

Changes to the ICC Code Development Process for the 2009/2010 Code Cycle

Released- March 23, 2009

Introduction:

This *Tech Matters* was developed to clearly outline the changes that are taking place in the code development arena and, to the extent possible, the ramifications of these changes to the FSC membership. As of March 2009, the International Code Council (ICC) is still revising certain aspects of the process. There is a great deal of confusion in the marketplace and within the code writing community on how these changes will affect those who participate in the code change process. The details of these changes will certainly adjust over time, especially with regard to the current “transition” code cycle. This *Tech Matters* will discuss the current process as specified by the ICC and also highlight some of the issues these changes will bring. The intent of working through this is to assist companies in working the code development process into their strategic and product development planning.

Issue:

Over the last few code development cycles, the ICC has encountered many new challenges regarding how to effectively manage the code development process. The process has grown to a point where the methods used in previous cycle have become unmanageable. The volume of code change proposals increased to the point where multiple hearings (tracks) were required to run simultaneously in order to process them efficiently. Additionally, even with running multiple tracks, the hearings had to be extended in both the number of days required to hear them and the length of time the hearings lasted each day. Often, hearings would start in the early morning and not conclude until late into the evening, making 12, 14 or 16 hour days common.

The ICC also wanted to find a way to increase participation at the hearings. As a result, the council established a task force to look into the issues surrounding the code development process, and in 2008 the task force sent its report to the ICC Board. The Board acted on the recommendations of the task force and made a few changes to the process. The result is a code development process that will be very different from past cycles. The cycle that is beginning now (as of March 2009) is a transition cycle that will result in the 2012 I-Codes. Following this transitory cycle, further changes to the process have been laid out that will result in the 2015 I-Codes. According to the [ICC website](#)¹, the changes will ultimately accomplish the following:

- Maintain a three-year code development cycle.
 - The current process allows for two 18-month cycles to develop the code, with a new version printed every three years;
 - The new process will have only one three-year cycle.
- Maintain the ICC Governmental Consensus Process.
 - Government and fire service officials are the voting members.

¹ www.iccsafe.org/cs/codes/schedule_advisory.html

- Divide the codes into two groupings, with each group having Code Development Hearings (CDH) and Final Action Hearings (FAH).
 - The CDH and FAH for the first group will occur in the first year of the code cycle, and
 - The second group will have a separate CDH and FAH during the second year of the cycle.
- Publish the new codes in the spring of the third year.
- Hold the CDH at the same central location every April/May.
- Hold all FAHs at the Annual Conference at locations that will continue to rotate through the four quadrants of the United States in late October/early November.

In addition, the features of the plan provide the following benefits:

- Reduce the length of the hearings, in total days and in total sessions
- Increase participation
- Maintain the importance of in-person attendance
- Increase the importance of a successful assembly action at the CDH
- Maintain or increase educational offerings
- Schedule the CDH and FAH at about the same time every year
- Codes will be available nine months before the next code change deadline

As with any change in procedure, there are pros and cons. Issues surrounding these changes include the following:

- The recent changes to the code change process were made with little notice.
- The 2009 code will not be released until about two months before the 2012 code change proposal deadline.
- Code writing organizations already have their calendars set for the next cycle based on the old rules.
- There is no supplement to help vet out issues before they were adopted into the full version of the code (to catch errors).
- The time lapse between the proposal deadline and the adoption of the codes is too long.
- Standards development organizations will be severely impacted unless their standard development cycle coincides with the code change proposal deadline.
 - Conceivable a new standard could be developed in July of 2009 and completed in January 2010 that would be a significant asset to the code.
 - Given this new code change cycle, this standard would then have to wait 6 years to be adopted into the code by reference.

Some significant rule changes will impact procedure in uncertain ways. For example, the chair has despotic power to reject any code change amendment at the hearing without recourse to challenge by the assembly. Also, any successful assembly action to overturn the Code Development Committee by majority vote (of all attending ICC members) at the first hearing, will become the first motion at the second hearing for ICC governmental assembly action. Thus, the assembly is given much more power to influence code development. Finally, proponents will be limited to one proposal per code section unless separate proposals are necessary to address separate technical concepts.

Summary of Analysis and Recommendations:

The changes to the ICC code development process will certainly present some challenges to those involved in the process. Like with any change, we will need to adapt and learn to live within this new environment. There are issues that need to be resolved and the fact is that the current process, while somewhat broken, can be fixed. We need to be a part of the solution that will provide rational evolution. The ICC has done a good job in amending the previous policy. There is no doubt that the ICC code change process will evolve during this next cycle and more changes will occur before the next cycle begins. Once we see what worked and what did not during this cycle, the process will evolve further. In the mean time, we will work together with the ICC to evolve this process to the best possible solution. Let's look at the issues as they currently stand.

- The recent changes to the code change process were done with little notice. It would have been a better situation if the ICC had released the revised policy CP28-05 a few months earlier to give interested parties a chance to understand all of the changes and the ramifications of those changes. This would have allowed code change proponents time to better strategize and come up with proposals that account for these procedural changes. Fortunately, the ICC recognized that the shortened timeframe was problematic for the developers of the code change proposals and on March 19, 2009 they moved the deadline for submitting code change proposals from April 24, 2009 to June 1, 2009.
- Part of the difficulty with the current changes revolves around the fact that at the time of this writing, the 2009 I-Codes are not yet available. This can make understanding the language that will be in the new code difficult. Those familiar with the process can refer to the accepted language of the last FAH. However, those portions of the code that involve multiple accepted code change proposals and require the merging of several proposals make the exact language difficult to ascertain. At this point, we will need to proceed with the proposals using our best guess as to the final language and make changes, if necessary, after the exact language is published. The change in the deadline for submitting code change proposals provides more time/flexibility to get the 2009 I-codes finalized and then used for code change proposals.
- One of the revisions made by the ICC was to allow Standard Development Organizations (SDOs) to present their updated standards until December 1, 2011. This allows SDOs to remain with their existing schedules for this code cycle, and it gives them time to make adjustments for future updates. However, this remains problematic for those who are creating new standards. If a code change proposal was submitted by the June 1, 2009 deadline, yet those standards are not finished in time for the FAH next year, the earliest they will be able to be adopted is the 2015 version of the code. The ICC needs to address this problem as soon as practical by providing a mechanism to allow an interim acceptance of a new standard. One possibility would be to hold an interim hearing early in 2011 for new standard proposals. These could be completed and voted on prior to the code going to the publisher, or could be included as errata.
- With the removal of the Supplement, the ramifications of code change proposals will be more profound. Previously, if language was put into the code and later found to be improper, the Supplement allowed for improvement of the language before publication of the full version. Since most jurisdictions do not adopt the Supplement, it served as a vetting process for new code language, allowing users to see and work with the new concepts before it was adopted by the local jurisdiction. Now, we will be forced to deal with any errant or bad language for at least a three-year period before corrections can be made. The ICC should rethink this. One possibility would be to incorporate a "glitch or

errata cycle” similar to the provisions now in use in Florida, whereby changes with the purpose of remedying unintended consequences of new code changes or fixing inconsistencies within the code could be permitted. New changes would not be allowed.

