

THE GENERAL ASSEMBLY OF PENNSYLVANIA

Attachment B

SENATE BILL

No. 1023 Session of 2013

INTRODUCED BY McILHINNEY, SOLOBAY, FERLO, DINNIMAN, HUGHES, FONTANA, STACK, LEACH, TOMLINSON, SMITH AND FARNESE, JUNE 17, 2013

AS AMENDED ON SECOND CONSIDERATION, MARCH 10, 2014

AN ACT

1 Amending the act of November 10, 1999 (P.L.491, No.45), entitled
2 "An act establishing a uniform construction code; imposing
3 powers and duties on municipalities and the Department of
4 Labor and Industry; providing for enforcement; imposing
5 penalties; and making repeals," further providing for the
6 duties of the council, for revised or successor codes and for
7 education and training programs.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 107(b), (b.1), (c), (f), (j) and (l) of
11 the act of November 10, 1999 (P.L.491, No.45), known as the
12 Pennsylvania Construction Code Act, amended or added October 9,
13 2008 (P.L.1386, No.106) and April 25, 2011 (P.L.1, No.1), are
14 amended to read:

15 Section 107. Uniform Construction Code Review and Advisory
16 Council.

17 * * *

18 (b) Duties.--The council shall do the following:

19 (1) Gather information from municipal officers, building
20 code officials, construction code officials, licensed design

1 professionals, builders and property owners concerning issues
2 with the Uniform Construction Code raised by council members
3 or changes proposed by members of the General Assembly.

4 (2) Evaluate the information compiled under paragraph
5 (1) and make recommendations to the following:

6 (i) The Governor.

7 (ii) The Secretary of Labor and Industry.

8 (iii) The members of any legislative committee
9 considering amendments to this act.

10 (iv) The President pro tempore of the Senate.

11 (v) The Speaker of the House of Representatives.

12 (vi) The Code Development Councils of the
13 International Code Council.

14 (3) With the exception of the provisions of Chapter 11
15 and Appendix E of the International Building Code of 2009, or
16 its successor codes, or any other accessibility requirements
17 which shall be specified in the regulations contained in or
18 referenced by the Uniform Construction Code relating to
19 persons with physical disabilities, review the [latest
20 triennial code revisions issued by the International Code
21 Council, beginning with the 2012 codes,] provisions revised
22 in published International Code Council updates subsequent to
23 the latest Pennsylvania Uniform Construction Code adoption,
24 as provided under subsection (b.1).

25 (b.1) Code review process.--

26 (1) Beginning with the [2012 ICC codes, the council
27 shall review the latest triennial code revisions upon
28 official publication of the codes.] 2015 ICC codes, the
29 council shall review the latest triennial code revisions upon
30 official publication of the codes, as well as code revisions

1 in the 2012 triennial publication of the codes that were not
2 previously adopted by the council for inclusion in the
3 Uniform Construction Code.

4 (2) During the review process, the council shall hold at
5 least three public hearings. One of the public hearings shall
6 be held in Harrisburg, one shall be held in the eastern
7 region of this Commonwealth and one shall be held in the
8 western region of this Commonwealth.

9 (3) The council shall submit a report to the secretary
10 within the [12-month] 24-month period following official
11 publication of the latest triennial code revisions under
12 paragraph (1) with provisions of the codes that are specified
13 for adoption[.] and which provisions are specified for
14 modification. Modification shall be limited to the subject
15 matter of the provisions of the latest triennial code
16 revisions and shall be consistent with the intent and
17 purposes of this act. The provisions of the codes that are
18 specified for [adoption] rejection shall be separately
19 designated in the report.

20 (4) The council shall examine triennial code revisions
21 and modifications by applying all of the following criteria:

22 (i) The impact that the provision may have upon the
23 health, safety and welfare of the public.

24 (ii) The economic and financial impact of the
25 provision.

26 (iii) The technical feasibility of the provision.

27 (iv) The requirement that the provision, if modified
28 by the council, must meet or exceed the Uniform
29 Construction Code provision currently in effect.

30 (5) Only triennial code revisions and modifications that

1 are adopted by a two-thirds vote of council membership shall
2 be included in the report required under paragraph (3).

3 ~~(6) The council may, as part of its review of the 2015~~ <--
4 ~~ICC codes, also re review the 2012 codes.~~

5 (c) Composition.--The council shall consist of the following
6 members appointed by the Governor:

7 (1) A general contractor from an association
8 representing the residential construction industry who has
9 recognized ability and experience in the construction of new
10 residential buildings.

11 (2) A general contractor from an association
12 representing the nonresidential construction industry who has
13 recognized ability and experience in the construction of
14 nonresidential buildings.

15 (3) A Uniform Construction Code-certified residential
16 building inspector who possesses all five residential
17 certifications from an association representing building code
18 officials who has experience administering and enforcing
19 residential codes.

20 (4) A Uniform Construction Code-certified building
21 inspector who possesses all nonresidential inspection
22 certifications, but need not possess a fire inspector
23 certification, or a certified plans examiner who also holds
24 an accessibility certification from an association
25 representing building code officials who has experience
26 administering and enforcing nonresidential codes.

27 (5) A Uniform Construction Code-certified fire inspector
28 from an association representing building code officials.

29 (6) A Uniform Construction Code-certified building code
30 official from an association representing building code

1 officials with building code official certification.

2 (7) A residential contractor from an association
3 representing contractors engaged in remodeling residential
4 buildings who has recognized ability and experience in
5 remodeling residential and nonresidential buildings.

6 (8) A licensed architect from an association
7 representing architects who has recognized ability and
8 experience in the design and construction of nonresidential
9 buildings.

10 (9) A licensed architect from an association
11 representing architects who has recognized ability and
12 experience in the design and construction of residential
13 buildings.

14 (10) A licensed structural engineer from an association
15 representing professional engineers who has recognized
16 ability and experience in the design and construction of
17 buildings.

18 (11) A licensed mechanical engineer specializing in HVAC
19 systems from an association representing professional
20 engineers who has recognized ability and experience in the
21 design and construction of buildings.

22 (12) A licensed mechanical engineer specializing in
23 plumbing and fire protection from an association representing
24 professional engineers who has recognized ability and
25 experience in the design and construction of buildings.

26 (13) A licensed electrical engineer from an association
27 representing professional engineers who has recognized
28 ability and experience in the design and construction of
29 buildings.

30 (14) An elected official of a township of the second

1 class who has recognized ability and experience in
2 construction of buildings.

3 (15) An elected borough official who has recognized
4 ability and experience in construction of buildings.

5 (16) An elected official of a third class city who has
6 recognized ability and experience in the construction of
7 buildings.

8 (17) An individual from an association representing
9 manufactured housing who shall be knowledgeable, licensed or
10 certified to sell and install manufactured housing.

11 (18) An official of a city of the first class who has
12 recognized ability and experience in the administration and
13 enforcement of this act.

14 (19) An individual from an association representing only
15 modular housing manufacturers who is knowledgeable, licensed
16 or certified under the act of May 11, 1972 (P.L.286, No.70),
17 known as the Industrialized Housing Act, to manufacture and
18 sell modular homes in Pennsylvania.

19 (20) An architect or engineer specializing in building
20 energy efficiency.

21 At least one of the inspectors appointed to the council shall be
22 a municipal employee, and at least one inspector shall be a
23 third-party private sector inspector.

24 * * *

25 (f) Terms.--A member of the council shall serve terms of
26 [two] three years and until his successor is appointed beginning
27 July 1, 2008, except the initial term of members appointed under
28 subsection (c)(1), (3), (4), (5), (8), (11), (13) and (14) shall
29 be for three years and until their successor is appointed.

30 * * *

1 (j) Administrative support.--The department shall provide a
2 facility for council meetings under this act, stenographic
3 services and required notice of the council's meetings. The
4 department [may] shall provide staff support to assist the
5 council in its duties required by subsection (b.1)(4) and in
6 drafting any reports required under this act.

7 * * *

8 (l) Compensation and expenses.--Members of the council shall
9 not receive a salary [or per diem allowance for their service]
10 but shall be entitled to reasonable travel, hotel and other
11 necessary expenses incurred in performing their duties.

12 Section 2. Section 304 of the act, amended April 5, 2011
13 (P.L.1, No.1), is amended to read:

14 Section 304. Revised or successor codes.

15 (a) Duties of department.--

16 (1) Subject to sections 105(c) and (d), 301(a)(3), (4),
17 (5), (6) and (7), (c) and (d) and 302, within [three] 12
18 months of the receipt of the report under section 107(b.1),
19 the department shall promulgate final-omitted regulations
20 under the act of June 25, 1982 (P.L.633, No.181), known as
21 the Regulatory Review Act, to adopt the triennial code
22 revisions and modifications made in the report without
23 change.

24 (2) Regulations promulgated under this subsection are
25 exempt from:

26 (i) section 205 of the act of July 31, 1968
27 (P.L.769, No.240), referred to as the Commonwealth
28 Documents Law; and

29 (ii) sections 204(b) and 301(10) of the act of
30 October 15, 1980 (P.L.950, No.164), known as the

1 Commonwealth Attorneys Act.

2 (3) Notwithstanding paragraphs (1) and (2), the
3 department shall promulgate regulations updating
4 accessibility standards under Chapter 3 by adopting Chapter
5 11 and Appendix E of the International Building Code of 2012,
6 or its successor, by December 31 of the year of issuance of
7 the new code.

8 (a.1) Continuity.--If a triennial revision is not adopted
9 under section 107(b.1)(5), the relevant provisions of the prior
10 version of the codes shall remain in effect.

11 (c) Prior permits and construction.--

12 (1) A construction permit issued under valid
13 construction regulations prior to the effective date of
14 regulations for a subsequent Uniform Construction Code or
15 International Fuel Gas Code issued under this act shall
16 remain valid, and the construction of any building or
17 structure may be completed pursuant to and in accordance with
18 the permit.

19 (2) If the permit has not been actively prosecuted
20 within two years of the effective date of the regulation or
21 the period specified by a municipal ordinance, whichever is
22 less, the former permitholder shall be required to acquire a
23 new permit.

24 (3) Where construction of a building or structure
25 commenced before the effective date of the regulations for a
26 subsequent Uniform Construction Code or International Fuel
27 Gas Code issued under this act and a permit was not required
28 at that time, construction may be completed without a permit.

29 Section 3. Section 703 of the act, amended November 29, 2006
30 (P.L.1440, No.157), is amended to read:

1 Section 703. Education and training programs.

2 (a) Fee.--Municipalities administering and enforcing this
3 act under section 501(a) and third-party agencies providing
4 services under section 501(e) shall assess a fee of [\$4] \$5 on
5 each construction or building permit issued under the authority
6 of this act. The fee shall be in addition to any other fee
7 imposed for the permit.

8 (b) [Training accounts] Accounts.--There is hereby
9 established within the State Treasury [two] three restricted
10 accounts which shall be known as the Municipal Code Official
11 Training Account, the Review and Advisory Council Administration
12 Account and the Construction Contractor Training Account.

13 (c) Deposit.--Moneys collected as authorized under
14 subsection (a) shall be transmitted quarterly to the State
15 Treasury and shall be [equally] divided and deposited in the
16 accounts established in subsection (b)[.] as follows:

17 (1) forty percent of the moneys shall be deposited in
18 the Municipal Code Official Training Account;

19 (2) forty percent of the moneys shall be deposited in
20 the Construction Contractor Training Account; and

21 (3) twenty percent of the moneys shall be deposited in
22 the Review and Advisory Council Administration Account.

23 Moneys so deposited are hereby equally appropriated on approval
24 of the Governor to the Department of Community and Economic
25 Development for the purpose of education and training programs
26 provided by the Pennsylvania Construction Codes Academy for
27 municipal code officials and individuals employed by third-party
28 agencies under contract to a municipality and to a Pennsylvania-
29 based housing research center located at a land grant university
30 for the construction industry. To assure the programs meet the

1 needs of the construction industry, the education, training and
2 other activities provided by such a housing research center
3 shall be approved by its industry advisory committee.

4 (d) Review and Advisory Council Administration expenses.--
5 Moneys collected as authorized under subsection (a) and
6 deposited in the Review and Advisory Council Administration
7 Account shall be transmitted quarterly to the Department of
8 Labor and Industry for expenses of the Review and Advisory
9 Council as authorized in section 107(l) and for technical
10 assistance as provided for in section 107(k) and administrative
11 assistance as determined necessary by the council and the
12 department.

13 Section 4. This act shall take effect in 60 days.

Yellow Highlighted = DELTA problem

RED UNDERLINED = RAC Amendment to SB1023 PR1733

Blue Strikeout = RAC Amendment Deletion to SB1023 PR1733

PRIOR PRINTER'S NO. 1234

PRINTER'S NO. 1733

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1023 Session of 2013

Additional fixes required to the ACT:
Change quorum requirements to 11 from 10 if 20th council member is added (107H)

INTRODUCED BY McILHINNEY, SOLOBAY, FERLO, DINNIMAN, HUGHES, FONTANA, STACK, LEACH, TOMLINSON, SMITH AND FARNESE, JUNE 17, 2013

SENATOR GORDNER, LABOR AND INDUSTRY, AS AMENDED, JANUARY 28, 2014

AN ACT

1 | Amending the act of November 10, 1999 (P.L.491, No.45),
2 | entitled "An act establishing a uniform construction code;
3 | imposing powers and duties on municipalities and the
4 | Department of Labor and Industry; providing for enforcement;
5 | imposing penalties; and making repeals," further providing
6 | for the duties of the council, for revised or successor codes
7 | and for education and training programs.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 ~~Section 1. Section 107(b.1), (c) and (l) of the act of~~
11 ~~November 10, 1999 (P.L.491, No.45), known as the Pennsylvania~~
12 ~~Construction Code Act, amended or added October 9, 2008~~
13 ~~(P.L.1386, No.106) and April 25, 2011 (P.L.1, No.1), are amended~~
14 ~~to read:~~

15 SECTION 1. SECTION 107(B), (B.1), (C), (F), (J) AND (L) OF
16 THE ACT OF NOVEMBER 10, 1999 (P.L.491, NO.45), KNOWN AS THE
17 PENNSYLVANIA CONSTRUCTION CODE ACT, AMENDED OR ADDED OCTOBER 9,
18 2008 (P.L.1386, NO.106) AND APRIL 25, 2011 (P.L.1, NO.1), ARE

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1 AMENDED TO READ:

2 Section 107. Uniform Construction Code Review and Advisory
3 Council.

* * *

4 (B) DUTIES.--THE COUNCIL SHALL DO THE FOLLOWING:

5 (1) GATHER INFORMATION FROM MUNICIPAL OFFICERS, BUILDING
6 CODE OFFICIALS, CONSTRUCTION CODE OFFICIALS, LICENSED DESIGN
7 PROFESSIONALS, BUILDERS AND PROPERTY OWNERS CONCERNING ISSUES
8 WITH THE UNIFORM CONSTRUCTION CODE RAISED BY COUNCIL MEMBERS
9 OR CHANGES PROPOSED BY MEMBERS OF THE GENERAL ASSEMBLY.

10 (2) EVALUATE THE INFORMATION COMPILED UNDER PARAGRAPH
11 (1) AND MAKE RECOMMENDATIONS TO THE FOLLOWING:

12 (I) THE GOVERNOR.

13 (II) THE SECRETARY OF LABOR AND INDUSTRY.

14 (III) THE MEMBERS OF ANY LEGISLATIVE COMMITTEE
15 CONSIDERING AMENDMENTS TO THIS ACT.

16 (IV) THE PRESIDENT PRO TEMPORE OF THE SENATE.

17 (V) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

18 (VI) THE CODE DEVELOPMENT COUNCILS OF THE
19 INTERNATIONAL CODE COUNCIL.

