

**Construction Codes Advisory Council Meeting**  
**Thursday, Sept. 26, 2013, 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  
Robert Jewell  
Larry Stevens  
Tom Downs  
Jim Butler (*Guth alternate*)  
Jim Kittleson  
Kathe Ostrom  
Bob Bastianelli  
Jennifer DeJournett  
Mark Brunner  
Bill Freitag  
Tom Erdman  
Robert Dahm

**Members Absent:**

Pete Parris  
Kevin White

**Staff & Visitors**

A/C Jessica Looman - DLI  
Jeff Lebowski – DLI  
Karen Linner – Shenandoah Consulting  
Heather Cederholm – League of MN Cities  
Lyndy Lutz – DLI

**I. Call to Order**

The meeting was called to order at 10:14 a.m. by Chair McLellan. Housekeeping announcements were made.

**II. Introductions**

Roll call was taken and a quorum was declared. Audience and members introduced themselves.

**III. Approval of Minutes**

Ostrom made a motion to approve the November 8, 2012 minutes, seconded by Downs. The vote was unanimous; the motion carried. McLellan added that the meeting on 11/8/12 was primarily focused on the residential energy code and included a lengthy presentation.

#### IV. Green Code Update

McLellan discussed the draft meeting minutes from the November 28, 2012 Green Building Code meeting, stating they had a number of attendees representing a broad range of interests, such as: Industry, Contractors, Designers, Regulators, League of Cities, Target Corporation. McLellan pointed out that specific concerns, questions, or endorsements were highlighted on page two of the 11/28/12 draft minutes. The purpose of that meeting was to gauge interest in adopting green building codes in Minnesota. As a companion to this, McLellan referred to “Adoption of a Green Building Code”, stating this was a summation of the issues from the November 28, 2012 meeting and the direction DLI is heading. He summarized and said that most attendees endorsed having a green building code, explaining that the green building code is driven socially to be more responsible for our resources by providing more energy efficiency and sustainability. He added that everyone at the November 28, 2012 meeting supported the concept of having some sort of a green building code; however, they did have concerns. There is a model Green code, one that is already pre-packaged and they are looking at adopting part of it. It is published by the International Code Council (ICC) and titled “2012 International Green Construction Code” Green Construction (IgCC).

McLellan discussed concerns from the November 28, 2012 Green Building Code meeting, as summarized below:

- Cost of complying
- Return on investment
- Clear, understandable provisions
- Overlapping provisions
- Need clear lines of authority and jurisdiction
- Uniformity amongst municipalities
- Education of contractors and regulators
- Limited scope

McLellan asked the board if they had any questions, concerns, or comments; none were brought forward.

The next steps in adoption of a Green Building Code and possible issues were discussed, such as: Determine what and how much of the model code document (IgCC) consists of land-use (zoning) provisions that the State doesn’t control under building code authority; Determine to what degree the energy conservation measures in the (IgCC) equate to what CCLD is proposing in the new 2012 International Energy Conservation Code (IECC). DLI staff is studying the document to determine what kinds of provisions would be reasonable and enforceable. Stakeholders and the Construction Codes Advisory Council will be asked for their review upon completion by DLI staff. DLI is leaning towards an optional adoption as an appendix by cities. The City of Maplewood and a few other cities have been advocates of green building codes for a long time. A green building standard was just passed by Maplewood for its own city buildings.

The board expressed concerns, such as: Current building codes that are not being enforced, state-wide adopted and enforced codes, 2015 code that is already reversing many of the energy adoptions put forth in the 2012 code, whether costs are viable, restrictions and extra requirements, benchmarks, energy star reporting, renewable resources being hard to mandate, such as energy code and zoning issues. The board also discussed the Department of Energy's adoption of ASHRAE 90.1-2010 that pertained to new efficiency standards for federal buildings. McLellan stated that DLI would be proposing ASHRAE 90.1-2010 for commercial buildings. All efforts and preliminary conclusions will be shared with the CCAC Board and Interested Parties in addition to any other group that is interested.

#### **V. Department Update**

Assistant Commissioner Looman provided an update on DLI's dashboard, specifically for the Construction Codes and Licensing division, found at:

<http://www.dli.mn.gov/PDF/dashboard.pdf> The dashboard is updated every 6 months and shows how the department is doing with electronic permitting and licensing, as well as enforcement efforts. The electronic permitting process continues to be used greatly, particularly in the electrical industry, with approximately 75% of permits being requested online. Also, DLI issued approximately 90% of HPPS permits online. DLI will be adding other programs into their online permitting system and continue to improve those with a few significant upgrades to be launched by February 2014. The online permitting system will have a fresh new appearance with higher functionality.

Enforcement activity continues to be quite strong. DLI continues to divide their resources based on industry with several investigators that are specifically directed to work in electrical, residential, plumbing and high pressure piping systems. Enforcement actions, which are updated monthly, can be viewed on DLI's website at:

<http://www.dli.mn.gov/CCLD/Enforcement.asp>

DLI celebrated the 40<sup>th</sup> anniversary of Minnesota OSHA and Looman spoke highly of this division and all that they do to protect workers and in keeping workplaces safe, adding that the consultation division provides confidential, free safety advice for industry so that wise workplace safety continues.