- Another issue that will need to be addressed is the length of time between the proposal deadline and the adoption of the new code. With no Supplement cycle, the code will be lagging behind in adopting new code related technologies and practices. If a proponent misses the code change deadline, it can be more than 5 years before the next code change deadline and adoption of the subsequent code. With the rate that new technologies are coming online, this is too long of a time between cycles. The supplement was a key mechanism in this regard.

The information provided in this *Tech Matters* is current as of March, 2009. Changes to the process are likely to occur as we progress through the next code cycle. For the most up to date information visit the ICC website at www.iccsafe.org/cs/codes/

Appendix A:

Analysis:

In order to fully understand these issues, we need to take a closer look at the code development process and understand how it is changing. First we'll look at the timelines for the current and future code change cycles and show how they differ from the previous cycles. Then we will take a look at the procedural issues that have changed and how they will affect the conduct of the hearings. The intent of working through this is to assist companies in working the code development process into their strategic and product development planning.

Summary of Previous Code Change Cycle Timeline

The code change cycles that have occurred over the past several years consisted of a process that resulted in a full new version of the I-Codes every three years. This three-year period was broken up into two, 18-month cycles. Each of these cycles consisted of a CDH [referred as Initial Action Hearings in **Figures 1-3**] and a FAH. During the first cycle, code change proposals were submitted to the ICC for all of the I-Codes. These proposals were published, and interested parties attended the CDH to argue the merits (or lack thereof) of each proposal. After the CDH, results were published and interested parties were allowed to make public comments on each proposal. These proposals and their comments were then heard at the FAH, and the final vote was taken to ascertain which proposals would be incorporated into the code. The results of this first 18-month cycle were then published as the supplement to the previous code. Next, using the Supplement as the base, the second 18-month cycle began, following the same process as the first 18-month cycle. The results of the second cycle were then incorporated into the I-Codes and subsequently published as a full revised version. **Figure 1** shows the process as it would have been if no ICC procedural changes had taken place.



Figure 1. Previous code development plan

Summary of Transitory Code Change Cycle Timeline Resulting in the 2012 I-Codes

This next code cycle is designed as a transition cycle for the new processes that will be in place for the 2015 code cycle. It begins with a code change proposal deadline of June 1, 2009. All code changes that will result in the 2012 I-Codes must be in at this time. The results of the single FAH on a proposal will result in the language of the 2012 I-Code which will be published in the spring of 2011.

After the initial code change proposal deadline, the ICC will compile the proposals, assign them to the committees that will hear them, and publish the agenda of the CDH that will take place in the fall of 2009, when all of the proposals of Group A and Group B will be heard. Up through the CDH, the process is the same as in previous cycles—other than procedural issues that we'll discuss later in this *Tech Matters*. The rest of the cycle will be more similar to the changed process that later cycles will use. After the CDH, the proposals will be broken into two distinct groups: Group A and Group B.

Group A will consist of the proposals assigned to the following committees: IBC–Egress; IBC–Fire Safety; IBC–General; IBC–Structural, IFGC, IMC, IPC and IPSDC. Group B will consist of these committees: IECC, IRC Building/Energy, Administration (Ch. 1), IEBC, IFC, I-Performance, IPMC, IRC Mechanical/Plumbing, IWUIC and IZC. Proposals that are assigned to Group A will receive public comments after the initial CDH, and the FAH will occur in the spring of 2010. The results of the FAH for Group A will determine the language of the 2012 IBC and others, as associated with the Group A proposals. After the spring Group A FAH, public comments will be received for Group B proposals and the FAH for Group B will be in the fall of 2010. Like the Group A proposals, any proposals that survive the Group B FAH will determine the language of the 2012 Codes, namely the IRC, IFC, IEBC and other various codes that are tied to the Group B proposals. **Figure 2** shows this timeline.

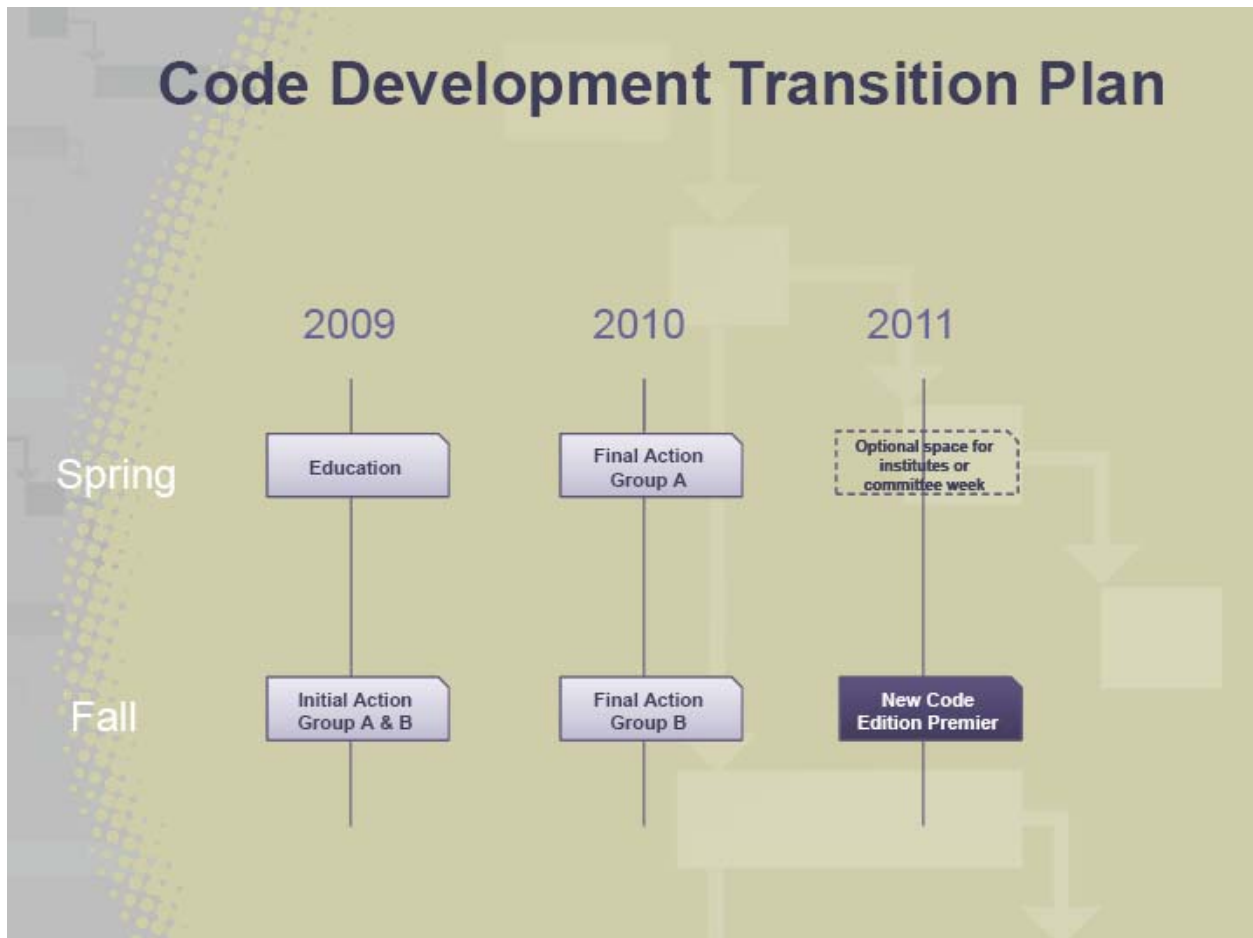


Figure 2. Transition plan (2012 Code Cycle)