20 (3) WITH THE EXCEPTION OF THE PROVISIONS OF CHAPTER 11
21 AND APPENDIX E OF THE INTERNATIONAL BUILDING CODE OF 2009, OR
22 ITS SUCCESSOR CODES, OR ANY OTHER ACCESSIBILITY REQUIREMENTS
23 WHICH SHALL BE SPECIFIED IN THE REGULATIONS CONTAINED IN OR
24 REFERENCED BY THE UNIFORM CONSTRUCTION CODE RELATING TO
25 PERSONS WITH PHYSICAL DISABILITIES, REVIEW THE [LATEST
26 TRIENNIAL CODE REVISIONS ISSUED BY THE INTERNATIONAL CODE
27 COUNCIL, BEGINNING WITH THE 2012 CODES,] PROVISIONS REVISED

1 IN PUBLISHED INTERNATIONAL CODE COUNCIL UPDATES SUBSEQUENT TO
2 THE LATEST PENNSYLVANIA UNIFORM CONSTRUCTION CODE ADOPTION,
3 AS PROVIDED UNDER SUBSECTION (B.1).

4 (b.1) Code review process.--

5 (1) Beginning with the [2012 ICC codes, the council
6 shall review the latest triennial code revisions upon
7 official publication of the codes.] 2015 ICC CODES, THE
8 COUNCIL SHALL REVIEW THE LATEST TRIENNIAL CODE REVISIONS
9 PROVISIONS REVISED IN PUBLISHED INTERNATIONAL CODE COUNCIL
10 UPDATES SUBSEQUENT TO THE LATEST PENNSYLVANIA UNIFORM
11 CONSTRUCTION CODE ADOPTION UPON OFFICIAL PUBLICATION OF THE
12 CODES, AS WELL AS CODE REVISIONS IN THE 2012 TRIENNIAL
13 PUBLICATION OF THE CODES THAT WERE NOT PREVIOUSLY ADOPTED BY
14 THE COUNCIL FOR INCLUSION IN THE UNIFORM CONSTRUCTION CODE.

15 (2) During the review process, the council shall hold
16 at least three public hearings. One of the public hearings
17 shall be held in Harrisburg, one shall be held in the eastern
18 region of this Commonwealth and one shall be held in the
19 western region of this Commonwealth.

20 (3) The council shall submit a report to the secretary
21 within the [12-month] 24-MONTH period following official
22 publication of the latest triennial code revisions
23 INTERNATIONAL CODE COUNCIL UPDATES under paragraph (1) with
24 provisions of the codes that are specified for {adoption}
25 ~~rejection~~-.] AND WHICH PROVISIONS ARE SPECIFIED FOR
26 MODIFICATION. MODIFICATION SHALL BE LIMITED TO THE SUBJECT
27 MATTER OF THE PROVISIONS OF THE LATEST TRIENNIAL CODE
28 REVISIONS REVISED IN PUBLISHED INTERNATIONAL CODE COUNCIL

Delta problem (typical)

Delta Problem fix (typical)

Comment [g1]: Not necessary, it is already being re-reviewed per this amended sentence.

Alternate Wording:
May?, Review?, Shall
Determine?

1 UPDATES SUBSEQUENT TO THE LATEST PENNSYLVANIA UNIFORM
2 CONSTRUCTION CODE ADOPTION AND SHALL BE CONSISTENT WITH THE
3 INTENT AND PURPOSES OF THIS ACT. The provisions of the codes
4 that are specified for ~~[adoption] rejection~~ ADOPTION shall be
5 separately designated in the report

Comment [g2]: To be consistent with this page line 24.

NOT FEASIBLE

6 (4) The council, SHALL CONSIDER AND MAY RELY UPON
7 SECTION 102, AS WELL AS OTHER RELEVANT FACTORS INCLUDING, BUT
8 NOT LIMITED TO: ~~shall examine triennial code revisions AND~~
9 MODIFICATIONS BY applying all of the following criteria:

Comment [g3]: The RAC's recommended verbiage of June 2013 was "In reviewing the triennial revisions the council may consider provisions of Section 102, as well as other relevant factors, including, but not limited to:"
RAC officers offer the verbiage shown to remedy the herculean task of "examining" thousands of ICC Code changes, most of which are "technical" or "erratum" in nature. (Also See next comment.) The phrase "consider and rely upon" is also used in Section 501 (h) of the Act.

10 (i) The impact that the provision may have upon the
11 health, safety and welfare of the public.

12 (ii) The economic and financial impact of the
13 provision.

14 (iii) The technical feasibility of the provision.

Comment [g4]: This requires the RAC to "examine" (in detail), a.k.a analyze, ALL ICC Code changes subsequent to the current UCC including "technical" and "non controversial" changes. There were over 1000 changes to the 2009 ICC code (2012, It has been reported that there are 2500 changes to the 2012 ICC Codes (2015). IT IS NOT FEASIBLE TO "EXAMINE" ALL THESE CHANGES. A remedy is offered in lines 3-5.

15 (IV) THE REQUIREMENT THAT THE PROVISION, IF
16 MODIFIED BY THE COUNCIL, MUST MEET OR EXCEED THE UNIFORM
17 CONSTRUCTION CODE PROVISION CURRENTLY IN EFFECT.

Prior to ACT 1 the requirement was to "review". The word "examine" is used only once in the statute SB1023 PR1733; the word "review" is used 6 times. If the existing SB1023 verbiage must remain, then changing "examine" to "review" helps the RAC perform their duties and is consistent with the other uses of the word "review" in the statute.

18 (5) Only ~~triennial code revisions~~ PROVISIONS REVISED IN
19 PUBLISHED INTERNATIONAL CODE COUNCIL UPDATES SUBSEQUENT TO
20 THE LATEST PENNSYLVANIA UNIFORM CONSTRUCTION CODE ADOPTION
21 AND MODIFICATIONS that are ~~[adopted] rejected~~ by a two-thirds
22 vote of council membership shall be included in the report
23 required under paragraph (3).

24 ~~(6) The council shall MAY, as part of its review of the~~
25 ~~2015 ICC codes, also re review the 2012 codes.~~

Comment [g5]: Redundant and confusing, under the "Delta" fix, the RAC is reviewing all "provisions revised in ICC updates subsequent to latest UCC adoption"

26 (c) Composition.--The council shall consist of the following
27 members appointed by the Governor:

28 (1) A general contractor from an association

1 representing the residential construction industry who has
2 recognized ability and experience in the construction of new
3 residential buildings.

4 (2) A general contractor from an association
5 representing the nonresidential construction industry who has
6 recognized ability and experience in the construction of
7 nonresidential buildings.

8 (3) A Uniform Construction Code-certified residential
9 building inspector who possesses all five residential
10 certifications from an association representing building code
11 officials who has experience administering and enforcing
12 residential codes.

13 (4) A Uniform Construction Code-certified building
14 inspector who possesses all nonresidential inspection
15 certifications, but need not possess a fire inspector
16 certification, or a certified plans examiner who also holds
17 an accessibility certification from an association
18 representing building code officials who has experience
19 administering and enforcing nonresidential codes.

20 (5) A Uniform Construction Code-certified fire inspector
21 from an association representing building code officials.

22 (6) A Uniform Construction Code-certified building code
23 official from an association representing building code
24 officials with building code official certification.

25 (7) A residential contractor from an association
26 representing contractors engaged in remodeling residential
27 buildings who has recognized ability and experience in
28 remodeling residential and nonresidential buildings.

1 (8) A licensed architect from an association
2 representing architects who has recognized ability and
3 experience in the design and construction of nonresidential
4 buildings.

5 (9) A licensed architect from an association
6 representing architects who has recognized ability and
7 experience in the design and construction of residential
8 buildings.

9 (10) A licensed structural engineer from an association
10 representing professional engineers who has recognized
11 ability and experience in the design and construction of
12 buildings.

13 (11) A licensed mechanical engineer specializing in HVAC
14 systems from an association representing professional
15 engineers who has recognized ability and experience in the
16 design and construction of buildings.

17 (12) A licensed mechanical engineer specializing in
18 plumbing and fire protection from an association representing
19 professional engineers who has recognized ability and
20 experience in the design and construction of buildings.

21 (13) A licensed electrical engineer from an association
22 representing professional engineers who has recognized
23 ability and experience in the design and construction of
24 buildings.

25 (14) An elected official of a township of the second
26 class who has recognized ability and experience in
27 construction of buildings.

28 (15) An elected borough official who has recognized

1 ability and experience in construction of buildings.

2 (16) An elected official of a third class city who has
3 recognized ability and experience in the construction of
4 buildings.

5 (17) An individual from an association representing
6 manufactured housing who shall be knowledgeable, licensed or
7 certified to sell and install manufactured housing.

8 (18) An official of a city of the first class who has
9 recognized ability and experience in the administration and
10 enforcement of this act.

11 (19) An individual from an association representing ~~only~~
12 ~~THE modular housing manufacturers~~ ~~BUILDING INDUSTRY~~ who
13 is knowledgeable, licensed or certified under the act of May
14 11, 1972 (P.L.286, No.70), known as the Industrialized
15 Housing Act, to manufacture and sell modular homes in
16 Pennsylvania.

17 ~~(20) A professor of engineering with a concentration or~~
18 ~~specialty in building energy efficiency.~~

19 ~~(21) An architect specializing in building energy~~
20 ~~efficiency.~~

21 ~~(20) AN ARCHITECT OR ENGINEER SPECIALIZING IN BUILDING~~
22 ~~ENERGY EFFICIENCY.~~

23 At least one of the inspectors appointed to the council shall be
24 a municipal employee, and at least one inspector shall be a
25 third-party private sector inspector.

26 * * *

27 (F) TERMS. ~~—BEGINNING WITH APPOINTMENTS MADE AFTER JANUARY~~
28 ~~IN 2014~~ A MEMBER OF THE COUNCIL SHALL SERVE TERMS OF [TWO] ~~THREE~~

Comment [g6]: It was brought to the RAC officers attention that the market has changed, where modular construction covers both residential and commercial construction. The RAC Officers suggest the language shown for the betterment of the Act.

Not Needed

Comment [g7]: All architects and most engineers would say that they specialize in energy efficiency. (The current RAC Chair is Association of Energy Engineers Certified - CEM.) Some RAC Council Members are strongly opposed to this additional seat for Arch/Engineers. (ACT 45 does not state that energy efficiency is a priority for PA, it only says that PA is to adopt energy standards.) Arguably, there are other stakeholders (such as Building Owners (BOMA) and Lenders), who have greater stakeholder claim, than the energy efficiency industry.

Straightening out terms for approximately 1/3 RAC turnover in any one year

1 YEARS AND UNTIL ~~HIS~~ THEIR SUCCESSOR IS APPOINTED BEGINNING ~~JULY~~
2 ~~1,~~ 2008, EXCEPT THE ~~INITIAL CURRENT~~ TERM OF MEMBERS APPOINTED
3 UNDER SUBSECTION (C)(1), ~~(2),~~ (3), (4), (5), (8), ~~(9), (10),~~
4 (11), (13), ~~AND~~ (14) ~~(16 AND 17),~~ SHALL BE FOR THREE YEARS AND
5 UNTIL THEIR SUCCESSOR IS APPOINTED. ~~TERMS AFTER JANUARY 2014~~
6 ~~SHALL BEGIN ON SEPTEMBER 1.~~

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Comment [g8]: Verbiage to stagger the appointments so that 1/3 of the RAC membership changes in any given year. An attempt is made here to stagger appointment specialties so that reappointment of all the members of one specialty, such as Code Officials, does not occur in one year.

Comment [g9]: To move the appointment process away from the Governor's budgetary process deadlines.

7 * * *
8 (J) ADMINISTRATIVE SUPPORT.--THE DEPARTMENT SHALL PROVIDE A
9 FACILITY FOR COUNCIL MEETINGS ~~AND PUBLIC HEARINGS~~ UNDER THIS
10 ACT, STENOGRAPHIC SERVICES AND REQUIRED NOTICE OF THE COUNCIL'S
11 MEETINGS. THE DEPARTMENT [MAY] ~~SHALL~~ PROVIDE ~~GENERAL CLERICAL~~
12 ~~STAFF SUPPORT TO THE COUNCIL AS REQUESTED BY THE COUNCIL.~~ ~~THE~~
13 ~~OFFICE OF GENERAL COUNCIL SHALL PROVIDE LEGAL STAFF SUPPORT TO~~
14 ~~THE COUNCIL AS REQUESTED BY THE COUNCIL.~~ ~~TO ASSIST THE COUNCIL~~
15 ~~IN ITS DUTIES REQUIRED BY SUBSECTION (B.1)(4) AND IN DRAFTING~~
16 ~~ANY REPORTS REQUIRED UNDER THIS ACT.~~

Comment [g10]: Council needs Clerical support to perform its duties.

Comment [g11]: Language offered by the RAC Officers consistent with RAC recommendations and positions for improved RAC function. Legal support is from OGC is preferred to that from the Department

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17 (k) ~~Technical Support.~~--The council may solicit and retain,
18 ~~without compensation,~~ individuals who are qualified by training
19 or experience to provide expert input to the council ~~RELATED TO~~
20 ~~REVIEW AND RESEARCH OF CODE PROVISIONS BEING CONSIDERED UNDER~~
21 ~~THE CRITERIA OF SECTION 107(B)(3).~~ ~~and, at the discretion of the~~
22 ~~council, such individuals may be reimbursed for reasonable~~
23 ~~travel expenses at a rate established by the secretary.~~

Comment [g12]: Council needs technical support, sometimes with compensation, to perform its duties

24 * * *
25 (l) Compensation and expenses.--Members of the council shall
26 not receive a salary [or per diem allowance for their service]
27 ~~but shall be entitled to \$60 per diem and~~ reasonable travel,
28 ~~hotel and other necessary expenses incurred in performing their~~

1 duties, INCLUDING PARTICIPATION AT INTERNATIONAL CODE COUNCIL
2 CODE DEVELOPMENT ACTIVITIES.

3 Section 2. Section 304 of the act, amended April 5, 2011
4 (P.L.1, No.1), is amended to read:

5 Section 304. Revised or successor codes.

6 (a) Duties of department.--

7 (1) Subject to sections 105(c) and (d), 301(a)(3), (4),
8 (5), (6) and (7), (c) and (d) and 302, within [three] 12

9 months of the receipt of the report under section 107(b.1) BY

10 DECEMBER 31 OF THE YEAR FOLLOWING THE YEAR OF THE ISSUANCE OF

11 THE LATEST INTERNATIONAL CODE COUNCIL CODES , the department

12 shall promulgate final-omitted regulations under the act of

13 June 25, 1982 (P.L.633, No.181), known as the Regulatory

14 Review Act, to adopt the ~~triennial code revisions~~ PROVISIONS

15 REVISED IN PUBLISHED INTERNATIONAL CODE COUNCIL UPDATES

16 SUBSEQUENT TO THE LATEST PENNSYLVANIA UNIFORM CONSTRUCTION

17 CODE ADOPTION AND MODIFICATIONS made in the report without

18 change.

19 (2) Regulations promulgated under this subsection are
20 exempt from:

21 (i) section 205 of the act of July 31, 1968

22 (P.L.769, No.240), referred to as the Commonwealth

23 Documents Law; and

24 (ii) sections 204(b) and 301(10) of the act of

25 October 15, 1980 (P.L.950, No.164), known as the

26 Commonwealth Attorneys Act.

27 (3) Notwithstanding paragraphs (1) and (2), the

28 department shall promulgate regulations updating

Comment [g13]: Language offered by the RAC Officers consistent with RAC recommendations and positions for improved RAC function. Desired in order to increase PA participation in the ICC Code development process. (The Council members hold 12 ICC voting seats at the final ICC code adoption (voting) process. Three Council members attended for part of the 2015 final ICC voting at their own expense. Allowing RAC designated funds (when they are available) to reimburse council members for travel expenses would increase PA's voice in the ICC Code adoption process.)

Comment [g14]: This extends the issuance of UCC code by approximately 6 months and at a date determined by the ICC Code publication(s). From an UCC user perspective, a fixed date for adoption is easier to apply and the verbiage offered keeps UCC/ICC code promulgation of regulations the same date as for UCC/Accessibility.

Comment [g15]: Issuance is the date on the cover of the ICC Code, not the published date, typically they are 6 months apart and in different years.

PA UCC Adoption
December 31 for user
clarity (Also see next
page, line 8.)

1 accessibility standards under Chapter 3 by adopting Chapter
2 11 and Appendix E of the International Building Code of 2012,
3 OR ANY OTHER ACCESSIBILITY REQUIREMENTS, WHICH SHALL BE
4 SPECIFIED IN THE REGULATIONS, CONTAINED OR REFERENCED^D BY THE
5 UNIFORM CONSTRUCTION CODE RELATING TO PERSONS WITH
6 DISABILITIES, or its successor, by December 31 of the year
7 FOLLOWING THE YEAR of issuance of the new code.

