

**SENATE**  
**STATE OF MINNESOTA**  
**NINETY-THIRD SESSION**

**S.F. No. 1368**

(SENATE AUTHORS: PORT, Dibble and Marty)

DATE	D-PG	OFFICIAL STATUS
02/08/2023	732	Introduction and first reading Referred to Labor
03/06/2023		Comm report: To pass as amended and re-refer to Energy, Utilities, Environment, and Climate Author added Marty

- 1.1 A bill for an act
- 1.2 relating to the State Building Code; modifying how the energy code for new
- 1.3 commercial buildings is adopted; amending Minnesota Statutes 2022, section
- 1.4 326B.106, subdivision 1.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2022, section 326B.106, subdivision 1, is amended to read:
- 1.7 Subdivision 1. **Adoption of code.** (a) Subject to paragraphs (c) and (d) and sections
- 1.8 326B.101 to 326B.194, the commissioner shall by rule and in consultation with the
- 1.9 Construction Codes Advisory Council establish a code of standards for the construction,
- 1.10 reconstruction, alteration, and repair of buildings, governing matters of structural materials,
- 1.11 design and construction, fire protection, health, sanitation, and safety, including design and
- 1.12 construction standards regarding heat loss control, illumination, and climate control. The
- 1.13 code must also include duties and responsibilities for code administration, including
- 1.14 procedures for administrative action, penalties, and suspension and revocation of certification.
- 1.15 The code must conform insofar as practicable to model building codes generally accepted
- 1.16 and in use throughout the United States, including a code for building conservation. In the
- 1.17 preparation of the code, consideration must be given to the existing statewide specialty
- 1.18 codes presently in use in the state. Model codes with necessary modifications and statewide
- 1.19 specialty codes may be adopted by reference. The code must be based on the application
- 1.20 of scientific principles, approved tests, and professional judgment. To the extent possible,
- 1.21 the code must be adopted in terms of desired results instead of the means of achieving those
- 1.22 results, avoiding wherever possible the incorporation of specifications of particular methods
- 1.23 or materials. To that end the code must encourage the use of new methods and new materials.

2.1 Except as otherwise provided in sections 326B.101 to 326B.194, the commissioner shall  
2.2 administer and enforce the provisions of those sections.

2.3 (b) The commissioner shall develop rules addressing the plan review fee assessed to  
2.4 similar buildings without significant modifications including provisions for use of building  
2.5 systems as specified in the industrial/modular program specified in section 326B.194.  
2.6 Additional plan review fees associated with similar plans must be based on costs  
2.7 commensurate with the direct and indirect costs of the service.

2.8 (c) Beginning with the 2018 edition of the model building codes and every six years  
2.9 thereafter, the commissioner shall review the new model building codes and adopt the model  
2.10 codes as amended for use in Minnesota, within two years of the published edition date. The  
2.11 commissioner may adopt amendments to the building codes prior to the adoption of the  
2.12 new building codes to advance construction methods, technology, or materials, or, where  
2.13 necessary to protect the health, safety, and welfare of the public, or to improve the efficiency  
2.14 or the use of a building.

2.15 (d) Notwithstanding paragraph (c), the commissioner shall act on each new model  
2.16 residential energy code and the new model commercial energy code in accordance with  
2.17 federal law for which the United States Department of Energy has issued an affirmative  
2.18 determination in compliance with United States Code, title 42, section 6833. The  
2.19 commissioner may adopt amendments prior to adoption of the new energy codes, as amended  
2.20 for use in Minnesota, to advance construction methods, technology, or materials, or, where  
2.21 necessary to protect the health, safety, and welfare of the public, or to improve the efficiency  
2.22 or use of a building.

2.23 (e) Beginning in 2024, the commissioner shall act on the new model commercial energy  
2.24 code by adopting each new published edition of ASHRAE 90.1 or a more efficient standard.  
2.25 The commercial energy code in effect in 2036 and thereafter must achieve an 80 percent  
2.26 reduction in annual net energy consumption or greater, using the ASHRAE 90.1-2004 as a  
2.27 baseline. The commissioner shall adopt commercial energy codes from 2024 to 2036 that  
2.28 incrementally move toward achieving the 80 percent reduction in annual net energy  
2.29 consumption. By January 15 of the year following each new code adoption, the commissioner  
2.30 shall make a report on progress under this section to the legislative committees with  
2.31 jurisdiction over the energy code.

2.32 (f) Nothing in this section shall be interpreted to limit the ability of a public utility to  
2.33 offer code support programs, or to claim energy savings resulting from such programs,

- 3.1 through its energy conservation and optimization plans approved by the commissioner of
- 3.2 commerce under section 216B.241.