

1999 HOUSE POLITICAL SUBDIVISIONS

HB 1172

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1172

House Political Subdivisions Committee

Conference Committee

Hearing Date 01-22-99

Tape Number	Side A	Side B	Meter #
1	x		35.9-59.0
		x	0.0-48.0
Committee Clerk Signature <i>Pam Dever</i>			

Minutes: BILL SUMMARY: A bill for an Act to amend and reenact sections of the N.D.

Century Code, relating to the state building code.

Chairman Froseth opened the hearing and those present: Chairman Froseth, Vice Chair Maragos, Rep. Delmore, Rep. Disrud, Rep. Eckre, Rep. Ekstrom, Rep. Glassheim, Rep. Gunter, Rep. N. Johnson, Rep. Koppelman, Rep. Niemeier, Rep. Rose, Rep. Severson, Rep. B. Thoreson, and Rep. Wikenheiser.

Edward Erickson, N.D. Attorney General Off., : 35.9 testified in support of HB1172 with the proposed amendments from OIA.(Office of Intergovernmental Assistance) (See attached testimony)

Rep. Delmore : 41.4 Is there any additional cost; this looks like a mandate.

Ed : It's a matter of linguistics; changing the "shall" to "must" does not involve cost.

Rep. Koppelman : Shared his concern because we may be mandating something that doesn't exist yet.

Ed : The bill, as amended, removes that issue.

Rep. Ekstrom : Asked if the electrical trades people were asked about the National Electrical Code concerning Sect. III.

Ed : 44.3 I had a chance to visit earlier with them and they said it was O.K. The intent of this bill to eliminate conflicting terms.

Dina Butcher, Director for Office of Intergovernmental Assistance, : 45.6 testified in support of the amended bill.

Richard Gray, with OIA, testified in support of the bill with the amendments. (See attached testimony)

Rep. B. Thoreson :(side B,tape 1).0 You say, Mr. Gray, when the international codes are being established they may be in our standards, but are new to us; would this include the metric system, are we going to be asked to change?

Mr. Gray : That's an interesting question. At present time, there are no claims that the metric system will be put into the final version, That could change, but I don't think so.

Rep. Koppelman :0.4 If we by reference adopt a code, any changes in that code then automatically become changes in N.D. law. If that is true, should this international global entity like metric better or more of the world standards metric than American standards, so we are going to change it that day, because N.D. law says we must.

Mr. Gray : 0.9 The International Code Council are 3 American groups right now. Mr. Gray goes on to explain.(1.0-3.5)

Rep. Koppelman : If you are going to establish an international code with regional distinctions, what's the point? I understand standardization and the benefits of that; but regionalization in my

view seems to do that, and why say we should adopt the international code and it will include all of these distinctions. Is this international code going to be more stringent than the current code?

Mr. Gray : 4.2 gave history of international code. In 1992, the European communities approached the Dept. of Commerce asking the U.S. to get something going and get the federal government involved in the code business. We had so many codes and standards and less uniformity, it costs more money to do business. The 3 code groups began this effort in 1992, to respond to this issue. The 3 code groups have since ceased publication. The 1997 Code will no longer be published. When we get to the year 2000, it's going to take some time to get adopted; change is painful for a lot of people and it will take people some time to work them in through their code adoption processes. The new codes are more performance verses what we have now is they tell you how to do it. There is a lot more flexibility in the new codes. We wholeheartedly support the bill with amendments. 9.3

Rep. Ekstrom : 10.3 These codes establish minimum standards of quality for materials, products, and practices. Is that correct?

Mr. Gray : Exactly.

Doreen Mehlhoff, Executive for N.D. Assoc. of Builders : We have 1400 members and we support the bill as amended. In it's original form, we did have some problems, but with working with OIA we can support as amended. 12.8

Rep. Koppelman : 13.5 Is there any danger of things happening to the administrative rules process rather than waiting for 2001 for the legislature to look at whole package?

Doreen : 14.5 The rule making process is not changing with this bill. We will still have to come before you in the next legislative session to look at UCC and building codes.

Don Barsness, American Institute of Architects, : 15.5 It will be a benefit to all to have one central model code. We support the bill.

David Kemnitz : I am an electrician and here on my own behalf and am against this bill. As a practitioner, we have so many books to follow when working a job. My first job is to protect property and life. I have two books to follow when on the job, now I will need a third book in my truck. The language proposed will do more harm and cause more confusion out in the field than what we now have. Please reconsider the words “superseding” in your language. 23.0

Rep. Delmore : How would it be superseded and who would decide and adopt the other rule.

David : That is a question on my mind. We don’t know. We don’t know who will be implementing or changing the rules and regulations that we have.

Mr. Gray : tried to answer the question of Rep. Delmore. If the bill and amendments are passed, then if the legislature changes the state building codes, and the state building codes incorporate something different; we do not have a conflict between codes. There would not be a question as to which standards. We would follow the new standards the legislature puts in place next session.

Rep. Delmore : That may be how you are interpreting that, but when we go back to rules not written yet; what do we do if someone wants to use a rule that will effect safety issues.

Mr. Gray : It won’t happen because no one has the authority to change from something other than uniform building code, which currently incorporates by reference itself to these codes.25.6 We don’t want one statute saying follow one code and another statute saying you must follow a different code on the same topic.

Don Offerdahl, N.D. State Electrical Board : 32.1 testified in opposition to HB1172. The language is not clear. The system we have now works. If there is a problem they call us.

Mr. Wolf, Attorney General Office: 35.6 I am here on behalf of the State Board of Electrical Board. The following things are exempt. We have a real problem with these exemptions from the building codes. For safety reasons we are against the bill. The electrical industry wasn't consulted about all the changes. I don't understand the efficiency or safety by these sections of exemptions. The volumes of information's the electricians have to know and continue each year is unreal. We need to save the disciplines the electricians have to follow now.