Summary of Future Code Cycle Timeline beginning with the 2015 cycle

The last phase of the conversion period will be the Code Development Cycle that results in the 2015 I-Codes. This cycle begins on January 1, 2012, with the deadline for Group A code change proposals. Shortly after that deadline, those proposals will be processed by ICC and published as the agenda for the CDH to be held in the spring of 2012. A central location will be determined, and the Group A CDH will be held at that location each year. Following publication of the results of the CDH, public comments are received and published as the FAH agenda. The Group A FAH is held in the fall of the same year (2012). The location of the FAH will rotate around the country, and will coincide with the Annual Conference. The results of the Group A FAH become the language of the 2015 I-Codes. Again, there is no Supplement code cycle. There is only one cycle in each three-year period.

After Group A is finished, Group B begins its cycle and follows the same procedure as Group A. Group B begins on January 1, 2013, with the submission of code change proposals, followed by the Group B CDH in the spring of 2013 and the FAH in the fall. The third year of the cycle is then reserved for publication and education. The Annual Conference held in the third year of the cycle will showcase the new version of the code and provide educational opportunities for members regarding the new version prior to adoption by local jurisdictions.

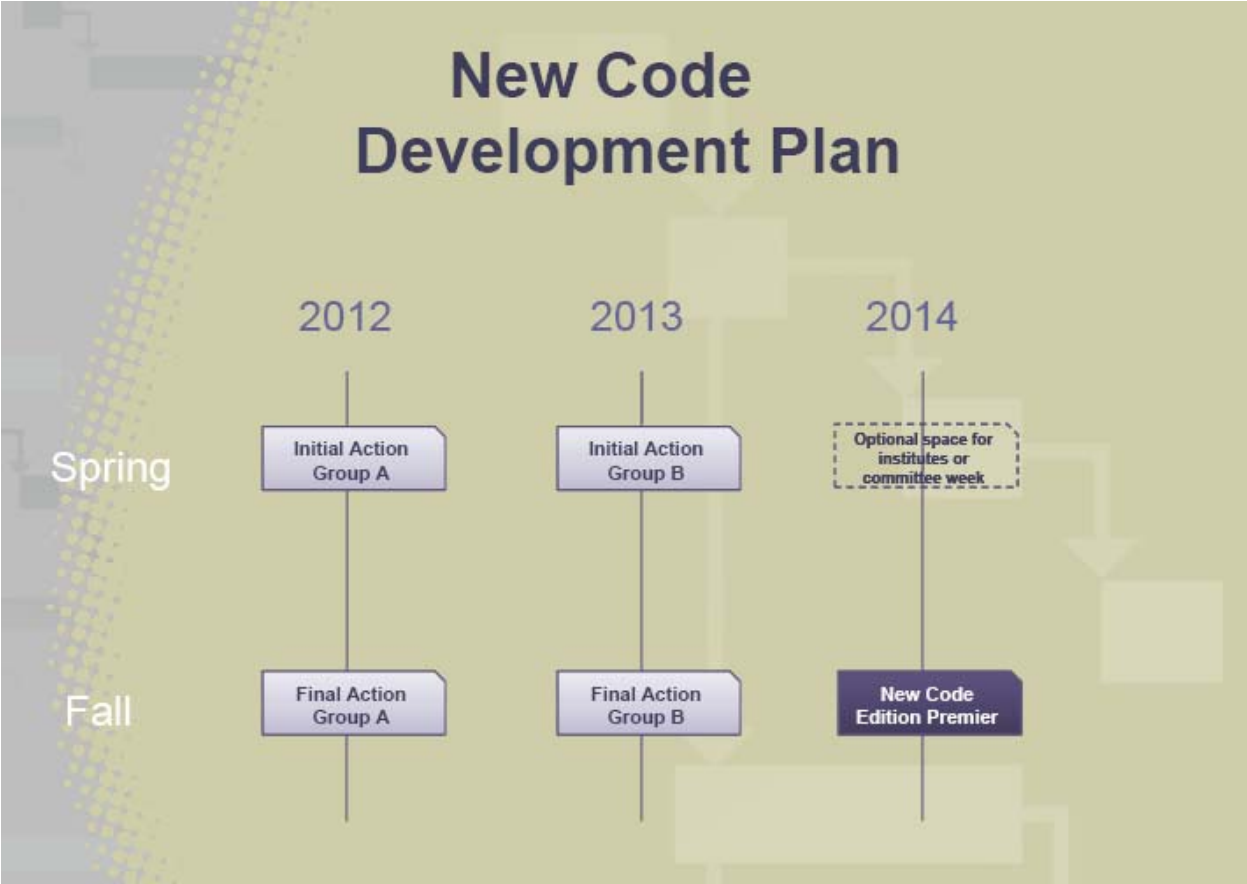


Figure 3. Code development plan for the 2015 code development cycle

In addition to changing the timelines for the upcoming code change cycles, procedural changes to the hearings themselves have been made to accomplish the goals outlined above. The following items summarize the procedural changes to the ICC code development process as contained in ICC policy CP28-05. The full text of ICC policy CP28-05 can be found online² and in **Appendix B**.

Publication of a Supplement between code cycles is no longer mandated. However, the option to do so remains available for future code editions. Practically, since there is now only one code development cycle every three years, the Supplement is essentially eliminated.

2.3 Supplements: The results of the code development activity between editions shall may be published as a supplement to the Codes.

A new requirement restricts the number of proposals a proponent may bring to a code section. The purpose of this change is to force proponents to offer their best solution to the code change, and also to limit the number of proposals the committee will need to hear. In previous cycles when there was no restriction, one proponent sometimes submitted multiple proposals and relied on the committee to debate each one and decide which option (if any) was preferred. This cost the committee a great deal of time; the interested parties should have worked out these details prior to the hearings. The goal of this change is to help keep the hearings to a manageable length. The restriction does not apply if the proposals are addressing differing topics.

3.3.3 Multiple code change proposals to a code section. A proponent shall not submit multiple code change proposals to the same code section. When a proponent submits multiple code change proposals to the same section, the proposals shall be considered as incomplete proposals and processed in accordance with Section 4.3. This restriction shall not apply to code change proposals that attempt to address differing subject matter within a code section.