A/C Looman discussed additional changes in the Worker's Compensation division. DLI just issued their workplace safety and worker's compensation reports, which are both updated annually and can be viewed at: <http://www.dli.mn.gov/RS/WorkplaceSafety.asp>

The Labor Standards unit has a Child Labor Standards Act underway that provides information to schools and employers on what types of jobs minors (under age 16) can do. The Act also covers minimum age requirements, prohibited occupations for minors and penalties for violations. A/C Looman stated that there is an under-employment situation for people aged 18 to 24 in Minnesota, and then at the same time, there are restrictions on the type of work that young workers can do, particularly people under age 18. Labor Standards

is working on increasing employment opportunities for young people while at the same time keeping young workers out of inappropriate or hazardous working conditions.

A/C Looman discussed the upcoming Construction Industry Conference scheduled for February 6, 2014. The State of Minnesota and four statewide associations - the Associated General Contractors of Minnesota, Associated Builders and Contractors, Builders Association of Minnesota and the Minnesota State Building Trades Council are partnering with the following government agencies: Department of Employment & Economic Development, Department of Transportation, Department of Administration, and the Department of Human Rights, for the 2014 Minnesota Construction Industry Conference on February 6, 2014. In addition, there are many local contractor and sub-contractor associations that are sponsoring this event. The conference will have 15 workshops in 3 different industry tracks - highway/heavy, commercial and residential. Our goal is to shed some light on the regulatory framework of the construction industry while, at the same time, celebrating the construction industry and the critical role this industry plays in Minnesota's economy. Registration should be available online the first week in November.

Lastly, A/C Looman provided an update on the 2014 legislative agenda. It is a short session that begins February 24, 2014 and must be completed by May. They have a relatively modest legislative agenda coming up for this year. The governor is looking at how to make government work better for the citizens of the state of Minnesota. Looman discussed three proposals that relate to the construction industry: 1) Streamlining the building code vote of appeals with the final interpretation authority of the Commissioner, as it relates to building codes, 2) Clarification of a cleanup bill for the Minnesota Electrical Act – it hasn't been modernized since 1967, and 3) Construction Contractor Pilot Program Project expires June 2014. A report on how this pilot program is performing is due January 1, 2014. The program is going well with approximately 11,000 construction providers registered with the state of Minnesota through DLI's quick online registration program. This tool reviews the misclassification of workers as independent contractors in the construction industry, ensuring that if those workers are not businesses or independent contractors that they are treated as employees and protected by worker's compensation, unemployment insurance, and appropriate tax withholdings. The Construction Contractor Pilot Program Project has been embraced by the construction industry and they are hoping it will be extended into permanent registration.

## **VI. Code Adoption Update** **McLellan provided an update on DLI's code adoption.**

**Chapter 1300 – Administrative.** This code is written by DLI. Each model code that is adopted has its own administrative chapter but we strip this out and insert DLI's Chapter 1300 in its place. This works best for Minnesota rather than having different ways of administering each of the codes. Chapter 1300 is completed and ready to be published for public comment.

**Chapter 1303 – Radon.** This is an effort to upgrade radon provisions that are currently embedded by reference in the energy code. These are nearing completion.

**Chapter 1305 – IBC (International Building Code).** Our largest effort as we continue working to get this chapter ready. This chapter leans heavily on the fire code.

**Chapter 1307 – Elevator.** This references a national ASME document. This chapter is completed and ready to be published for public comment.

**Chapter 1309 – IRC (International Residential Code).** Most of the work on this chapter has been completed; there are a couple of preliminary approvals that we must receive before we can publish for public comment (MMB and the Governor’s office).

**Chapter 1311 – Existing Buildings.** Although we currently have an existing building code, we are proposing adoption of a different one. This is a way of recognizing and permitting the reuse of existing buildings. If you want to take advantage of this code, it enables you to not have to meet the letter of the Building Code as you would for new construction. Work is in progress.

**Chapter 1322 – Residential Energy.** We are finalizing work on this chapter.

**Chapter 1323 – Commercial Energy.** This adopts a national standard as well as 90.1 ASHRAE.

**Chapter 1341 – Accessibility.** Our work is concluded and we are ready to publish for public comment.

**Chapter 1346 – Mechanical/Fuel Gas.** Both of these are published by ICC; working to conclude this chapter.

**Chapter 7511 – Fire Code.** The Fire Marshal’s office produces this document and amendments and we enter them into the rulemaking process.

McLellan reviewed the Rulemaking Process & Timelines handout, explaining SONARS and the two different routes that a code can take, one of which includes a public hearing. Codes that we do not expect any contentious issues will most likely be published using a Dual Notice: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing are Received.

**VII. New Business**  
No discussion.

**VIII. Meeting Schedule**

Traditionally we meet four times per year; however, we haven't met since last year because we didn't have anything to report. ***A tentative meeting date is set for December 19, 2013 @ 10:00 a.m., however, this meeting may be postponed if there is nothing to discuss.***

**IX. Adjourn**

The meeting adjourned at 11:28 a.m.

Respectfully Submitted,

*Lyndy Lutz*

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