

Construction Codes Advisory Council Meeting
Thursday, May 8, 2014 at 10 a.m.
MEETING MINUTES
Minnesota Room – Department of Labor and Industry
443 Lafayette Road North, St. Paul, MN 55155

Members:

Scott McLellan
John McConnell
Todd Gray
Tom Downs
Pete Parris
Gerhard Guth
Jim Kittleson
Kathe Ostrom
Bob Bastianelli
Bill Freitag
Tom Erdman
Kevin White
Laura McCarthy

Members Absent:

Robert Jewell
Mark Brunner
Larry Stevens
Robert Dahm
Jennifer DeJournett

Staff & Visitors

A/C Jessica Looman – DLI
Scott McKown – DLI
Suzanne Todnem – DLI
Jeff Lebowski – DLI
Katherine Nielson - BAM
Heather Cederholm – League of MN Cities
Lyndy Lutz – DLI

I. Call to Order

The meeting was called to order at 10:04 a.m. by Chair McLellan. Housekeeping announcements were made.

II. Introductions

Members introduced themselves (a quorum was declared) and Laura McCarthy, CCAC's newest member and Fire Marshal for the City of Bloomington, gave a brief history – she has been in the fire service industry for the city of Bloomington for 25 years with 16 of those in the fire prevention office.

McLellan mentioned that there will be a retirement event at DLI on July 22, 2014 for John Schultz. As a result of John's departure, responsibilities have been reorganized. Scott McKown was recently hired to take on some of these duties. Scott previously worked for CCLD for four years and then for the City of Burnsville to become their building official for five years; CCLD is happy he has returned.

III. Approval of Minutes

A motion was made by Gray to approve the September 26, 2013 meeting minutes, seconded by Downs. The vote was unanimous; the motion carried.

IV. Code Adoption Status

McLellan gave an update – a number of chapters of the building code have been approved but are not in effect yet. These chapters are:

- Chapter 1300, MN Building Code Administration
- Chapter 1307, MN Elevators and Related Devices
- Chapter 1309, MN Residential Building Code
- Chapter 1311, MN Conservation Code for Existing Buildings
- Chapter 1341, MN Accessibility Code

McLellan added that the 2014 edition of the National Electrical Code was recently adopted and becomes effective on July 1, 2014. He gave other updates as shown below:

Codes currently in process – the Plumbing Board is working on the adoption of the Uniform Plumbing Code (UPC), 2012 edition, reviewing amendments and writing SONARS – an anticipated effective date in mid-2015. Kittelson added that the Plumbing Board has reviewed all of the amendments and the process is moving forward. McLellan explained that members can keep up to date on the Rulemaking process through DLI's website at:

<http://www.dli.mn.gov/Rulemaking.asp>

Radon and Residential Energy are being carried forward together in one rule. CCLD discussed potential modifications to the Residential Energy Code with stakeholders. Most were satisfied with answers to their questions and there were few requests for a public hearing.

CCLD staff addressed issues raised by the multi-family housing industry on the impact of the radon rules. McLellan noted that the radon rules only apply to new construction unless the existing building had radon remediation already installed. Passive systems, not active, are required. Building owners can choose to put in a fan to make it an active system.

The Mechanical and Fuel Gas Code will be published for public comment on May 27, 2014. CCLD is not aware of any contentious issues.

The Building Code, Chapter 1305, is being finalized and should be published for public comment later this summer.

The Commercial Energy Code, Chapter 1323, should also be finalized and published for public comment later this summer.

CCLD is responsible for adopting Chapter 7511, the Minnesota Fire Code, through the rule process while the State Fire Marshal's office develops content. CCLD has been working with

the Fire Marshal's office to correlate subject matter that differs between the building code and fire code. Although its' focus is existing buildings, the International Fire Code is a document designed to be used differently across the country. In areas of the country where there isn't a building code, some of the Fire Code is used for new construction. It has provisions dealing with issuing construction permits, inspections, and paying fees. However, a conflict arises when used in a jurisdiction that has adopted the building code that also regulates the same subject matter and authorizes the issuance of permits and collection of fees. There cannot be two authorities having jurisdiction issuing permits and making inspections in the same subject areas. CCLD and the State Fire Marshal agreed to allow the language to remain in the fire code as is until representatives from both offices meet to develop a coordinated policy.