Rep. Eckre : 41.0 Mr. Wolf, do you think you can get the intern with the writing down, so we can have them by next week for our discussion?

Mr. Wolf : Yes, I believe so.

Rep. Glassheim : Mr. Chair, what would happen if we kill the bill. What will happen in 2001? It's so contingent on something in the future. Can the proponents tell me why we need the bill?

Dina Butcher : There was no intent to be devious or include electrical where they did not want. Killing the bill would not really do what you want. Edward or Richard will have to answer the questions.

Rep. Koppelman : 45.8 Can Mr. Gray product an engrossed bill to bring clarity to the committee.

Rep. Ekstrom will help OIA and electricians to work out concerns and come back to committee next week Thursday, Jan.28, 1999. Hearing closed. 48.0

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1172-a

House Political Subdivisions Committee

Conference Committee

Hearing Date 1-28-99

Tape Number	Side A	Side B	Meter #
3	x		.6-10.8
Committee Clerk Signature <i>Pam Dever</i>			

Minutes: Brought forward for consideration by Chairman Froseth.

Rep. Delmore : The bill does absolutely nothing. The parts that needed to be changed are in another house bill in judiciary.

Rep. Severson : I have a problem when we deal with laws yet to be.

ACTION: Rep. Severson made a motion to DO NOT PASS and Rep. Koppelman seconded the motion.

ROLL CALL VOTE: 12 YES and 2 NO and 1 ABSENT. Rep. B. Thoreson will carry the bill.

Please type or use black pen to complete

Date 1-28-97

Roll call vote # 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1172

House POLITICAL SUBDIVISIONS Committee

Subcommittee on _____

Conference Committee

} Identify or check where appropriate

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Rep Severson Seconded By Rep Koppelman

Representatives	Yes	No	Representatives	Yes	No
Chairman Froseth	/		Rep. Wikenheiser	/	
Vice Chair Maragos		/			
Rep. Delmore	/				
Rep. Disrud	/				
Rep. Eckre	/				
Rep. Ekstrom		/			
Rep. Glassheim	/				
Rep. Gunter	/				
Rep. Johnson, N					
Rep. Koppelman	/				
Rep. Niemeier	/				
Rep. Rose	/				
Rep. Severson	/				
Rep. Thoreson, B	/				

Total 12 2
(Yes) (No)

Absent 1

Floor Assignment Rep Thoreson, B.

If the vote is on an amendment, briefly indicate intent:

DO NOT USE HIGHLIGHTER ON ANY FORMS

REPORT OF STANDING COMMITTEE (410)
February 16, 1999 4:01 p.m.

Module No: HR-31-3194
Carrier: B. Thoreson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1172: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends DO NOT PASS (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1172 was placed on the Eleventh order on the calendar.

1999 TESTIMONY

HB 1172

Testimony Concerning House Bill No. 1172
Building Code Bill and Amendments
January 22, 1999
House Political Subdivisions Committee

Good morning. I am Edward Erickson from the Attorney General's Office and I am here at the request of the Office of Intergovernmental Assistance to explain the technical aspects of House Bill No. 1172 and the proposed amendments offered by O.I.A. Dina Butcher, the Director of O.I.A., and Rich Gray, the A.D.A./Building Codes Program Manager, will also be speaking to you about this bill and about policy and future planning.

The State Building Code is presently the Uniform Building Code. The intent of the bill as introduced was to permit the State Building Code to be updated when the Uniform Building Code is changed to the International Building Code in the year 2000, and to change statutory references so that any future legislative changes to the State Building Code may be made by amending only one statute. The amendments offered by the Office of Intergovernmental Assistance are intended to retain the Uniform Building Code as the State Building Code, to still permit future Legislatures to amend the State Building Code by amending only one statute, and to remove an obsolete provision regarding a section of the Uniform Mechanical Code.

Section 1 of the bill first removes an outdated reference to the Building Officials and Code Administrators building code from N.D.C.C. § 18-08-12. While amending this statute, linguistic changes were recommended by Legislative Council staff by changing some uses of the word "shall" to "must." Further, to prevent having to amend the same statute in a subsequent session, the bill inserts a reference to the state building code as possibly superseding the Uniform Building Code. This change means that subsequent legislation in a later session may update the state building code to differ from the Uniform Building Code without having to amend this statute again.

Sections 2 and 3 of the bill include some changes suggested by Legislative Council staff and also incorporate changes which will prevent these statutes from having to be amended if the state building code is changed in a subsequent legislative session.

Section 4 is removed from the bill by the O.I.A. proposed amendments. After the bill was submitted, we discovered that the American Society of Mechanical Engineers Code referred to in N.D.C.C. § 19-20.2-06.1 covers a completely separate field of mechanical engineering from the Uniform Mechanical Code which is incorporated in the present State Building Code, and so these proposed changes are not necessary.

Section 5 of the bill is changed quite a bit by the O.I.A. proposed amendments. The bill would have granted authority to retain the Uniform Building Code or to include the new International Building Code, which will be finalized in the year 2000. Language permitting this change has been removed and the original language requiring the Uniform Building Code is restored by the O.I.A. proposed amendments. The O.I.A. proposed amendments also change the original law by removing an exception to Section 504(f) of the Uniform Mechanical Code which is no longer required. An additional change is kept from the bill which makes a sentence read more clearly.

