



***Minutes of Friday, July 12, 2019 Chapter Meeting***  
***Billings/Teleconference***

Meeting called to order at 10:00am

Those in attendance:

<b>Dennis Hirsch – Miles City</b>	<b>Tim Lloyd – State</b>	<b>Land Hansen - Hamilton</b>
<b>Jessica Iverson – Billings</b>	<b>Kraig Stevenson – ICC Gov’t Relations</b>	<b>Rebecca Riedl – LIUNA 1686</b>
<b>Karen Courtney - Laurel</b>	<b>Travis Fenton - Billings</b>	<b>Russell Murphy - Colstrip</b>
<b>Cody Gunn -Billings</b>	<b>Eric Copeland - State</b>	<b>Lee Clifton - ICC</b>

**Brian Anderson – Billings**

- Introductions
- Minutes from April reviewed and approved
  - Motion to approve by Cody Gunn, Brian Anderson 2<sup>nd</sup>. Motion passes.
- Treasury report:
  - Savings: \$4,245.63
  - Checking: \$1,635.14

Expenses since last report: \$586.46 (MT Building Codes Conference)

2019 Chapter Dues Received: \$1,100.00 – Not all chapter members have responded to the dues at this time.

Have a couple waiting for PayPal to be set up to pay by Credit card. Jessica is working with the bank to resolve issue with the Tax ID so that we can complete the account set up.

- Motion to accept Treasurer Report – Brian Anderson, Cody Gunn 2<sup>nd</sup>. Motion passes.

**President’s Comments –**

- Working on getting a sponsor for the shuttle program. Builder’s Choice is one of them interested in helping out. Will be meeting with them in the next couple weeks.
- Plans on attending the next Code Hearings in Helena.
- Cody asked what the sponsorship was for. Dennis stated it was to help the MT Shadow program and any educational. We would need to place an ad on the website for them with the sponsorship. Cody will assist with setting up the sponsorships utilizing what Region II has in place.
- Nominated for an award at the ICC National Convention



### Old Business-

Legislature Committee

- Nothing to report

MT Chapter Website – Karen Courtney

- As mentioned we have the link for PayPal just need to get account linked. Has had a positive response to addition.
- Have been entering minutes but still trying to figure out WordPress to have displayed on home page.

### New Business-

Tim Lloyd – State of MT Building Codes

- Building Code Council met on July 9. Went through Rules that they have proposed.
  - o Brand new Council with only one or two members that had served before.
  - o Added A.R.M. 24.301.146 – Tried to fix some of the provisions that are affected by sprinkler systems – working with Jessica on that. Items number 15 and 17.
- Tiny homes – the Council voted to adopt Appendix Q of the IRC
- Council voted against adopting the Radon Provisions in Appendix F
- Added language to A.R.M. 24.301.154 #23 to clarify which Appendix Chapters that local governments can adopt
  - o Must be adopted by Department or have specific authorization to adopt those appendix chapters.
- Discussion on adopting additional Chapters in the IRC – Decided not to at this time but will keep looking at that.
- Discussion on adopting the IPC and UPC – possible both adopt and having a choice. Council voted against that and chose to adopt the UPC as is proposed in the A.R.M.
- Provisions for private swimming pools – International Pool and Spa Code – initial take on it is that they can't adopt but legal council is going to look into it more.
  - o Department of Public Health Rules indicate that they can't adopt provisions for private swimming pools.
- Want to roll back the Arc Fault protection – section 20.10.12 NEC for kitchens. Want to roll it back to the 2012 NEC where Arc Fault protection will not be required in kitchens.
- Clarification in funding – that funding can be used for dangerous building code and property maintenance. Changed and strengthened the language that those funds can't be used for that.
- Trying to amend the administrative rule that deals with mobile homes, recreational vehicles being used for commercial or business occupancy.
  - o Have added the term park model built to ANSI standard may not be used either.
  - o Council has asked that that the department continue to work with the industry on that matter and has removed that amendment.
- Comments?
  - o Dennis inquired about Appendix G (IBC) for the Floodplain if local governments would not be able to adopt it. Tim believes that this was not one of the chapters adopted and that there were no additional appendix chapters added. So no it could not be adopted.
  - o Jessica requested that Tim go over the next steps in the Code adoption. Tim has a draft of the changes as requested by Council, once completed he will send back over to legal. They will prepare the Intent



to Adopt Proposed Rules. This will be filed with Secretary of State. That should happen within a month and interested parties will be notified and it will be posted on Department's website. There will then be a public hearing where they will take public comment as well as a written comment period. Believes that comment period will last for 30 days. After the comment period they will go back and review every comment they receive and decide if they will make any changes based on comments received and then file a Notice of Adoption with SOS and the rules would take effect one day after it is filed. That will then start the clock on local jurisdictions to have 90 days to adopt it.

