

Construction Codes Advisory Council Meeting
Thursday, March 16, 2017 @ 10:00 a.m.
MEETING MINUTES

Minnesota Room – Department of Labor and Industry
443 Lafayette Road North, St. Paul, MN 55155

Members:

Bob Bastianelli
Mark Brunner
Jennifer DeJournett
Tom Erdman
Bill Freitag (via teleconference)
Todd Gray
Gerhard Guth
Patrick Higgins
Laura McCarthy
Scott McLellan (Chair)
Scott Novotny
Mike Paradise
Jim Smith

Members Absent:

Tom Downs
Jake Gundry
Pete Parris
Larry Stevens, Jr.

Staff & Visitors

Jessica Looman – DLI
Jeff Lebowski – DLI
Suzanne Todnem – DLI
Lyndy Logan – DLI
Todd Green – DLI
Jim Lungstrom - DLI
Scott McKown – DLI
Rich Lockrem – DLI
Dean Hunter – DLI
John Williamson – DLI
John Rajkowski – DLI
Remi Stone – BAM
John Babin – City of Savage
Gary Thaden – MMCA/NECA
Sophie Thaden – MMCA/NECA
David Siegel – BATC
Jim Gander – PHCC

1. Call to Order

The meeting was called to order at 10:01 a.m. by Chair McLellan. Housekeeping announcements were made.

2. Introductions

Members and guests introduced themselves and a quorum was declared with 12 of 18 members present.

3. Approval of Previous Minutes

A motion was made by Paradise, seconded by Brunner, to approve the December 15, 2016, meeting minutes with the deletion of Lyndy Lutz – DLI from the Staff & Visitor column and the following modification to 5 (d), item vii: “Article V Section 3b – Change the ~~fourth~~ ~~forth~~ sentence to read, Additional members and/or...”. The vote was unanimous with 12 votes in favor; the motion carried.

4. Division and Department Reports including legislative update

- A) e-Plan Review – McLellan said 10 to 20% of building and plumbing plans are being submitted electronically and this percentage is expected to rise as stakeholders become aware of, and familiar with, the service. Guth said the AIA Building Code Committee is meeting next month and would like staff from CCLD to join them to discuss.
- B) Plumbing Board Request for Interpretation (RFI) – McLellan said on March 6, 2017, the Plumbing Board convened for a special meeting to hear an RFI regarding double check backflow prevention assemblies (DC) and double check detector fire protection backflow prevention assemblies that are an integral part of a fire protection system. The adoption of the new Minnesota Plumbing Code inadvertently created a conflict with the Minnesota Fire Code. The Minnesota Plumbing Code requires backflow prevention assemblies to be installed by licensed plumbers. The Minnesota Fire Code adopts NFPA 13, which requires that backflow prevention assemblies be installed in fire sprinkler systems. Fire sprinkler systems are installed by licensed sprinkler contractors who are generally not licensed plumbers. The Plumbing Board issued an interpretation. The final interpretation can be viewed on the Plumbing Board’s webpage at:
<http://www.dli.state.mn.us/pbFinal.asp>
- C) McLellan said there are approximately 5,600 Residential Building Contractor licenses that are up for renewal by March 31, 2017 and, to date, thirty percent had renewed.
- D) Legislative Update – Looman said the budget deadline is March 17, 2017 for all monetary bills to be heard. DLI budget recommendations:
- \$5.2 million reduction in fees – this includes a reduction in most license fees as well as building permit and plan review fees.
 - Paradise asked if the state surcharge is affected and Looman said the surcharge is not changing and only applies to projects the state has jurisdiction over.
 - Fee reductions would become effective September 1, 2017 and sunset September 30, 2021. These reductions are due to significant division-wide efficiencies gained during the last 6 years. The department is trying to align revenues with expenditures.
 - Contractor Recovery Fund
 - Clarification that detached garages will be covered by the fund if they are intended for the storage of vehicles associated with the dwelling.
 - The accelerated process would be eliminated.
 - Increased benefit - increasing maximum amount paid out per contractor. Currently this is \$150,000 and the proposal is to increase the maximum payout amount to \$300,000.