Note: Changes to the Wind Speed Maps in ASCE 7 may cause ICC to rethink this restriction due to the uncertainty of the outcome of the proposals that would change the Wind Speed Maps in the 2012 I-Codes to coordinate with those in ASCE 7-10. Coordinating code change proposals with the differing wind speed maps may necessitate multiple code change proposals on the same section of code. One based on the older Wind Speed Map and one based on the newer maps.

This next section explains how any code change proposals involving changes to code text that includes a reference to a proposed new standard, or a proposed update of an existing standard, require the standard to be readily available before Final Action Consideration of that proposal. When the standard is required to be completed and available depends on the Group hearing the proposal. Group A proposals will need to be ready in time for the Group A Final Action Consideration, and Group B proposals will need to be ready in time for the Group B Final Action Consideration. Furthermore, the updating of standards that do *not* require a corresponding code text change will be handled administratively during the Group B Final Action Consideration.

3.6.3 Standard Promulgation:

3.6.3.1 Code change proposals with corresponding changes to the code text which include a reference to a proposed new standard or a proposed update of an existing referenced shall comply with this section. The standard shall be completed and readily available prior to Final Action Consideration based on the cycle of code development which includes the proposed code change proposal. In order for a new standard to be considered for reference by the Code, such standard shall be submitted in at least a consensus draft form in accordance with Section 3.4. Updating of standards without corresponding code text changes shall be accomplished administratively in accordance with Section 4.5.

² www.iccsafe.org/news/about/pdf/CP28-05-changes.pdf

In recognition that the new timelines may be problematic for Standards Writing Organizations (SDO) who have had their calendars set well before these changes occurred, the ICC is allowing an exception during this transitory cycle. For this cycle only, the deadline for having a completed, updated standard is pushed back to December 1, 2011. This will allow SDOs to complete their standards according to their previous calendars, and will give them time to make the necessary adjustments for future code cycles. Since this deadline is after code publication, any standards not received by the deadline will be entered into the errata, and will revert back to the earlier version of the standard as referenced in the previous edition of the code.

4.5 Updating Standards:

4.5.1 Standards referenced in the 2012 Edition of the I-Codes: The updating of standards referenced by the Codes shall be accomplished administratively by the ~~appropriate~~ Administrative code development committee in accordance with these full procedures except that the deadline for availability of the updated standard and receipt by the Secretariat shall be December 1, 2011. The published version of the 2012 Code which references the standard will refer to the updated edition of the standard. If the standard is not available by the deadline, the edition of the standard as referenced by the newly published Code shall revert back to the reference contained in the previous edition and an errata to the Code issued Multiple standards to be updated may be included in a single proposal. ~~The standard shall be completed and readily available prior to Final Action Consideration~~

4.5.2 Standards referenced in the 2015 Edition and following Editions of the I-Codes: The updating of standards referenced by the Codes shall be accomplished administratively by the Administrative code development committee in accordance with these full procedures except that multiple standards to be updated may be included in a single proposal. The standard shall be completed and readily available prior to Final Action Consideration of the Administrative code change proposal which includes the proposed update.

A provision is added in this next section to keep proponents from manipulating the system by disproportionately increasing their time to rebut the opponents. Where there are multiple proponents of one proposal, only one of the proponents may defer his or her initial statement time to be used during rebuttal. This limitation helps maintain a balance in the time proponents and opponents are allowed for rebuttal.

5.4.6.2 Proponent Testimony: The Proponent is permitted to waive an initial statement. The Proponent shall be permitted to have the amount of time that would have been allocated during the initial testimony period plus the amount of time that would be allocated for rebuttal. Where the code change proposal is submitted by multiple proponents, this provision shall permit only one proponent of the joint submittal to be allotted additional time for rebuttal.

Section 5.5.2 removes the restriction for modifications to be grammatical, thereby allowing technical modifications. This was decided to be necessary due to the elimination of the Supplement cycle, giving interested parties more opportunity to correct deficiencies that may occur. Secondly, the change adds language to state that the ruling of the chair is final with respect to whether the modification is in order or not.

5.5.2 Modifications: Modifications to proposals may be suggested from the floor by any person participating in the public hearing. The person proposing the modification is deemed to be the proponent of the modification.

5.5.2.1 Submission and Written Copies. All modifications must be written, unless determined by the Chairman to be either editorial or minor in nature. The modification proponent shall provide 20 copies to the Secretariat for distribution to the committee.

5.5.2.2 Criteria. The Chairman shall rule proposed modifications in or out of order before they are

discussed on the floor. A proposed modification shall be ruled out of order if it:

1. is not legible, unless not required to be written in accordance with Section 5.5.2.1; or
2. changes the scope of the original proposal; or
3. is not readily understood to allow a proper assessment of its impact on the original proposal or the code.

The ruling of the Chairman on whether or not the modification is in or out of order shall be final and is not subject to a point of order in accordance with Section 5.4.7.

Section 5.7 is modified to make a successful assembly action at the CDH, the first motion heard for the proposal at the FAH. This increases the importance of a successful assembly action. In order for a floor motion to be successful, a two-thirds majority must be achieved. Previously, only a simple majority was required. Thus, the importance of the assembly action is higher, and the two thirds majority requirement is the trade off for allowing a successful action to be the first motion heard at the FAH. Further, when a motion is raised to overturn the committee action, no further testimony is allowed. Since both the proponents and the opponents have already had ample time to state their cases, no further testimony is necessary. This provision will help keep the hearings moving and eliminate what would likely be redundant testimony.

5.7 Assembly Consideration: At the conclusion of the committee's action on a code change proposal and before the next code change proposal is called to the floor, the Moderator shall ask for a motion from the public hearing attendees who may object to the committee's action. If a motion in accordance with Section 5.7.1 is not brought forward on the committee's action, the results of the public hearing shall be established by the committee's action. If a motion in accordance with Section 5.7.1 is brought forward and is sustained in accordance with Section 5.7.3, both the committee's action and the assemblies' action shall be reported as the results of the public hearing. Where a motion is sustained in accordance with Section 5.7.3, such action shall be the initial motion considered at Final Action Consideration in accordance with Section 7.3.8.2.

5.7.2 Discussion: On receipt of a second to the floor motion, the Moderator shall place the motion before the assembly for ~~discussion in accordance with Section 5.5.1.~~ a vote. No additional testimony shall be permitted.

5.7.3 Assembly Action: The assembly action shall be in accordance with the following majorities based on the number of votes cast by eligible voters (See 5.7.4).

Committee Action	Desired Assembly Action		
	ASF	AMF	DF
AS		$\frac{2}{3}$ Majority	$\frac{2}{3}$ Majority
AM	$\frac{2}{3}$ Majority	$\frac{2}{3}$ Majority	$\frac{2}{3}$ Majority
D	$\frac{2}{3}$ Majority	$\frac{2}{3}$ Majority	

Modification of Section 5.8 is necessary due to the shortened timeframe between the CDH and the FAH. The ICC will use its website to post the Report of Public Hearing. Use of the ICC website³ to post the results is consistent with historical practice, but makes this posting the primary reference for the participants of the process. The difference is that published hard copies will not be available before the 60-day window prior to the FAH. This places more emphasis on the electronic transmittal of documents and is necessary to maintain the shortened cycle.

