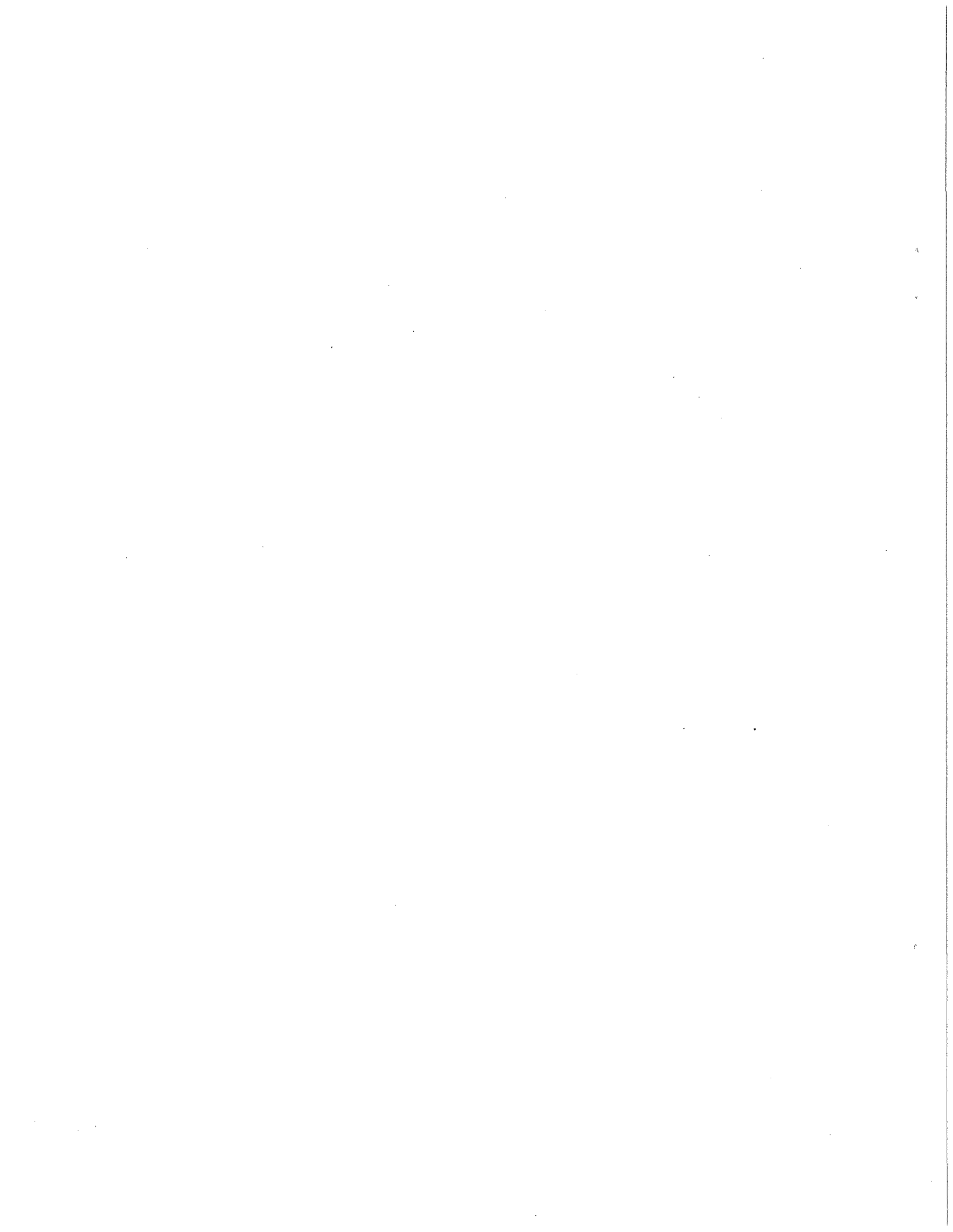


**CONSTRUCTION
CODES
ADVISORY COUNCIL
2001
Year-end Report**

— Minn. Stat. 16B.76 Subd. 2 —

— 1998 Minn. Laws Chap. 366
Art. 28 —

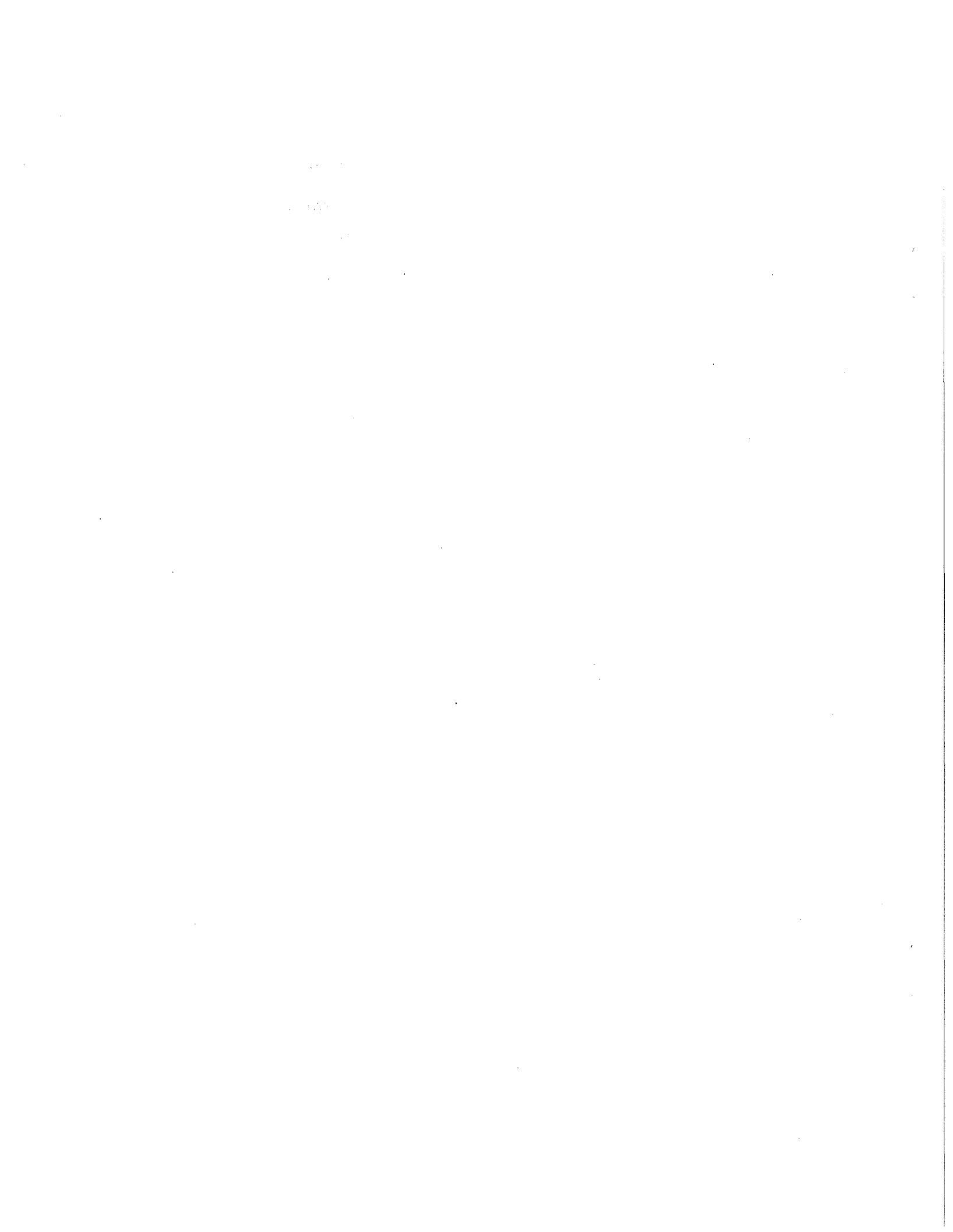


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BACKGROUND

The Construction Codes Advisory Council was created by statute to review and advise state agencies on issues relating to building construction in Minnesota. M.S. 16B.76 assigns the council to review laws, rules, standards, and licensing requirements relating to building construction. It also suggests that the council may

- recommend ways to eliminate inconsistencies, to streamline construction regulation and construction processes, and to improve procedures within and among jurisdictions;
- review and comment on current and proposed laws and rules to promote coordination and consistency;
- advise agencies on possible changes in rules to make them easier to understand and apply; and
- promote the coordination, within each jurisdiction, of the administration and enforcement of construction codes.