- Public Assembly Buildings
 - Looman referenced the Thumper Pond collapse. Under this bill, the state would provide plan review and inspection services for certain public assembly buildings for municipalities that do not enforce the state building code.

Jennifer DeJournett joined the meeting at 10:32 a.m.

5. Adoption of 2017 National Electrical Code

Dean Hunter, Electrical unit supervisor, gave a PowerPoint presentation titled “An overview of the National Electrical Code (NEC) adoption process” – see **Attachment A**. July 1, 2017 is the anticipated adoption date of the 2017 NEC. Letters supporting the adoption were received from the Minnesota Electrical Association (MEA), the National Electrical Contractors Association (NECA), and the International Brotherhood of Electrical Workers (IBEW).

6. Bylaw changes

- a) Review changes – McLellan said the Bylaws reflect changes recommended by the Council at the December 2016 meeting – see **Attachment B**.
- b) Discussion
- c) A Motion was made by DeJournett, second by Guth, to accept and approve the Bylaws as presented with the 12/15/2016 changes. The roll call vote was unanimous with 13 votes in favor; the motion carried.

7. Next meeting

The next meeting is tentatively scheduled for June 15, 2017.

8. Adjourn

The meeting adjourned at 11:04 a.m.

Respectfully Submitted,

Lyndy Logan

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

Construction Codes Advisory Council

An overview of the National Electrical Code
(NEC) adoption process



This is where it all begins.....



- Minnesota Statute [Chapter 326B](#) establishes the State Building Code
- Minnesota Rules [Chapter 1300](#) contains the administrative rules that establishes the various chapters of the State Building Code, including Chapter 1315
- Minnesota Rules [Chapter 1315](#) contains the administrative rules that adopts the National Electrical Code, by reference
- The [Board of Electricity](#) is empowered in 326B to adopt the NEC (in effect, pass a motion and request DLI to facilitate the adoption of the NEC)

The SONAR

Develop Statement of Need and Reasonableness (SONAR)

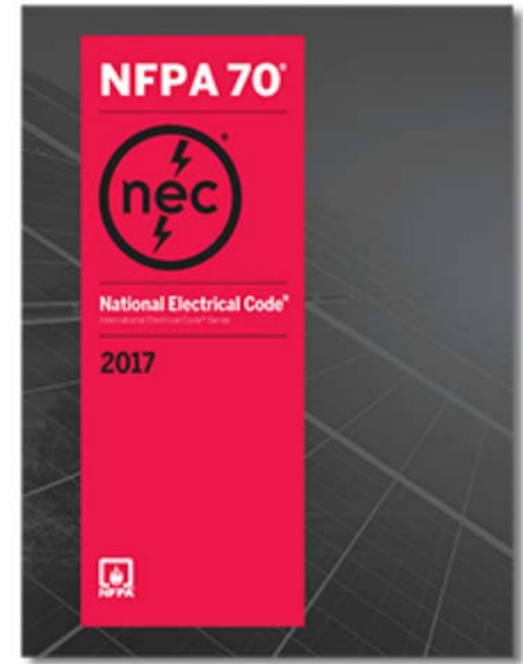
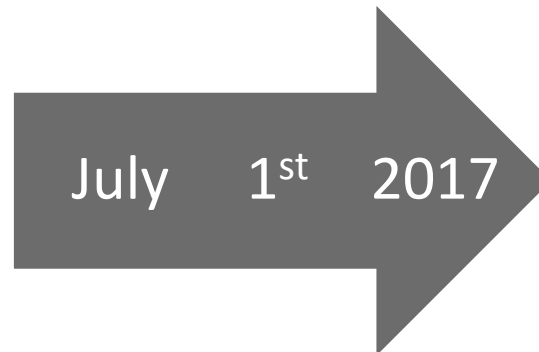
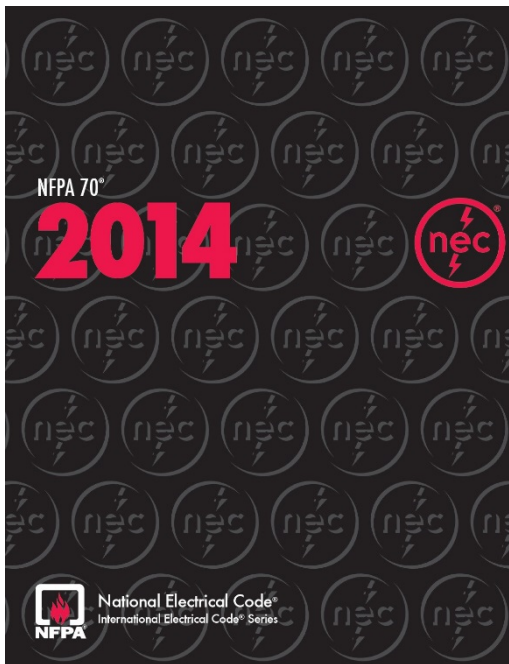
Attachment A