Comment [g16]: This is to reinforce the requirement in 107 (3) that the Department tell Code Users what the regulations are.

8 (a.1) Continuity.--If a triennial revision PROVISIONS
9 REVISED IN PUBLISHED INTERNATIONAL CODE COUNCIL UPDATES
10 SUBSEQUENT TO THE LATEST PENNSYLVANIA UNIFORM CONSTRUCTION CODE
11 ADOPTION ~~is~~ ARE not adopted under section 107(b.1)(5), the
12 relevant provisions of the ~~prior version of the codes~~ LATEST
13 PENNSYLVANIA UNIFORM CONSTRUCTION CODE shall remain in effect.

Comment [g17]: This is so that the Department promulgation of Accessibility requirements matches UCC/ICC requirements... And for clarity for UCC users.

14 (c) Prior permits and construction.--

15 (1) A construction permit issued under valid
16 construction regulations prior to the effective date of
17 regulations for a subsequent Uniform Construction Code or
18 International Fuel Gas Code issued under this act shall
19 remain valid, and the construction of any building or
20 structure may be completed pursuant to and in accordance with
21 the permit.

22 (2) If the permit has not been actively prosecuted
23 within two years of the effective date of the regulation or
24 the period specified by a municipal ordinance, whichever is
25 less, the former permitholder shall be required to acquire a
26 new permit.

27 (3) Where construction of a building or structure
28 commenced before the effective date of the regulations for a

1 subsequent Uniform Construction Code or International Fuel
2 Gas Code issued under this act and a permit was not required
3 at that time, construction may be completed without a permit.

4 Section 3. Section 703 of the act, amended November 29, 2006
5 (P.L.1440, No.157), is amended to read:

6 Section 703. Education and training programs.

7 (a) Fee.--Municipalities administering and enforcing this
8 act under section 501(a) and third-party agencies providing
9 services under section 501(e) shall assess a fee of [\$4] \$5 on
10 each construction or building permit issued under the authority
11 of this act. The fee shall be in addition to any other fee
12 imposed for the permit.

13 (b) ~~[Training accounts]~~ Accounts.--There is hereby
14 established within the State Treasury [two] three restricted
15 accounts which shall be known as the Municipal Code Official
16 Training Account, the Review and Advisory Council Administration
17 Account and the Construction Contractor Training Account.

18 (c) Deposit.--Moneys collected as authorized under
19 subsection (a) shall be transmitted quarterly to the State
20 Treasury and ~~shall be [equally] divided and deposited in the~~
21 ~~accounts established in subsection (b)] 37.5% of said moneys~~
22 ~~shall be deposited in the Municipal Code Official Training~~
23 ~~Account, 37.5% of said moneys shall be deposited in the~~
24 ~~Construction Contractor Training Account and 25% shall be~~
25 ~~deposited in the Review and Advisory Council Administration~~
26 ~~Account. Moneys so deposited are hereby equally appropriated on~~
27 ACCOUNTS ESTABLISHED IN SUBSECTION (B)[.] AS FOLLOWS:

28 (1) FORTY PERCENT OF THE MONEYS SHALL BE DEPOSITED IN

Comment [g18]: The council has no opinion on fees, however it would not want to see an increase in fees to cause bill passage failure.

1 THE MUNICIPAL CODE OFFICIAL TRAINING ACCOUNT;

2 (2) FORTY PERCENT OF THE MONEYS SHALL BE DEPOSITED IN
3 THE CONSTRUCTION CONTRACTOR TRAINING ACCOUNT; AND

4 (3) TWENTY PERCENT OF THE MONEYS SHALL BE DEPOSITED IN
5 THE REVIEW AND ADVISORY COUNCIL ADMINISTRATION ACCOUNT.

Comment [g19]: The RAC has no opinion on distribution of funds.

6 MONEYS SO DEPOSITED ARE HEREBY EQUALLY APPROPRIATED ON approval
7 of the Governor to the Department of Community and Economic
8 Development for the purpose of education and training programs
9 provided by the Pennsylvania Construction Codes Academy for
10 municipal code officials and individuals employed by third-party
11 agencies under contract to a municipality and to a Pennsylvania-
12 based housing research center located at a land grant university
13 for the construction industry. To assure the programs meet the
14 needs of the construction industry, the education, training and
15 other activities provided by such a housing research center
16 shall be approved by its industry advisory committee.

17 (d) Review and Advisory Council Administration expenses.--
18 Moneys collected as authorized under subsection (a) and
19 deposited in the Review and Advisory Council Administration
20 Account shall be transmitted quarterly to the Department of
21 Labor and Industry for ~~per diem and~~ expenses of the Review and
22 Advisory Council as authorized in section 107(1) and for
23 technical assistance as provided for in section 107(k) and
24 administrative assistance AS PROVIDE FOR IN SECTION 107(J) as
25 determined necessary by the council and the department. EXPENSES
26 PROVIDED FOR IN THIS SECTION SHALL BE LIMITED BY THE AMOUNT OF
27 MONEY AVAILABLE FROM THE REVIEW AND ADVISORY COUNCIL
28 ADMINISTRATION ACCOUNT. ANY FUNDS COLLECTED IN EXCESS OF THE

1 EXPENSES INCURRED SHALL REMAIN IN THE REVIEW AND ADVISORY
2 COUNCIL ADMINISTRATION ACCOUNT FOR THE FUTURE USE OF THE
3 COUNCIL.

Section 4. This act shall take effect in 60 days.

Comment [g20]: RAC reimbursable expenses are limited by the amount of funds in the RAC Account. Year over year RAC Account balances are for future RAC Council use.

Pennsylvania Uniform Construction Code Review and Advisory Council

Memorandum

TO: Todd Roup, Executive Director, Senate Labor and Industry Committee

FROM: George "Gig" Settle, Jr., Chairman

RE: Proposed Amendments to SB 1023 PR1733

DATE: March 6, 2014

1. Attached is SB 1023 PR1733 annotated with proposed amendments and comments from the Review and Advisory Council leadership for your consideration and use.
2. With the exception of Section 107 (b.1) (4), we believe that the amendments proposed are largely *technical* in nature and are not *controversial*.
3. Regarding Section 107 (b.1) (4), we have reverted back to recommending the "may" language we originally proposed as a means of *managing* the review of thousands of provisions in published International Code Council updates subsequent to the latest Pennsylvania Uniform Construction Code adoption, most of which are *technical* or *erratum* in nature.

Thank you for the opportunity to provide comments. Please feel free to give me a call if you wish to discuss these matters further.

Attachments

Yellow Highlighted = DELTA problem

RED UNDERLINED = RAC Amendment Insertion to SB1023 PR1733

Blue Strikeout = RAC Amendment Deletion to SB1023 PR1733

PRIOR PRINTER'S NO. 1234

PRINTER'S NO. 1733

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1023 Session of 2013

Additional fixes required to the ACT if 20th council member is added (107H):
Change quorum requirements to 11 from 10

INTRODUCED BY McILHINNEY, SOLOBAY, FERLO, DINNIMAN, HUGHES, FONTANA, STACK, LEACH, TOMLINSON, SMITH AND FARNESE, JUNE 17, 2013

SENATOR GORDNER, LABOR AND INDUSTRY, AS AMENDED, JANUARY 28, 2014

AN ACT

1 Amending the act of November 10, 1999 (P.L.491, No.45),
2 entitled "An act establishing a uniform construction code;
3 imposing powers and duties on municipalities and the
4 Department of Labor and Industry; providing for enforcement;
5 imposing penalties; and making repeals," further providing
6 for the duties of the council, for revised or successor codes
7 and for education and training programs.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 ~~Section 1. Section 107(b.1), (c) and (l) of the act of~~
11 ~~November 10, 1999 (P.L.491, No.45), known as the Pennsylvania~~
12 ~~Construction Code Act, amended or added October 9, 2008~~
13 ~~(P.L.1386, No.106) and April 25, 2011 (P.L.1, No.1), are amended~~
14 ~~to read:~~

15 SECTION 1. SECTION 107(B), (B.1), (C), (F), (J) AND (L) OF
16 THE ACT OF NOVEMBER 10, 1999 (P.L.491, NO.45), KNOWN AS THE
17 PENNSYLVANIA CONSTRUCTION CODE ACT, AMENDED OR ADDED OCTOBER 9,
18 2008 (P.L.1386, NO.106) AND APRIL 25, 2011 (P.L.1, NO.1), ARE

1 AMENDED TO READ:

2 Section 107. Uniform Construction Code Review and Advisory
3 Council.

* * *

4 (B) DUTIES.--THE COUNCIL SHALL DO THE FOLLOWING:

5 (1) GATHER INFORMATION FROM MUNICIPAL OFFICERS, BUILDING
6 CODE OFFICIALS, CONSTRUCTION CODE OFFICIALS, LICENSED DESIGN
7 PROFESSIONALS, BUILDERS AND PROPERTY OWNERS CONCERNING ISSUES
8 WITH THE UNIFORM CONSTRUCTION CODE RAISED BY COUNCIL MEMBERS
9 OR CHANGES PROPOSED BY MEMBERS OF THE GENERAL ASSEMBLY.

10 (2) EVALUATE THE INFORMATION COMPILED UNDER PARAGRAPH
11 (1) AND MAKE RECOMMENDATIONS TO THE FOLLOWING:

12 (I) THE GOVERNOR.

13 (II) THE SECRETARY OF LABOR AND INDUSTRY.

14 (III) THE MEMBERS OF ANY LEGISLATIVE COMMITTEE
15 CONSIDERING AMENDMENTS TO THIS ACT.

16 (IV) THE PRESIDENT PRO TEMPORE OF THE SENATE.

17 (V) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

18 (VI) THE CODE DEVELOPMENT COUNCILS OF THE
19 INTERNATIONAL CODE COUNCIL.

20 (3) WITH THE EXCEPTION OF THE PROVISIONS OF CHAPTER 11
21 AND APPENDIX E OF THE INTERNATIONAL BUILDING CODE OF 2009, OR
22 ITS SUCCESSOR CODES, OR ANY OTHER ACCESSIBILITY REQUIREMENTS,
23 WHICH SHALL BE SPECIFIED IN THE REGULATIONS, CONTAINED IN OR
24 REFERENCED BY THE UNIFORM CONSTRUCTION CODE RELATING TO
25 PERSONS WITH PHYSICAL DISABILITIES, REVIEW THE [LATEST
26 TRIENNIAL CODE REVISIONS ISSUED BY THE INTERNATIONAL CODE
27 COUNCIL, BEGINNING WITH THE 2012 CODES,] PROVISIONS REVISED

1 IN PUBLISHED INTERNATIONAL CODE COUNCIL UPDATES SUBSEQUENT TO
2 THE LATEST PENNSYLVANIA UNIFORM CONSTRUCTION CODE ADOPTION,
3 AS PROVIDED UNDER SUBSECTION (B.1).

4 (b.1) Code review process.--

5 (1) Beginning with the [2012 ICC codes, the council
6 shall review the latest triennial code revisions upon
7 official publication of the codes.] 2015 ICC CODES, THE
8 COUNCIL SHALL REVIEW THE ~~LATEST TRIENNIAL CODE REVISIONS~~
9 PROVISIONS REVISED IN PUBLISHED INTERNATIONAL CODE COUNCIL
10 UPDATES SUBSEQUENT TO THE LATEST PENNSYLVANIA UNIFORM
11 CONSTRUCTION CODE ADOPTION UPON OFFICIAL PUBLICATION OF THE
12 CODES, AS WELL AS CODE REVISIONS IN THE 2012 TRIENNIAL
13 PUBLICATION OF THE CODES THAT WERE NOT PREVIOUSLY ADOPTED BY
14 THE COUNCIL FOR INCLUSION IN THE UNIFORM CONSTRUCTION CODE.

15 (2) During the review process, the council shall hold
16 at least three public hearings. One of the public hearings
17 shall be held in Harrisburg, one shall be held in the eastern
18 region of this Commonwealth and one shall be held in the
19 western region of this Commonwealth.

20 (3) The council shall submit a report to the secretary
21 within the [12-month] 24-MONTH period following official
22 publication of the latest ~~triennial code revisions~~
23 INTERNATIONAL CODE COUNCIL UPDATES under paragraph (1) with
24 provisions of the codes that are specified for ~~adoption~~
25 ~~rejection~~-.] AND WHICH PROVISIONS ARE SPECIFIED FOR
26 MODIFICATION. MODIFICATION SHALL BE LIMITED TO THE SUBJECT
27 MATTER OF THE PROVISIONS OF THE ~~LATEST TRIENNIAL CODE~~
28 REVISIONS REVISED IN PUBLISHED INTERNATIONAL CODE COUNCIL

Delta problem (typical)

Delta Problem fix (typical)

Comment [g1]: Not necessary, it is already being re-reviewed per this amended sentence.

Recommended Wording

**Alternate Wording:
May?, Review?, Shall Determine?**

1 UPDATES SUBSEQUENT TO THE LATEST PENNSYLVANIA UNIFORM
2 CONSTRUCTION CODE ADOPTION AND SHALL BE CONSISTENT WITH THE
3 INTENT AND PURPOSES OF THIS ACT. The provisions of the codes
4 that are specified for ~~[adoption] rejection~~ ADOPTION shall be
5 separately designated in the report.

Comment [g2]: To be consistent with this page 3 line 24.

6 (4) IN REVIEWING THE PROVISIONS REVISED IN PUBLISHED
7 INTERNATIONAL CODE COUNCIL UPDATES SUBSEQUENT TO THE LATEST
8 PENNSYLVANIA UNIFORM CONSTRUCTION CODE ADOPTION AND
9 MODIFICATIONS, The council, MAY CONSIDER THE PROVISIONS OF
10 SECTION 102 AS WELL AS OTHER RELEVANT FACTORS INCLUDING, BUT
11 NOT LIMITED TO, shall examine triennial code revisions AND
12 MODIFICATIONS BY applying all of the following criteria:

NOT FEASIBLE

Comment [g3]: The RAC's recommended verbiage of June 2013 is modified here to fix the "triennial revision = delta problem". This proposed language remedies the herculean task of "examining" thousands of ICC Code changes, most of which are "technical" or "erratum" in nature. (Also See next comment.) The phrase "consider and rely upon" is also used in Section 501 (h) of the Act.

- 13 (i) The impact that the provision may have upon the health, safety and welfare of the public.
- 14 (ii) The economic and financial impact of the provision.
- 15 (iii) The technical feasibility of the provision.

Comment [g4]: This requires the RAC to "examine" (in detail), a.k.a analyze, ALL ICC Code changes subsequent to the current UCC including "technical" and "non controversial" changes. There were over 1000 changes to the 2009 ICC code (2012), It has been reported that there are 2500 changes to the 2012 ICC Codes (2015). IT IS NOT FEASIBLE TO "EXAMINE" ALL THESE CHANGES. A remedy is offered in lines 3-5.

16 (iv) THE REQUIREMENT THAT THE PROVISION, IF MODIFIED
17 BY THE COUNCIL, MUST MEET OR EXCEED THE UNIFORM
18 CONSTRUCTION CODE PROVISION CURRENTLY IN EFFECT.

Prior to ACT 1 the requirement was to "review". The word "examine" is used only once in the SB1023 PR1733 (and in Act 45); the word "review" is used 6 times (in SB1023 PR1733). If the existing SB1023 verbiage must remain, then changing "examine" to "review" helps the RAC perform their duties and is consistent with the other uses of the word "review" in the statute.

19 (5) Only ~~triennial code revisions~~ PROVISIONS REVISED IN
20 PUBLISHED INTERNATIONAL CODE COUNCIL UPDATES SUBSEQUENT TO
21 THE LATEST PENNSYLVANIA UNIFORM CONSTRUCTION CODE ADOPTION
22 AND MODIFICATIONS that are ~~adopted] rejected~~ by a two-thirds
23 vote of council membership shall be included in the report
24 required under paragraph (3).