Completed chapters of the state building code are being proposed to be published in the State Register on July 28, 2014, which according to Statute would have an effective (and enforceable) date of January 24, 2015.

CCLD is developing a formal training plan that will focus on teaching state amendments. Information is available on DLI's website at: <http://www.dli.mn.gov/cclD/codes15.asp>

V. Minnesota "I" Codes

McLellan stated that CCLD is working with ICC to create unique single code documents for the State of Minnesota that includes all amendments embedded in the text. This will be done for Building, Residential, Mechanical, Existing Building, Accessibility, Fire, and Energy Codes. These code documents will eliminate the need to purchase the ICC version, Minnesota amendments, and possibly another reference standard. CCLD has also retained ICC to put all of these codes online for free public access with limitations only for printing. Assistant Commissioner Jessica Looman noted that DLI is committed to making these documents accessible and available for all of the users in Minnesota. Once available, there will be a link on DLI's website for purchasing and viewing online.

VI. Minnesota Green Code

McLellan gave an update on a division workgroup meeting regularly and making progress – an update will be brought forward to the next CCAC meeting for member's input.

VII. Department Update

A/C Looman provided an update discussing the 2014 Strategic Plan. She explained that this Plan establishes performance measures for better and more efficient service and right-sizing the cost and services for providing them. The Strategic Plan can be viewed on DLI's website at <http://www.dli.mn.gov/Overview.asp> and she encouraged feedback.

A/C Looman also stated that DLI is working on a Plain Language initiative that clarifies language and makes documents, websites, forms, etc. easier to understand. The goal of the initiative is to provide clear and understandable information to people as quickly as possible. DLI's first big Plain Language project was a postcard sent out for online renewals – the new

postcard increased online renewals by 20 percent. She encouraged people to contact DLI if they see any document, webpage, form, etc. that needs clarification for better understanding and simplicity.

A/C Looman provided an update on Legislative issues. Items addressed were:

- 1) Apprenticeship Bill – DLI needs to be in conformance with federal law so there was a comprehensive re-write that if passed, would make apprenticeship training in Minnesota better, stronger, and provide accountability for training.
- 2) Contractor Registration Program – many have been very supportive in helping to make this program work. This was a pilot project for the past two years. Currently there are approximately 14,000 contractors who perform commercial and residential contracting that are not otherwise required to be licensed with the State. The primary purpose of the program is to aid DLI in determining appropriate classifications of workers, addressing any issues, and educating contractors about worker’s compensation coverage for their subcontractors and independent contractors. Feedback from the construction industry enabled DLI to make adjustments to the Contractor Registration Program in order to achieve compliance goals. DLI worked with the industry to provide a good “Compromise Bill” that is now ready to be passed by both the House and the Senate.
- 3) DLI “Un-session” Clean-up Bill – one example of our un-session is “Fee for Service Employment Agencies.” Employment and temporary service agencies are currently licensed by the State of Minnesota under law. The model for these agencies 30 years ago was to charge a fee to the employee and now employers must pay the fee resulting in licensing that is no longer applicable and needs to be eliminated. This is just one example of items in the “clean-up” Bill.
- 4) Minimum wage requirements – DLI enforces minimum wage in the State of Minnesota. DLI worked with stakeholders to establish a new minimum wage law that works in Minnesota. There are now only two rates that apply in Minnesota depending on the size of the employer – beginning on August 1, 2014 there will be a \$6.50/hour minimum wage and an \$8.00/hour minimum wage.
- 5) Women’s Economic Security Act – gives additional rights and protections to parents taking care of sick family members. Additional money in this Bill will help women to secure non-traditional occupations and businesses with grant money available for apprenticeship and small business ownership in non-traditional sectors.
- 6) DLI is helping to identify skills-based learning for manufacturing and healthcare to facilitate communication between interested individuals and industry needs.

