

SF999 - 1A - Adult-Sized Changing Facilities; Public Restroom

Chief Author: **Liz Boldon**  
 Committee: **Labor**  
 Date Completed: **3/14/2023 11:58:09 AM**  
 Lead Agency: **Labor and Industry Dept**  
 Other Agencies:  
     Administrative Hearings

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings	X	
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
<b>Administrative Hearings</b>	-	-	-	-	-	-
Administrative Hearings	-	-	-	-	-	-
<b>Labor and Industry Dept</b>						
Construction Code	-	47	-	-	-	-
<b>State Total</b>						
Administrative Hearings	-	-	-	-	-	-
Construction Code	-	47	-	-	-	-
<b>Total</b>	-	47	-	-	-	-
<b>Biennial Total</b>			47			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Administrative Hearings	-	-	-	-	-
Administrative Hearings	-	-	-	-	-
<b>Labor and Industry Dept</b>					
Construction Code	-	-	-	-	-
<b>Total</b>	-	-	-	-	-

**Lead LBO Analyst's Comment**

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

**LBO Signature:** Karl Palm      **Date:** 3/14/2023 11:58:09 AM  
**Phone:** 651-296-6055      **Email:** karl.palm@lbo.mn.gov

**State Cost (Savings) Calculation Details**

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

\*Transfers In/Out and Absorbed Costs are only displayed when reported.

<b>State Cost (Savings) = 1-2</b>	<b>Biennium</b>			<b>Biennium</b>	
Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Administrative Hearings	-	-	-	-	-
Administrative Hearings	-	-	-	-	-
Labor and Industry Dept					
Construction Code	-	47	-	-	-
<b>Total</b>	-	47	-	-	-
<b>Biennial Total</b>			<b>47</b>		-
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>					
Administrative Hearings	-	-	-	-	-
Administrative Hearings	-	2	-	-	-
Labor and Industry Dept					
Construction Code	-	47	-	-	-
<b>Total</b>	-	49	-	-	-
<b>Biennial Total</b>			<b>49</b>		-
<b>2 - Revenues, Transfers In*</b>					
Administrative Hearings	-	-	-	-	-
Administrative Hearings	-	2	-	-	-
Labor and Industry Dept					
Construction Code	-	-	-	-	-
<b>Total</b>	-	2	-	-	-
<b>Biennial Total</b>			<b>2</b>		-

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 Agency: **Labor and Industry Dept**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

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State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Construction Code	-	47	-	-	-	-
<b>Total</b>	-	<b>47</b>	-	-	-	-
<b>Biennial Total</b>			<b>47</b>			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Construction Code	-	-	-	-	-
<b>Total</b>	-	-	-	-	-

**LBO Analyst's Comment**

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

**LBO Signature:** Karl Palm      **Date:** 3/14/2023 11:57:49 AM  
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**State Cost (Savings) Calculation Details**

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\*Transfers In/Out and Absorbed Costs are only displayed when reported.

<b>State Cost (Savings) = 1-2</b>		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
Construction Code	-	47	-	-	-	-
<b>Total</b>	-	<b>47</b>	-	-	-	-
<b>Biennial Total</b>			<b>47</b>			-
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
Construction Code	-	47	-	-	-	-
<b>Total</b>	-	<b>47</b>	-	-	-	-
<b>Biennial Total</b>			<b>47</b>			-
<b>2 - Revenues, Transfers In*</b>						
Construction Code	-	-	-	-	-	-
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-

**Bill Description**

The bill adds requirements to the State Building Code; requiring the installation of adult-size changing facilities in restrooms accessible to the public; amending Minnesota Statutes 2022, section 326B.106, subdivision 4. The bill includes expedited rulemaking to accelerate the adoption of the requirements.

**Assumptions**

The scope of this bill is limited to new buildings, additions, and remodeled portions of existing buildings.

The Department of Labor and Industry (DLI)'s building plan review staff and inspections staff will incorporate this requirement into their normal review and inspection process. The additional step would be immaterial and require no additional staff time.