5.8 Report of the Public Hearing: The results of the public hearing, including committee action and successful assembly action, shall be ~~published and made available~~ posted on the ICC website not less than 60 days prior to Final Action Consideration except as approved by the ICC Board.

³ www.iccsafe.org

Just like the change limiting a proponent to one code change per code section (or topic within a section), proponents are likewise limited to one public comment per code change proposal unless they address different subject matter. This will help limit the number of submitted proposals and should insure a higher quality code change. It will also eliminate some of the redundant testimony that is due to multiple proposals addressing the same topic.

6.4.3 Multiple public comments to a code change proposal. A proponent shall not submit multiple public comments to the same code change proposal. When a proponent submits multiple public comments to the same code change proposal, the public comments shall be considered as incomplete public comments and processed in accordance with Section 6.5.1. This restriction shall not apply to public comments that attempt to address differing subject matter within a code section.

Finally, section 7.3.8.2 reiterates that a successful assembly action at the CDH will be the first motion heard at the FAH. It further stipulates that if the motion fails at the FAH, the next motion heard will be the committee action on that proposal. The ramifications of this change will mean that in order for a public comment to be heard on a proposal that has had a successful assembly action, both the assembly action and the committee action need to be overturned, both by a two-thirds majority, before the public comment can be brought forward. This will make approval of a public comment much more difficult in this circumstance.

7.3.8.2 Initial Motion: The Code Development Committee action shall be the initial motion considered, unless there was a successful assembly action in accordance with Section 5.7.3. If there was a successful assembly action, it shall be the initial motion considered. If the assembly action motion fails, the code development committee action shall become the next motion considered.

Conclusion:

Changes to the ICC code change process are necessary to fix a process that has grown to be cumbersome and inefficient. The changes that the ICC Board has made are a great attempt to fix the problems that have plagued the process for some time. Many of the issues will be solved by these changes, some will not, and more revisions to the process will be necessary. However, as we work through the coming transition cycle, we will know much more about what needs further revision and how best to operate in this new code change environment. We'll learn how best to assist companies in working the code development process into their strategic and product development planning.

Appendix B



CP# 28-05 CODE DEVELOPMENT

Approved: 9/24/05

Revised: 9/13/08-2/xx/09

CP # 28-05 is an update to *ICC's Code Development Process for the International Codes* dated May 15, 2004.

1.0 Introduction

1.1 Purpose: The purpose of this Council Policy is to prescribe the Rules of Procedure utilized in the continued development and maintenance of the International Codes (Codes).

1.2 Objectives: The ICC Code Development Process has the following objectives:

1.2.1 The timely evaluation and recognition of technological developments pertaining to construction regulations.

1.2.2 The open discussion of proposals by all parties desiring to participate.

1.2.3 The final determination of Code text by officials representing code enforcement and regulatory agencies and by honorary members.

Comment: Coordination with 1.4

1.3 Code Publication: The ICC Board of Directors (ICC Board) shall determine the title and the general purpose and scope of each Code published by the ICC.

1.3.1 Code Correlation: The provisions of all Codes shall be consistent with one another so that conflicts between the Codes do not occur. Where a given subject matter or code text could appear in more than one Code, the ICC Board shall determine which Code shall be the primary document, and therefore which code development committee shall be responsible for review and maintenance of the code text. Duplication of content or text between Codes shall be limited to the minimum extent necessary for practical usability of the Codes, as determined in accordance with Section 4.4.

1.4 Process Maintenance: The review and maintenance of the Code Development Process and these Rules of Procedure shall be by the ICC Board. The manner in which ICC codes are developed embodies core principles of the organization. One of those principles is that the final content of ICC codes is determined by a majority vote of the governmental and honorary members (~~"Voting Members"~~). It is the policy of the Board that there shall be no change to this principle without the affirmation of two-thirds of the ~~Voting Members~~ governmental and honorary members responding.

Comment: The term "voting members" is intended to be utilized within section 1.4. To avoid confusion with voting members in accordance with 5.7.4, the proposed revision repeats who the voting members are.

1.5 Secretariat: The Chief Executive Officer shall assign a Secretariat for each of the Codes.

All correspondence relating to code change proposals and public comments shall be addressed to the Secretariat.

- 1.6 Video Taping:** Individuals requesting permission to video tape any meeting, or portion thereof, shall be required to provide the ICC with a release of responsibility disclaimer and shall acknowledge that they have insurance coverage for liability and misuse of video tape materials. Equipment and the process used to video tape shall, in the judgment of the ICC Secretariat, be conducted in a manner that is not disruptive to the meeting. The ICC shall not be responsible for equipment, personnel or any other provision necessary to accomplish the video taping. An unedited copy of the video tape shall be forwarded to ICC within 30 days of the meeting.

2.0 Code Development Cycle

- 2.1 Intent:** The code development cycle shall consist of the complete consideration of code change proposals in accordance with the procedures herein specified, commencing with the deadline for submission of code change proposals (see Section 3.5) and ending with publication of final action on the code change proposals (see Section 7.6).
- 2.2 New Editions:** The ICC Board shall determine the schedule for publishing new editions of the Codes. Each new edition shall incorporate the results of the code development activity since the last edition.
- 2.3 Supplements:** The results of the code development activity between editions shall may be published as a supplement to the Codes.

[RENUMBER SUBSEQUENT SECTIONS]

- 2.4 Emergency Procedures:** In the event that the ICC Board determines that an emergency amendment to any Code ~~or supplement thereto~~ is warranted, the same may be adopted by the ICC Board. Such action shall require an affirmative vote of at least two-thirds of the ICC Board.

The ICC membership shall be notified within ten days after the ICC Boards' official action of any emergency amendment. At the next Annual Business Meeting, any emergency amendment shall be presented to the members for ratification by a majority of the ICC Governmental Member Representatives and Honorary Members present and voting.

All code revisions pursuant to these emergency procedures and the reasons for such corrective action shall be published as soon as practicable after ICC Board action. Such revisions shall be identified as an emergency amendment.

Emergency amendments to any Code ~~or supplement~~ shall not be considered as a retro-active requirement to the Code ~~or supplement~~. Incorporation of the emergency amendment into the adopted Code ~~or supplement~~ shall be subjected to the process established by the adopting authority.

Comment: Deletion of supplement coordinated with deletion of 2.3. Honorary members added for coordination with 1.2.3.

3.0 Submittal of Code Change Proposals

- 3.1 Intent:** Any interested person, persons or group may submit a code change proposal which will be duly considered when in conformance to these Rules of Procedure.
- 3.2 Withdrawal of Proposal:** A code change proposal may be withdrawn by the proponent (WP) at any time prior to Final Action Consideration of that proposal. A withdrawn code change proposal shall not be subject to a public hearing, motions, or Final Action Consideration.

3.3 Form and Content of Code Change Submittals: Each code change proposal shall be submitted separately and shall be complete in itself. Each submittal shall contain the following information:

3.3.1 Proponent: Each code change proposal shall include the name, title, mailing address and telephone number, and email address of the proponent.