Comment [g5]: Redundant and confusing, under the "Delta" fix, the RAC is reviewing all "provisions revised in ICC updates subsequent to latest UCC adoption"

25 (6) ~~The council shall MAY, as part of its review of the~~
26 ~~2015 ICC codes, also re review the 2012 codes.~~

1 (c) Composition.--The council shall consist of the following
2 members appointed by the Governor:

3 (1) A general contractor from an association
4 representing the residential construction industry who has
5 recognized ability and experience in the construction of new
6 residential buildings.

7 (2) A general contractor from an association
8 representing the nonresidential construction industry who has
9 recognized ability and experience in the construction of
10 nonresidential buildings.

11 (3) A Uniform Construction Code-certified residential
12 building inspector who possesses all five residential
13 certifications from an association representing building code
14 officials who has experience administering and enforcing
15 residential codes.

16 (4) A Uniform Construction Code-certified building
17 inspector who possesses all nonresidential inspection
18 certifications, but need not possess a fire inspector
19 certification, or a certified plans examiner who also holds
20 an accessibility certification from an association
21 representing building code officials who has experience
22 administering and enforcing nonresidential codes.

23 (5) A Uniform Construction Code-certified fire inspector
24 from an association representing building code officials.

25 (6) A Uniform Construction Code-certified building code
26 official from an association representing building code
27 officials with building code official certification.

28 (7) A residential contractor from an association

1 representing contractors engaged in remodeling residential
2 buildings who has recognized ability and experience in
3 remodeling residential and nonresidential buildings.

4 (8) A licensed architect from an association
5 representing architects who has recognized ability and
6 experience in the design and construction of nonresidential
7 buildings.

8 (9) A licensed architect from an association
9 representing architects who has recognized ability and
10 experience in the design and construction of residential
11 buildings.

12 (10) A licensed structural engineer from an association
13 representing professional engineers who has recognized
14 ability and experience in the design and construction of
15 buildings.

16 (11) A licensed mechanical engineer specializing in HVAC
17 systems from an association representing professional
18 engineers who has recognized ability and experience in the
19 design and construction of buildings.

20 (12) A licensed mechanical engineer specializing in
21 plumbing and fire protection from an association representing
22 professional engineers who has recognized ability and
23 experience in the design and construction of buildings.

24 (13) A licensed electrical engineer from an association
25 representing professional engineers who has recognized
26 ability and experience in the design and construction of
27 buildings.

28 (14) An elected official of a township of the second

1 class who has recognized ability and experience in
2 construction of buildings.

3 (15) An elected borough official who has recognized
4 ability and experience in construction of buildings.

5 (16) An elected official of a third class city who has
6 recognized ability and experience in the construction of
7 buildings.

8 (17) An individual from an association representing
9 manufactured housing who shall be knowledgeable, licensed or
10 certified to sell and install manufactured housing.

11 (18) An official of a city of the first class who has
12 recognized ability and experience in the administration and
13 enforcement of this act.

14 (19) An individual from an association representing
15 only modular housing manufacturers who is knowledgeable,
16 licensed or certified under the act of May 11, 1972 (P.L.286,
17 No.70), known as the Industrialized Housing Act, to
18 manufacture and sell modular homes in Pennsylvania.

19 ~~(20) A professor of engineering with a concentration or
20 specialty in building energy efficiency.~~

21 ~~(21) An architect specializing in building energy
22 efficiency.~~

23 ~~(20) AN ARCHITECT OR ENGINEER SPECIALIZING IN BUILDING
24 ENERGY EFFICIENCY.~~

25 At least one of the inspectors appointed to the council shall be
26 a municipal employee, and at least one inspector shall be a
27 third-party private sector inspector.

28 * * *

Not Needed

Comment [g6]: All architects and most engineers would say that they specialize in energy efficiency. (The current RAC Chair is Association of Energy Engineers Certified - CEM.) Some RAC Council Members are strongly opposed to this additional seat for Arch/Engineers. (ACT 45 does not state that energy efficiency is a priority for PA, it only says that PA is to adopt energy standards.) Arguably, there are other stakeholders (such as Building Owners and Managers (BOMA)) who have greater stakeholder claim than the energy efficiency industry.

Straightening out terms for approximately 1/3 RAC turnover in any one year

1 (F) TERMS. ~~BEGINNING WITH APPOINTMENTS MADE AFTER JANUARY~~
2 ~~IN 2014~~ A MEMBER OF THE COUNCIL SHALL SERVE TERMS OF [TWO] ~~THREE~~
3 YEARS AND UNTIL ~~HIS~~ THEIR SUCCESSOR IS APPOINTED ~~BEGINNING JULY~~
4 ~~1, 2009~~, EXCEPT THE ~~INITIAL CURRENT~~ TERM OF MEMBERS APPOINTED
5 UNDER SUBSECTION (C)(1), ~~(2)~~, (3), (4), (5), (8), ~~(9)~~, (10),
6 (11), (13), ~~AND~~ (14) (16) AND (17), SHALL BE FOR THREE YEARS AND
7 UNTIL THEIR SUCCESSOR IS APPOINTED. ~~TERMS AFTER JANUARY 2014~~
8 SHALL BEGIN ON SEPTEMBER 1.

9 * * *

10 (J) ADMINISTRATIVE SUPPORT.--THE DEPARTMENT SHALL PROVIDE A
11 FACILITY FOR COUNCIL MEETINGS AND PUBLIC HEARINGS UNDER THIS
12 ACT, STENOGRAPHIC SERVICES AND REQUIRED NOTICE OF THE COUNCIL'S
13 MEETINGS. THE DEPARTMENT [MAY] SHALL PROVIDE ~~GENERAL CLERICAL~~
14 STAFF SUPPORT TO THE COUNCIL AS REQUESTED BY THE COUNCIL. ~~THE~~
15 OFFICE OF GENERAL COUNSEL SHALL PROVIDE LEGAL STAFF SUPPORT TO
16 THE COUNCIL AS REQUESTED BY THE COUNCIL. ~~TO ASSIST THE COUNCIL~~
17 ~~IN ITS DUTIES REQUIRED BY SUBSECTION (B.1)(4) AND IN DRAFTING~~
18 ~~ANY REPORTS REQUIRED UNDER THIS ACT.~~

19 (k) Technical Support.--The council may solicit and retain,
20 ~~without compensation~~, individuals who are qualified by training
21 or experience to provide expert input to the council ~~RELATED TO~~
22 ~~REVIEW AND RESEARCH OF CODE PROVISIONS BEING CONSIDERED UNDER~~
23 ~~THE CRITERIA OF SECTION 107(B)(3).~~ and, at the discretion of the
24 council, such individuals may be reimbursed for reasonable
25 travel expenses at a rate established by the secretary.

26 * * *

27 (l) Compensation and expenses.--Members of the council shall
28 not receive a salary [or per diem allowance for their service]

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Comment [g7]: Verbiage to stagger the appointments so that 1/3 of the RAC membership changes in any given year. An attempt is made here to stagger appointment specialties so that reappointment of all the members of one specialty, such as Code Officials, does not occur in one year.

Comment [g8]: To move the appointment process away from the Governor's budgetary process deadlines.

Comment [g9]: Council needs Clerical support to perform its duties.

Comment [g10]: Language offered by the RAC Officers consistent with RAC recommendations and positions for improved RAC function. Legal support is from OGC is preferred to that from the Department

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Comment [g11]: Council needs technical support, sometimes with compensation, to perform its duties

1 but shall be entitled to ~~\$60 per diem and~~ reasonable travel,
2 hotel and other necessary expenses incurred in performing their
3 duties, INCLUDING PARTICIPATION AT INTERNATIONAL CODE COUNCIL
4 CODE DEVELOPMENT ACTIVITIES.

5 Section 2. Section 304 of the act, amended April 5, 2011
6 (P.L.1, No.1), is amended to read:

7 Section 304. Revised or successor codes.

8 (a) Duties of department.--

9 (1) Subject to sections 105(c) and (d), 301(a)(3), (4),
10 (5), (6) and (7), (c) and (d) and 302, within [three] 12
11 months of the receipt of the report under section 107(b.1) BY
12 DECEMBER 31 OF THE YEAR FOLLOWING THE YEAR OF THE ISSUANCE OF
13 THE LATEST INTERNATIONAL CODE COUNCIL CODES, the department
14 shall promulgate final-omitted regulations under the act of
15 June 25, 1982 (P.L.633, No.181), known as the Regulatory
16 Review Act, to adopt the triennial code revisions PROVISIONS
17 REVISED IN PUBLISHED INTERNATIONAL CODE COUNCIL UPDATES
18 SUBSEQUENT TO THE LATEST PENNSYLVANIA UNIFORM CONSTRUCTION
19 CODE ADOPTION AND MODIFICATIONS made in the report without
20 change.

21 (2) Regulations promulgated under this subsection are
22 exempt from:

23 (i) section 205 of the act of July 31, 1968
24 (P.L.769, No.240), referred to as the Commonwealth
25 Documents Law; and

26 (ii) sections 204(b) and 301(10) of the act of
27 October 15, 1980 (P.L.950, No.164), known as the
28 Commonwealth Attorneys Act.

Comment [g12]: Language offered by the RAC Officers consistent with RAC recommendations and positions for improved RAC function. Desired in order to increase PA participation in the ICC Code development process. (The Council members hold 12 ICC voting seats at the final ICC code development (voting) process. Three Council members attended for part of the 2015 final ICC voting at their own expense. Allowing RAC designated funds (when they are available) to reimburse council members for travel expenses would increase PA's voice in the ICC Code development process.)

Comment [g13]: This extends the issuance of UCC code by approximately 6 months and at a date determined by the ICC Code publication(s). From an UCC user perspective, a fixed date for adoption is easier to apply and the verbiage offered keeps UCC/ICC code promulgation of regulations the same date as for UCC/Accessibility.

Comment [g14]: Issuance is the date on the cover of the ICC Code, not the published date, typically they are 6 months apart and in different years.

PA UCC Adoption
December 31 for user
clarity (Also see next
page, line 8.)

1 (3) Notwithstanding paragraphs (1) and (2), the
2 department shall promulgate regulations updating
3 accessibility standards under Chapter 3 by adopting Chapter
4 11 and Appendix E of the International Building Code of 2012,
5 OR ANY OTHER ACCESSIBILITY REQUIREMENTS, WHICH SHALL BE
6 SPECIFIED IN THE REGULATIONS, CONTAINED IN OR REFERENCED BY
7 THE UNIFORM CONSTRUCTION CODE RELATING TO PERSONS WITH
8 DISABILITIES, or its successor, by December 31 of the year
9 FOLLOWING THE YEAR of issuance of the new code.

Comment [g15]: This is to reinforce the requirement in 107 (3) that the Department tell Code Users what the regulations are.

10 (a.1) Continuity.--If a triennial revision PROVISIONS
11 REVISED IN PUBLISHED INTERNATIONAL CODE COUNCIL UPDATES
12 SUBSEQUENT TO THE LATEST PENNSYLVANIA UNIFORM CONSTRUCTION CODE
13 ADOPTION ~~is~~ ARE not adopted under section 107(b.1)(5), the
14 relevant provisions of the ~~prior version of the codes~~ LATEST
15 PENNSYLVANIA UNIFORM CONSTRUCTION CODE shall remain in effect.

Comment [g16]: This is so that the Department promulgation date of Accessibility requirements matches the other Code provision promulgation date... and for clarity for UCC users.

16 (c) Prior permits and construction.--

17 (1) A construction permit issued under valid
18 construction regulations prior to the effective date of
19 regulations for a subsequent Uniform Construction Code or
20 International Fuel Gas Code issued under this act shall
21 remain valid, and the construction of any building or
22 structure may be completed pursuant to and in accordance with
23 the permit.

24 (2) If the permit has not been actively prosecuted
25 within two years of the effective date of the regulation or
26 the period specified by a municipal ordinance, whichever is
27 less, the former permitholder shall be required to acquire a
28 new permit.

1 (3) Where construction of a building or structure
2 commenced before the effective date of the regulations for a
3 subsequent Uniform Construction Code or International Fuel
4 Gas Code issued under this act and a permit was not required
5 at that time, construction may be completed without a permit.
6 Section 3. Section 703 of the act, amended November 29, 2006
7 (P.L.1440, No.157), is amended to read:

8 Section 703. Education and training programs.

9 (a) Fee.--Municipalities administering and enforcing this
10 act under section 501(a) and third-party agencies providing
11 services under section 501(e) shall assess a fee of [\$4] \$5 on
12 each construction or building permit issued under the authority
13 of this act. The fee shall be in addition to any other fee
14 imposed for the permit.

15 (b) [Training accounts] Accounts.--There is hereby
16 established within the State Treasury [two] three restricted
17 accounts which shall be known as the Municipal Code Official
18 Training Account, the Review and Advisory Council Administration
19 Account and the Construction Contractor Training Account.

20 (c) Deposit.--Moneys collected as authorized under
21 subsection (a) shall be transmitted quarterly to the State
22 Treasury and [shall be [equally] divided and deposited in the
23 ~~accounts established in subsection (b)] 37.5% of said moneys
24 ~~shall be deposited in the Municipal Code Official Training~~
25 ~~Account, 37.5% of said moneys shall be deposited in the~~
26 ~~Construction Contractor Training Account and 25% shall be~~
27 ~~deposited in the Review and Advisory Council Administration~~
28 ~~Account. Moneys so deposited are hereby equally appropriated on~~~~

Comment [g17]: The council has no opinion on fees, however it would not want to see an increase in fees to cause bill passage failure.

1 ACCOUNTS ESTABLISHED IN SUBSECTION (B)[.] AS FOLLOWS:

2 (1) FORTY PERCENT OF THE MONEYS SHALL BE DEPOSITED IN
3 THE MUNICIPAL CODE OFFICIAL TRAINING ACCOUNT;

4 (2) FORTY PERCENT OF THE MONEYS SHALL BE DEPOSITED IN
5 THE CONSTRUCTION CONTRACTOR TRAINING ACCOUNT; AND

6 (3) TWENTY PERCENT OF THE MONEYS SHALL BE DEPOSITED IN
7 THE REVIEW AND ADVISORY COUNCIL ADMINISTRATION ACCOUNT.

Comment [g18]: The RAC has no opinion on distribution of funds.

8 MONEYS SO DEPOSITED ARE HEREBY EQUALLY APPROPRIATED ON approval
9 of the Governor to the Department of Community and Economic
10 Development for the purpose of education and training programs
11 provided by the Pennsylvania Construction Codes Academy for
12 municipal code officials and individuals employed by third-party
13 agencies under contract to a municipality and to a Pennsylvania-
14 based housing research center located at a land grant
15 university for the construction industry. To assure the
16 programs meet the needs of the construction industry, the
17 education, training and other activities provided by such a
18 housing research center shall be approved by its industry
19 advisory committee.

20 (d) Review and Advisory Council Administration expenses.--
21 Moneys collected as authorized under subsection (a) and
22 deposited in the Review and Advisory Council Administration
23 Account shall be transmitted quarterly to the Department of
24 Labor and Industry for ~~per diem and~~ expenses of the Review and
25 Advisory Council as authorized in section 107(l) and for
26 technical assistance as provided for in section 107(k) and
27 administrative assistance AS PROVIDE FOR IN SECTION 107(J) as
28 determined necessary by the council and the department. EXPENSES

1 PROVIDED FOR IN THIS SECTION SHALL BE LIMITED BY THE AMOUNT OF
2 MONEY AVAILABLE FROM THE REVIEW AND ADVISORY COUNCIL
3 ADMINISTRATION ACCOUNT. ANY FUNDS COLLECTED IN EXCESS OF THE
4 EXPENSES INCURRED SHALL REMAIN IN THE REVIEW AND ADVISORY
5 COUNCIL ADMINISTRATION ACCOUNT FOR THE FUTURE USE OF THE
6 COUNCIL.

Section 4. This act shall take effect in 60 days.

Comment [g19]: RAC reimbursable expenses are limited by the amount of funds in the RAC Account. Year over year RAC Account balances are for future RAC Council use.