I would be glad to answer any questions, but if there are none, then I would like to introduce the Director of the Office of Intergovernmental Assistance, Ms. Dina Butcher.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1172
Office of Intergovernmental Assistance

Page 1, line 1, remove "19-20.2-06.1,"

Page 2, remove lines 27 through 31

Page 3, remove lines 1 through 7

Page 3, line 11, remove the overstrike over "~~consists of the
Uniform Building Code with any existing~~"

Page 3, remove the overstrike over line 12

Page 3, line 13, remove the overstrike over "~~referenced by the
Uniform Building Code~~", remove "must be adopted from the
uniform codes"

Page 3, remove lines 14 and 15

Page 3, line 16, remove "residences, or mechanical systems, and
any related codes", overstrike "~~, except that~~"

Page 3, line 18, remove "under the mechanical code adopted:"

Page 3, overstrike lines 19 through 24

Page 3, line 25, overstrike "proven to be gastight"

Page 3, line 26, remove "adopt a code or codes"

Page 3, line 27, remove "as the state building code by
administrative rulemaking, and shall"

Re-number accordingly

1-22-99

Pam's

Good morning, my name is Richard Gray. I work in the Office of Intergovernmental Assistance as the ADA/Building Code Program Manager. I am here today to support an amended version of HB 1172, specifically, Section 5, that pertains to the State Building Code.

We initially proposed, in Section 5 of HB 1172, to add language that would permit us in the year 2000, our next scheduled year to update the state building, to consider, in addition to the Uniform Building Code and Uniform Mechanical Code, the new family of "International" Codes. The reason for this is that the current 1997 versions of the Uniform Codes are the last publications of the Uniform Codes. Since our next code update cycle begins before the 2001 legislative session, without including the "I" Codes in state law now, we would not be able to include them for consideration in the year 2000.

In proposing this language, we were aware that while some of the International Codes have been published, the International Building Code and the International Residential Code will not be formally published until the spring of the year 2000. They are only in "final" draft form as of today. While the International Mechanical Code is in published form and could be included in law, we have decided, in consultation with the Association of Builders, to wait until the IBC and IRC are published before including the International Codes in state law for consideration when updating the State Building Code. This will require us to revise our administrative rules.

So we are offering the amendment to Section 5 as presented by Edward Erickson, that removes reference to the International Codes. However, we are now asking you to consider removing from the State Building Code, the amendment to the uniform mechanical code that pertains to Section 504 (f) LPG Appliances. Since this bill was published we have received several calls from building officials to have this amendment removed since it is now adequately addressed in the 1997 Mechanical Code, and the State Fire Marshall concurs.

Before concluding my testimony, I would like to provide you with some information about the development of the International Codes for future reference. First, I would like to provide you with two articles, one that describes the development of the Codes, and one that discusses the adoption of the 1997 Uniform Codes, the transition to the International Codes, and the Building Code Effectiveness Grading System by the insurance industry.

As I mentioned, the 1997 versions of the Uniform Codes are the last publication of those codes. The reason that the UBC and UMC will no longer be published is that three model code groups have now joined in an effort called the International Code Council to publish one model set of building codes called the "International Codes," instead of three separate regional sets of codes. The new set of codes reflect a growing national interest to create more uniformity that will enable American business to compete more effectively on a global basis. Instead of having multiple codes and standards to design, construct, or manufacture to, there will be one set. Some states, such as Oklahoma, have already begun adopting the International Mechanical and Plumbing codes, and others, such as Montana, have begun adopting portions of these codes into their existing codes. In Montana, for instance, they recently amended their Plumbing Code with provisions from the International Plumbing Code and builders are realizing a cost savings from those provisions. It is also hoped that these codes will be adopted by other countries. Already

Canada, Mexico, the Caribbean Countries, Saudi Arabia, and a number of Pacific Rim countries are moving to consider these codes.

As a result of the efforts to date, the International Code Council has already published the International Plumbing Code, the International Mechanical Code, the International Private Sewage Disposal Code, the International Fuel Gas Code, and the International Zoning Code. In the spring of 2000, the International Code Council will publish the final versions of the International Building Code and the International Residential Code. These codes are essentially a combining of the standards from all of the existing codes. In other words, they are not new standards. However, because of the current system of three regional codes, there may be (and are) standards that are new to us because they were not in our versions of the UBC and UMC.

For the last two years I had the honor of serving as President of the National Conference of States on Building Codes and Standards, and have been very close to the Federal, state, local, and international efforts to develop and promote the adoption of a single set of model building codes. This effort really represents the private sector's response to the possibility that the Federal government may decide to develop and impose building codes because of the issue of global competitiveness. In September 1999, in St. Louis, MO, the membership of the three model code groups will meet jointly to approve the final versions the International Building Code and International Residential Code.

We look forward to working with the North Dakota Association of Builders and other groups in near future to present to you in the year 2001 amendments to NDCC 54-21.3-03 that will enable the State Building Code to reflect the interim advances in materials, technologies, and methodologies in the built environment, and that will enable the State Building Code to keep pace with the future.

I urge you to pass HB 1172 as amended. Should you ever have any questions about what is taking place in the building code arena, please do not hesitate to call me (328-3698).

