Procedure Act. The commissioner shall determine
3.20 appropriate fees to be charged for the administration and enforcement service rendered.
3.21 Any cost to the state arising from the state administration and enforcement of the State
3.22 Building Code shall be borne by the subject municipality.