Pennsylvania Uniform Construction Code Review and Advisory Council

Memorandum

TO: Senator Jake Corman, PA Senate Appropriations Committee Chairman

FROM: George "Gig" Settle, Jr., Chairman

RE: Proposed Amendments to SB 1023 PR1733

DATE: March 14, 2014

Attached are Review and Advisory Council recommended technical amendments to SB 1023 PR 1733 for your consideration. Although it does not include all of the Council's concerns regarding SB 1023 PR 1733, *it does address* the Council's two greatest concerns:

- The Council's authority to review provisions revised in published International Code Council updates subsequent to the latest Pennsylvania Uniform Construction Code adoption.
- The level of review scrutiny required for each revised ICC code provision.

Thank you for the opportunity to offer these amendments. Please feel free to give me a call if you wish to discuss these matters further.

Attachment

March 14, 2014

**SENATE BILL 1023
PRINTER'S NO. 1733**

**UCC RAC Proposed Amendments
SPONSOR:**

Amend Bill, page 3, line 5, by deleting “latest triennial code revisions” and inserting after the word “the”, “Provisions revised in published international code council updates subsequent to the latest Pennsylvania uniform construction code adoption”

Amend Bill, page 3, lines 6-9, by deleting “as well as code revisions in the 2012 triennial publication of the codes that were not previously adopted by the council for inclusion in the uniform construction code.”

Amend Bill, page 3, line 17, by deleting “triennial code revisions” and inserting “international code council updates”

Amend Bill, page 3, lines 21 and 22, by deleting “of the latest triennial code revisions” and inserting “revised in published International Code Council updates subsequent to the latest Pennsylvania uniform construction code adoption” before the word “and.”

Amend Bill, page 3, line 24, to delete “[adoption] rejection” and insert “adoption” before the word “shall.”

Amend Bill, page 3, by deleting all of lines 26 and 27 and inserting “in reviewing the provisions revised in the published international code council updates subsequent to the latest uniform construction code adoption and modifications, the council, shall consider and may rely upon Section 102, as well as other relevant factors including, but not limited to:”

Amend Bill, page 4, line 6, to delete, “triennial code revisions” and insert, “provisions revised in published international code council updates subsequent to the latest Pennsylvania uniform construction code adoption”

Amend Bill, page 4, to delete lines 10 and 11. Amend Bill, page 8, beginning on line 3, to delete, “triennial code revisions” and insert, “provisions revised in published international code council updates subsequent to the latest Pennsylvania uniform construction code adoption”

Amend Bill, page 8, line 18, to insert, “or any other accessibility requirements, which shall be specified in the regulations, contained in or referenced by the uniform construction code relating to persons with disabilities” before the phrase, “or its successor”.

Amend Bill, page 8, line 18, to insert “following the year” before the phrase, “of issuance of the new code.”

Amend Bill, page 8, line 20, to delete, “a triennial revision” and insert “provisions revised in published international code council updates subsequent to the latest Pennsylvania uniform construction code adoption.”

March 14, 2014

Amend Bill, page 8, line 20, to delete “is” and replace with “are”

Amend Bill, page 8, beginning on line 21, to delete, “prior version of the codes” and insert, “latest Pennsylvania uniform construction code”

14-045

Attachment F

PA DEPT. OF L & I
FEB 18 2014
RTKL OFFICE

STANDARD RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: 02/18/2014
REQUEST SUBMITTED BY: E-MAIL
NAME OF REQUESTOR: Heather M. Langeland
STREET ADDRESS: 200 First Avenue, Suite 200
CITY/STATE/COUNTY (Required): Pittsburgh, PA 15222
TELEPHONE (Optional): (412) 456-2901

RECORDS REQUESTED:

* Provide as much specific detail as possible so the agency can identify the information.

Please see attached.

DO YOU WANT COPIES? YES NO
DO YOU WANT TO INSPECT THE RECORDS? YES NO
DO YOU WANT CERTIFIED COPIES OF RECORDS? YES NO

RIGHT TO KNOW OFFICER: Catherine Wojciechowski
DATE RECEIVED BY THE AGENCY: 2/18/2014
AGENCY FIVE (5)-DAY RESPONSE DUE: 2/25/2014

**Public bodies may fill anonymous verbal or written requests if the requestor wishes to pursue the relief and remedies provided for in this Act, the request must be in writing (Section 702). Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law (Section 703).

1. Any communications by and between any Residential Advisory Committee ("RAC") member and Hap Campbell regarding RAC activities (including legislation being considered for comment by the RAC), SB 1023, building code adoption or Act 1 since January 1, 2008.
2. Any communications by and between any legislator and Hap Campbell regarding RAC activities (including legislation being considered for comment by the RAC), SB 1023, building code adoption or Act 1 since January 1, 2008.
3. Any payment or communications regarding payment to Hap Campbell by any RAC member or anyone acting on behalf of any RAC member for RAC activities (including legislation being considered for comment by the RAC), SB 1023, building code adoption or Act 1 since January 1, 2008.
4. Any communications by and between Frank Thompson and Hap Campbell referring or relating to the email from Frank Thompson to George Settle, Jr (cc: Karen Welsh) dated October 14, 2013, sent at 12:04 with the subject line "Additional draft language."

5. Any documents provided to Frank Thompson or other RAC members by Hap Campbell referring or relating to the email from Frank Thompson to George Settle, Jr (cc: Karen Welsh) dated October 14, 2013, sent at 12:04 with the subject line "Additional draft language."

6. Any communications by and between Frank Thompson and the PBA regarding payment of Hap Campbell for RAC- related activities, including, but not limited to, the legislative input referenced in the email from Frank Thompson to George Settle, Jr (cc: Karen Welsh) dated October 14, 2013, sent at 12:04 with the subject line "Additional draft language."

7. Any communications by and between Hap Campbell and the Corbett administration regarding RAC-related activities, building code adoption, SB 1023, Act 1.
8. Any communications by and between the PBA (or its legal counsel or lobbyist representative) and any legislator, RAC member or the administration in the 6 month period following the enactment of Act 1 regarding RAC- related activities, building code adoption, or Act 1.
9. Any communications by and between the PBA (or its legal counsel or lobbyist representative) and any legislator, RAC member or the administration in the 6 month period following the rejection of the 2012 codes by the RAC regarding RAC- related activities or building code adoption.

SENATE AMENDED

PRIOR PRINTER'S NOS. 310, 884, 1441

PRINTER'S NO. 1520

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 377 Session of 2011

INTRODUCED BY EVERETT, BAKER, BENNINGHOFF, BARRAR, BEAR, BOYD, R. BROWN, BUXTON, CARROLL, CAUSER, CHRISTIANA, CLYMER, COX, CREIGHTON, CUTLER, DAY, DENLINGER, DUNBAR, FLECK, FRANKEL, GABLER, GEIST, GILLEN, GODSHALL, GROVE, HAHN, HALUSKA, HARKINS, HARRIS, HELM, HESS, HORNAMAN, M. K. KELLER, KIRKLAND, KNOWLES, KRIEGER, LAWRENCE, LONGIETTI, MAHONEY, MAJOR, MALONEY, MASSER, METCALFE, METZGAR, MILLARD, MUSTIO, OBERLANDER, PEIFER, PETRARCA, PICKETT, PYLE, RAPP, REED, REICHLEY, ROAE, ROCK, SACCONI, SAYLOR, SCAVELLO, CULVER, S. H. SMITH, SONNEY, STERN, STEVENSON, TALLMAN, TURZAI, VULAKOVICH, BLOOM, BROOKS, TOEPEL, MOUL, F. KELLER, SAINATO, HICKERNELL, SWANGER, AUMENT, EVANKOVICH, TOBASH, MILLER AND KORTZ, JANUARY 31, 2011

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, APRIL 11, 2011

AN ACT

1 Amending the act of November 10, 1999 (P.L.491, No.45), entitled
2 "An act establishing a uniform construction code; imposing
3 powers and duties on municipalities and the Department of
4 Labor and Industry; providing for enforcement; imposing
5 penalties; and making repeals," further providing for UNIFORM <--
6 CONSTRUCTION CODE REVIEW AND ADVISORY COUNCIL, FOR REVISED OR
7 SUCCESSOR CODES AND FOR exemptions.

8 The General Assembly of the Commonwealth of Pennsylvania

9 hereby enacts as follows:

10 Section 1. ~~Section 901(a) of the act of November 10, 1999 <--~~
11 ~~(P.L.491, No.45), known as the Pennsylvania Construction Code~~
12 ~~Act, amended July 7, 2006 (P.L.1052, No.108), is amended and the~~
13 ~~section is amended by adding subsections to read:~~

14 SECTION 1. SECTION 107(B)(3), (C)(2), (H) AND (J) OF THE ACT <--

1 OF NOVEMBER 10, 1999 (P.L.491, NO.45), KNOWN AS THE PENNSYLVANIA
2 CONSTRUCTION CODE ACT, ADDED OCTOBER 9, 2008 (P.L.1386, NO.106),
3 ARE AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO
4 READ:

5 SECTION 107. UNIFORM CONSTRUCTION CODE REVIEW AND ADVISORY
6 COUNCIL.

7 * * *

8 (B) DUTIES.--THE COUNCIL SHALL DO THE FOLLOWING:

9 * * *

10 (3) WITH THE EXCEPTION OF THE PROVISIONS OF CHAPTER 11
 11 AND APPENDIX E OF THE INTERNATIONAL BUILDING CODE OF [2006]
 12 2009, OR ITS SUCCESSOR CODES, OR ANY OTHER ACCESSIBILITY
 13 REQUIREMENTS CONTAINED IN OR REFERENCED BY THE UNIFORM
 14 CONSTRUCTION CODE RELATING TO PERSONS WITH PHYSICAL
 15 DISABILITIES, REVIEW [NEW AND AMENDED PROVISIONS CONTAINED IN
 16 TRIENNIAL REVISIONS OF THE CODES ISSUED BY THE INTERNATIONAL
 17 CODE COUNCIL TO ANY OF ITS CODES. THE COUNCIL SHALL INFORM
 18 THE DEPARTMENT OF ANY CODE PROVISIONS THAT SHOULD BE EXCLUDED
 19 FROM THE UNIFORM CONSTRUCTION CODE BY MAY 1 OF THE YEAR OF
 20 ISSUANCE OF THE LATEST TRIENNIAL CODE ISSUED BY THE
 21 INTERNATIONAL CODE COUNCIL.] THE LATEST TRIENNIAL CODE
 22 REVISIONS ISSUED BY THE INTERNATIONAL CODE COUNCIL, BEGINNING
 23 WITH THE 2012 CODES, AS PROVIDED UNDER SUBSECTION (B.1).
 24 (B.1) CODE REVIEW PROCESS.--

25 (1) BEGINNING WITH THE 2012 ICC CODES, THE COUNCIL SHALL
 26 REVIEW THE LATEST TRIENNIAL CODE REVISIONS UPON OFFICIAL
 27 PUBLICATION OF THE CODES.

28 (2) DURING THE REVIEW PROCESS, THE COUNCIL SHALL HOLD AT
 29 LEAST THREE PUBLIC HEARINGS. ONE OF THE PUBLIC HEARINGS SHALL
 30 BE HELD IN HARRISBURG, ONE SHALL BE HELD IN THE EASTERN

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- 2 -

1 REGION OF THIS COMMONWEALTH AND ONE SHALL BE HELD IN THE
 2 WESTERN REGION OF THIS COMMONWEALTH.

3 (3) THE COUNCIL SHALL SUBMIT A REPORT TO THE SECRETARY
 4 WITHIN THE TWELVE-MONTH PERIOD FOLLOWING OFFICIAL PUBLICATION
 5 OF THE LATEST TRIENNIAL CODE REVISIONS UNDER PARAGRAPH (1)
 6 WITH PROVISIONS OF THE CODES THAT ARE SPECIFIED FOR ADOPTION.
 7 THE PROVISIONS OF THE CODES THAT ARE SPECIFIED FOR ADOPTION
 8 SHALL BE SEPARATELY DESIGNATED IN THE REPORT.

9 (4) THE COUNCIL SHALL EXAMINE TRIENNIAL CODE REVISIONS

10 APPLYING ALL OF THE FOLLOWING CRITERIA:

11 (I) THE IMPACT THAT THE PROVISION MAY HAVE UPON THE
 12 HEALTH, SAFETY AND WELFARE OF THE PUBLIC.

13 (II) THE ECONOMIC AND FINANCIAL IMPACT OF THE
 14 PROVISION.

15 (III) THE TECHNICAL FEASIBILITY OF THE PROVISION.

16 (5) ONLY TRIENNIAL CODE REVISIONS THAT ARE ADOPTED BY A
 17 TWO-THIRDS VOTE OF COUNCIL MEMBERSHIP SHALL BE INCLUDED IN
 18 THE REPORT REQUIRED UNDER PARAGRAPH (3).

19 (C) COMPOSITION.--THE COUNCIL SHALL CONSIST OF THE FOLLOWING
 20 MEMBERS APPOINTED BY THE GOVERNOR:

21 * * *

22 (2) A GENERAL CONTRACTOR FROM AN ASSOCIATION
 23 REPRESENTING THE NONRESIDENTIAL CONSTRUCTION INDUSTRY WHO HAS
 24 RECOGNIZED ABILITY AND EXPERIENCE IN THE CONSTRUCTION OF
 25 NONRESIDENTIAL BUILDINGS.

26 * * *

27 (H) QUORUM [AND CONSENSUS].--TEN MEMBERS SHALL CONSTITUTE A
 28 QUORUM[, AND A CONSENSUS AMONG AT LEAST TEN MEMBERS MUST BE
 29 REACHED BEFORE ANY DETERMINATION CAN BE MADE BY THE COUNCIL].

30 * * *

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1 (J) ADMINISTRATIVE SUPPORT.--THE [SECRETARY] DEPARTMENT
 2 SHALL PROVIDE A FACILITY FOR COUNCIL MEETINGS UNDER THIS ACT,
 3 STENOGRAPHIC SERVICES AND REQUIRED NOTICE OF THE COUNCIL'S
 4 MEETINGS. THE DEPARTMENT MAY PROVIDE STAFF SUPPORT IN DRAFTING
 5 ANY REPORTS REQUIRED UNDER THIS ACT.

6 * * *

7 SECTION 2. SECTION 304 OF THE ACT, AMENDED OCTOBER 9, 2008
 8 (P.L.1386, NO.106), IS AMENDED TO READ:
 9 SECTION 304. REVISED OR SUCCESSOR CODES.

10 [(A) BUILDING CODE.--

11 (1) SUBJECT TO SECTIONS 105(C) AND (D), 301(A)(3), (4),
 12 (5), (6) AND (7), (C) AND (D) AND 302, BY DECEMBER 31 OF THE

13 YEAR OF THE ISSUANCE OF A NEW TRIENNIAL ICC INTERNATIONAL
 14 BUILDING CODE, OR ITS SUCCESSOR BUILDING CODE, THE DEPARTMENT
 15 SHALL PROMULGATE REGULATIONS ADOPTING THE NEW CODE AS THE
 16 UNIFORM CONSTRUCTION CODE UNLESS THE COUNCIL INFORMS THE
 17 DEPARTMENT THAT IT SHOULD EXCLUDE ANY PROVISIONS OF THE
 18 TRIENNIAL CODE FROM THE UNIFORM CONSTRUCTION CODE. IF THE
 19 COUNCIL PROVIDES THIS NOTIFICATION, THE DEPARTMENT SHALL
 20 SUBMIT REGULATIONS ADOPTING THE TRIENNIAL CODE WITH
 21 PROVISIONS OMITTED BY THE COUNCIL UNDER THIS SECTION WITHIN
 22 90 DAYS FOLLOWING COUNCIL NOTIFICATION.