PM

PUBLIC MANAGEMENT

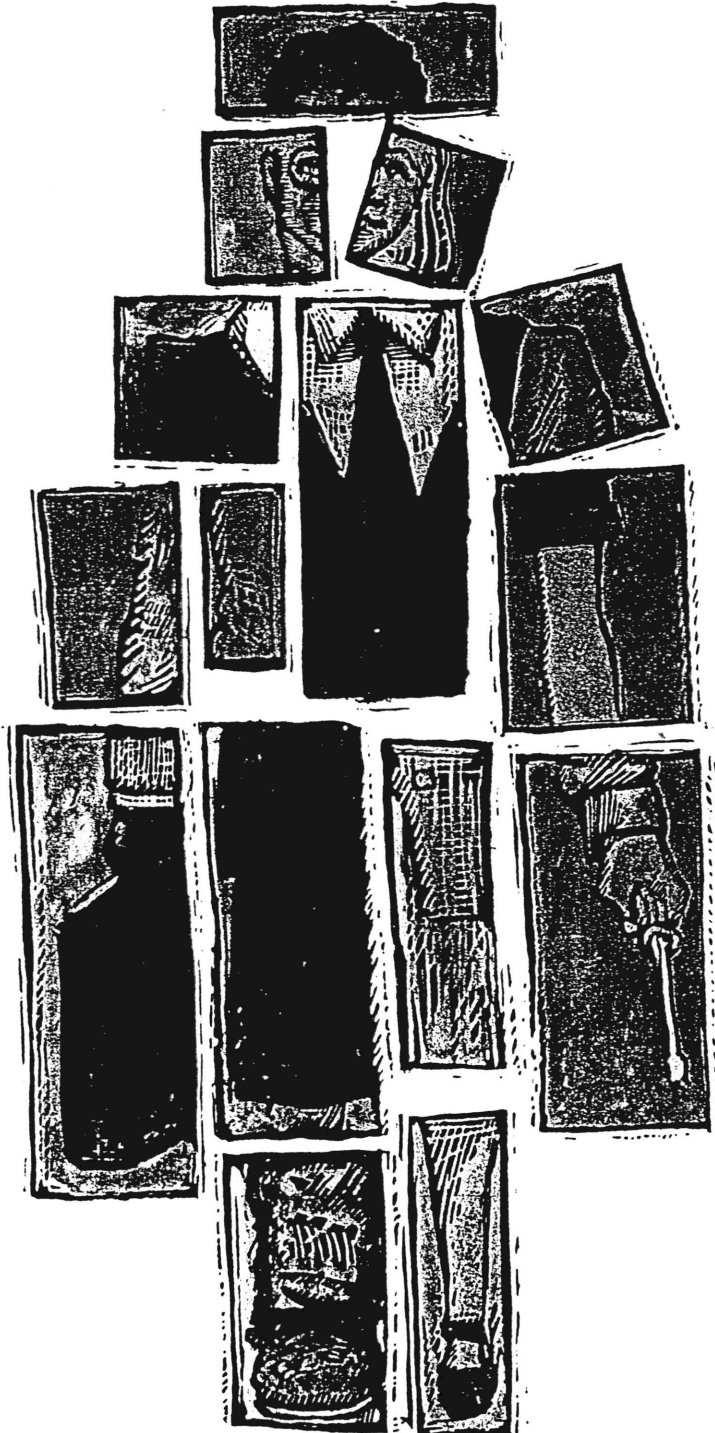
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DECEMBER 1997



GENERATION X'ERS: WHO ARE THEY REALLY?

Building the Case For Safer Communities

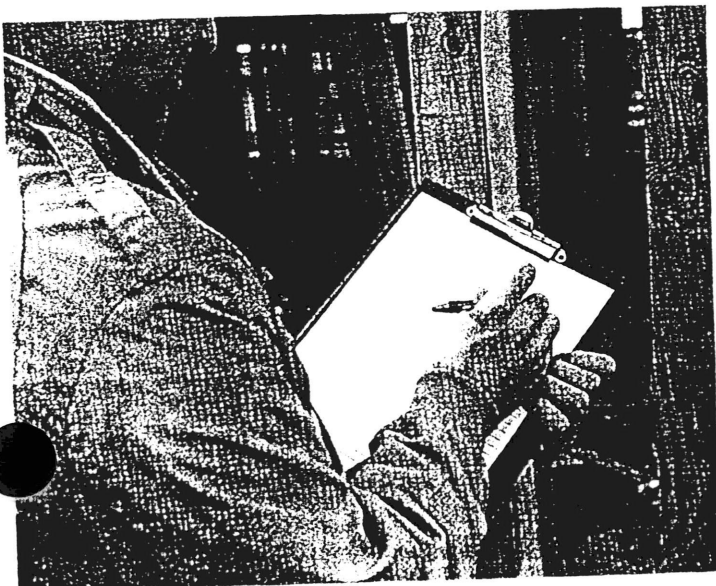
Laura Lang

Adoption of the 1997 model building codes has been occurring all around the country and will continue at an escalating pace. "But," says Roy Fewell, vice president for conference services at the International Conference of Building Officials (ICBO) in Whittier, California, "few jurisdictions really understand the tremendous advantages in the adoption of this and soon-to-be-released code sets."

Adoption of new code sets is a relatively minor budget outlay and a lesser political struggle for most communities,

he says. Typically, building officials receive and review the newly published code sets; copies are ordered for local review bodies, such as citizen study panels.

The reviews are compiled, and a "code package" is submitted to the city council or county board of supervisors for approval and adoption by the community. "It's somewhat daunting to do this every three years, but it's well worth the effort for these communities," Fewell says.



Reason is that the model building codes represent a logical progression of changes in key building safety areas and construction technologies. Skipping a step, such as moving directly from the 1991 codes to the 1997 set, becomes a great leap for the code enforcement staff and building community. "There are a number of technical issues in the '97 codes where development is ongoing, accommodating the latest research into the building code, mechanical code, or plumbing code, so there is a logical segue, incremental steps, to the 2000 edition," Fewell explains. "If you skip an edition, it then becomes a radical change for everyone involved."

The 1997 Uniform Building Code (UBC), for example, is a natural predecessor to the 2000 International Building Code (IBC) from the International Code Council (ICC). Nearly five years in the making and involving the coordinated efforts and talents of thousands of professionals, the year 2000's IBC uses the best aspects of the three existing codes—the BOCA National Building Code from Building Officials and Code Administrators International (BOCA), Inc.; the UBC from the ICBO; and the Standard Building Code from the Southern Building Code Congress International (SBCCI), Inc.

The 2000 IBC is actually one of several international codes already published or in the works from the ICC. This family of international codes will make it simpler and more cost-effective for building professionals to comply with U.S. code requirements and to present a logical, tested set of uniform codes and standards for builders and suppliers based outside the United States.

