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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **1042**

02/11/2021 Authored by Keeler, Becker-Finn, Urdahl, Boe, Berg and others
The bill was read for the first time and referred to the Committee on Labor, Industry, Veterans and Military Affairs Finance and Policy
03/22/2021 Adoption of Report: Amended and re-referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

1.1 A bill for an act
1.2 relating to code enforcement; establishing a waiver process to the State Building
1.3 Code and State Fire Code for members of federally recognized tribes; proposing
1.4 coding for new law in Minnesota Statutes, chapters 299F; 326B.

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

1.6 Section 1. **[299F.0115] EXEMPTION FOR MEMBERS OF FEDERALLY**
1.7 **RECOGNIZED TRIBES.**

1.8 (a) The state fire marshal shall issue building-specific waivers for elements of the State
1.9 Fire Code that conflict with a federally recognized tribe's religious beliefs, traditional building
1.10 practices, or established teachings. Both individual members of federally recognized tribes,
1.11 direct lineal descendents of federally recognized tribes, and organizations of members of
1.12 federally recognized tribes may apply for these waivers.

1.13 (b) Waivers may only be granted for the following types of buildings:

1.14 (1) traditional residential buildings that will be used solely by an individual applicant's
1.15 household or an organizational applicant's members;

1.16 (2) meeting houses; and

1.17 (3) one-room educational buildings.

1.18 (c) To obtain a waiver, an applicant must apply to the state fire marshal on a form
1.19 established by the state fire marshal. The application must:

1.20 (1) identify the building the waiver will apply to;

1.21 (2) identify the tribe the applicant is a member of; and

2.1 (3) declare that requirements of the State Fire Code conflict with religious beliefs,
2.2 traditional building practices, or established teachings of the identified tribe, which the
2.3 applicant adheres to.

2.4 (d) Any building for which a waiver is granted may not be sold or leased until:

2.5 (1) the building is brought into compliance with the version of the State Fire Code in
2.6 force at the time of the sale or lease; or

2.7 (2) the prospective buyer or lessee to which the building is being sold or leased to obtains
2.8 a waiver under this section for the building.

2.9 **Sec. 2. [326B.125] EXEMPTION FOR MEMBERS OF FEDERALLY RECOGNIZED**
2.10 **TRIBES.**

2.11 (a) The commissioner of labor and industry shall issue building-specific waivers for
2.12 elements of the State Building Code that conflict with a federally recognized tribe's religious
2.13 beliefs, traditional building practices, or established teachings. Both individual members
2.14 of federally recognized tribes, direct lineal descendants of federally recognized tribes, and
2.15 organizations of members of federally recognized tribes may apply for these waivers.

2.16 (b) Waivers may only be granted for the following types of buildings:

2.17 (1) traditional residential buildings that will be used solely by an individual applicant's
2.18 household or an organizational applicant's members;

2.19 (2) meeting houses; and

2.20 (3) one-room educational buildings.

2.21 (c) To obtain a waiver, an applicant must apply to the commissioner on a form established
2.22 by the commissioner. The application must:

2.23 (1) identify the building the waiver will apply to;

2.24 (2) identify the tribe the applicant is a member of; and

2.25 (3) declare that requirements of the State Building Code conflict with religious beliefs,
2.26 traditional building practices, or established teachings of the identified tribe, which the
2.27 applicant adheres to.

2.28 (d) Any building for which a waiver is granted may not be sold or leased until:

2.29 (1) the building is brought into compliance with the version of the State Building Code
2.30 in force at the time of the sale or lease; or

- 3.1 (2) the prospective buyer or lessee to which the building is being sold or leased to obtains
- 3.2 a waiver under this section for the building.