| | | |
|-----|--|---|
| 54. | Hearing – either held or cancelled (if held, add hearing steps: e.g., prepare hearing record, presentation, meet with staff, submit documents into record, post-hearing comment prep, post-hearing rebuttal prep, hearing record closed, ALJ report, etc.) | 3.7-9.17 (assuming no hearing) |
| 55. | Draft order adopting rule | 3.15.17 |
| 56. | Draft and finalize Governor's Final Rule Form | 3.16.17 |
| 57. | Send Governor's Final Rule Form – if no changes, ETA 7 days. | 3.17.17 |
| 58. | Receive Governor's approval of Final Rule Form | 3.27.17 |
| 59. | Assemble binder to go to OAH | 3.28-4.10 |
| 60. | Submit binder to OAH (with draft Order Adopting) (ALJ has 14 days to review) | 4.11.17 |
| 61. | ALJ approves rule (14 days = DATE DUE) | 4.26.17 |
| 62. | Update rulemaking docket | |
| 63. | Contingent – any recommended changes from ALJ? Disapproval? Decide how to proceed / get approvals, etc. | |
| 64. | Department reviews any modifications to the rule | |
| 65. | Send Governor's Final rule | 5.10.17 |
| 66. | Receive Gov's office approval before submitting to OAH for filing with SOS | 5.17.17 |
| 67. | Commissioner/Chair signs Order Adopting Rules | 5.23.17 |
| 68. | Submit signed Order Adopting to OAH | 5.25.17 |
| 69. | Send rule to OAH for filing with SOS | 5.25.17 |
| 70. | Mail notice of filing with SOS to all who requested such notice | |
| 71. | Update rulemaking docket – add date filed with SOS | |
| 72. | Receive copy of notice of adoption from Revisor | 6/16/2017 |
| 73. | Submit notice of adoption to SR (Tuesday before publication) (for 6/26) | 6/20/2017 |
| 74. | Notice of Adoption published in SR on 6/26/2017 ; rule effective 7/1/17 | 6/26/2017 |
| 75. | Update rulemaking docket | |
| 76. | Receive stripped copy of final, adopted rule | |