23 (2) SUBJECT TO SECTIONS 105(C) AND (D), 301(A)(3), (4),
 24 (5), (6) AND (7), (C) AND (D) AND 302, BY DECEMBER 31 OF THE
 25 YEAR OF ISSUANCE OF A NEW TRIENNIAL ICC INTERNATIONAL
 26 RESIDENTIAL CODE, OR ITS SUCCESSOR BUILDING CODE, THE
 27 DEPARTMENT SHALL PROMULGATE REGULATIONS PROVIDING THAT ALL
 28 DETACHED ONE-FAMILY AND TWO-FAMILY DWELLINGS AND ONE-FAMILY
 29 TOWNHOUSES THAT ARE NOT MORE THAN THREE STORIES IN HEIGHT AND
 30 THEIR ACCESSORY STRUCTURES MAY BE DESIGNED IN ACCORDANCE WITH
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1 THAT CODE OR THE UNIFORM CONSTRUCTION CODE AT THE OPTION OF
 2 THE BUILDING PERMIT APPLICANT. THE DEPARTMENT SHALL
 3 PROMULGATE REGULATIONS ADOPTING THE NEW CODE AS THE UNIFORM
 4 CONSTRUCTION CODE UNLESS THE COUNCIL INFORMS THE DEPARTMENT
 5 THAT IT SHOULD EXCLUDE ANY PROVISIONS OF THE TRIENNIAL CODE
 6 FROM THE UNIFORM CONSTRUCTION CODE. IF THE COUNCIL PROVIDES
 7 THIS NOTIFICATION, THE DEPARTMENT SHALL SUBMIT REGULATIONS
 8 ADOPTING THE TRIENNIAL CODE WITH PROVISIONS OMITTED BY THE
 9 COUNCIL UNDER THIS SECTION WITHIN 90 DAYS FOLLOWING COUNCIL
 10 NOTIFICATION.]

11 (A) DUTIES OF DEPARTMENT.--

12 (1) SUBJECT TO SECTIONS 105(C) AND (D), 301(A)(3), (4),
 13 (5), (6) AND (7), (C) AND (D) AND 302, WITHIN THREE MONTHS OF
 14 THE RECEIPT OF THE REPORT UNDER SECTION 107(B.1), THE
 15 DEPARTMENT SHALL PROMULGATE FINAL-OMITTED REGULATIONS UNDER

16 THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS THE
 17 REGULATORY REVIEW ACT, TO ADOPT THE TRIENNIAL CODE REVISIONS
 18 MADE IN THE REPORT WITHOUT CHANGE.

19 (2) REGULATIONS PROMULGATED UNDER THIS SUBSECTION ARE
 20 EXEMPT FROM:

21 (I) SECTION 205 OF THE ACT OF JULY 31, 1968
 22 (P.L.769, NO.240), REFERRED TO AS THE COMMONWEALTH
 23 DOCUMENTS LAW; AND

24 (II) SECTIONS 204(B) AND 301(10) OF THE ACT OF
 25 OCTOBER 15, 1980 (P.L.950, NO.164), KNOWN AS THE
 26 COMMONWEALTH ATTORNEYS ACT.

27 (3) NOTWITHSTANDING PARAGRAPHS (1) AND (2), THE
 28 DEPARTMENT SHALL PROMULGATE REGULATIONS UPDATING
 29 ACCESSIBILITY STANDARDS UNDER CHAPTER 3 BY ADOPTING CHAPTER
 30 11 AND APPENDIX E OF THE INTERNATIONAL BUILDING CODE OF 2012.
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1 OR ITS SUCCESSOR, BY DECEMBER 31 OF THE YEAR OF ISSUANCE OF
 2 THE NEW CODE.

3 (A.1) CONTINUITY.--IF A TRIENNIAL REVISION IS NOT ADOPTED
 4 UNDER SECTION 107(B.1)(5), THE RELEVANT PROVISIONS OF THE PRIOR
 5 VERSION OF THE CODES SHALL REMAIN IN EFFECT.

6 [(B) INTERNATIONAL FUEL GAS CODE.--BY DECEMBER 31 OF THE
 7 YEAR OF THE ISSUANCE OF A NEW INTERNATIONAL FUEL GAS CODE, OR
 8 ITS SUCCESSOR CODE, THE DEPARTMENT SHALL PROMULGATE REGULATIONS
 9 ADOPTING THE NEW CODE.]

10 (C) PRIOR PERMITS AND CONSTRUCTION.--

11 (1) A CONSTRUCTION PERMIT ISSUED UNDER VALID
 12 CONSTRUCTION REGULATIONS PRIOR TO THE EFFECTIVE DATE OF
 13 REGULATIONS FOR A SUBSEQUENT UNIFORM CONSTRUCTION CODE OR
 14 INTERNATIONAL FUEL GAS CODE ISSUED UNDER THIS ACT SHALL
 15 REMAIN VALID, AND THE CONSTRUCTION OF ANY BUILDING OR
 16 STRUCTURE MAY BE COMPLETED PURSUANT TO AND IN ACCORDANCE WITH
 17 THE PERMIT. (complete bill not printed here)

PA UCC REVIEW AND ADVISORY COUNCIL **PROCESS FOR REVIEW OF 2012 I - CODES**

adopted by Council 7/28/11

General

- a. Report to be completed and submitted to the Secretary of the Department of L&I no later than July 31, 2012.
- b. Codes to review - IBC (Chapters 2-29 and 31-35), IMC, IFGC, IPC, IRC, IFC (parts as referenced in IBC), IECC, IEBC, IWUIC, Appendix E and H of the IBC and Appendix G of the IRC per Chapter 403.21 regulations.
- c. Use approved ICC code change numbers from 09/10 cycle as the basis for review of the "latest triennial code revisions".
- d. Hold three public hearings to be held in Harrisburg, east location and west location to collect public input.
- e. Criteria for examination of code changes per statute:
 - Impact of provision on health, safety and welfare of the public
 - Economic and financial impact
 - Technical feasibility
- f. A Council member, association or individual may submit a recommendation to the Council for not adopting a specific code change at the three public hearings or in writing (electronic format) to the Council no later than December 31, 2011.
- g. Following the 3 public hearings and receipt of submissions under "f", the Council will debate which code changes are non controversial and vote for adoption of non controversial code changes as a group (perhaps by code).
- h. Those not voted in for adoption will be considered controversial changes and will be debated and voted on individually at Council meetings to be held in early 2012.
- i. Prior to Council consideration of controversial code changes, a Council member, association or individual may submit in writing (electronic format) to the Council, a complete recommendation for adopting or not adopting a code change with the following information as part of the submission:
 - ICC Code change reference number.
 - copy of code change.
 - detailed reasons for requested action.Recommendations must be received 2 weeks prior to the Council meeting at which Council will consider changes to that specific code.

- j. The Council will schedule meetings for early 2012 to consider and vote on controversial changes individually based on the overall number of controversial code changes. Those meetings will be organized by code. Proponents and opponents of a code change will be given the opportunity to provide time limited and orderly testimony, limiting subsequent comments to new information only, and questions by Council members.

- k. Format of report to Secretary of L&I
 - Only code change that receive a 2/3rds vote of the Council membership will be included in the report recommending adoption.
 - Code changes specified for adoption will be separately designated.
 - A brief basis for adopting /not adopting controversial code changes will be provided.

- l. Council meeting / public hearing format
 - 10a - 5p, 1 hour outside lunch.

Schedule

August 2011

- Council receive electronic version of 2012 codes from ICC.
- Compile and distribute 09/10 code change information to Council.
- Provide public notice of meeting dates and locations through 12/31/11.
- Send out E-Alert on process and meeting dates.
- Council members outreach to various interest groups and individuals for input.

September

- Hold public hearing in Harrisburg for public input on all ICC approved 09/10 codes changes.
- Location and date to be determined.

October

- Hold public hearing in Hazelton area for public input on all ICC approved 09/10 codes changes.
- Location and date to be determined.
- Conduct ordinary Council business.

November

- Hold public hearing in Cranberry Twp. area for public input on all ICC approved 09/10 codes changes.
- Location and date to be determined.
- Establish date for January Council meeting.

TNRV 7-28-11

SUMMARY OF UCC RAC ADOPTED POLICIES AND PROCEDURES

<u>Meeting date</u>	<u>Subject</u>	<u>Action or reference (from minutes)</u>
3-9-2009	General PA Council and Board procedures	4. Comments by Kelly Smith, Esq. (Counsel for BOIS) - she will be preparing RAC amendments to regulations a. procedural rules - Roberts Rules of Order b. Governor's Code of Conduct - if questions contact your attorney c. Sunshine Law and advertising required by Act - L&I will provide required notices d. proxy voting not permitted
3-9-2009	Phone participation and voting	4e. phone participation and voting for meetings by members permitted Council agreed to require 10 members to attend in person for a quorum, phone participation permitted under extenuating circumstances approved by Chair
3-9-2009	Time for public comment	4k. must provide time for public comment at each meeting
3-9-2009	Agendas and minutes	6b. meeting minutes, agendas, misc. - agreed that Chair would prepare and distribute
3-9-2009	Outside correspondence	6d. agreed that outside correspondence to go through Chair

6-18-09	Phone participation and voting	<p>15. Following a discussion regarding the Council's rules of order, a motion was made by Vice Chairman Forry and seconded to eliminate phone participation by Council members due to the limitations of the current phone system. Mr. Kampmeyer made a motion to table that motion until the Dept. of L&I could investigate improved alternatives. Mr. Fink seconded the motion. The motion to table passed by a 12 to 4 vote.</p>
6-18-09	Adoption of Special Rules of Order	<p>16. A motion was made by Mr. Marburger to adopt the proposed special rules of order, Procedures in Small Boards, as amended. Mr. Mingioni seconded the motion. The motion passed unanimously 16-0. (copy as adopted attached to minutes)</p>
6-18-09	Adoption of Robert's Rules of Order, 10 th Edition as standard rules of order	<p>17. A motion was made by Chairperson Thompson to adopt Robert's Rules of Order, Tenth Edition as the Council's standard rules of order. It was seconded by Mr. Marburger. The motion passed unanimously 16-0.</p>
6-18-09	Meeting agenda available to public	<p>18. Discussion and comments on getting a meeting agenda available to the public prior to the Council meetings or sent out as an e-alerts. It was agreed that the agenda would be sent out via UCC e-Alert without attachments the Friday before the meeting.</p>
6-18-09	Formation of Regulation and Legislation Working Groups	<p>20. Discussion on the formation of 2 working groups within the Council. It was unanimously agreed to form a Regulation Working Group and a Legislation Working Group..... 24. The newly formed working groups will meet via conference call prior to the next Council meeting.</p>
6-18-09	Joining ICC	<p>21. Discussion of Council joining the ICC as a Governmental Member with annual dues of \$280. A motion was made by Mr. Marburger to apply for membership and share the cost equally amongst the Council members. The motion was seconded by Mr. Mingioni. Motion was amended to include that the twelve designated voting members would have balance within the diversity of the Council and take into account those who already were voting members. The motion passed unanimously 16-0.</p>

6-18-09	Meeting frequency	24. Discussion and planning of future meetings. There was consensus for the Council to meet on a quarterly basis. It was agreed that the next meeting will be held on Thursday, August 27, in Room E-100 at 10:00 am.....
8-27-09	Phone participation and voting	13. There was a motion by John Kampmeyer, seconded by Don Forry to bring the previously tabled motion regarding telephone participation by Council members not in attendance at a Council meeting off the table. The motion passed 12-1. The Department advised that the previously used speaker phone was the only option available. There was discussion about the poor sound transmission with this option and that it limited full participation. The motion to eliminate telephone participation by Council members not in attendance at a Council meeting passed by a 12 -1 vote. There was discussion to revisit the issue in the future if the sound quality issues could be improved.
8-27-09	Written ballots for some votes	14. Discussion on written ballot for some votes. No action was needed. It was decided to take it up on an as-needed basis understanding that it requires a majority of the members in order to request the closed ballot, which would not be a secret ballot due to sunshine law requirements.
11-12-09	Applying voting requirements of actions and determinations to General Assembly	14. A motion was made by Chairman Thompson to require the ten affirmative votes for actions and determinations including recommendations to the General Assembly. Joe Mingioni seconded the motion. The motion passed by unanimous consent.

11-12-09	Categories of motions in reporting actions to General Assembly	<p>15. A motion was made by Chairman Thompson to clarify that the Council establish five categories of reporting action as it relates to reports to the General Assembly on legislation, those being four by successful motion - recommend passage, not recommend passage, no recommendation and no action and the fifth would be when there had been no successful motion. If there is no successful motion, the report will list that it was by a vote of _____. A footnote will be added to report to say that a Council recommendation requires ten affirmative votes. The motion was seconded by Aus Marburger. The motion passed by unanimous consent.</p>
11-12-09	Posting of minutes and preliminary agenda on webpage	<p>25. By unanimous consent the Council agreed to post on the webpage (1) the minutes of the last meeting after approved, (2) a note to encourage the public to submit any items for Council consideration 3 weeks prior to the next Council meeting and (3) post a preliminary agenda with legislation to be reviewed 3 weeks prior to the next meeting.</p>
2-18-10	Election of chairman and vice chairman	<p>8. Dallas Miller made a motion to hold an election for chairman and vice chairman at a July meeting. Joe Mingioni seconded the motion. Joe Mingioni then offered an amendment to elect the chairman and vice chairman at the first meeting after the new appointments had been made. Aus Marburger seconded the amendment to the motion. The amendment passed 17-1. The amended motion then passed 18-0.</p>

regular board meeting in order to become an official act of the board.

A record of the board's proceedings should be kept by the secretary, just as in any other assembly; these minutes are accessible only to the members of the board unless the board grants permission to a member of the society to inspect them, or unless the society by a two-thirds vote (or the vote of a majority of the total membership, or a majority vote if previous notice is given) orders the board's minutes to be produced and read to the society's assembly.

At regular board meetings the executive committee, if there is one, should be required to make a report of its activities since the last board meeting. No action need be taken on this report, which is generally introduced as information only.

PROCEDURE IN SMALL BOARDS. In a board meeting where there are not more than about a dozen members present, some of the formality that is necessary in a large assembly would hinder business. The rules governing such meetings are different from the rules that hold in other assemblies, in the following respects:

- Members are not required to obtain the floor before making motions or speaking, which they can do while seated.
- Motions need not be seconded.
- There is no limit to the number of times a member can speak to a question, and motions to close or limit debate (15, 16) generally should not be entertained.
- Informal discussion of a subject is permitted while no motion is pending.
- Sometimes, when a proposal is perfectly clear to all present, a vote can be taken without a motion's having been introduced. Unless agreed to by unanimous consent,

however, all proposed actions of a board must be approved by vote under the same rules as in other assemblies, except that a vote can be taken initially by a show of hands, which is often a better method in such meetings. The chairman need not rise while putting questions to vote.

- The chairman can speak in discussion without rising or leaving the chair, and, subject to rules on custom-made particular board (which should be uniformly followed regardless of how many members are present), he usually can make motions and usually vote on all questions.

EFFECT OF PERIODIC PARTIAL CHANGE IN BOARD MEMBERSHIP.

In cases where a board is constituted so that a specified portion of its membership is chosen periodically (as, for example, where one third of the board is elected annually for three-year terms), if becomes, in effect, a new board each time such a group assumes board membership. Consequently, all unfinished business existing when the outgoing portion of the board vacates membership falls to the ground under provision (c) on page 229; and if the board is one that elects its own officers and appoints standing committees, it chooses new officers and committees as soon as the new board members have taken up their duties, just as if the entire board membership had changed. The individual replacement of persons who may occasionally vacate board membership at other times, however, does not have these effects.