DLI does not anticipate compliance issues related to this code change. Application is for new work only, and then only where technically feasible. Model building codes will address the scoping in the next review cycle.

MN Statute 326B.02 authorizes rulemaking to the Commissioner of DLI. However, the requirements for adult-size changing facilities would need to be incorporated in DLI's Accessibility Code as no language currently exists regulating these facilities. As required by this bill, DLI anticipates a small rulemaking in SFY24, \$46,605. The requirements will be drawn from draft versions of future model codes and standards and will be incorporated into rule in advance of the regular model code adoption rulemaking cycle.

This statute amendment would be effective as part of the State Building Code when the bill is signed into law.

DLI publishes the State Building Code every six years. The current State Building Code would not be revised and redistributed to include this new requirement until the next update in 2026. The expedited rulemaking process will allow the requirements to become effective in 2024, two years in advance of the next model code cycle.

**Expenditure and/or Revenue Formula**

-	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>
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Small Rulemaking	\$46,605	\$0	\$0	\$0
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**Long-Term Fiscal Considerations**

**Local Fiscal Impact**

**References/Sources**

**Agency Contact:** Scott McLellan (651-284-5869)

**Agency Fiscal Note Coordinator Signature:** Jacob Gaub

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 Committee: **Labor**  
 Date Completed: **3/14/2023 11:58:09 AM**  
 Agency: **Administrative Hearings**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings	X	
Tax Revenue		X
Information Technology		X
<b>Local Fiscal Impact</b>		
		X

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State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Administrative Hearings	-	-	-	-	-	-
<b>Total</b>	-	-	-	-	-	-
<b>Biennial Total</b>			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Administrative Hearings	-	-	-	-	-
<b>Total</b>	-	-	-	-	-

**LBO Analyst's Comment**

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

**LBO Signature:** Chloe Burns      **Date:** 3/13/2023 4:35:20 PM  
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**State Cost (Savings) Calculation Details**

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\*Transfers In/Out and Absorbed Costs are only displayed when reported.

<b>State Cost (Savings) = 1-2</b>	<b>Biennium</b>			<b>Biennium</b>	
Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Administrative Hearings	-	-	-	-	-
<b>Total</b>	-	-	-	-	-
<b>Biennial Total</b>			-		-
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>					
Administrative Hearings	-	2	-	-	-
<b>Total</b>	-	2	-	-	-
<b>Biennial Total</b>			2		-
<b>2 - Revenues, Transfers In*</b>					
Administrative Hearings	-	2	-	-	-
<b>Total</b>	-	2	-	-	-
<b>Biennial Total</b>			2		-

**Bill Description**

SF999-1A adds requirements to the State Building Code requiring installation of adult-size changing facilities in public restrooms.

The legislation also authorizes the Department of Labor and Industry (Department) to conduct expedited rulemaking to implement the provisions of Sec. 2, Rulemaking Authority.

**Assumptions**

OAH has used the Department’s assumption that a small rulemaking will be required to meet the requirements of Sec. 2, Rulemaking Authority. Based on past practices, OAH assumes that a small rulemaking under chapter 14 will require an estimated 10 hours of administrative law judge (ALJ) time for activity related to rulemaking procedures. Of the estimated rulemaking amount of \$46,605, \$2,450 is for the 10 hours of ALJ time for a small rulemaking.

OAH currently bills ALJ time for rulemaking at the MMB-approved billable rate of \$245 per hour (see Minn. Stat. § 16A.126, subd. 1 (2022)).

**Expenditure and/or Revenue Formula**

Estimated 10 hours of ALJ time for rulemaking activities related to implementing the requirements of Sec. 2, Rulemaking Authority = 10 hours x \$245/hr = \$2,450 charged to the Department in FY2024 pursuant to the requirements of Minn. Stat. § 14.53.

**Long-Term Fiscal Considerations**

Costs associated with rulemaking activities are a one-time occurrence.

**Local Fiscal Impact**

**References/Sources**

**Agency Contact:** Denise Collins

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