Comment: Reflects standard practice

3.3.1.1 If a group, organization or committee submits a code change proposal, an individual with prime responsibility shall be indicated.

3.3.1.2 If a proponent submits a code change on behalf of a client, group, organization or committee, the name and mailing address of the client, group, organization or committee shall be indicated.

3.3.2 Code Reference: Each code change proposal shall relate to the applicable code sections(s) in the latest edition of the Code ~~and any supplement thereto.~~

Comment: Coordination with 2.3.

3.3.2.1 If more than one section in the Code is affected by a code change proposal, appropriate proposals shall be included for all such affected sections.

3.3.2.2 If more than one Code is affected by a code change proposal, appropriate proposals shall be included for all such affected Codes and appropriate cross referencing shall be included in the supporting information.

3.3.3 Multiple code change proposals to a code section. A proponent shall not submit multiple code change proposals to the same code section. When a proponent submits multiple code change proposals to the same section, the proposals shall be considered as incomplete proposals and processed in accordance with Section 4.3. This restriction shall not apply to code change proposals that attempt to address differing subject matter within a code section.

Comment: This change is intended to address the concerns that have been noted in the hearings where a proponent of a code change submits multiple versions of a given proposal and asks the code committee to determine which one they prefer. This is even more sensitive with the change to a single submittal process where they may attempt multiple submittals.

[RENUMBER FOLLOWING SECTIONS]

3.3.3 Text Presentation: The text proposal shall be presented in the specific wording desired with deletions shown struck out with a single line and additions shown underlined with a single line.

3.3.3.1 A charging statement shall indicate the referenced code section(s) and whether the proposal is intended to be an addition, a deletion or a revision to existing Code text.

3.3.3.2 Whenever practical, the existing wording of the text shall be preserved with only such deletions and additions as necessary to accomplish the desired change.

3.3.3.3 Each proposal shall be in proper code format and terminology.

3.3.3.4 Each proposal shall be complete and specific in the text to eliminate unnecessary confusion or misinterpretation.

3.3.3.5 The proposed text shall be in mandatory terms.

3.3.4 Supporting Information: Each code change proposal shall include sufficient supporting information to indicate how the proposal is intended to affect the intent and application of the Code.

3.3.4.1 Purpose: The proponent shall clearly state the purpose of the proposed code change (e.g., clarify the Code; revise outdated material; substitute new or revised material for current provisions of the Code; add new requirements to the Code; delete current requirements, etc.)

- 3.3.4.2 Reasons:** The proponent shall justify changing the current Code provisions, stating why the proposal is superior to the current provisions of the Code. Proposals which add or delete requirements shall be supported by a logical explanation which clearly shows why the current Code provisions are inadequate or overly restrictive, specifies the shortcomings of the current Code provisions and explains how such proposals will improve the Code.
- 3.3.4.3 Substantiation:** The proponent shall substantiate the proposed code change based on technical information and substantiation. Substantiation provided which is reviewed in accordance with Section 4.2 and determined as not germane to the technical issues addressed in the proposed code change shall be identified as such. The proponent shall be notified that the proposal is considered an incomplete proposal in accordance with Section 4.3 and the proposal shall be held until the deficiencies are corrected. The proponent shall have the right to appeal this action in accordance with the policy of the ICC Board. The burden of providing substantiating material lies with the proponent of the code change proposal.
- 3.3.4.4 Bibliography:** The proponent shall submit a bibliography of any substantiating material submitted with the code change proposal. The bibliography shall be published with the code change and the proponent shall make the substantiating materials available for review at the appropriate ICC office and during the public hearing.
- 3.3.4.5 Copyright Release:** The proponent of code change proposals, floor modifications and public comments shall sign a copyright release reading: "I hereby grant and assign to ICC all rights in copyright I may have in any authorship contributions I make to ICC in connection with any proposal and public comment, in its original form submitted or revised form, including written and verbal modifications submitted in accordance Section 5.5.2. I understand that I will have no rights in any ICC publications that use such contributions in the form submitted by me or another similar form and certify that such contributions are not protected by the copyright of any other person or entity."
- 3.3.4.6 Cost Impact:** The proponent shall indicate one of the following regarding the cost impact of the code change proposal: 1) the code change proposal will increase the cost of construction; or 2) the code change proposal will not increase the cost of construction. This information will be included in the published code change proposal.

3.4 Number: ~~Two copies~~ One copy of each code change proposal, two copies of each proposed new referenced standard and ~~two copies~~ one copy of all substantiating information shall be submitted. Additional copies may be requested when determined necessary by the Secretariat to allow such information to be distributed to the code development committee. Where such additional copies are requested, it shall be the responsibility of the proponent to send such copies to the respective code development committee. A copy of the code change proposal in electronic form ~~may be requested.~~ is preferred.

Comment: Reflect current practice.

- 3.5 Submittal Deadline:** Each code change proposal shall be received at the office of the Secretariat by the posted deadline. Such posting shall occur no later than 120 days prior to the code change deadline. The submitter of a proposed code change is responsible for the proper and timely receipt of all pertinent materials by the Secretariat.
- 3.6 Referenced Standards:** In order for a standard to be considered for reference or to continue to be referenced by the Codes, a standard shall meet the following criteria:

3.6.1 Code References:

- 3.6.1.1** The standard, including title and date, and the manner in which it is to be

utilized shall be specifically referenced in the Code text.

3.6.1.2 The need for the standard to be referenced shall be established.

3.6.2 Standard Content:

3.6.2.1 A standard or portions of a standard intended to be enforced shall be written in mandatory language.

3.6.2.2 The standard shall be appropriate for the subject covered.

3.6.2.3 All terms shall be defined when they deviate from an ordinarily accepted meaning or a dictionary definition.

3.6.2.4 The scope or application of a standard shall be clearly described.

3.6.2.5 The standard shall not have the effect of requiring proprietary materials.

3.6.2.6 The standard shall not prescribe a proprietary agency for quality control or testing.

3.6.2.7 The test standard shall describe, in detail, preparation of the test sample, sample selection or both.

3.6.2.8 The test standard shall prescribe the reporting format for the test results. The format shall identify the key performance criteria for the element(s) tested.

3.6.2.9 The measure of performance for which the test is conducted shall be clearly defined in either the test standard or in Code text.

3.6.2.10 The standard shall not state that its provisions shall govern whenever the referenced standard is in conflict with the requirements of the referencing Code.

3.6.2.11 The preface to the standard shall announce that the standard is promulgated according to a consensus procedure.

3.6.3 Standard Promulgation:

3.6.3.1 Code change proposals with corresponding changes to the code text which include a reference to a proposed new standard or a proposed update of an existing referenced shall comply with this section. The standard shall be completed and readily available prior to Final Action Consideration based on the cycle of code development which includes the proposed code change proposal. In order for a new standard to be considered for reference by the Code, such standard shall be submitted in at least a consensus draft form in accordance with Section 3.4. Updating of standards without corresponding code text changes shall be accomplished administratively in accordance with Section 4.5.