§50. COMMITTEES

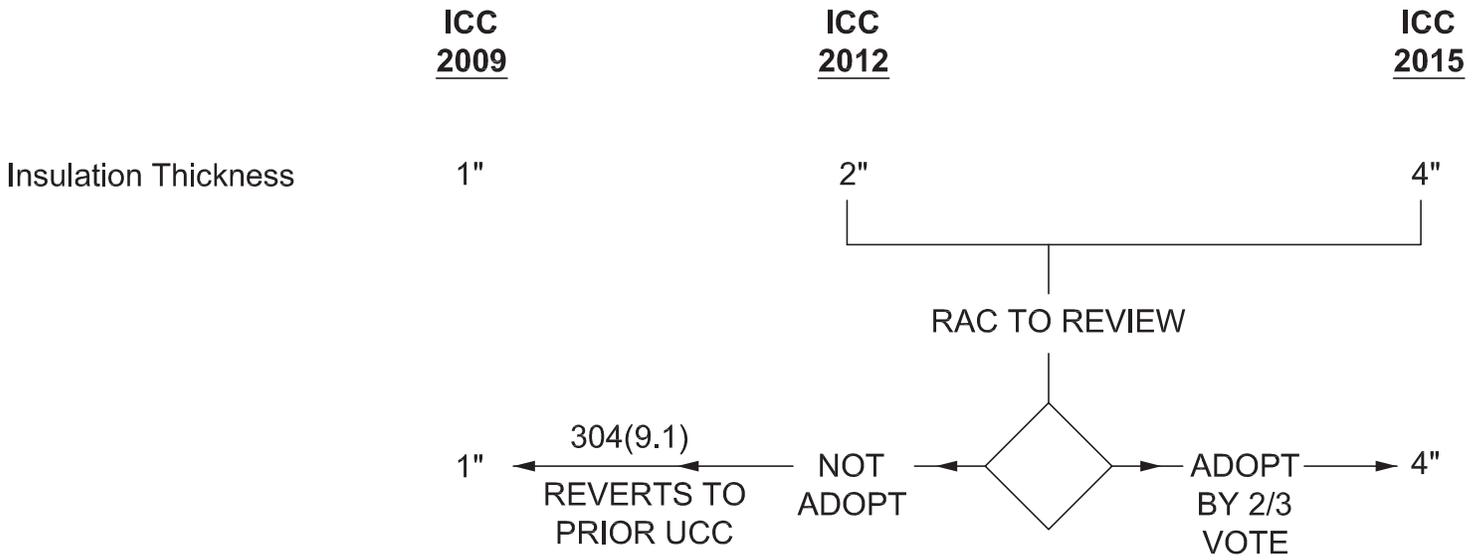
A committee, as understood in parliamentary law, is a body of one or more persons, elected or appointed by (or by direction of) an assembly or society, to consider, investigate, or take action on certain matters or subjects, or to do

SPECIAL RULES OF ORDER

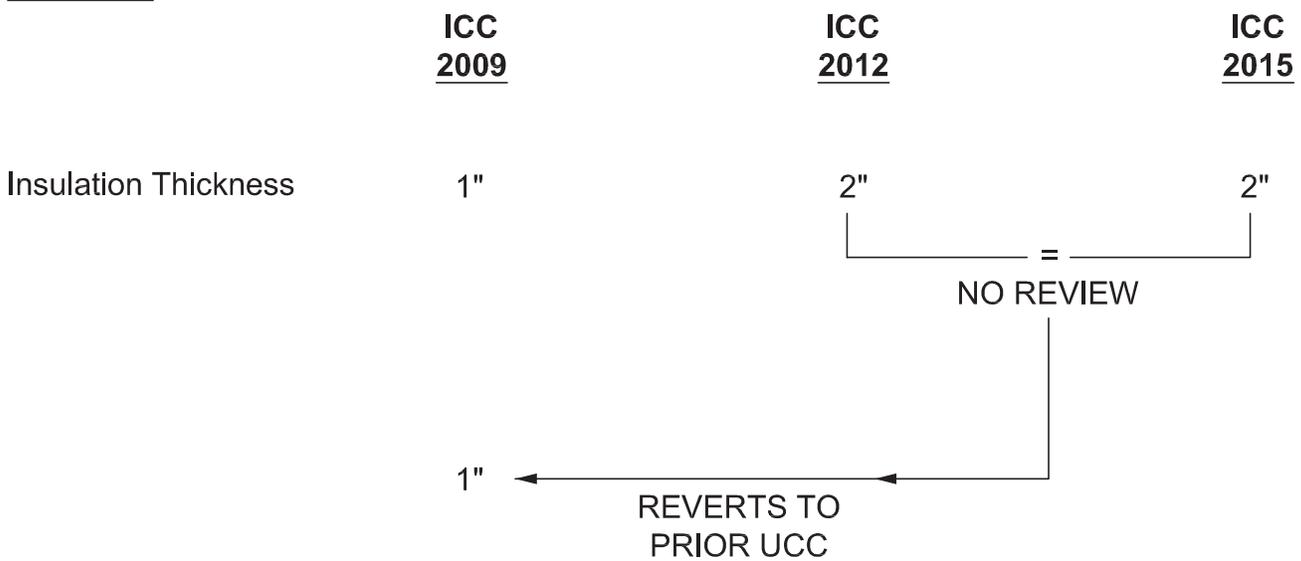
UCC RAC

AS ADOPTED 6-18-09

"TYPE A"



"TYPE B"



The *Delta Dilemma* as Exhibited in Three I-Code Publications, 2006, 2009, 2012

3. Doors opening directly from a sleeping unit or dwelling unit.
4. Doors that open directly from a space **Change**
3,000 square feet (298 m²) in area. **"Type B"**
5. Revolving doors.
6. Doors used primarily to facilitate vehicular movement or material handling and adjacent personnel doors.

502.4.7 Recessed luminaires. When installed in the building envelope, recessed luminaires shall meet one of the following requirements:

1. Type IC rated, manufactured with no penetrations between the inside of the recessed fixture and ceiling cavity and sealed or gasketed to prevent air leakage into the unconditioned space.
2. Type IC or non-IC rated, installed inside a sealed box constructed from a minimum 0.5-inch-thick (12.7 mm) gypsum wallboard or constructed from a pre-formed polymeric vapor barrier, or other air-tight assembly manufactured for this purpose, while maintaining required clearances of not less than 0.5 inch (12.7 mm) from combustible material and not less than 3 inches (76 mm) from insulation material.
3. Type IC rated, in accordance with ASTM E 283 admitting no more than 2.0 cubic feet per minute (cfm) (0.944 L/s) of air movement from the conditioned space to the ceiling cavity. The luminaire shall be tested at 1.57 psf (75 Pa) pressure difference and shall be labeled.

502.5 Moisture control. (Mandatory). All framed walls, floors and ceilings not ventilated to allow moisture to **Change**
shall be provided with an approved vapor retarder having a **"Type A"**
permeance rating of 1 perm (5.7×10^{-11} kg/Pa · s · m²) or less, when tested in accordance with the desiccant method using Procedure A of ASTM E 96. The vapor retarder shall be installed on the warm-in-winter side of the insulation.

Exceptions:

1. Buildings located in Climate Zones 1 through 3 as indicated in Figure 301.1 and Table 301.1.
2. In construction where moisture or its freezing will not damage the materials.
3. Where other approved means to avoid condensation in unventilated framed wall, floor, roof and ceiling cavities are provided.

SECTION 503 BUILDING MECHANICAL SYSTEMS

503.1 General. Mechanical systems and equipment serving the building heating, cooling or ventilating needs shall comply with Section 503.2 (referred to as the mandatory provisions) and either:

1. Section 503.3 (Simple systems), or
2. Section 503.4 (Complex systems).

503.2 Provisions applicable to all mechanical systems. (Mandatory).

503.2.1 Calculation of heating and cooling loads. Design loads shall be determined in accordance with the procedures described in the *ASHRAE Fundamentals Handbook*. Heating and cooling loads shall be adjusted to account for load reductions that are achieved when energy recovery systems are utilized in the HVAC system in accordance with the *ASHRAE HVAC Systems and Equipment Handbook*. Alternatively, design loads shall be determined by an approved equivalent computation procedure, using the design parameters specified in Chapter 3.

503.2.2 Equipment and system sizing. Equipment and system sizing. Heating and cooling equipment and systems capacity shall not exceed the loads calculated in accordance with Section 503.2.1. A single piece of equipment providing both heating and cooling must satisfy this provision for one function with the capacity for the other function as small as possible, within available equipment options.

Exceptions:

1. Required standby equipment and systems provided with controls and devices that allow such systems or equipment to operate automatically only when the primary equipment is not operating.
2. Multiple units of the same equipment type with combined capacities exceeding the design load and provided with controls that have the capability to sequence the operation of each unit based on load.

503.2.3 HVAC equipment performance requirements. Equipment shall meet the minimum efficiency requirements of Tables 503.2.3(1), 503.2.3(2), 503.2.3(3), 503.2.3(4), 503.2.3(5), 503.2.3(6), 503.2.3(7), 503.2.3(8), 503.2.3(9), 503.2.3(10) and 503.2.3(11) when tested and rated in accordance with the applicable test procedure. The efficiency shall be verified through certification under an approved certification program or, if no certification program exists, the equipment efficiency ratings shall be supported by data furnished by the manufacturer. Where multiple rating conditions or performance requirements are provided, the equipment shall satisfy all stated requirements. Where components, such as indoor or outdoor coils, from different manufacturers are used, calculations and supporting data shall be furnished by the designer that demonstrate that the combined efficiency of the specified components meets the requirements herein.

Exception: Equipment listed in Table 503.2.3(7) not designed for operation at ARI Standard test conditions of 44°F (7°C) leaving chilled water temperature and 85°F (29°C) entering condenser water temperature shall have a minimum full load COP and IPLV rating as shown in Tables 503.2.3(8) through 503.2.3(10) as applicable. The table values are only applicable over the following full load design ranges:

Leaving Chilled Water Temperature:	40 to 48°F (4 to 9°C)
Entering Condenser Water Temperature:	75 to 85°F (24 to 29°C)

502.4.7 Vestibules. A door that separates *conditioned space* from the exterior shall be protected with an enclosed vestibule, with all doors opening into and out of the vestibule equipped with self-closing devices. Vestibules shall be designed so that in passing through the vestibule it is not necessary for the interior and exterior doors to open at the same time.

Exceptions:

1. Buildings in climate Zones 1 and 2 as indicated in Figure 301.1 and Table 301.1.
2. Doors not intended to be used as a building *entrance door*, such as doors to mechanical or electrical equipment rooms.
3. Doors opening directly from a *sleeping unit* or dwelling unit.
4. Doors that open directly from a space less than 3,000 square feet (298 m²) in area.
5. Revolving doors.
6. Doors used primarily to facilitate vehicular movement or material handling and adjacent personnel doors.

Change
"Type A"

502.4.8 Recessed lighting. Recessed luminaires installed in the *building thermal envelope* shall be sealed to limit air leakage between conditioned and unconditioned spaces. All recessed luminaires shall be IC-rated and labeled as meeting ASTM E 283 when tested at 1.57 psf (75 Pa) pressure differential with no more than 2.0 cfm (0.944 L/s) of air movement from the *conditioned space* to the ceiling cavity. All recessed luminaires shall be sealed with a gasket or caulk between the housing and interior wall or ceiling covering.

**SECTION 503
BUILDING MECHANICAL SYSTEMS**

503.1 General. Mechanical systems and equipment serving the building heating, cooling or ventilating needs shall comply with Section 503.2 (referred to as the mandatory provisions) and either:

1. Section 503.3 (Simple systems), or
2. Section 503.4 (Complex systems).

503.2 Provisions applicable to all mechanical systems (Mandatory).

503.2.1 Calculation of heating and cooling loads. Design loads shall be determined in accordance with the procedures described in the ASHRAE/ACCA Standard 183. Heating and cooling loads shall be adjusted to account for load reductions that are achieved when energy recovery systems are utilized in the HVAC system in accordance with the *ASHRAE HVAC Systems and Equipment Handbook*. Alternatively, design loads shall be determined by an *approved* equivalent computation procedure, using the design parameters specified in Chapter 3.

503.2.2 Equipment and system sizing. Equipment and system sizing. Heating and cooling equipment and systems capacity shall not exceed the loads calculated in accordance

with Section 503.2.1. A single piece of equipment providing both heating and cooling must satisfy this provision for one function with the capacity for the other function as small as possible, within available equipment options.

Exceptions:

1. Required standby equipment and systems provided with controls and devices that allow such systems or equipment to operate automatically only when the primary equipment is not operating.
2. Multiple units of the same equipment type with combined capacities exceeding the design load and provided with controls that have the capability to sequence the operation of each unit based on load.

503.2.3 HVAC equipment performance requirements.

Equipment shall meet the minimum efficiency requirements of Tables 503.2.3(1), 503.2.3(2), 503.2.3(3), 503.2.3(4), 503.2.3(5), 503.2.3(6) and 503.2.3(7) when tested and rated in accordance with the applicable test procedure. The efficiency shall be verified through certification under an *approved* certification program or, if no certification program exists, the equipment efficiency ratings shall be supported by data furnished by the manufacturer. Where multiple rating conditions or performance requirements are provided, the equipment shall satisfy all stated requirements. Where components, such as indoor or outdoor coils, from different manufacturers are used, calculations and supporting data shall be furnished by the designer that demonstrates that the combined efficiency of the specified components meets the requirements herein.

Exception: Water-cooled centrifugal water-chilling packages listed in Table 503.2.3(7) not designed for operation at ARHI Standard 550/590 test conditions of 44°F (7°C) leaving chilled water temperature and 85°F (29°C) entering condenser water temperature with 3 gpm/ton (0.054 l/s.kW) condenser water flow shall have maximum full load and NPLV ratings adjusted using the following equations:

$$\text{Adjusted maximum full load kW/ton rating} = [\text{full load kW/ton from Table 503.2.3(7)}] / K_{\text{adj}}$$

$$\text{Adjusted maximum NPLV rating} = [\text{IPLV from Table 503.2.3(7)}] / K_{\text{adj}}$$

where:

$$K_{\text{adj}} = 6.174722 - 0.303668(X) + 0.00629466(X)^2 - 0.000045780(X)^3$$

$$X = DT_{\text{std}} + \text{LIFT}$$

$$DT_{\text{std}} = \{24 + [\text{full load kW/ton from Table 503.2.3(7)}] \times 6.83\} / \text{Flow}$$

$$\text{Flow} = \text{Condenser water flow (GPM)} / \text{Cooling Full Load Capacity (tons)}$$

$$\text{LIFT} = \text{CEWT} - \text{CLWT} (\text{°F})$$

$$\text{CEWT} = \text{Full Load Condenser Entering Water Temperature (°F)}$$

$$\text{CLWT} = \text{Full Load Leaving Chilled Water Temperature (°F)}$$

Change
"Type B"

Change
"Type A"

- Doors used primarily to facilitate vehicular movement or material handling and adjacent personnel doors.

C402.4.8 Recessed lighting. Recessed luminaires installed in the *building thermal envelope* shall be sealed to limit air leakage between conditioned and unconditioned spaces. All recessed luminaires shall be IC-rated and *labeled* as having an air leakage rate or not more 2.0 cfm (0.944 L/s) when tested in accordance with ASTM E 283 at a 1.57 psf (75 Pa) pressure differential. All recessed luminaires shall be sealed with a gasket or caulk between the housing and interior wall or ceiling covering.

**SECTION C403
BUILDING MECHANICAL SYSTEMS**

C403.1 General. Mechanical systems and equipment serving the building heating, cooling or ventilating needs shall comply with Section C403.2 (referred to as the mandatory provisions) and either:

- Section C403.3 (Simple systems); or
- Section C403.4 (Complex systems).

C403.2 Provisions applicable to all mechanical systems (Mandatory). Mechanical systems and equipment serving the building heating, cooling or ventilating needs shall comply with Sections C403.2.1 through C403.2.11.

C403.2.1 Calculation of heating and cooling loads. Design loads shall be determined in accordance with the procedures described in ANSI/ASHRAE/ACCA Standard 183. The design loads shall account for the building envelope, lighting, ventilation and occupancy loads based on the project design. Heating and cooling loads shall be adjusted to account for load reductions that are achieved where energy recovery systems are utilized in the HVAC system in accordance with the ASHRAE *HVAC Systems and Equipment Handbook*. Alternatively, design loads shall be determined by an *approved* equivalent computation procedure, using the design parameters specified in Chapter 3.

C403.2.2 Equipment and system sizing. The output capacity of heating and cooling equipment and systems shall not exceed the loads calculated in accordance with Section C403.2.1. A single piece of equipment providing both heating and cooling shall satisfy this provision for one function with the capacity for the other function as small as possible, within available equipment options.

Exceptions:

- Required standby equipment and systems provided with controls and devices that allow such systems or equipment to operate automatically only when the primary equipment is not operating.
- Multiple units of the same equipment type with combined capacities exceeding the design load and provided with controls that have the capability to sequence the operation of each unit based on load.