- Dennis asked about timeline we are looking at – Tim states they are aiming for September adoption.
- Jessica asked if there was specific wording for some of the things Council voted on, such as Arc Fault, would that need to be put in writing. Tim stated the amendment is as the Council voted and at hearings is when those comments would be submitted verbally or in writing.
  - Jessica then asked who would decide about the possible change from what the council had decided. Tim stated that would be the Department.
  - Jessica explained that the Arc Fault issue, after speaking with the electrical inspectors would prefer the wording be specific to dedicated circuits or outlets for refrigeration – this would be something submitted during the written period? Tim stated that is correct.
  - Kraig Stevenson stated that how Tim had stated the Arc Fault question and how he understood it to be stated. Jessica clarified that during the motion and what was approved was to just strike the word kitchen from the section.
- Kraig asked for clarification on Tim's statement on the next steps for code adoption.
  - During listening sessions that were previously held, it was Kraig's understanding that the comments from the listening sessions would be compiled for presentation to the Council from the 6 or so listening sessions. Those were posted online and Kraig had written a letter to get supporting documentation into the record with his comments. However, listening in over the phone it seemed that there were additional things being presented to the Building Code Board by the Department staff that may not have come from the listening sessions and it was his understanding that the listening sessions on that record to the Building Code Board would then formulate what the proposed rules were. After reviewing the listening sessions and postings there seemed to be some added content that he was not prepared to comment on for the meeting with Council on Tuesday.
- Kraig also feels that it is unfortunate that the Council has decided not to move forward with the adoption of the IPC or other Chapters in the IRC to include because it is a huge opportunity to reduce the cost of construction. Kraig sees the purpose and statute of Building Code is to have reasonably uniform requirements so when it was stated in meeting on Tuesday that the AG said you would have to correlate any changes that came out of the IRC, that it would take a lot of time making amendments to codes that are unnecessary because the scope of the codes have a different focus - one is residential and one is more commercial. And it doesn't say anywhere in statute that they have to be identical so doesn't think staff needs to invest that time and believes that was a contributing factor to the two motions – not to consider the IPC and the other not to consider any additional Chapters in the IRC. Furthermore if these are not an option for local governments, local government cannot adopt them. He believes there are some local governments that would like to have the opportunity to not only examine the radon issue and whether that is important have that be a local determination, as the State does not enforce the code for single detached or units four or fewer it



seems appropriate to allow local governments to determine what they want in a residential code in all regard to plumbing, mechanic, energy, etc.

- Kraig asked for what the differences between the proposed rules out of the listening sessions and the proposed rules that were presented as he believes there is a difference.
  - Tim stated that staff does include their opinion because they have to review the codes. Staff reviewed all 27 codes and discussed their recommendations. These were not brought up at listening sessions. Tim further stated that it is standard procedure for the Department to analyze the Codes and determine what they think is the best for adopting.
  - Kraig stated that it is clarifies his question. Moving into next stage - what will be posted by the Department as draft rules and what will be held out for public hearing. That way others who are interested will be able to know exactly what is proposed and be able to give their comments of further things that need to be amended or considered by the Bureau.
  - Tim commented that everything that has happened up to this point with the exception to Building Codes Council meeting is above and beyond what is required by State law to be as transparent and involve as many people as they can.
- Tim announced another round of Listening Sessions scheduled. They will be taking comments on the Energy Code and also the new cross laminated timber provisions that were approved by the ICC last fall and will appear in the 2021 I-Codes. They have been asked to adopt those new provisions instead of waiting for the 2021 I-Codes to come out. Will also possibly be taking comment on the elevator and boiler codes. Listening Sessions will be in Helena on August 26<sup>th</sup> at 1:00 PM at MACO building, August 28<sup>th</sup> in Billings at 10:00 am at Billings Public Library and August 29<sup>th</sup> in Missoula at noon at Missoula County Courthouse.
  - Cody asked for reason that they are looking at 2021 for cross laminated timber and who requested that.
    - Request came from the Timber Industry. All of the information that Tim has will be posted on the website when they officially announce the listening sessions.
  - Cody asked if we normally adopt sections from future codes.
    - Tim stated that there is no history that he could give on that point and that this came from much higher levels than his office. It was the direction they were instructed to look at.
    - Cody stated it would go through council then. Tim stated it will. They are at the starting point so it will follow the process through the Building Council allowing for public comment.

#### Jessica Iverson Recap of hearings in Helena on July 9, 2019

- Thanked Tim for the recap.
- Would like to know if the Chapter or members want to take a position on any of these items or issues with changes to ARM she is willing to be point person for those emails. She has discussed the issue with arc fault with their electrical inspectors and they would like to have the wording more specific so they will be submitting that wording. If anyone has anything to add she would appreciate them letting her know.
  - Kraig stated that Dennis had a good point with the Appendix that refers to floodplain and being in compliance with what the FEMA program is. May affect cities and if you don't have all of the elements that FEMA expects, and the appendix may help with further compliance in showing the Federal Government that you are enforcing your floodplain requirements per what they expect. Without it people could lose their flood insurance. So that may be something that the Chapter is advocating for at these public hearings among other significant items.