An extensive public review process was used to write and revise the IBC—a fact that organizers hope will lead to rapid review and adoption by state and local governments in the United States, particularly those that now write their own codes. It is further intended that the ICC codes will help reduce local codes or amendments in

Building the Case for Code Adoption

It can entail six months or longer of tedious negotiations and paperwork, but building officials say that adopting new model building codes pay off handsomely in the long run. "We recognize that Lansing [Michigan] operates in a global economy, so it's important that the city presents itself as a state-of-the-art community. Using the latest model building codes is one element of that image," explains Jack Nelson, manager of the Building Safety Office in Lansing. "We don't want our codes to prevent a multinational corporation from settling here."

Moving to new codes keeps building officials across jurisdictional boundaries "on the same page." In Clark County, Nevada, for example, as the county moves toward adoption of the 1997 Uniform Building Code (UBC), it has involved cities within its jurisdiction. Says Ron Lynn, assistant director of the Clark County building department: "We hope this makes training and re-certification easier on the enforcement departments and is advantageous in a monetary sense for the construction industry, homeowners, contractors, architects, engineers, and manufacturers."

In favor of the new model codes, Fewell points out.

One technical area receiving particular attention in the IBC is seismic design. The 1994 edition of the Universal Building Code presents provisions similar to the traditional seismic provisions of the UBC. These differ, however, from the ones published by the National Earthquake and Hazard Reduction Program (NEHRP), whose standards the BOCA and SBCCI codes defer to. "The '97 UBC begins to integrate these conceptual differences from NEHRP standard-based design into the UBC," says Fewell. "They [introduce that move] with the '97 UBC and continue the transition with the 2000 IBC. Whereas if you went directly from the 1994 edition of

Under a single model building code, for example, inspectors in a state or region have greater job mobility, and firms that now must retain experts versed in each of three model building codes could consolidate those responsibilities. "Using the updated codes also keeps decisions more defensible from a legal point of view," he points out.

Using new codes also reflects positively on the city's Insurance Services Office (ISO) rating, a national concern for securing lower-interest premium rates. In Indiana, statewide adoption of the '97 UBC will be followed closely by code adoption by its cities and counties, each concerned with maintaining its ISO grade. "In our state, localities are looking for the updated codes to get a better rating," says Gerald Dunn, state building commissioner. "It can be a lengthy process, starting with publication of the proposed rule, but we believe adoption of new codes allows the building industry to use the best technology available for improving safety. That makes a lot of sense and overrides any initial inconveniences," he adds.

the UBC to 2000 IBC, it would be a really steep learning curve for the design community," he adds.

Boosting a Community's Ratings

Adopting the newest code editions also makes good financial sense for a community, according to Dennis Gage, manager of natural hazard mitigation in the risk decision services division at Insurance Services Office (ISO). A community's Building Code Effectiveness Grading Schedule (BCEGS) classification is determined in part by the use of current model building codes. In fact, communities that have not adopted most current code sets within the al-

Resources

For more information on code editions and for access to local expertise, contact the International Conference of Building Officials's (ICBO) headquarters or its regional offices.

ICBO headquarters: 5360 Workman Mill Road, Whittier, California 90601; 800/432-6587 or 562/699-0541; fax, 562/692-3853; Internet, <http://www.icbo.org>.

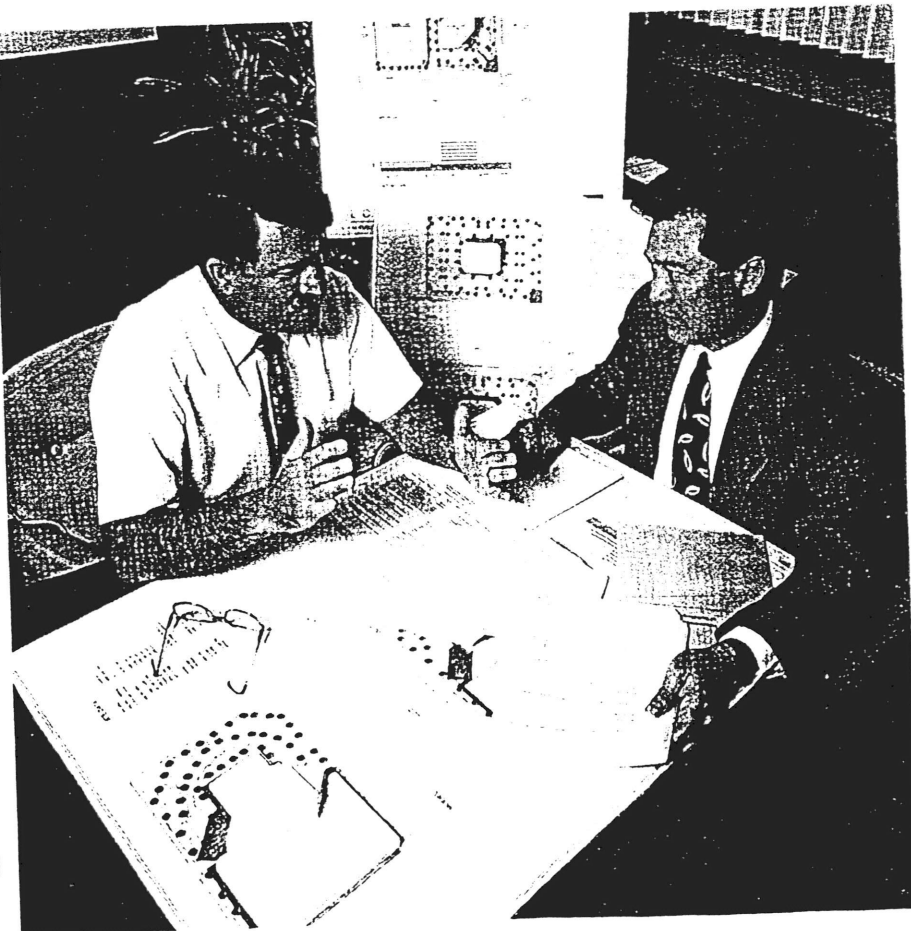
Northern California: 6130 Stoneridge Mall Road, Suite 120, Pleasanton, California 94588; 800/336-1963 or 510/734-3080; fax, 510/463-3295.