The Adoption

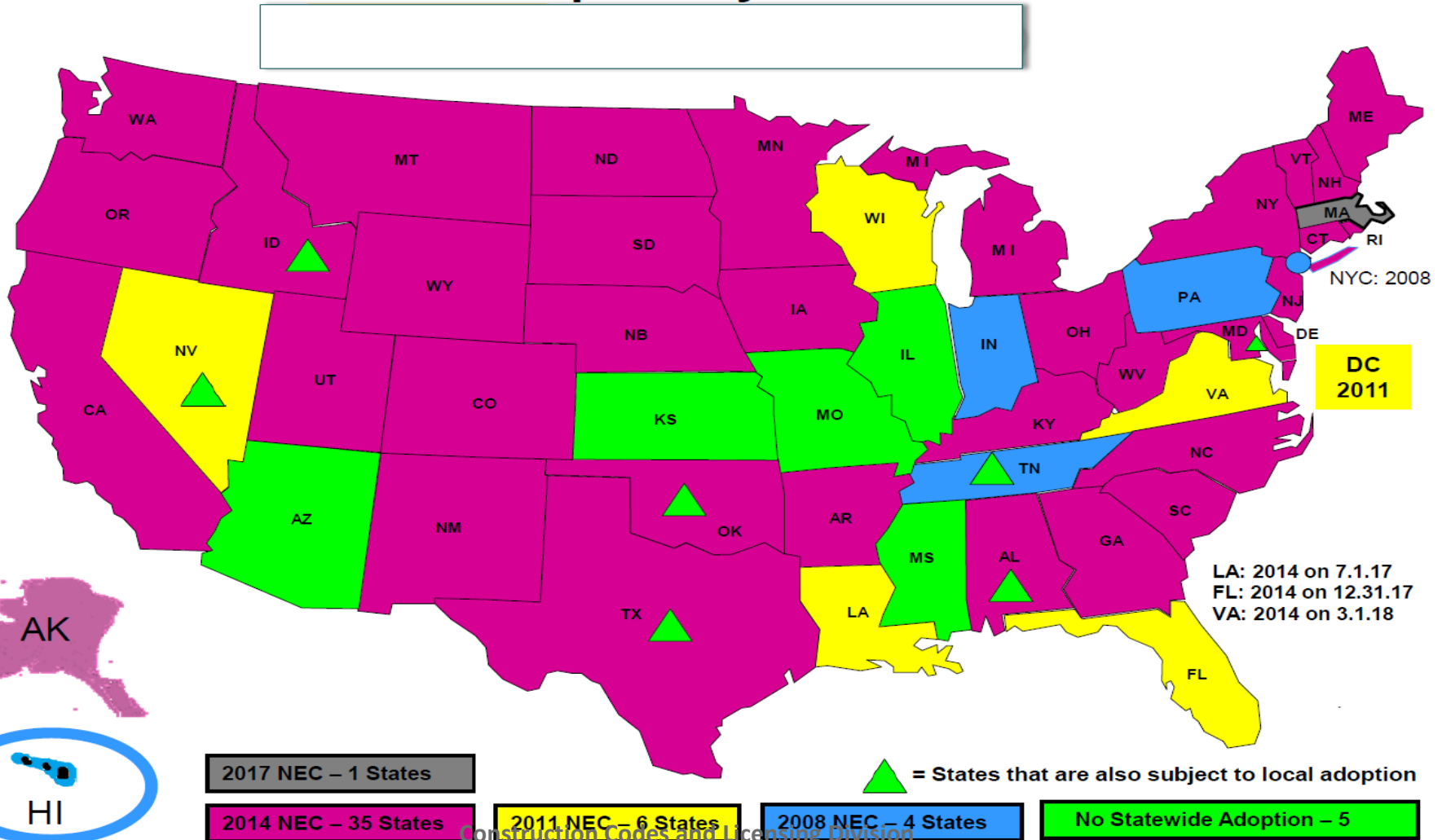


NEC Adoption by State



NEC Adoption by State

Revised – January 2017



Note: Earlier editions of the NEC may be enforced in states with no statewide adoption or that are subject to local adoption.

2017 NEC “Big Changes”



- Expansion of the GFCI requirements in 210.8
- Requirements for floor receptacles in meeting rooms NEC 210.71
- Residential Docks have been added to the requirements of Article 555



210.8(B)

GFCI Protection at Other Than Dwelling Units

- ▶ GFCI requirements for receptacles at commercial/industrial applications have been expanded to recognize ground faults other than 15 and 20 ampere, 125 volt applications only
- ▶ Expansion includes “Other Than Dwelling Unit” receptacles for:
 - All **single-phase** receptacles rated **150 volts to ground** or less, **50 amperes** or less
 - All **three-phase** receptacles rated **150 volts to ground** or less, **100 amperes** or less
- ▶ These GFCI requirements still include coverage of 125-volt, single-phase, 15- and 20-ampere receptacles



210.71 Receptacles for Meeting Rooms

Attachment A

- ▶ New provisions added for **receptacle outlets placement** and **wall spacing requirements** in **non-dwelling unit meeting rooms** such as found at hotels and convention centers
 - *Examples of rooms that are **not** meeting rooms include auditoriums, schoolrooms, and coffee shops*
- ▶ No previous *Code* requirement to provide receptacle outlets in meeting rooms of commercial or non-dwelling occupancies
- ▶ 125-volt, 15- or 20-ampere receptacle outlets installed in meeting rooms were due in part to building owners and designers recognize the need for access to electrical power for a multitude of different types of portable equipment



