

House Research Act Summary

CHAPTER: 280

SESSION: 2010 Regular Session

TOPIC: Construction codes and licensing

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Analyst: Anita Neumann (651-296-5056)

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Overview

Modifies construction codes and licensing provisions.

Section

- 1** **Notice of rule hearing.** Persons registering to receive rule hearing notices allowed to elect notice electronically or by mail.
- 2** **Purposes.** Expands apprenticeship to include training and on the job learning.
- 3** **Duties and functions.** Changes term “on the job training” to “on the job learning” and references U.S. Code of Federal Regulations.
- 4** **Reciprocity approval.** Updates U.S. code reference.
- 5** **Apprenticeship.** Changes definition of apprentice to a time-based approach not less than 2,000 hours or one year of continuous employment in an approved program of on the job learning; a competency-based approach involving successful demonstration of skills and knowledge; or a hybrid approach.
- 6** **Director to approve agreements.** Changes reference to learning rather than training.
- 7** **Labor education advancement program.** Changes reference to learning rather than training.
- 8** **Limitation.** Updates statutory reference related to construction codes and licensing.
- 9** **Deposits.** Strikes an obsolete reference.
- 10** **Powers and duties.** Strikes language relating to distribution of the building code to

municipalities; this language is moved to section 13.

- 11 **Filing.** Removes requirement that code and code modifications be filed with the secretary of state.
- 12 **Consultation with commissioner.** Strikes language requiring the commissioner to hold all state hearings and make all determinations regarding the code.
- 13 **Proposed amendments.** Provides for code amendments based on geological conditions. Strikes notice language regarding notices on public hearings.
- 14 **Adoption.** Inserts language relating to distribution of the building code to municipalities.
- 15 **Grounds.** Modifies references to commissioner’s enforcement powers.
- 16 **Appeals.** Changes reference from municipality to local or state level board of appeals.
- 17 **Certain certificates.** Changes reference from building permits to certificates.
- 18 **Annual report.** Specifies that a municipality that fails to report to the department is subject to commissioner’s enforcement powers.
- 19 **Collection and reports.** Specifies that a municipality that fails to report or submit required remittance to the department is subject to commissioner’s enforcement powers.
- 20 **Revenue to equal cost.** Strikes language requiring annual report to Department of Management and Budget and legislature regarding municipal permit surcharges.
- 21 **Conflict of laws.** Modifies statutory reference.
- 22 **Responsible licensed individual.** Modifies statutory reference regarding orders for electrical licenses.
- 23 **Employment of master electrician or power limited electrician.** Modifies statutory reference regarding rules or orders.
- 24 **Direct supervision.** Provides for direct supervision of a registered unlicensed individual doing plumbing work.
- 25 **Plumber’s apprentice.** Redefines the term “plumber’s apprentice.”
- 26 **Powers; duties.** Replaces reference to “apprentices” with “unlicensed individuals.”
- 27 **Unlicensed individuals.** Sets forth registration and examination requirements for unlicensed individuals in the plumbing trade.
- 28 **Grounds for sanctions.** Modifies statutory references and specifies that enforcement provisions may be used against an owner, officer, member, managing employee, or affiliate of the applicant, licensee, or certificate of exemption holder.
- 29 **Definitions.** Defines “owner” when used in connection with real property.
- 30 **Payment limitations.** Specifies that the commissioner shall not pay compensation from the contractor recovery fund in an amount greater than \$75,000 per licensee.

- 31 **Verified application.** Updates statutory reference and provides that the verified application must include documents evidencing the amount of the owner's or the lessee's actual and direct out-of-pocket loss.
- 32 **Commissioner review.** Provides that the commissioner's review must come within 120 days of receipt of the complete verified application.
- 33 **Administrative hearing.** Changes from 30 days to 45 days the time within which an administrative hearing must be conducted unless the parties agree to a later date. Requires that the owner or lessee must be given 15 days notice of the hearing. Provides for burden of proof.
- 34 **Right of subrogation.** Provides that the commissioner shall not pay compensation from the fund unless the owner or lessee assigns all rights, title, and interest in the final judgment in the amount of the compensation to be paid.
- 35 **Condominiums or townhouses.** Clarifies real estate covered under condominiums and townhouses.
- 36 **Recovery of payments.** Provides for recovery of funds paid from the fund under false circumstances or information.
- 37 **Payment of penalty.** Provides for deposit of penalties into the fund.
- 38 **Registration requirement.** Strikes obsolete language.
- 39 **Effective date/medical gas.** Corrects the effective date of a medical gas provision contained in Laws 2010, chapter 182, section 8.
- 40 **Repealers.**
- 41 **Effective date.** Effective the day following final enactment.