The council is composed of

- representatives from the four state agencies that administer construction codes – Administration’s Building Codes and Standards Division, Health’s Environmental Health Division, Public Safety’s Fire Marshal Division, and Commerce’s (formerly Public Service) Energy Regulation and Resource Management Division;
- a licensed architect;
- a heating and ventilating contractor;
- a commercial building contractor;
- a plumbing contractor;
- a certified building official;
- a fire service representative;
- a licensed residential building contractor;
- a local government official;
- a member of the construction and building trades unions;
- a building owners and managers representative; and
- a licensed engineer.

The council is required to report on its activities at the end of each calendar year.

TECHNICAL ADVISORY GROUP (TAG) ACTIONS

Since 1998, the CCAC has used a collection of subcommittees called Technical Advisory Groups (TAGs) for discussion, research and advisement on a number of assigned topics. The TAGs consist of individuals or organizations with interest in or insight into specific issues. The TAGs and their members have been a valuable asset and resource for the CCAC. In 2001, the work of the TAGs again provided valuable information to the Council.

New TAG – In 2001, the CCAC formed a technical advisory group (TAG) to research, discuss, inform, and recommend to the Council on issues related to certification, licensure registration, or other endorsement options for people in the areas relating to life safety and construction. The Certification and Licensure TAG will focus primarily on inspectors, contractors, and installers in the construction area. Also included in the scope of the study is the feasibility of creating a comprehensive consolidated resource for all appropriate areas of licensing, certification, or registration. The Certification and Licensure TAG will present its findings, conclusions and recommendations to the Council in early 2002.

Coordination and Procedures TAG – The Codes Coordination and Procedures TAG was formed to examine the coordination of code adoption, code enforcement, and the interrelationship of the various codes regulating construction activity within the State of Minnesota. A number of recommendations from this TAG have been or are currently being enacted. Two key issues on the certification of inspectors and the licensure of contractors set the stage for the new TAG created in 2001 and outlined above. The TAG's recommendation to create a review board or oversight committee to hear complaints and discipline code officials was adopted in S.F 9, 2001 Special Session outlined earlier.

Further, the TAG's recommendation to create code advisory committees for each code to facilitate uniform code adoption at the state level is underway with the current Agency Advisory Committees that are expected to create a set of uniform construction codes for the State of Minnesota for implementation by July 2002.

Healthier Homes Implementation TAG – The Healthier Homes Implementation TAG was formed in the spring of 1999 as a follow-up advisory group in response to the 1998 Healthier Homes TAG report. While the CCAC did not directly act upon the recommendations provided by the TAG, there are several components that are receiving attention. They include:

- Licensure or certification of mechanical contractors – the new Certification and Licensure TAG is researching and respond to this issue.
- Continuing education opportunities for building professionals, home buyers and occupants – The State Energy Office in the Minnesota Department of Commerce, in conjunction with the Minnesota Builders association and the Building Codes and Standards Division of the Minnesota Department of Administration, collaborated on a successful grant proposal to receive funding from the U. S. Department of Energy to begin an education program for home buyers through e-mail reminders (e.g., time to change furnace filters). The initial portion of the program is to begin late in 2001.

Also, in 2001, the State Energy Office's "Train the Trainer" program continued its energy education courses for builders, and the Building Codes and Standards Division supplied a building official seminar on the energy code, which addresses the issues that will provide healthier homes.

- Research – The TAG provided six different questions for additional research of various components of healthier houses. A study required by the legislature on the energy code may answer, in part, some of these questions. The study, produced by the Building Codes and Standards Division, is due Jan. 15, 2002.

Statewide Code Adoption TAG – The Statewide Code adoption TAG was asked to explore the need for statewide building code adoption. The primary recommendation of adopting a building standard statewide is still a major focus for the CCAC.