Attachment A



Article 555 Marinas, Boatyards, and Commercial and Noncommercial Docking Facilities

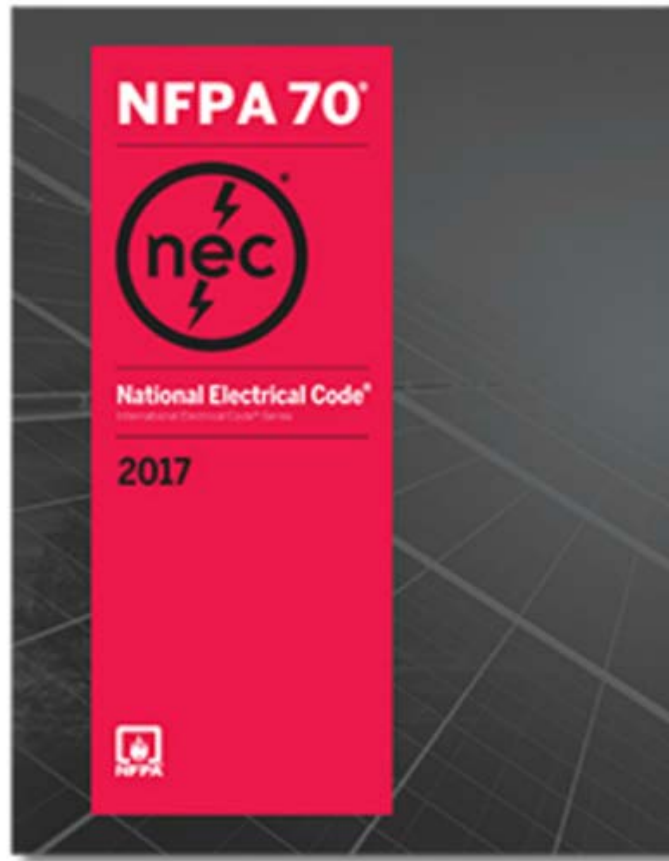
Attachment A



- ▶ Title of Article 555 was changed from “Marinas and Boatyards” to “**Marinas, Boatyards, and Commercial and Noncommercial Docking Facilities**”
- ▶ Revisions to 555.1 make Article 555 relevant to **dwelling unit docking facilities** as well as commercial docking facilities
- ▶ As previously written, the *NEC* rules in Article 555 would not apply to residential boat docking facilities, yet the majority of the rules in Article 555 would be necessary for implication at residential boat docks associated with single-family and multi-family dwelling occupancies
- ▶ Article 555 will now apply to all wiring, equipment, and electrical systems installed at boat docking facilities regardless of its location



A little history of the NEC





The Beginning of the NEC

“National Electrical Code”

Special Edition

Of The

Rules And Requirements

For The Installation Of

Apparatus and Wiring

For

Electric Light, Heat and Power.

Issued By

The National Conference
On Standard Electrical Rules

No. 12 West 31st Street

Headquarters American Society of Mechanical Engineers

New York

1897

The first National Electrical Code was drawn in 1897

At their 1894 meeting, the **National Board of Fire Underwriters** accepted full sponsorship and undertook the printing of the “Rules and Requirements of the National Board of Fire Underwriters”

March 24, 1911, the Underwriters’ National Electric Association relinquished control over the Electrical Committee to the National Fire Protection Association.

NFPA Process for the 2017 NEC

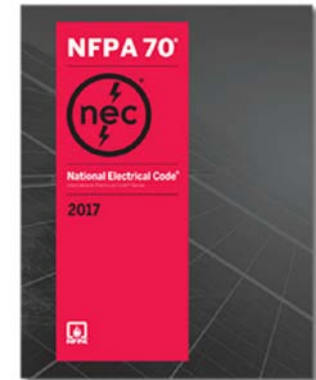
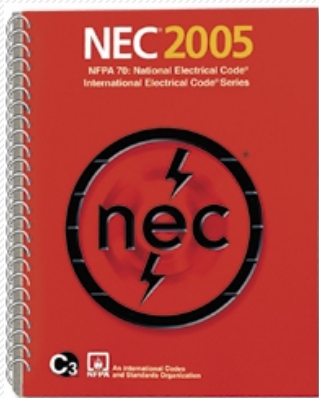