Northwest: 2122-112th Avenue, N.E., Suite B-300, Bellevue, Washington 98004; 800/231-4776 or 425/451-9541; fax, 425/637-8939.

Midwest: 7998 Georgetown Road, Suite 900, Indianapolis, Indiana 46268; 800/243-5736 or 317/879-1677; fax, 317/879-0966.

Central: 2900 N.E. 60th Street, Suite 206, Gladstone, Missouri 64119; 800/321-4226 or 816/455-3330; fax, 816/454-8887.

South: 9300 Jollyville Road, Suite 101, Austin, Texas 78759-7455; 800/252-3602 or 512/794-8700; fax, 512/343-9116.



lowed two-year grace period will not be able to score higher than a classification of 6 on their BCEGS gradings. "Using the latest model building codes has a dramatic effect on the overall rating," Gage says. "We have designed the evaluation to reflect strongly the use of current code editions."

ISO provides its classification information to insurance firms, which may formulate discounted premiums for new residential and commercial construction in a given community. The 1-to-10 grading system designates a Class 1 community as showing an exemplary commitment to building code adoption and enforcement. Three areas (administrative, plan review, and field inspection) are evaluated, then these three scores are added together to determine an ISO classification.

ISO visits the enforcement agency to look at certain issues, such as the code adopted, the edition date of the adopted code, the certification level and training of the staff, the number of staff versus the workload, and the level of detail for issues like plan review and field inspection. The building code in use is identified, and if it is not a national model building code, it is compared with one of the national codes, which is used as a benchmark. Warns Gage: "If the community is using something outdated or is not in line with nationally accepted model building codes, this can affect its classification."

The BCEGS rewards a jurisdiction for adopting the latest edition of the model building code within 18 months of its publication, with a maximum of 7.75 points. "If the previous edition still is being used, the score can be reduced. The points scored in this section are a factor used against the total remaining points scored in the entire evaluation.

The relative weight given to building code adoption by the ISO reflects the agency's posture that code enforcement is a positive community asset that should be rewarded. For the same reasons, the agency is a proponent of

the upcoming 2000 IBC. Says Gage: "Moving toward a common international model building code is a great idea. We will fully support the adoption of the IBC in our community classifications."

Getting Help

One final point needs to be made to building officials still contemplating the adoption of the 1997 codes.

Roy Fewell heads a network of ICBO's conference services offices located around the United States (see box on page 16). Each office is staffed with conference services managers, who are a front-line team for building officials needing information or assistance in getting the codes adopted in their own jurisdictions.

Communities that have not adopted most current code sets within the allowed two-year grace period will not be able to score higher than a classification of 6 on their BCEGS gradings.

"If you have questions you can't answer for your legislative body or administrative rule-making body, or if you need an expert to meet with those bodies, the local offices will help," Fewell says.

These managers will provide expertise on the content of the 1997 editions of the Uniform Building Code, Uniform Mechanical Code and Uniform Plumbing Code, as well as the 1996-1997 editions of the international mechanical and plumbing codes. "There are many convincing financial reasons to use the new codes, and help is available to get you there," says Fewell. **DM**

Laura Lang is a freelance writer in Ramona, California, who covers the building and engineering industries.

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Building Codes & Standards

ICC Forges Ahead With International Building Code

Three Into One. Combining the Best of America's Three National Model Building Codes to Present a Uniform Front for U.S. and Foreign Interests

It's somewhat like betting on the game's outcome at halftime, but members of International Code Council (ICC)—a nonprofit organization jointly staffed and funded by America's three national model code organizations—are optimistic that by the year 2000 cities and counties throughout the U.S. will start using the new International Building Code (IBC), which is now in the early stages of development.

The IBC will utilize the best aspects of the three existing codes—the Building Officials and Code Administrators International National Building Code from Building Officials and Code Administrators International, Inc. (BOCA), Uniform Building Code (UBC) from the International Conference of Building Officials (ICBO), and the Standard Building Code from Southern Building Code Congress International, Inc. (SBCCI)—as the basis for defining a model building code that can be adopted by local jurisdictions throughout the U.S. and by regulatory groups abroad, says the ICC.

Advocates say the International Codes should fast replace the myriad of codes now in effect throughout the U.S.. The IBC will make it simpler and more cost-effective for building professionals to comply with U.S. code requirements and will present a set of uniform codes and standards for builders and suppliers based outside the

U.S. "Foreign companies large enough to want to market their products and services in the U.S. don't want to limit themselves to BOCA, ICBO or SBCCI regions," observes Ron R. Worley, a codes administrator in the City of Lenexa, Kansas, who served on the ICBO Evaluation Service (ICBO ES)

"Foreign companies large enough to want to market their products and services in the U.S. don't want to limit themselves to BOCA, ICBO or SBCCI regions."

Committee for four years. "These firms want to advertise nationally like Coca-Cola and have their products be recognized and usable under one set of standards across state lines and city jurisdictions."

Similarly, America's architects, engineers, builders, subcontractors and building suppliers have been increasingly concerned about the time and money spent complying with multiple and sometimes conflicting codes. "The regional approach to developing model

codes was no longer providing them with the direction they needed. It was becoming a competitive disadvantage to have so many codes," explains Jon S. Traw, P.E., president of ICBO and ICC. For that reason, during the next five years the contents of the new family of International Codes will take the place of currently adopted regional codes.

Building a Team

In 1994, America's model building code organizations responded to the challenge of simplifying the model building code system and making the U.S. building industry more competitive and attractive to foreign investment. BOCA, ICBO and SBCCI formed the ICC to develop a single set of regulatory documents covering building, mechanical, plumbing, fire and related regulations.