VIII. Division Update

A/C Looman provided an update and referred to the DLI Dashboard at:

<http://www.dli.mn.gov/Dashboard.asp>

- 1) DLI Dashboard is updated every six months and is used to measure the department's performance. Everything that the department permits should be online by the end of the year.
- 2) License renewals – 80% of trade licenses for 2014 were renewed online. The next step for DLI is to make business licenses workable online – it is currently available but the department is working to streamline and improve this process. DLI is working with the surety industry to enable a “continuous bond” so that only a certification would be required.
- 3) Plumbing plan review – The department improved turnaround times for online plan review by correcting staff size and eliminating the accelerated plan review process. A 15-working day turnaround goal was surpassed with many plan reviews now being completed in 7 working days. The number of plans reviewed increased by 5% while turnaround time decreased 30%.
- 4) Enforcement activity – The department continues to provide strong enforcement activity with more emphasis on electrical by coordinating with local area representatives. She asked that the department be contacted as quickly as possible if anyone notices enforcement activities that should be addressed.

Chair McLellan stated that there were two significant initiatives being worked on:

- 1) Upgrading online permitting ability for all disciplines – this is currently in the testing stage. The use of the department's existing e-permitting system continues to rise on its own with electrical at 80% for April 2014.
- 2) E-plan review is in the development stage. The department reviews 2,000 to 3,000 plumbing plans and 500+ building plans annually. DLI is working to secure a product that enables designers to submit their plans electronically so staff can review electronically and quickly respond using email notifications. This product is being used by many major cities throughout the country and the division hopes to begin piloting the program late summer or fall of 2014. Gerhard Guth noted that he is on the “Quality Council” and is tasked with providing documents that are more streamlined and consistent and asked if the department had a checklist for this process. McLellan said that the two groups should meet to discuss. Kevin White expressed concern with smaller jurisdictions not having this capability and A/C Looman said that the use of electronic plan review won't be mandated, it will be an option that will work well for larger projects.

Todd Gray referred to handouts titled “Fan Efficiency Requirements for Standard 90.1-2013” and “Federal Register/Vol. 79, No. 70/Friday, April 11, 2014/Proposed Rules.” Gray noted that the two major points were fan efficiency and lighting controls. McLellan added that it is very clear that there is a growing federal effort to make the energy codes more restrictive and Gray noted this push is for commercial buildings, not residential.

Kathe Ostrom asked members to express their opinion of the value the Council brings to their industry in the last 3 to 4 years. Gray said that there is a lot of communication and sharing of information in different specialties (of members), being aware of changes that one wouldn't be aware of otherwise, open forums like this one helps find resources and education for better understanding which usually leads to acceptance and better codes. McLellan thanked the members for partnering with DLI to help communicate with the construction industry while also providing valuable input to CCAC. Guth noted that CCAC provides a better understanding of how all the different groups' work – as a team approach with everyone being a stakeholder. Parris said that he brings CCAC meeting information back to his training coordinators so that they are ahead of the curve and can make changes if necessary.

McLellan noted that CCLD can provide updates on specific codes to anyone interested. A/C Looman added that many have expressed adopting new codes every six years in lieu of three. The department does not anticipate adoption of the 2015 code cycle and plans to wait for the 2018 codes before beginning the process except for amendments that needed to be addressed in the interim.

IX. Next Meeting

A tentative meeting date was set for 10:00 a.m. on September 18, 2014.

IX. Adjourn

The meeting adjourned at 11:30 a.m.

Respectfully Submitted,

Lyndy Lutz

Lyndy Lutz, Executive Secretary
Construction Codes and Licensing Division
Department of Labor and Industry