Comment: With the change in the process to two separate code groupings, this statement is suggested in order to make sure that the time frame is clear for standards. Proposed new standards and some updates to standards also include corresponding text changes that must be deliberated and determined as a package of text and new standard. Proponents and SDO's may be under the assumption that they have until the year 2 FAH to make the standard available in time to have it referenced in the subsequent edition. Standards referenced in a code change which is processed with Group A must be available by the Group A FAH. Standards referenced in a code change which is processed with Group B must be available by the Group B FAH.

Routine updates to standards which are already referenced are addressed in 4.5. The same rules of 3.6 apply, but in this case, the update will be processed by the newly created Administrative committee and will always be considered in Group B. Section 4.5 includes proposed revisions to allow SDO's the same amount of time that exist under the old process (i.e. 3rd year of the publication cycle) to have their updated standard referenced in the subsequent edition.

- 3.6.3.2 The standard shall be developed and maintained through a consensus process such as ASTM or ANSI.

4.0 Processing of Proposals

- 4.1 **Intent:** The processing of code change proposals is intended to ensure that each proposal complies with these Rules of Procedure and that the resulting ~~draft of the~~ published proposal accurately reflects that proponent's intent.

Comment: Published code changes are not considered drafts

- 4.2 **Review:** Upon receipt in the Secretariat's office, the code change proposals will be checked for compliance with these Rules of Procedure as to division, separation, number of copies, form, language, terminology, supporting statements and substantiating data. Where a code change proposal consists of multiple parts which fall under the maintenance responsibilities of different code committees, the Secretariat shall determine the code committee responsible for determining the committee action in accordance with Section 5.6.

- 4.3 **Incomplete Proposals:** When a code change proposal is submitted with incorrect format, without the required information or judged as not in compliance with these Rules of Procedure, the Secretariat shall notify the proponent of the specific deficiencies and the proposal shall be held until the deficiencies are corrected, with a final date set for receipt of a corrected submittal. If the Secretariat receives the corrected proposal after the final date, the proposal shall be held over until the next code development cycle. Where there are otherwise no deficiencies addressed by this section, a proposal that incorporates a new referenced standard shall be processed with an analysis of referenced standard's compliance with the criteria set forth in Section 3.6.

- 4.4 **Editorial:** The Chief Executive Officer shall have the authority at all times to make editorial and format changes to the Code text, or any approved changes, consistent with the intent, provisions and style of the Code. An editorial or format change is a text change that does not affect the scope or application of the code requirements.

4.5 **Updating Standards:**

4.5.1 Standards referenced in the 2012 Edition of the I-Codes: The updating of standards referenced by the Codes shall be accomplished administratively by the ~~appropriate~~ Administrative code development committee in accordance with these full procedures except that the deadline for availability of the updated standard and receipt by the Secretariat shall be December 1, 2011. The published version of the 2012 Code which references the standard will refer to the updated edition of the standard. If the standard is not available by the deadline, the edition of the standard as referenced by the newly published Code shall revert back to the reference contained in the previous edition and an errata to the Code issued Multiple standards to be updated may be included in a single proposal. ~~The standard shall be completed and readily available prior to Final Action Consideration~~

4.5.2 Standards referenced in the 2015 Edition and following Editions of the I-Codes: The updating of standards referenced by the Codes shall be accomplished administratively by the Administrative code development committee in accordance with these full procedures except that multiple standards to be updated may be included in a single proposal. The standard shall be completed and readily available prior to Final Action Consideration of the Administrative code change proposal which includes the proposed update.

Comment: Standards updates with no corresponding changes to text will be processed in the second year with Group B under the Administrative code committee. In an effort to accommodate the SDO's who currently update their standards based on the old process (availability of the standard in the 3rd year), the proposed revision to 4.5.1 is intended to be a one-time transition to accommodate the update process currently used by the SDO's. However, following publication of the 2012 I-Codes (the 2012/2013 cycle), the SDO's will be required to follow the provisions of 4.5.2 which requires the standard to be available at the

FAH of the Group B Administrative code committee which falls in the second year of the publication cycle.

During this transitional time frame to allow the SDO's the flexibility to maintain their current update schedule, the timing of the availability of the standard occurs well after the publication of the 2012 Codes. As noted in 4.5.1, this will require an errata to be issued to the code in the event the standard is not available. Subsequent printings will refer to the correct version of the standard.

While not specific to standards, this type of transitional approach is not without precedence in ICC Code Development Procedures. Transitioning to new procedures has been implemented in the following versions of the procedures:

November 12, 2000

October 31, 2001

June 29, 2002

4.6 Preparation: All code change proposals in compliance with these procedures shall be prepared in a standard manner by the Secretariat and be assigned separate, distinct and consecutive numbers. The Secretariat shall coordinate related proposals submitted in accordance with Section 3.3.2 to facilitate the hearing process.

4.7 Publication: All code change proposals shall be ~~published and made available~~ posted on the ICC website at least 30 days prior to the public hearing on those proposals and shall constitute the agenda for the public hearing. Code change proposals which have not been published shall not be considered.

Comment: A 12 month cycle with a CDH and FAH will require use of the website relative to availability of code change documents. Published hard copies, if requested will not be available in time to meet this criteria.

5.0 Public Hearing

5.1 Intent: The intent of the public hearing is to permit interested parties to present their views including the cost and benefits on the code change proposals on the published agenda. The code development committee will consider such comments as may be presented in the development of their action on the disposition of such proposals. At the conclusion of the code development committee deliberations, the committee action on each code change proposal shall be placed before the hearing assembly for consideration in accordance with Section 5.7.

5.2 Committee: The Code Development Committees shall be appointed by the applicable ICC Council.

5.2.1 Chairman/Moderator: The Chairman and Vice-Chairman shall be appointed by the Steering Committee on Councils from the appointed members of the committee. The ICC President shall appoint one or more Moderators who shall act as presiding officer for the public hearing.

5.2.2 Conflict of Interest: A committee member shall withdraw from and take no part in those matters with which the committee member has an undisclosed financial, business or property interest. The committee member shall not participate in any committee discussion on the matter or any committee vote. Violation thereof shall result in the immediate removal of the committee member from the committee. A committee member who is a proponent of a proposal shall not participate in any committee discussion on the matter or any committee vote. Such committee member shall be permitted to participate in the floor discussion in accordance with Section 5.5 by stepping down from the dais.

Comment: Current practice

5.2.3 Representation of Interest: Committee members shall not represent themselves as official or unofficial representatives of the ICC except at regularly convened meetings of the

committee.

5.2.4 Committee Composition: The committee may consist of representation from multiple interests. A minimum of thirty-three and one-third percent (33.3%) of the committee members shall be regulators.

5.3 Date and Location: The date and location of each public hearing shall be announced not less than 60 days prior to the date of the public hearing.

5.4 General Procedures: *The Robert's Rules of Order* shall be the formal procedure for the conduct of the public hearing except as a specific provision of these Rules of Procedure may otherwise dictate. A quorum shall consist of a majority of the voting members of the committee.

5.4.1 Chair Voting: The Chairman of the committee shall vote only when the vote cast will break a tie vote of the committee.