C403.2.3 HVAC equipment performance requirements. Equipment shall meet the minimum efficiency requirements

of Tables C403.2.3(1), C403.2.3(2), C403.2.3(3), C403.2.3(4), C403.2.3(5), C403.2.3(6), C403.2.3(7) and C403.2.3(8) when tested and rated in accordance with the applicable test procedure. Plate-type liquid-to-liquid heat exchangers shall meet the minimum requirements of Table C403.2.3(9). The efficiency shall be verified through certification under an *approved* certification program or, if no certification program exists, the equipment efficiency ratings shall be supported by data furnished by the manufacturer. Where multiple rating conditions or performance requirements are provided, the equipment shall satisfy all stated requirements. Where components, such as indoor or outdoor coils, from different manufacturers are used, calculations and supporting data shall be furnished by the designer that demonstrates that the combined efficiency of the specified components meets the requirements herein.

C403.2.3.1 Water-cooled centrifugal chilling packages. Equipment not designed for operation at AHRI Standard 550/590 test conditions of 44°F (7°C) leaving chilled-water temperature and 85°F (29°C) entering condenser water temperature with 3 gpm/ton (0.054 l/s · kW) condenser water flow shall have maximum full-load kW/ton and *NPLV* ratings adjusted using Equations 4-3 and 4-4.

Adjusted minimum full-load COP ratings =
(Full-load COP from Table 6.8.1C of AHRI Standard 550/590) × K_{adj} (Equation 4-3)

Change "Type B" Adjusted minimum *NPLV* rating =
(*NPLV* from Table 6.8.1C of AHRI Standard 550/590) × K_{adj} (Equation 4-4)

where:

$$K_{adj} = A \times B$$

$$A = 0.0000015318 \times (\text{LIFT})^4 - 0.000202076 \times (\text{LIFT})^3 + 0.0101800 \times (\text{LIFT})^2 - 0.264958 \times \text{LIFT} + 3.930196$$

$$B = 0.0027 \times L_{vg}^{Evap} (\text{°C}) + 0.982$$

$$\text{LIFT} = L_{vg}^{Cond} - L_{vg}^{Evap}$$

$$L_{vg}^{Cond} = \text{Full-load condenser leaving water temperature (°C)}$$

$$L_{vg}^{Evap} = \text{Full-load leaving evaporator temperature (°C)}$$

SI units shall be used in the K_{adj} equation.

The adjusted full-load and *NPLV* values shall only be applicable for centrifugal chillers meeting all of the following full-load design ranges:

- The leaving evaporator fluid temperature is not less than 36°F (2.2°C).
- The leaving condenser fluid temperature is not greater than 115°F (46.1°C).
- LIFT is not less than 20°F (11.1 °C) and not greater than 80°F (44.4°C).

Exception: Centrifugal chillers designed to operate outside of these ranges need not comply with this code.

1 version of the International Existing Building Code or
2 Chapter 34 of the International Building Code[,]; and the
3 construction code official shall utilize the code [for the
4 municipality which] that, in his professional judgment, he
5 deems to best apply.

6 (2) A construction code official may deny the issuance
7 of a certificate of occupancy if the official deems that a
8 building is unsafe because of inadequate means of egress,
9 inadequate lighting and ventilation, fire hazards or other
10 dangers to human life or to public welfare.

11 [(3) A municipality subject to this subsection may
12 utilize the standards of subsection (b) for the issuance of
13 certificates of occupancy to uncertified buildings by
14 adopting an ordinance adopting the standards of issuance
15 pursuant to the procedures delineated in section 503.]

16 * * *

17 Section 2. This act shall take effect in 60 days.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

Attachment L

HOUSE BILL

No. 2079 Session of
2014

INTRODUCED BY S. H. SMITH, MILLARD, LUCAS, GRELL, MALONEY,
CAUSER, SWANGER, GODSHALL, ROZZI, GIBBONS, MARSHALL, GROVE,
CLYMER AND GINGRICH, MARCH 11, 2014

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MARCH 11, 2014

AN ACT

1 Amending the act of November 10, 1999 (P.L.491, No.45), entitled
2 "An act establishing a uniform construction code; imposing
3 powers and duties on municipalities and the Department of
4 Labor and Industry; providing for enforcement; imposing
5 penalties; and making repeals," further providing for
6 applicability to certain buildings.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 902(c) of the act of November 10, 1999
10 (P.L.491, No.45), known as the Pennsylvania Construction Code
11 Act, amended December 22, 2005 (P.L.478, No.95), is amended to
12 read:

13 Section 902. Applicability to certain buildings.

14 * * *

15 (c) Uncertified buildings over which the department does not
16 have jurisdiction.--

17 (1) A construction code official shall issue a
18 certificate of occupancy to an uncertified building if it
19 meets the requirements of subsection (b), the latest adopted

1 version of the International Existing Building Code or
2 Chapter 34 of the International Building Code[,]; and the
3 construction code official shall utilize the code [for the
4 municipality which] that, in his professional judgment, he
5 deems to best apply.

6 (2) A construction code official may deny the issuance
7 of a certificate of occupancy if the official deems that a
8 building is unsafe because of inadequate means of egress,
9 inadequate lighting and ventilation, fire hazards or other
10 dangers to human life or to public welfare.

11 [(3) A municipality subject to this subsection may
12 utilize the standards of subsection (b) for the issuance of
13 certificates of occupancy to uncertified buildings by
14 adopting an ordinance adopting the standards of issuance
15 pursuant to the procedures delineated in section 503.]

16 * * *

17 Section 2. This act shall take effect in 60 days.

Council Member Thoughts on 2015 I-Code Review from Email Dated March 03, 2014

After some consideration of what Ms. Shapiro was trying to get across and consideration of the task at hand... I've come up with the following recommended procedure.

- Each of the RAC **Groups** will be assigned certain codes for review of changes.
 - o Within each committee, those codes will be assigned to different RAC members (*subcommittees*, if you will).
- Each *subcommittee* will work on their respective codes (i.e. IPC; IMC; ETC.) and submit their recommendations back to their **group**.
 - o Note: It is a given that these reviews will take time. However, the *subcommittees* and **groups** should communicate progress at every public meeting.
- *Subcommittees* will then “swap” their respective codes with another *subcommittee* (within their **group**) for their review, giving special attention to the items recommended for exclusion.
- After all subcommittees have had the opportunity to review each of their respectively assigned codes, the **groups** will compile a list of those recommendations that are acceptable and those recommendations that are considered for exclusion.
- **Groups** will then “swap” their respectively assigned codes and review the other **groups** recommendations for discussion.
 - o Each list should then be agreed upon and discussed at a public RAC meeting.

Understanding that there will be twenty-four (24) months to review and make recommendation, this proposed process may help to ensure a thorough and timely review process. Not to step on anyone's toes... I would suggest that under “NEW BUSINESS” (at each RAC meeting) the *subcommittees* would give a progress report citing the code changes reviewed and open for comment (if any) within the RAC members. Under “OLD BUSINESS” each *subcommittee* **could** comment on their review of the previous *subcommittees* recommendations and so on... until all sections are reviewed. This may help us narrow down the perceived “non-controversial” (not my words) sections to be included. After the *subcommittee* comments have been reviewed by all other *subcommittees* a recommendation will be made to the **groups** respectively. At that point, the **group** recommendations can be placed on the agenda for comment between **groups**. These recommendations would then be put on the agenda prior to the next RAC meeting (which is supposed to be posted on the L&I web page) so that Councilors and public comment can be heard.

After each **group** has had the opportunity to review the comments of the other... these comments would be up for discussion at the next Council meeting. Again, giving all Councilors and the public the opportunity to review comments. Once the RAC, as a whole, has created the “exclusion list”. This would also be posted for review and then the RAC could begin its three meeting tour of the commonwealth to hear discussion about the recommendations. The reason for the internal comment process and the reviewing of each other's comment's is due to each Councilor having their own “specialty” within each code which will provide possible insight into a section that other's may have missed and/or how it effects code sections in other codes. It is better if the RAC agrees on its recommendation before comment with the public so as not to muddy the waters of each prospective change.

I know that this may seem like a complicated process so I've created an example to, hopefully, better demonstrate the process.

LEGISLATIVE WORKING GROUP (May be selected to initially review)

REGULATORY WORKING GROUP (May be selected to initially review)

- International Building Code (IBC) •
- International Residential Code (IRC)
- International Existing Building Code (IEBC) •
- International Fuel Gas Code (IFGC)
- International Fire Code (IFC) •
- Appendices to IBC & IRC
- ETC. •
- ETC.

Subcommittees:

Subcommittees:

1. IBC A.
IRC
2. IEBC B.
IFGC
3. IFC C.
Appendices
4. ETC. D.
ETC.

Note: More than one code may be assigned to each subcommittee.

Note: More than one code may be assigned to each subcommittee.

EACH SUBCOMMITTEE REVIEW PROCESS (refer to example above)

Subcommittee 1. complete comments of **IBC** and submits said comments to subcommittee 2. **AND** begins review of **IEBC** comments.

Subcommittee 2. completes comments of **IEBC** and submits comments to subcommittee 3. **AND** begins review of **IFC** comments.

Subcommittee 3. completes comments of **IFC** and submits comments to etc., etc., etc.,

The same process would occur with the Regulatory Working Group as such:

Subcommittee A. complete comments of **IRC** and submits said comments to subcommittee B. **AND** begins review of **IFGC** comments.

Subcommittee B. completes comments of **IFGC** and submits comments to subcommittee C. **AND** begins review of **APPENDICIES** comments.

Subcommittee C. completes comments of APPENDICIES and submits comments to etc., etc., etc.,

AFTER ALL RESPECTIVE CODES (within each respective Group) ARE REVIEWED
A REPORT IS GENERATED LISTING SECTIONS RECOMMENDED TO BE EXCLUDED
AND
SECTIONS TO REMAIN

The LEGISLATIVE Group then submits said report to the REGULATORY Group, and vies versa, for review and comment at next RAC (may take more than one) meeting.

ONCE A CONSECUSUS IS REACHED REGARDING THESE RECOMMENDATIONS
A LIST OF EXCLUSIONS IS GENERATED

Said list is then posted on the L&I web-site for public review and comment to be heard at the three (3) meetings to be held in the western part of the commonwealth; Harrisburg and; the eastern part of the commonwealth. After receiving all public comment, the RAC will consider said comments and draft a recommendation for submittal to L&I for review. With a 2/3 majority vote, the recommendation will be sent to L&I.

NOTE: ANY COUNCILOR MAY REQUEST ANY PORTION(S) OF THE FINAL DRAFT RECOMMENDATION TO BE REMOVED FOR DEBATE AND SEPARATE CONSIDERATION AND VOTE. IF THIS OCCURS AND SEPARATELY CONSIDERED SECTION(S) EFFECTS THE DRAFT RECOMMENDATIONS, SAID DRAFT RECOMMENDATION SHALL BE RE-WRITTEN AND MOVED FOR APPROVAL.

Triennial Review Process

Gig's Thoughts for Consideration

Statutory requirements pertinent to triennial review process

The RAC shall:

(107 (b.1) (1) *...review latest triennial code revisions.*

(107 (b.1) (2) *...Hold at least three public hearings...*

(107 (b.1) (3) *...Submit a report to the secretary....with provisions that are specified for adoption.*

(107 (b.1) (4) *...examine triennial code revisions applying all of the following criteria:*

(i) *The impact the provision may have upon the health, safety and welfare of the public*

(ii) *The economic and financial impact of the provision.*

(iii) *The technical feasibility of the provision.*

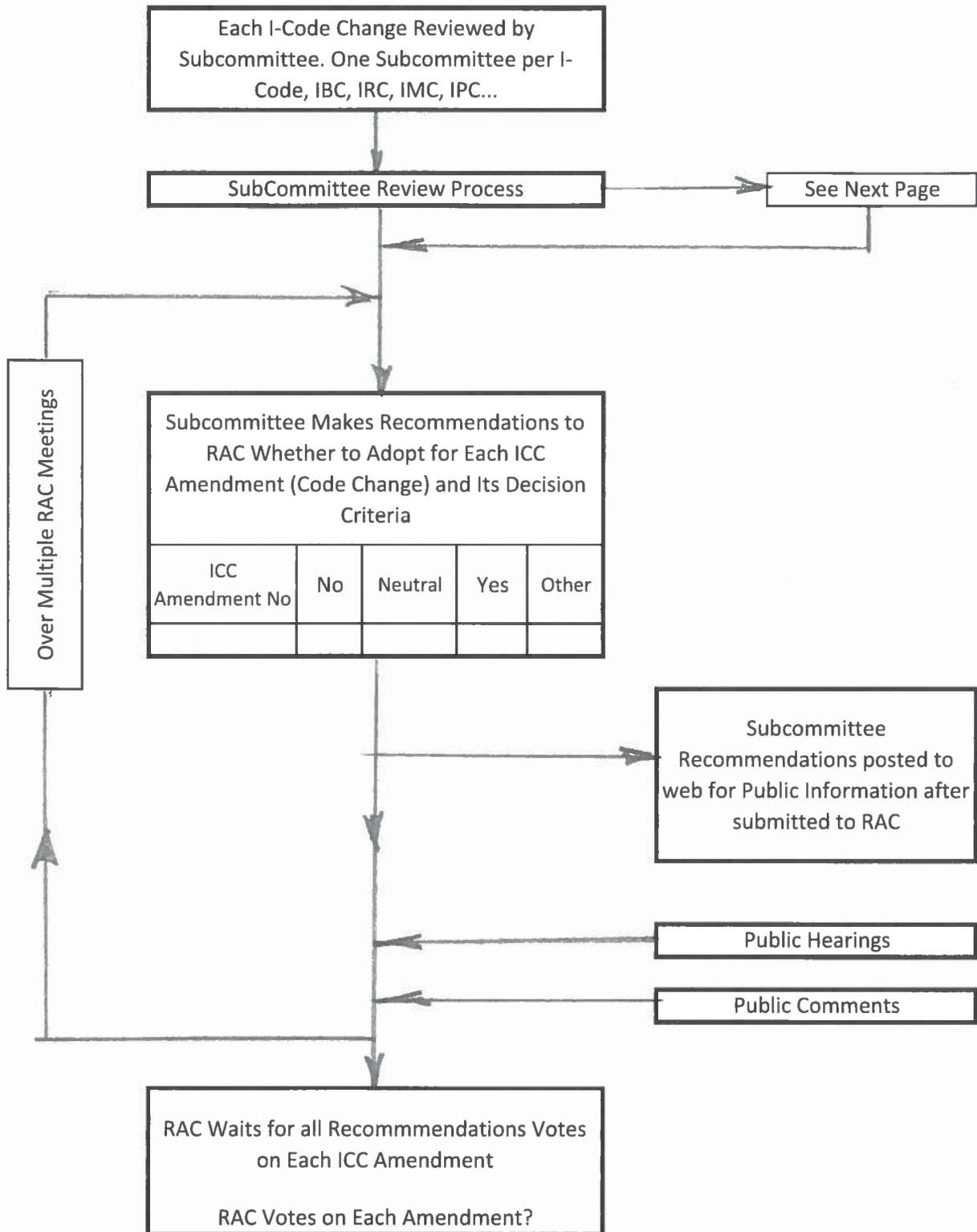
(107 (b.1) (5) *Only triennial code revisions that are adopted by two-thirds vote of the council membership shall be included in the report....*

(304) (a) (1) *....the department shall promulgate final-omitted regulations....to adopt the triennial code revisions made in the report without change.*

Note, per the statute:

- The RAC *does not* adopt the ICC code, but *adopts changes* to the previous ICC code which then becomes the new UCC code.
- The RAC *does not* write or promulgate *the PA UCC regulations* from its decisions during the review process; the *Department promulgates the regulations* from the RAC's adoption of ICC amendments.

I-Code 2012 Amendments (2015) Review Process
Gig Recommendations for Discussion May 14, 2014



Minimum Subcommittee Examination of Amendment				
ICC Amendment No	Unfavorable	Neutral	Favorable	Other
Required by Statute				
Impact on Public Health, Safety, Welfare				
Economic & Financial Impact				
Technical Feasibility				
Recommendation to RAC				
Other Criteria?				
	Yes		No	
Is it (a) necessary (burden) and should be included as a new construction standard for the Commonwealth?				

Subcommittee Recommendation to RAC Format

Amend No	Recommend	HSW	Econ	Tech Feas	Other		
					HSW	Econ	Tech Feas
	yes/no/neutral	U/N/F/O	U/N/F/O	Yes/No/O	Necessary	Yes/No	