Fee TAG – The Fee TAG was asked to examine the use of building construction fees by the local units of government. The CCAC adopted three recommendations made by the TAG. Those recommendations focused on fees based on the cost (direct and indirect) of providing the service and a uniform structure for tracking the appropriate use of these fee revenues by the local unit of government. H.F. 1310, as mentioned above, contained provisions relating to the Fee TAG recommendations.

STATE BOARD of ELECTRICITY

In March of 2001, the CCAC invited the State Board of Electricity to attend and fully participate in the Council meetings. The Board of Electricity is responsible for enforcement of the Minnesota Electrical Act. The Board is responsible for administration and enforcement of the laws and rules regulating the licensing of electricians and for inspection of electrical installations statewide except for cities that have by ordinance established their own program for performing electrical inspections. The knowledge and insight from the Board and its staff will be greatly appreciated.

CODE ADOPTION—CONSISTENCY and RELATIONSHIP BETWEEN CODES

Background – Last year, the Construction Codes Advisory Council initiated an effort to work toward the coordination and compatibility between the various codes. Four state agencies (Administration, Health, Public Safety, and the State Board of Electricity) administer nine major codes (Electrical, Accessibility, Manufactured Housing, Elevators, Fire, Plumbing, Building, Mechanical, and Energy) in Minnesota. Historically, issues have risen on incompatibility between codes and difficulty in administering the codes because of these inconsistencies. In August 2000, the Council adopted the following statement:

The Construction Codes Advisory Council acknowledges:

1. *The Council supports use of a set of coordinated, compatible model codes for the State of Minnesota.*
2. *The International Codes should be the standard of comparison for all other codes. The Council*

encourages all agency advisory committees to review and consider the International Code. If an agency advisory committee chooses to recommend an alternative code, then the committee needs to justify why the other code(s) should be adopted instead of the International Code. Further, if an alternative code is recommended, the advisory committee needs to identify how the alternative code will be coordinated with all codes in Minnesota.

3. *The Construction Codes Advisory Council, based on its makeup, acts as the clearinghouse for the coordination, cooperation, and resolution of conflict between codes and code personnel.*

The Council believes that the International Codes should be the standard to provide some level of coordination and compatibility between the various codes. The Council encouraged each agency, through an agency advisory committee, to review the International Code. If an agency advisory committee chooses to recommend an alternative code, then the committee needs to justify why the other code(s) should be adopted instead of the International Code. Further, if an alternative code is recommended, the advisory committee needs to identify how the alternative code will be coordinated with all other codes in Minnesota.

Agency Advisory Committees – During the latter part of 2000 and early in 2001, thirteen agency advisory committees were created. Each of the committees has met during the past year (2001), reviewed the various codes in relation to the International Code, and is in the final stages of drafting amendments, changes and/or the justification for those various decisions. All the advisory committees are working toward a July 2002 implementation of their code. The agency advisory committees include:

Committee name	Scope
1300 Administrative	Advisory Committee working on an administrative chapter that will apply to most, if not all, of the codes adopted
1301 Administration	Advisory Committee working on the Building Official Certification chapter
1305 International Building Code	Advisory Committee working on the review and amendments to the International Building Code (IBC)
1306 Special Fire	Advisory Committee working on adopting rules for optional fire suppression systems.
1307 Elevator	Advisory Committee working on adoption for the most recent version of the Elevator Code and Codes on related devices
1309 International Residential Code	Advisory Committee working on the review and amendments to the International Residential Code (IRC)
1311 Conservation	Advisory Committee working on the review and amendments to the Guidelines for Existing Buildings
1315 Electrical	Will probably not require an advisory committee. The code is reviewed by BCSD and Board of Electricity staff. This code is generally not contentious. In the past, this code has been adopted without any amendments.
1335 Flood	Advisory Committee reviewing the flood-proofing regulations published by the US Army Corps of Engineers

1346 Mechanical	Advisory Committee working on the review and amendments to the most recent model mechanical code
Structural	Advisory Committee working on the review and amendments for structural issues within the IBC and IRC
Plumbing	Advisory Committee working on the review and amendments current plumbing code
Fire	Advisory Committee working on the review and amendments to the current Minnesota Fire Code