These regulations are collections of solutions found in one or more of the existing model codes and approved by all three model code groups as being the best for inclusion in the International Codes. "These have the appearance of new documents, but are really a collection of what's already in the existing documents from these groups," says Traw.

So far, the ICC has published the International Plumbing Code, Interna-

tional Private Sewage Disposal Code, and International Mechanical Code. These International Codes have been developed by ICC committees made up of members from each national code group with expertise and field experience in their respective disciplines.

Bob Miner, P.E., a mechanical field inspection supervisor for the Pikes Peak Regional Building Department was an ICBO member assigned to the code development committee for ICC's International Mechanical Code. "I was very impressed with the members of the committee. They came in with open minds and listened to each other's ideas to develop consensus documents that we could all agree were the best of what the existing codes had to offer," says Miner.

These codes, published in 1995 and early 1996 are currently undergoing revisions for 1997 and 1998 editions, and are receiving wide recognition and adoption by state and local governments.

According to Miner, the codes were developed in an open forum permitting all interested parties to participate. "Some people questioned why we didn't start from scratch and write a totally

new code instead of taking the three codes and melding them together," he recalls. "Writing an entirely new set of codes would have been bucking everybody's trend. This approach uses the best of what's already working and applies it nationally."

"People are really excited to become part of creating the International Codes.... members applaud what's going on."

BOCA, ICBO and SBCCI will begin phasing out their separate codes for plumbing, private sewage disposal and mechanical disciplines in 1997, deferring to the ICC's international document sets. "I think this indicates our efforts in developing the International Codes are on track and have full support for continuing," says BOCA's Vice President of Codes and Standards Ken Schoonover.

What Happens To My Ideas?

Individuals can submit ideas on changes to the model building code, it's up to their professional organizations—the Building Officials and Code Administrators International (BOCA), the International Conference of Building Officials (ICBO), and the Southern Building Code Congress International (SBCCI)—to process and submit that idea within the current code. The three current building codes along with the Board for the Coordination of Model Codes (BCMC) recommendations are the starting point for the ICC technical subcommittees.

Their recommendations will cover all 34 chapters of the existing building codes. There will be four opportunities for any interested party—including code officials, product manufacturers, or anyone else—to provide input at public forums. Comments from these meetings will be used to revise the draft for presentation at a joint membership meeting of BOCA, ICBO and SBCCI in September 1999. "We feel this process offers an open forum to all parties, including those that feel their preferred provisions may be jeopardized by consolidating the three codes into a single model building code," says Paul Heilstedt, P.E., CEO of BOCA and vice-president/treasurer of ICC.

At the joint meeting, which will be held in St. Louis, members from each group will vote on ratifying the contents of the 2000 IBC.

More International Codes

A similar methodology of code evaluation and professional give and take will guide development of the IBC, which the ICC says will be made available by the year 2000. Acceptance of these codes by the voting members of BOCA, ICBO and SBCCI will be considered at a joint annual convention planned in September 1999 in St. Louis, Missouri.

Developing the first draft of the IBC is the focus for five ICC technical committees formed in 1996. Starting this August, each will concentrate on comparing code provisions covering particular subject areas, such as general information (administrative); occupancies; fire safety; egress and accessibility; and structural requirements. The subcommittees will advance their recommendations for their segments of the first working draft of the IBC.

The subcommittees recommendations will be sent to IBC's Steering Committee, which is charged with consolidating the five segments into a working draft. This working draft will be made available to interested parties and discussed in a public forum in August 1997. Locations and dates for this meeting have not been determined, but will be published by BOCA, ICBO and SBCCI as details are finalized. Comments and suggestions made at the public meetings will be used to rewrite the document set for presentation as a first draft in May 1998 at a second public meeting. A third and final public meeting is scheduled for October 1998.

The final draft of the 2000 IBC will be developed from October 1998 through September 1999, the date agreed on by BOCA, ICBO and SBCCI for a joint membership meeting to vote on acceptance of the new code. "Basically, this schedule gives an interested party four separate opportunities to express their views on the content of the IBC," says Paul Heilstedt, P.E., CEO of BOCA and vice-president/treasurer of ICC.

Performance Based Codes Favored

In addition to working on improvements for the IBC, the ICC has formed a Performance Committee to develop "performance provisions" to replace the way building code requirements are specified in the existing code books (see related article in this section). This will make the International Codes perfor-

"By and large this is a very positive move for our profession and industry."

mance based rather than prescriptive, Heilstedt explains.

Prescriptive codes identify precisely what has to be accomplished, such as having 2 x 4s at 16" on center for a woodframe wall. In performance language, that could be described by what needs to be accomplished. For example, the structural system would be required to resist anticipated snow loads. Says Heilstedt: "The designer could then plug into the known engineering documents on loads to identify the various techniques and materials needed. It's a matter of specifying versus designing," he adds. "With this approach, we will be placing greater reliance on the professional."

Other Areas of Cooperation

The ICC's effort in developing the International Codes is only one project where the group intends to streamline the regulatory process which affects the building community. For example, BOCA ES, ICBO ES, and the SBCCI PS&ES will provide technical information on building materials, products, methods and types of construction. ICBO ES, together with BOCA ES and

SBCCI PS&ES, operate the National Evaluation Service, Inc. (NES). The NES has signed an agreement with ICC to provide technical evaluation services on building products under ICC codes. "This will present a unified method for getting products approved by all three groups," says John Nosse, president of ICBO ES.

Having a single group review and approve building products under a common code creates one source for technical information on building products, and makes the U.S. a more appealing market to international companies.

Not all parties may welcome the change. "Some industries might see their arena threatened by a specific change. With the International Code, they may see preferred provisions reexamined or removed," warns Nosse.

A Unified Front

Development of the ICC's IBC and other International Codes is moving along at a "fantastic pace," says Heilstedt, but he's realistic about the work ahead. "Some members may have been skeptical that ICC could create an international model code in the time-frame we set forth. As committees have formed and the membership has seen some progress, everyone has started to pull together to make this happen."

