

STATE OF MINNESOTA  
DEPARTMENT OF ADMINISTRATION  
BUILDING CODES & STANDARDS DIVISION

In the Matter of Proposed Adoption  
of Rules for the Maintenance of Certification  
of Class I and Class II Building  
Officials of the State of Minnesota

STATEMENT OF NEED  
AND REASONABLENESS

The proposed rules and amendments to the existing Minnesota State Building Code are made pursuant to MN Stat. Section 16B.59.

Pursuant to MN Stat. Section 16B.59 to 16B.73, the Commissioner of Administration is charged with the responsibility of promulgating the Minnesota State Building Code. It is the duty of the Commissioner to amend the Minnesota State Building Code to maintain the most modern code standards regarding minimum safeguards of life, limb, health, property, and public welfare as well as regulating and controlling the design, construction, quality of materials, use and maintenance of buildings and structures.

The implementation of these rules will not require the expenditure of public money by local bodies of greater than \$100,000.00 in either of the two years following adoption nor have an impact on agriculture land. The small business considerations in rulemaking do not apply to these amendments pursuant to Minnesota Statutes, Section 14.115, subd. (8c) (1984). Most local governments establish a budget line for training of its employees where there is need for upgrading of standards or changes in requirements of areas regulated by local governments. To help defray some of the expense involved in continuing education of certified employees, a portion of the surcharge rebate authorized by MN Stats. 16B.70, refunded to the municipalities on a biennium basis, could be earmarked to that purpose, thereby reducing or eliminating any additional public monies to carry out the program of these rules. Therefore in the implementation of these

rules it is estimated that it should not require an additional expenditure of public monies by local governments of more than \$100,000.00 in each of the two years following adoption of these rules.

A number of building officials sought guidelines concerning a requirement for continuing education and recertification in the early 1980's. It had been determined that a statutory amendment was necessary so that the Department of Administration, Building Codes and Standards Division could establish by rule the requirements to satisfy that need.

The Session Laws of 1984, Chapter 578, amended Minnesota Statutes 1982, Section 16.861, by adding subdivision 3a, authorizing the Commissioner of Administration to establish or authorize by rule continuing education programs for municipal building officials dealing with matters of building code administration, inspection and enforcement.

The law established a three year time frame for building officials to satisfactorily complete educational programs established or approved by the commissioner, in order to retain certification. The law also requires that such certified individuals must submit evidence of completing the minimum requirements established and payment of a renewal fee. For those people certified prior to January 1, 1985, their three year cycle begins as of January 1, 1985. All subsequent new certifications will begin their three year cycle as of the date of their certification.

The fee that has been established in the rule is the same as the original certification fee. In keeping with MN Stats. 16A.128 Subd. 1a approval has been sought and has been received from the Commissioner of Finance (a copy of the approval is attached).

The proposed rules present the guidelines by which certified building officials have an obligation and opportunity to be involved in an educational process to keep abreast with changes in code administration, laws, and technologies which comprise the basis for assuring that the current minimum standards are maintained and enforced.

Continuing education is essential for practicing building officials and other certified building officials to remain current regarding changes in the codes, new methods of construction, new materials used in construction and to keep informed of constantly changing state and federal regulations pertaining to codes administration and application.

Training and administration, regulatory writing, budget preparation, building code techniques and procedures are essential. The continuing training programs and building official chapter activities are currently available, reasonably obtainable and minimal in scope.

The renewal of certification every three calendar years is predicated on a minimum of continuing education and professional activities which will provide for a more informed building official. The informed building official would be a greater asset to the municipality that employs such an individual and should more uniformly carry out the responsibilities of providing for safe, healthful structures for the citizens of the community as well as the State of Minnesota through proper code application, enforcement and administration.

Elroy Berdahl, Section Chief, and Alvin Kleinbeck, Code Administrator, of the Building Codes and Standards Division will appear in behalf of the proposed rules if a public hearing is required. They will testify regarding

the need for and reasonableness of the proposed rules. The substance of the testimony is set forth herein.

The following is the evidence and argument which supports the need for and reasonableness of the proposed rules:

1300.0940                      This part establishes the authority and purpose of the proposed rules.

1300.0942                      This part contains the definitions of terms used in the proposed rules. In determining the values assigned to the "continuing education unit", subp. 3, and the "unit of instruction" subp. 5, a comparison was made to the C.E.U. criteria recognized nationally as a value point for the hours of time given to education offerings usually offered to post secondary school aged persons. (i.e. one C.E.U. credit is equal to 10 hours of classroom instruction.) We are proposing to establish by rule that a unit of instruction is equal to three hours of programmed instruction. If a person receives 1 C.E.U. from a study program then we would consider it to have a value of 3 units of instruction.

1300.0944                      This part establishes the number of continuing education units of instruction required within

the three year period for each class of certified building official.

1300.0946

This part assigns the unit of instruction values to each subject used for continuing education courses suitable to building inspection services. General time involvement through experience is used to determine a reasonable time credit assignment to the various types of potential activities or studies as listed in items A to I of this part. The credit assigned to the earning of certificates listed in items J and K is based upon the time frame allotted to write the examination together with the expertise demonstrated in successfully receiving a certificate.

1300.0946 Subd. 3

This has been included to alert the certified person that there could be some course subjects that will require a mandatory participation, particularly if a seminar or school is presenting new materials or subject matter that is considered to be essential for the building official to properly administer the application of the code or law.

Since the inception of the State Building Code in 1972 the codes have been expanded by legislation

and subsequent rules adoption. Examples are: the Minnesota Uniform Fire Code, Handicapped Code, Energy Code, Solar Energy Code, Home Energy Disclosure Rules, Standards for Wheelchair Lifts and Federal Standards for Mobile Homes. Additionally, other state agencies have implemented new rules that directly impact on the construction of buildings and the administrative responsibilities of municipal building officials.

In order for the state building inspector and the municipal building officials to fulfill their statutory responsibilities of code administration and enforcement it is necessary to create a vehicle for education and training in key areas of new responsibilities.

1300.0948

This part establishes the process that building officials must follow in submitting evidence to the commissioner. It will identify their participation in and receiving credit toward their re-certification. It states the dollar amount of the fee. It provides the vehicle for an extension of time in order to comply with the requirements of the rules if needed. The fee assessed for recertification has been considered to assist in underwriting the cost of supplying

and issuing a recertification card valid for the  
three year period designated.

4/3/81  
Date

Sandra J. Hale  
Sandra J. Hale, Commissioner  
Department of Administration