CODE OPERATION and ADMINISTRATION STRUCTURE

Background – As mentioned earlier, four state agencies (Administration, Health, Public Safety, and the State Board of Electricity) administer nine major codes (Electrical, Accessibility, Manufactured Housing, Elevators, Fire, Plumbing, Building, Mechanical, and Energy) in Minnesota. The administration of the codes lies primarily in the departments of Public Safety (fire code) and Administration (building code). The building code, however, is a compilation of several code provisions, some of which have administrative responsibilities in other agencies. The primary building code provisions handled by other agencies are the plumbing code in the Department of Health and the electrical code in the State Board of Electricity. To complicate matters, the codes have been developed by both state agencies and national organizations over time; some of them date back to the 1930s, while the most recent were enacted in the 1990s. Administration of these codes is a complex task involving compilation of closely related, sometimes overlapping, provisions that may apply to various types of buildings, depending on location.

The council has discussed code use and interpretation, code administration and structure, and overall responsibility and accountability for code operations over the past few years. It has reviewed various options for the structure of code operation and has looked at other states for ideas. In the Construction Codes Advisory Council's 1999 Response to the Legislative Auditor's January 1999 Program Evaluation Report on the State Building Code, the Council recommended:

“That a mechanism responsible for coordinating the operation of all construction codes in Minnesota be created. That the council be charged, over the next year, with crafting this mechanism and presenting it to the appropriate administrators and/or lawmakers early in 2001.”

The outcomes identified for this mechanism would be the simplification of the operation of code provisions for the user, or customer. In addition, this mechanism could better focus administration of the various codes and the staff responsible for implementing these codes.

In 2000, the Construction Codes Advisory Council discussed the criteria for establishing this mechanism. One of the key criteria was the creation of a central leadership role to establish a coordinated code operation and to facilitate the transition into a new consolidated code administration.

CCAC Work plan for Creation of Mechanism – During 2001, the Construction Codes Advisory Council researched, discussed, and deliberated on various options for a central leadership role in administering the codes. The Council met up to three times during the year with leaders of the key agencies currently involved in code administration. As the council continued to discuss the issue, it was determined that they should develop a plan to work through the key concepts and concerns the coordination and potential consolidation of the operation of all construction codes in Minnesota would entail. The following one-year workplan was adopted in September 2001.

“What is the appropriate structure for the administration and operation of cost-effective, safe construction codes within Minnesota?” – September 2001 to August 2002

	Activity	Timeframe
1.	Approval of workplan	September 2001
2.	Clarification of “Question” to address in creating the coordination of operation	November 2001
3.	Inform agency leaders about workplan	November 2001
4.	Situation assessment Review by agencies (Public Safety, Administration, Health, Board of Electricity) of current operations on code administration	December 2001
5.	Discussion of “customer” and components of customer service for CCAC and key agencies	January 2001
6.	Develop questionnaire to survey customers, etc.	January through May 2002
7.	Vision discussion based on key question: <i>What is the appropriate structure for the administration and operation of cost-effective, safe construction codes within Minnesota?</i>	February 2002
8.	Development of Web site and/or other options to provide information to customers	January through May 2002
9.	Discuss vision with key agency leaders	February 2002
10.	Issues and strategies to address vision: developed by various agencies involved	March and April 2002
11.	Pros/Cons Matrix: review and discuss various options for organization structure, craft matrix of pros and cons for each options	April 2002
12.	Review of strategies and matrix including initial deliberation of suggested strategies and/or creation of new strategies/options	April and May 2002
13.	Discuss strategy options with agency leaders	April through August 2002
14.	Identify key strategy options	May 2002
15.	Final approval of strategies	June through August 2002

UPCOMING ISSUES

The Construction Codes Advisory Council has successfully addressed a number of important issues over its three-year existence. The passage of key legislation this year, the work of the Advisory Committees toward building a system of coordinated construction codes, and the creation and use of the various TAGs have all been important steps in accomplishing the work of the Council and the intent of the original legislation. There is still more work to be done. In the upcoming year, the Council will work toward addressing the issues of statewide code adoption; the relationship, coordination, and operation of the various codes in Minnesota; certification and licensure of people in the areas relating to life safety and construction; and indoor air quality.

The council is interested in working with the Legislature and being a resource on reviewing and addressing issues related to construction in Minnesota.