- Public Input
 - No membership or fee required
 - Deadline Oct 3, 2014 for paper / November 7 for e-PI
- PI Review
 - January 12 – 24, 2015
- First Draft Published July 17, 2015
- Public Comment
 - No membership or fee required
 - Deadline Aug 21, 2015 for paper / September 25, 2015 for e-PC
- Second Draft Published April 8, 2016
 - Annual Meeting and Appeals
- Standards Council Issuance August 11, 2016

Looking ahead to the 2020 NEC



- September 7th , 2017- Public Input Closing Date
- July 6th, 2018- First Draft Posting Date
- August 30th, 2018- Public Comment Closing Date
- May 5th, 2019- Second Draft Report Posting
- June, 2019- Annual Meeting
- September, 2019- Printed 2020 NEC Available



DLI- Electrical Division Licensing and Inspection Facts



- Over 6,000 Licensed Master Electricians
- Over 10,000 Licensed Journey Workers
- Over 2,600 Licensed Electrical Contractors
- Annually the department processes over 100,000 electrical permits
- Perform over 150,000 electrical inspections

Questions?



Construction Codes Advisory Council Bylaws

Article I -- Membership

Section 1. The membership of the Construction Codes Advisory Council ("CCAC") consists of 18 members, as prescribed by Minnesota Statutes ~~(M.S.)~~, section 326B.07, subdivision 1. Each council member shall appoint an alternate to serve in their absence.

Section 2. A member may be replaced as provided elsewhere in these Bylaws, and as authorized in Minnesota Statutes, section 15.059.

Article II -- Meetings

Section 1. The council shall meet a minimum of four times per year. The Council may increase its meeting frequency by an affirmative vote of a majority of the members of the Council.

Section 2. Special meetings may be called at any time by the Chair or a majority of the members of the Council. There must be reasonable notice of such meeting given to every member. Notice may be given either by email, mail or telephone. The notice shall state the purpose of such meeting.

Section 3. A majority of the voting members of the Council constitutes a quorum. The Council may take testimony and discuss agenda items without a quorum present, but no question may be decided in the absence of a quorum.

Section 4. Agenda.

a. ~~At~~ The agenda for all regular meetings of the Council, the following shall include the following be the order of business:

1. Call to Order
2. Roll call and declaration of quorum
3. Safety Announcements
4. Approval of Meeting Agenda
5. Approval of Minutes of the preceding meeting and actions thereon
5. ~~Reports of~~ Reports of officers and sub-committees
6. Reports of technical advisory groups ~~committees~~
7. Department Report
8. ~~9~~ New Business
7. ~~Unfinished business~~
10. Open Forum
11. Council Member Discussion

- 121. Announcements
- 132. Adjournment

- b. At all special meetings of the Council, the following shall be the order of business:
1. Roll call and declaration of quorum
 2. Reports ~~of officers and committees~~ concerning the purpose for which the meeting is called
 3. Discussion of the purpose for which the meeting is called

Section 5. Meeting agendas shall be prepared by the Chair or a member of the Council appointed by the Chair. If a member of the Council desires to have an issue placed on the agenda, that member of the Council shall give notice to the Chair no less than 10 days, prior to the meeting, either by email, mail or telephone. The notice shall state the topic to be placed on the agenda.

Section 6. Meeting Minutes.

- a. The chair of the Council and any subcommittee chair shall cause minutes to be kept. The minutes must include:
1. The time and location of the meeting;
 2. A list of Council members present;
 3. The names of all persons attending the meeting;
 4. The disposition of each item on the agenda;
 5. The substance of each motion, the person so moving, and the result on any vote on the motion; and
 6. A summary of other important discussion related to the work of the Council.
- b. Minutes of Council meetings shall be reviewed and approved at the next regular meeting of the Council. Minutes of subcommittee meetings shall be approved by the subcommittee chair.

