



— Senate Committee on Labor and Industry —

Senator Kim L. Ward
Chairman

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House Bill 409 **Printer's No. 1235**

Prime Sponsor: Evankovich
Committee: Labor and Industry

SYNOPSIS:

Amends the Pennsylvania Construction Code Act of 1999 to modify the process for the review of updated sections of codes.

SUMMARY:

Defines "collective codes," "existing sections," "unopposed sections" and "updated sections."

Adds the construction trades and consumer representatives as stakeholders the Uniform Construction Code (UCC) Review and Advisory Council (RAC) shall gather information from concerning issues with the UCC.

Adds the following two members to the RAC:

- A member from an association representing commercial building owners with recognized ability and experience in the construction and renovation of nonresidential buildings, appointed by the Governor.
- A member with recognized ability and experience in the construction trades so as to represent employees in the industry, appointed by the Minority Leader of the House of Representatives.

Changes the party responsible for appointing three existing members of the RAC from the Governor to legislative leaders as follows:

- A general contractor from an association representing the residential construction industry shall be appointed by the President pro tempore of the Senate.
- A second or third class city official shall be appointed by the Minority Leader of the Senate.
- A general contractor from an association representing the nonresidential construction industry shall be appointed by the Speaker of the House of Representatives.

Requires that all RAC members must be legal residents of the Commonwealth of Pennsylvania.

Requires RAC members to present documentation to the Secretary of the Department of Labor & Industry (Department) that they meet the qualifications of their appointment and provides that a RAC member who does not meet the qualifications for their appointment shall be removed.

Stagger RAC member terms in three classes of equal size and makes terms three years or until a successor is appointed.

Provides that RAC members may participate in council meetings and vote in person, by telephone conference or by video conference. Provides that RAC members missing three or more consecutive meetings may be removed from the council and a new member appointed.

Requires the Department to provide additional support in the form of secretarial services, legal representation and drafting of reports required under the Act.

Adds that RAC members will be reimbursed for reasonable travel, lodging and other necessary expenses incurred in performing their duties.

Requires the RAC to establish a process by which technical advisory committees (TACs) will assist in the review of the updated sections of the International Code Council (ICC) codes every three years. Establishes a technical advisory committee for each of the codes included in the Uniform Construction Code. Each TAC is limited to a total of 12 members, comprised of RAC members and members of industry and interest groups associated with code development and enforcement. Requires the Department to publish a notice seeking participation in the TACs in the Pennsylvania Bulletin and on the Department's website. Interested persons must submit interest in serving on TACs within 30 days of publication. The chair of the RAC shall appoint individuals to serve on each TAC. A maximum of five RAC members shall serve on a TAC unless there is insufficient interest from the public to fill the remaining slots. TAC members may meet and vote in person, by teleconference or by video conference. Recommendations shall be made by a majority of votes received from RAC members serving on the TAC.

Establishes a process for review of the ICC codes as follows, with exceptions for the re-review of the 2015 ICC codes as detailed below:

- RAC initiates review process. (21 months after publication)
- RAC considers whether to review (by a two-thirds vote) any "additional sections" beyond code changes, additions or deletions that meet the definition of "updated sections".
- Public comment period. (120 days)
- RAC chair assigns each updated section (to include additional sections) to a TAC.
- TACs review all sections assigned.
 - All sections receiving a comment during the public comment period or selected by a RAC or TAC member for review receives a recommendation to adopt, reject or modify and the rationale for the recommendation.
 - All other sections are noted as "unopposed."

- TAC recommendations are posted publicly for at least 10 business days.
- Public hearings are held in eastern Pennsylvania, western Pennsylvania and Harrisburg.
- The RAC holds one or more meetings to adopt, reject or modify codes.
 - Unopposed sections are considered as a group unless a section is selected for exclusion by a RAC member. A majority vote is required to exclude.
 - Provides that unopposed sections shall be adopted by a majority vote of the RAC.
 - Sections receiving a comment and TAC recommendation are considered for adoption or modification by a two-thirds vote.
- The RAC shall submit a report to the Department within 24 months of commencing the review process.
- The Department has nine months from the receipt of the report to promulgate final-omitted regulations, based on the RAC report without change.

The review of the 2015 ICC codes follows the same general process with the following changes to expedite the review:

- The commencement of the review shall begin within 30 days of the effective date of the Act.
- The public comment period is shortened to 30 days.
- Only one public hearing is required.
- Does not require the RAC to establish TACs for the re-review and provides that the RAC may rely on the technical analysis of the 2015 edition of the triennial codes performed by the RAC during the RAC's previous review.
- Requires the RAC to submit a report to the Department on or before June 1, 2018.
- Requires the Department to promulgate final-omitted regulations by December 31, 2018.

Provides that the Department may contract with the ICC to establish and publish code manuals specific to the Pennsylvania Uniform Construction Code.

Maintains the building permit fee at \$4 but divides it as follows:

- 47.5% to the Municipal Code Official Training Account
- 47.5% to the Construction Contractor Training Account
- 5% to the Review and Advisory Council Administration Account

Prohibits DCED from utilizing any of the funds for program administration.

Expands the options that a construction code official in an "opt-in" municipality can use to issue a certificate of occupancy to an uncertified building by giving the option of using the technical standards specified in the law for use by the Department. Eliminates the requirement for a municipality to adopt an ordinance electing to use the departmental standards.

Effective Date: The amendment of Section 902(c) shall take effect in 60 days. The remainder of the Act shall take effect immediately.

BILL HISTORY:

Introduced 2-8-17; Reported as amended (18-9) 4-3-17; First consideration 4-3-17; Second consideration 4-5-17; Re-committed to Appropriations 4-5-17; Re-reported as committed 4-19-17 (22-14); Final Passage (110-82) 4-25-17; Referred to Senate Labor & Industry 5-4-17

Prepared by: Kratz 5/5/2017