

SF3538 - 0 - State Building Code for Exit Stairway Modified

Chief Author: **Lindsey Port**
 Committee: **Labor**
 Date Completed: **2/23/2024 12:51:08 PM**
 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
Administrative Hearings	-	-	-	-	-	-
Administrative Hearings	-	-	-	-	-	-
Labor and Industry Dept						
Construction Code	-	-	47	-	-	-
State Total						
Administrative Hearings	-	-	-	-	-	-
Construction Code	-	-	47	-	-	-
Total	-	-	47	-	-	-
Biennial Total			47			-

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

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:** 2/23/2024 12:51:08 PM
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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.

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

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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	-	-	-
Total	-	-	47	-	-	-
Biennial Total			47			-

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

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:** 2/21/2024 11:48:30 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.

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

Bill Description

This bill amends MS 326B.106 which adds requirements to the State Building Code; providing the commissioner of Labor & Industry (DLI) expedited rulemaking authority to require the allowance of a single exit stairway in non-transient multifamily residential buildings with occupied floors up to seventy-five feet in height above the lowest level of fire department access. The bill further requires the modification include consideration for adequate and available water supply for fire sprinkler systems, the presence and response time of a fire department, and any other provisions necessary to ensure public health, safety, and general welfare.

Assumptions

The scope of this bill is limited to new buildings and vertical additions to existing buildings. Rulemaking must include additional safety features to offset the loss of 50% of the required means of egress from these mid-rise buildings. The requirements will require extensive study because the national model codes do not include such provisions and there are implications to public health, safety, and general welfare. DLI assumes it will engage a Technical Advisory Group of experts in fire safety and the construction industry to recommend appropriate provisions to ensure public health and safety as required by the bill. This work will be completed by existing staff. DLI anticipates a small rulemaking (\$46,905) effort in SFY25 to conduct the expedited rulemaking.

Expenditure and/or Revenue Formula

Expenditures	2024	2025	2026	2027
Small Rulemaking		46,905		
Cumulative Expenditures		46,905		

Long-Term Fiscal Considerations

NA

Local Fiscal Impact

NA

References/Sources

NA

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Chief Author: **Lindsey Port**
 Committee: **Labor**
 Date Completed: **2/23/2024 12:51:08 PM**
 Agency: **Administrative Hearings**

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
Administrative Hearings	-	-	-	-	-	-
Total	-	-	-	-	-	-
Biennial Total			-			-

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

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:** 2/23/2024 8:03:07 AM
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State Cost (Savings) Calculation Details

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

Bill Description

SF3538/HF3351 provides for the Department of Labor and Industry (DLI) to allow a single exit stairway to serve multifamily residential buildings in certain situations by modifying the State Building Code.

The legislation authorizes DLI to conduct expedited rulemaking to implement the provisions of Sec. 1, Subd. 18, Minimum number of exit stairways.

Assumptions

The Office of Administrative Hearings (OAH) has used DLI’s assumption that a small rulemaking will be required to meet the requirements of Section 1. 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 total rulemaking amount of \$46,905 estimated by DLI, \$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. 1 = 10 hours x \$245/hr = \$2,450 charged to DLI in FY2025 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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