

# Association of Minnesota Building Officials

Building Officials administrating the building, mechanical, plumbing & electrical codes, are committed to serving the public interest and the professionals that ensure safety in the building environment

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## 2017 Legislative Session

### An Overview

The 2017 legislative session began on January 3, 2017, at noon. For the next two years the Minnesota House and Senate will be controlled the Republican Party.

House Republicans have a 76-57 majority (with 1 open seat to be filled in February) and Senate Republicans have a 34-33 majority. Although the numbers seem close the majority party of each body sets the tone, scope and legislative agenda for the entire biennium – we can expect a stronger Republican platform in 2017-18.

The first year of a Minnesota legislative biennium is referred to as a “Budget Year”, and legislators will attempt to pass a state budget over the next five months. With a 1.4 billion dollar surplus state legislators should be able to avoid a government shutdown in 2017.

Budget aside there is a lot of work to be done this year. Both parties have expressed a desire to reform healthcare, create greater transparency in government, and pass an array of tax reforms. But observers are weary because during the 2015-16 biennium legislators prioritized a tax bill, a transportation bill, and a bonding bill but did not deliver anything that the Governor would sign into law.

What we can count on is a new legislative approach and plenty of twists and turns at the beautifully renovated state Capitol -- If you're ever interested in visiting please let your lobbyist know, and you can get a free tour!

### AMBO at the Capitol in 2017

Following up on a biennium of legislative success for AMBO - reforms to the Radon Mitigation Act, redefining “certified professional” for ADA inspections purposes, and fending off an array of unsavory legislation – AMBO will be at the Capitol everyday of the 2017 session.

For the next two years our Capitol presence will be more important than ever as legislators try to reign in the government – both state and local. We will be on the hill meeting with state legislators, state agencies, testifying before House and Senate committees, opposing legislation that may negatively impact the profession, and working to build relationships with industry organizations.

To that end AMBO has already met with key industry members, including the Commissioner of DLI, the Builders Association of Minnesota (BAM), and the League of Minnesota Cities. In each meeting we discussed our respective priorities and concerns to build alliances where possible, and to prepare for differing policy positions.

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Below are some notable take-aways from recent meetings with industry players, as well as some of the major issues AMBO will face in 2017:

- **The 2016 Architectural and Affirmative Defenses Bill that was passed to prevent “drive-by” ADA lawsuits will need to be worked on again in 2017:**
  - AMBO is already meeting with key players to discuss how this legislation can better ensure that buildings are safe and accessible for the public, while limiting frivolous lawsuits designed to extract money from local businesses. Although AMBO will work hard to accommodate everyone’s needs, we also will work to ensure that Building Officials and cities are not forced to take on additional risk, cost or liability.
- **Possible commercial code administration for large public buildings in outstate MN.**
  - Since the dangerous collapse of the Thumper Pond Water Park in Ottertail, MN, AMBO has considered methods to ensure public facilities meet safety standards. Numerous groups agree and we will work together throughout 2017.
- **Concerns on turnaround times for permits administered by contract inspection firms.**
  - Legislation that will require cities to issue certificates of occupancy within 48 hours of a building being “final and compliant” is likely. Although AMBO supports models and methods to achieve the highest customer service for residents and builders across Minnesota, AMBO does not believe mandating customer service delivery methods in statute is the way to address this concern. We will work with the impacted parties to identify reasonable path forward outside of legislation.
- **Succession planning for the Building Official profession - creating pathways of employment for trades people and younger generations.**
  - State and local units of government need another generation of Building Officials. AMBO continues to speak with membership, industry members, DLI, and legislators like Representative Howe. We hope to identify a way to engage, educate and offer a pathway for well trained, service minded, individuals to become Building Officials. These discussions are an opportunity for AMBO to take a leadership role in developing the future of public safety in Minnesota.
- **Legislation changing the definition of townhome (in 326b.103, Subdivision 14) to a dwelling of 3 or more attached units.**
- **Increasing fines for unlicensed contractors building in Minnesota.**
- **Examination of the fees that AMBO pays for education accreditation.**
- **Interest in alternative membership categories in AMBO.**

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## Review & Prepare

### **The bills below were introduced in 2015-2016 and we will likely come back in 2017-18:**

- Creation of a rulemaking advisory board and legislative veto-authority on any rule having a “substantial economic impact” on construction;
- Authorizing border city enterprise zones to adopt a bordering state’s building code;
- Exempting Mille Lacs County from the State Building Code;
- Legislation making it more difficult for a city to enact a land use moratorium;
- Moving all construction codes and licensing from DLI to the Department of Public Safety and/or Moving the to promulgation of the State Fire Code to Public Safety;
- Mandating a gross misdemeanor for the assault of a “code enforcement official”;
- Providing a civil remedy for public official or employee misconduct;
- Requiring counties and cities to have written procedures available to the public for any regulation - including all fees for service;
- Flexibility in meeting energy code requirements by allowing builders greater discretion in methods used to achieve energy reduction goals;
- Requiring insurance policies to disclose that the policy may not cover all costs in accordance with building code requirements due to policy limits;
- Changing the method of measurement used to account for building official education from “16 units” to “38 hours.” There is no substantive change in the amount of education needed.

### **The ideas below were discussed in 2016, and may emerge as legislation in 2017:**

- Requiring Building Officials to determine ADA compliance and/or requiring permits to inform inspected parties that their inspection may not contemplate the ADA compliance;
- Requiring Building Officials who inspect plumbing to be licensed plumbers;
- Making Building Officials personally liable for any inaccurate advice provided to a contractor or home owner;
- An authoritative board for mechanical contractors.

Many of the concerns identified in this document stem from the perception of “government overreach”. This coupled with a new political approach at the federal level may lead to legislation limiting state and local discretion.

The increased likelihood of such legislation solidifies the importance of AMBO’s role at the state Capitol. Over the next two years AMBO will notify members, via legislative action alerts, about bills that will alter the course of the Building Official profession. When you receive one of these alerts it will be vital that you reach out to your peers and your elected officials to share your opinion and expertise.

AMBO will fight to advance public safety, code administration, and the profession throughout the 2017 legislative session. We look forward to working with you, and Happy New Year!