Section 7. Public Meetings. All Council meetings, including subcommittee and Technical Advisory Group meetings, shall be open to the public and are to be held at the Department of Labor and Industry offices located at 443 Lafayette Road North, Saint Paul, Minnesota. As provided in Minnesota Statutes, section 326B.32, subdivision 7, meetings employing telephone or other electronic means may be conducted.

Section 8. Robert's Rules of Order may be used to help the Council conduct its meetings.

ARTICLE III -- Attendance

Section 1. A member of the Council that is absent from two consecutive regular meetings without satisfactory excuse shall receive written notice indicating that, in the event three consecutive meetings are unattended without satisfactory excuse, a recommendation may be

sent to the appointing authority to remove that member from the Council. This notice shall come from the Chair to the specific member.

Section 2. A member of the Council that is absent from five consecutive regular meetings, regardless of satisfactory excuses, shall be deemed to have resigned his/her membership on the Council. A recommendation will be made to the appointing authority for filling a vacancy.

ARTICLE IV -- Voting

Section 1. Each member of the Council shall receive one vote.

Section 2. Alternate members ~~do~~ have voting privileges.

Section 3. Proxy voting is prohibited. ~~Voting by e-mail or fax is permitted when deemed necessary. Mail voting is permitted. The vote should be mailed to the Chair prior to the scheduled meeting.~~

ARTICLE V -- Committees & Subcommittees and Technical Advisory CommitteesGroups

Section 1. There ~~may shall~~ be an Executive Committee consisting of the Chair, and four other members elected by the Council. The Chair of the Council shall be the Chair of the Executive Committee. The Executive Committee ~~may shall~~ advise and assist the Chair on determining agenda items, Council ~~work plan~~ work plans, and the general direction of the Council. The Executive Committee ~~may shall~~ also evaluate proposed changes to the Bylaws. The Executive Committee shall not act on any policy, position or opinion without authority of the Council.

Section 2. ~~Committees, Subcommittees or Technical Advisory Groups~~ may be formed to consider and report on subjects requiring special study. ~~The Executive Committee shall appoint these committees and their members unless a motion to the contrary is passed by an affirmative majority vote. In the event such a motion is passed, the m~~Members of the ~~Subcommittees or Technical Advisory Group~~ shall include representation from other interested entities and organizations, be nominated and elected by the Council. The ~~The~~ members should be diverse in background and have experience with the subjects being studied by the group. The number of ~~Subcommittees or Technical Advisory Group~~ seats ~~to be filled~~ members shall be determined by the ~~Executive Committee of the Council.~~ ~~The members of said group should be diverse in background and have experience with the subjects being studied by the group.~~ Members shall be nominated and appointed by the Council.

a. Section 3. The ~~Subcommittees or Technical Advisory Group~~ will be charged with an issue for study as determined by the Council. ~~The Subcommittee or Technical Advisory Group~~

responsibility will be to review the issue and make recommendations back to the Council in a time and manner determined by the Council.

Section 3. Technical Advisory groups

a. Technical Advisory Groups (TAGs) shall be established and members appointed as in items 1-10 of this section when requested by the Department to review existing Rule chapters for revision and new model codes for adoption into the State Building Code. TAGs shall consist of a minimum of six (6) members, two of which will be from the Department with one serving as the group leader. The remaining four members shall include the following representation.

1. Administration TAG: two municipal building officials; residential building industry; local unit of government
2. Residential building code TAG: municipal building official; residential building industry, one from a state association and one from a metro-area association; affordable housing advocate
3. Commercial building code TAG: municipal building official; municipal fire code official; licensed architect; commercial building industry
4. Existing Building Code TAG: municipal building official; licensed architect; local unit of government; municipal fire code official; commercial building owners and managers
5. Accessibility Code TAG: municipal building official; licensed architect; State Council on Disability; commercial building owners and managers
6. Mechanical & fuel gas code TAG: municipal building official; municipal mechanical inspector; mechanical contractor; licensed engineer
7. Energy code TAG: municipal building official; residential building industry; commercial building industry; energy conservation association.
8. Elevator code TAG: municipal building official; municipal elevator inspector; municipal fire code official; commercial building owners and managers
9. Structural TAG: municipal building official; municipal structural plans examiner; residential building industry; licensed engineer
10. Fire code compatibility TAG: municipal building official; municipal fire code official; State Fire Marshal; licensed architect.