An industry advisory committee has been created to support ICC activities, including the development of the IBC. The mailing list maintained by the group has reached 200, with about 40 member associations, Heilstedt reports. "It's becoming a charged atmosphere," he says. "People are really excited to become part of creating the International Code....Members applaud what's going on, where we're going, and how we're going to get there. They just didn't have time to deal with complexities in using various codes on regional projects," he says.

With the approval processes the ICC has pioneered with the International Plumbing Code, International Private

Sewage Disposal Code, and International Mechanical Code—encouraging all interested parties to participate—Heilstedt feels naysayers will be few and far between.

Of course, the hope is that International Codes will be readily accepted in the U.S. and adopted beyond America's borders. "And if not adopted precisely, we hope they will have influence on the model building codes used in other regions," says Heilstedt.

ICC hopes the unified codes will influence states and localities that currently write their own codes or amend the model codes to abolish local codes or amendments and use the new model codes. "We're offering consistency in day-to-day operations," says BOCA's

IBC Schedule At A Glance

Now: Following a three-month public review period, a public hearing to consider comments to the working draft will be held in August 1997. The hearing will be held in a manner similar to the public hearings of the BCMA.

December 1997: The IBC first draft will be published, and the public will have two months to submit proposed revisions, which will be published as a public hearing agenda.

May 1998: The first public hearing on the IBC will be held.

Proposed revisions to the first draft will be forwarded to the IBC Steering Committee, which will compile them into the IBC second draft to be published in July 1998.

January 1999: The public hearing on the second draft will be held. A report on the hearing will be published, and a deadline for challenges to the 2000 IBC will be established.

September 1999: Challenges will be considered at the joint annual conferences, when the memberships of the three ICC statutory members will have the opportunity to accept the 2000 IBC for adoption.

Schoonover. "What's new is they'll be able to adopt a building code that over time the whole country will be using."

"But," cautions William J. Tangye, CEO of SBCCI and secretary of ICC, "don't expect regional governments to rush into adopting them. There will be a transition period as state and local governments start to adopt these codes in lieu of whatever they have been using." He notes that some industry groups have been fast to recognize the potential of the International Codes to replace the myriad of codes dotting the nation. The Council of American Building Officials (CABO) completed transfer of code development maintenance responsibility for the One and Two Family Dwelling Code and the Model Energy Code to ICC.

The ICC is involved in discussions with local building officials in Canada, and talks are underway with officials in Mexico. Adoption of the International Codes by these countries could establish ICC's codes as the standard for North America, says ICBO's Traw. North America isn't the first trade area contemplating a single model building code. Recently, Australia asked each of its provinces to use one and, in Europe, the European Union (formerly the European Community) is developing the Eurocodes for EU members.

Representatives of local government like Colorado Spring's Bob Miner applaud ICC's goals in defining an

International Code that can be used within the U.S. and influence codes worldwide. "It may not be the same old words we're used to...and some members may have a hard time making the transition, but by and large this is a very positive move for our profession and industry," he says. "You'll always have personal preferences, but since the International Codes are based on engineering principles, they are the ones we should all follow. Change may come slowly, but it will come," he adds.

Timing is Everything

The three U.S. national model code organizations are quick to point out that no one of them would have come so far, so fast on its own. With each representing a geographical region in the U.S., it was essential they all pledge full participation and support to the ensuing International Code documents. "Together, we bring together thousands and thousands of building professionals together from state and local governments across the nation—that's a lot of people," says BOCA's Heilstedt. For development of the International Codes, timing has been everything, he says. "Trade borders are opening up for the building industry, and there was no reason U.S. codes had to become an artificial barrier," he says.

Adds Nosse: "ICC is here for the purpose of looking toward tomorrow—and having one evaluation service goes a long way toward that goal. We've

International Codes From the ICC

1995 International Plumbing Code

*1995 International Private Sewage
Disposal Code*

*1996 International Mechanical
Code*

*2000 International Building Code**

*2000 International Gas Code**

*2000 International Fire Code**

** planned for publication in 2000*

needed to address the free exchange of construction business products on a technical level for some time now," he adds.

Although it's still early in the game, each model code organization is optimistic of its game plan for completing the International Codes by the year 2000. After the acceptance period for localities, Tangye sees a continuing role for the groups in providing services and educational materials to support the International Codes. "SBCCI isn't going away, and neither are BOCA or ICBO," he promises.

For more information on ICC, contact the organization at (310) 908-8182 or fax (310) 699-8031.



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Testimony on HB1172

House Political Subdivisions Committee January 22, 1999

Prepared by
Doreen Mehlhoff, Executive Officer
North Dakota Association of Builders

Mr. Chairman and members of the House Political Subdivisions Committee, the North Dakota Association of Builders supports HB1172 as amended by the ND Office of Intergovernmental Assistance. Our state association represents 1,418 builder and associate members belonging to the six local home builders associations in Dickinson, Minot, Bismarck-Mandan, Jamestown, Grand Forks, and Fargo-Moorhead.

This bill, in its original form, caused great concern in our industry. In essence, the bill would have introduced the International Building Code and the International Residential Code **which are not yet written**. These codes are not scheduled for completion until the spring of 2000. We believe it is important to take this process one step at a time, and wait until the codes are complete before we adopt them into our State Building Code. It would be reckless to adopt rules or regulations for any industry without seeing them, reviewing them, and understanding how they might impact the industry.

In discussions with Dina Butcher, the executive director of the ND Office of Intergovernmental Assistance, we have agreed to support the bill as amended by that agency. Our organization is committed to being involved in the process of updating the State Building Code in the future, and we appreciate the cooperation of the ND Office of Intergovernmental Assistance on this issue.

The North Dakota Association of Builders supports HB1172 as amended by the ND Office of Intergovernmental Assistance.