- Dennis stated that he finds it would be a useful tool in helping the city out as it pertains to much of their city.
- Tim stated it could be brought up in these next listening sessions but may be too late to be brought in this round. Tim believes that it is through DNRC but he would have to go back and research it, but he believes that is why they have never adopted it.
- Kraig asked if Part 2 of Title 50 Chapter 60 applies to all of the Codes that the Bureau adopts. Tim stated that it does not per the definition in 50.60.101 (19). Looking at 50.60.203 (3) states parts 1 through 4 constitutes State building code. Kraig stated that as it leads back to the Residential swimming pools that cities desire the legal trail that they have to follow to adopt what they want.
  - Tim stated that when you have an Appendix Chapter in the IRC or IBC the Department can adopt unless there is a specific statute that prohibits it. Legal is looking at the Appendix that deals with Residential Swimming pools question as swimming pools are addressed under the Health Department in State statute.
  - Kraig stated that in reviewing State statute that he did not see where the Department of Health was given enabling legislation to enforce residential swimming pools and therefore Local Government may have the authority to adopt that Appendix.
  - Tim used the example of the Appendix dealing with Raydon, nowhere in State law does it say that it can't be adopted and that is why it had been placed in front of the Code Council for consideration. They chose not to adopt that appendix chapter.
  - Dennis asked for clarification that the proposed Code adoptions and appendix chapter are left up to the Code Council to make the determination if they should be adopted. Tim stated that was correct.
- Jessica asked if member of the Chapter has any comments or position on any of the Code issues at this time.
  - No comments at this time.
  - Noted that not many people on call. Dennis suggested to ask members to review proposed codes and email Jessica any comments.

#### Discussion concerning adoption of various codes & amendments

- As there has been discussion during other reports, no further discussion at this time

#### Preferred Provider Program

- Karen discussed the benefits of the Preferred Provider Program:
  - Opens the Chapter up to have Educational classes & the CEU's from those classes count towards renewals.
  - The Chapter would also become part of a network to find instructors for topics of interest.
- Fees for the Chapter per year would be:
  - \$200.00 for on-site only training
  - \$320.00 for on-site & on-line training
- Chapter would need to send in an application for consideration of being a Preferred Provider.
- Jessica stated that there had been discussion about having a fall training conference in Billings in 2020 to capture those in the Eastern part of the state, Wyoming and the Dakotas that may not be able to attend the Training in Helena.



- Tim stated that he understands that the Annual Conference that is held each year would also be able to piggyback on the Chapter's PP status.
  - o Jessica asked if some of the State funds would be able to be utilized towards the fall training or cost of the Preferred Provider.
    - Tim did not think it could be used towards the P.P. fee but any educational classes could be up for discussion on granting some funding.
  - o Dennis feels the Chapter should pursue becoming a P.P.
  - o Cody Gunn made a motion that the Chapter pursue applying for the Preferred Provider Program.
    - Brian Anderson seconded the motion.
    - Discussion – Russell Murphy asked - What is the difference between the Chapter having P.P. status or just hiring instructors that have P.P. status?
      - Kraig Stevenson responded – The Chapter may have an instructor that is not a Preferred Provider or a class that covers custom issues, such as floodplain, that they wish to hold. The Chapter can send that information in and have the course approved to be able to offer CEU's for those classes.
      - No further discussion
    - Motion passes unanimously

Jessica asked to add an item to New Business.

- Jessica would like guidelines of how the Chapter would go about endorsing candidates for ICC Board
  - o If uncontested, send letter endorsing them.
  - o If contested and have multiple requests, send email out to membership for a vote on who to endorse.

#### **ICC Comments -**

ICC Staff Comments:

Kraig Stevenson brought in bookmark flyers that shows photos of the keynote speakers at the annual conference October 20 – 30 at the Rio Hotel & Convention Center in Las Vegas. Encourages people to take advantage of the early bird registration.

- Code of honor scholarships has 7 categories, August 9<sup>th</sup> is the deadline to submit applications for consideration.
- Learning Center has a tutorial set up for Pronto 101 testing. It is an overview of the on-line testing to allow you to know what to expect and practice how to be prepared for the test utilizing Pronto 101.
- PMG recruitment – ICC Plumbing, Mechanical, Fuel gas & Swimming Pool division are looking for experts. Lee Clifton is the Senior Director of the division. They are also looking for additional subject matter experts.

Lee Clifton – Always looking for membership participation in Code development. Anyone interested can send in a resume to Lee for review and possible recommendation to Tracy Lindy, ICC VP in training. This information is on-line to submit.

#### **Next meeting scheduled for September 12, 2019 at 10:00 a.m. via conference call**

Meeting in Helena tentatively set for November 8, 2019. Jessica will contact John to verify date and time.

Jessica had one last item to discuss.

- Since the Chapter has voted to approve becoming a Preferred Provider, the Chapter should also form an Education Committee.



- Cody Gunn motioned that Jessica act as the Chair of the Education Committee, Brian Anderson seconded the motion. Motion passes unanimously.
- Volunteers from the membership will be needed on the committee. An e-mail will be sent out to the membership asking for volunteers.
  - Dennis and Karen both offered to assist if needed.

Cody Gunn motioned to adjourn, Brian Anderson seconded the motion.

**Adjournment at 11:06 am**

Karen Courtney  
Chapter Secretary