b. The Department will solicit candidates for Technical Advisory Groups from among the associations representing each of the member categories including those on the Council. The chair will submit to the Council a list of TAGs and names for membership consideration. TAG candidates shall be nominated and appointed by the Council. Additional members and/or TAGs may be established and members appointed if requested by the Department or Council.

c. Technical Advisory Groups shall recommend changes to the Minnesota State Building Code in accordance with the following:

1. TAGs shall review existing rule chapters for revision and new model codes for adoption. This includes reviewing changes in the model codes and comparing

them with the purpose in M.S. 326B.101, verifying compatibility with other regulations, and considering Minnesota's climatic conditions. The group leader will provide a list of the changes in the model code to each TAG member to review and will compile a record of their completed evaluations. The compiled evaluations will be included in a TAG report that will be sent to the Council chair for distribution to the Council.

2. TAGs may recommend and draft amendments to the model codes where it is determined to be needed and reasonable by all TAG members. Any proposed amendments will be included in the TAG report to the Council chair.

d. The energy code TAG shall conduct or provide for the research and analysis on new model energy codes in accordance with Minnesota Statutes, section 326B.118.

Article VI – Role of the Council:

Section 1. In accordance with Minnesota Statutes, section 326B.106, subdivision 1 (a), the Council shall advise the Commissioner on recommended changes to the Minnesota Building Code.

Section 2. In accordance with Minnesota Statutes, section 326B.07, subdivision 2, the Council shall review laws, codes, rules, standards, and licensing requirements relating to building construction; recommend, review, comment and advise on changes in laws or rules governing building construction; and report its findings and recommendations to the Commissioner.

Section 3. In accordance with Minnesota Statutes, section 326B.118, the Council shall review new model residential energy codes; evaluate required research and analysis; and make recommendation to the Commissioner.

Section 4. When reviewing existing Rule chapters for revision or new model codes for adoption, the Council, at regular or special meetings, shall:

- a. appoint Technical Advisory Groups and their members;
- b. review TAG reports and meet with TAG members regarding their recommendations;
- c. forward TAG reports and any Council recommendations to affected stakeholders for stakeholder review and feedback;
- d. hold informational meetings with interested stakeholders on code issues;
- e. review and comment on department rule drafts; and
- f. submit final recommendations to the commissioner prior to rules being published for public comment in the State Register.

Article VII -- Responsibilities ~~and expectations~~ of Council members:

Section 1. Members of the Council are expected to:

- a. prepare for active discussion in meetings and to serve on committees;
- ~~e.b.~~ act as liaison between constituent group and CCAC and inform constituent groups of CCAC activities;
- ~~e.c.~~ abstain from voting when conflict of interest might exist; and
- ~~e.d.~~ _____ refrain from writing letters or other communication in the name of CCAC, except as authorized elsewhere in these Bylaws.

Article VIII -- Expenses

Section 1. ~~Council~~ Members' expenses shall be reimbursed in accordance with Minnesota Statutes, section 15.059, subdivision 3.

Article ~~VIII~~ -- Amendments to Bylaws

Section 1. Any member of the Council may propose an amendment to these Bylaws provided such a proposal is submitted to the Chair forty-five days prior to a regular meeting.

Section 2. All proposed amendments shall be reviewed by the Chair ~~Executive Committee~~ and submitted to the entire Council membership at least thirty days prior to being placed on the agenda for action.

Section 3. Proposed amendments must be passed by ~~a~~ two-thirds (2/3) affirmative vote of the Council at a regular meeting at which a quorum is present.

Article ~~IX~~ -- Scope

~~Section 1.~~ These Bylaws apply to the Council and all its committees, subcommittees, TAGs and Technical Advisory Groups and other groups appointed by the Council.

ADOPTED: June 18, 2009

PROPOSED CHANGES SUBMITTED TO CCAC: November 7, 2016

PROPOSED CHANGES & MODIFICATIONS REVIEWED AT MEETING: December 15, 2016