



The Association of Minnesota Building Officials

Building officials administering the building, mechanical, plumbing and electrical codes and Committed to serving the public interest and the professionals that ensure safety in the building environment.



Honorable State Gov. Finance, Policy & Election Committee Members
95 University Avenue West,
Saint Paul, MN 55155

February 28, 2017

RE: Concerns with SF745

Dear Committee Members,

The Association of Minnesota Building Officials (AMBO) represents certified Building Officials across our state. AMBO supports a Minnesota Residential Code (MRC) that balances safety, stakeholder engagement, and cost efficiency. **But we write to express concern with SF745.**

The MRC is designed to create a minimum standard for life safety, efficiency, and to increase a home's longevity. The reason for changing the code is to incorporate new building methods, materials & technologies.

AMBO is concerned that SF745 will impede the adoption of building advancements for our cities and our citizens. Some specific concerns with the language of SF745 are as follows:

1. **Line 1.13:** Likely mandates that every code update will be pulled into the legislature's purview – not just a provision increasing residential construction by \$1,000 or more. The likelihood that the legislature will need to review every code update is greatly increased because in 2015-16 the legislature statutorily limited code adoption to once every six-years. Considering the rapid advancement of building materials and building methods, and inflationary costs of building materials and labor, an increase of \$1,000 (over six-years) is a low threshold for updating an entire construction code.
2. **Line 1.13** - “on average”: Determining an “average” cost for new construction and remodeling can be overly subjective considering that different home sizes, design/style, and location all impact the cost of construction significantly.
3. **Lines 1.17-1.18:** Requires an administrative law judge to review a proposed rule even if the rule did not meet the “threshold” sum of \$1,000.
4. **Lines 1.19-2.1:** Requires that an agency notify the House and Senate Committee (with jurisdiction) when the rule “meets or exceeds the cost threshold”, *and* when an administrative law judge determines that the agency “does not meet or exceed the threshold”. This language requires that every rule is sent to the legislature, despite the cost of implementation.
5. **Line 2.3:** This is a subtle and unprecedented expansion of a single legislative body's power over the rulemaking process. Currently, MN §14.126 requires that *both* legislative bodies must advise an agency that a rule should not be adopted prior to requiring a new law to enact the rule. Line 2.3 gives *either* body this authority. If passed with line 2.3, rulemaking & code adoption will become more volatile.

We ask that you please consider these issues prior to passing SF745, and thank you for your service.

Sincerely,

AMBO Board Chair, Tom Bakken