5.4.2 Open Meetings: Public hearings of the Code Development Committees are open meetings. Any interested person may attend and participate in the Floor Discussion and Assembly Consideration portions of the hearing. Only eligible voters (see Section 5.7.4) are permitted to vote on Assembly Considerations. Only Code Development Committee members may participate in the Committee Action portion of the hearings (see Section 5.6).

Comment: Editorial

5.4.3 Presentation of Material at the Public Hearing: Information to be provided at the hearing shall be limited to verbal presentations and modifications submitted in accordance with Section 5.5.2. Audio-visual presentations are not permitted. Substantiating material submitted in accordance with Section 3.3.4.4 and other material submitted in response to a code change proposal shall be located in a designated area in the hearing room and shall not be distributed to the code development committee at the public hearing.

Comment: Current practice. Staff is often asked to distribute support material at the hearing. These materials need to be submitted well in advance in accordance with 3.4.

5.4.4 Agenda Order: The Secretariat shall publish an agenda for each public hearing, placing individual code change proposals in a logical order to facilitate the hearing. ~~The proponents or opponents of any proposal.~~ Any public hearing attendee may move to revise the agenda order as the first order of business at the public hearing, or at any time during the hearing except while another proposal is being discussed. Preference shall be given to grouping like subjects together, and for moving items back to a later position on the agenda as opposed to moving items forward to an earlier position. A motion to revise the agenda order is subject to a $2/3$ vote of those present and voting.

Comment: The moderator does not scrutinize whether or not the person asking for an agenda move is either the proponent or opponent. He does, however, ask if there are any objections to such move.

5.4.5 Reconsideration: There shall be no reconsideration of a proposed code change after it has been voted on by the committee in accordance with Section 5.6; or, in the case of assembly consideration, there shall be no reconsideration of a proposed code change after it has been voted on by the assembly in accordance with Section 5.7.

5.4.6 Time Limits: Time limits shall be established as part of the agenda for testimony on all proposed changes at the beginning of each hearing session. Each person requesting to testify on a change shall be given equal time. In the interest of time and fairness to all hearing participants, the Moderator shall have limited authority to modify time limitations on debate. The Moderator shall have the authority to adjust time limits as necessary in order to complete the hearing agenda.

Comment: The moderator needs this flexibility for those hearings where the hearings are going well beyond historical hearing rates and thus jeopardize a timely completion of the remainder of the hearings.

5.4.6.1 Time Keeping: Keeping of time for testimony by an individual shall be by an automatic timing device. Remaining time shall be evident to the person testifying. Interruptions during testimony shall not be tolerated.—~~Sergeant-at-arms~~ The Moderator shall maintain appropriate decorum during all testimony.

Comment: Current practice. The moderator acts as the sergeant at arms.

5.4.6.2 Proponent Testimony: The Proponent is permitted to waive an initial statement. The Proponent shall be permitted to have the amount of time that would have been allocated during the initial testimony period plus the amount of time that would be allocated for rebuttal. Where the code change proposal is submitted by multiple proponents, this provision shall permit only one proponent of the joint submittal to be allotted additional time for rebuttal.

Comment: Submittals submitted by multiple proponents should not be afforded the ability to manipulate the process.

5.4.7 Points of Order: Any person participating in the public hearing may challenge a procedural ruling of the Moderator or the Chairman. A majority vote of the eligible voters as determined in Section 5.7.4 shall determine the decision.

5.5 Floor Discussion: The Moderator shall place each code change proposal before the hearing for discussion by identifying the proposal and by regulating discussion as follows:

5.5.1 Discussion Order:

1 *Proponents.* The Moderator shall begin by asking the proponent and then others in support of the proposal for their comments.

2 *Opponents.* After discussion by those in support of a proposal, those opposed hereto, if any, shall have the opportunity to present their views.

3 *Rebuttal in support.* Proponents shall then have the opportunity to rebut points raised by the opponents.

4 *Rerebuttal in opposition.* Opponents shall then have the opportunity to respond to the proponent's rebuttal.

Comment: Editorial.

5.5.2 Modifications: Modifications to proposals may be suggested from the floor by any person participating in the public hearing. ~~Only modifications that are editorial are permitted. In order for a modification to be considered editorial, it must meet the following:~~

1 ~~The modification must be a grammatical change to the proposal.~~

2 ~~The modification shall not alter the scope, intent or application of the proposal.~~

The person proposing the modification is deemed to be the proponent of the modification.

~~**5.5.2.1 Submission and Written Copies.** —All modifications must be written, unless determined by the Chairman to be minor in nature.—The modification proponent shall provide 20 copies to the ICG staff for distribution to the committee.~~

~~**5.5.2.2 Criteria.** The Chairman shall rule proposed modifications in or out of order before they are discussed on the floor. A proposed modification shall be ruled out of order if it:~~

1 ~~is not legible, unless not required to be written in accordance with Section 5.5.2.1;~~

2 ~~is not determined to be editorial in accordance with Section 5.5.2~~

~~The ruling of the Chairman on whether or not the modification is in or out of order shall be~~

~~final and is not subject to a point of order in accordance with Section 5.4.7.~~

5.5.2 Modifications: Modifications to proposals may be suggested from the floor by any person participating in the public hearing. The person proposing the modification is deemed to be the proponent of the modification.

5.5.2.1 Submission and Written Copies. All modifications must be written, unless determined by the Chairman to be either editorial or minor in nature. The modification proponent shall provide 20 copies to the Secretariat for distribution to the committee.

5.5.2.2 Criteria. The Chairman shall rule proposed modifications in or out of order before they are discussed on the floor. A proposed modification shall be ruled out of order if it:

- 1 is not legible, unless not required to be written in accordance with Section 5.5.2.1; or
- 2 changes the scope of the original proposal; or
- 3 is not readily understood to allow a proper assessment of its impact on the original proposal or the code.

The ruling of the Chairman on whether or not the modification is in or out of order shall be final and is not subject to a point of order in accordance with Section 5.4.7.

5.5.2.3 Testimony. When a modification is offered from the floor and ruled in order by the Chairman, a specific floor discussion on that modification is to commence in accordance with the procedures listed in Section 5.5.1.

Comment: Previous discussions noted that a single submission cycle needs be provided with as many opportunities for input and possible revision. This reinstates the provisions for modifications as they were prior to the change to editorial only with the exception of it retaining the criterion where the ruling of the chair is final as to whether or not the modification is in or out of order.

5.6 Committee Action: Following the floor discussion of each code change proposal, one of the following motions shall be made and seconded by members of the committee.

- 1 Approve the code change proposal as submitted (AS) or
- 2 Approve the code change proposal as modified with specific modifications (AM), or
- 3 Disapprove the code change proposal (D)

Discussion on this motion shall be limited to Code Development Committee members. If a committee member proposes a modification which had not been proposed during floor discussion, the Chairman shall rule on the modification in accordance with Section 5.5.2.2 If a committee member raises a matter of issue, including a proposed modification, which has not been proposed or discussed during the floor discussion, the Moderator shall suspend the committee discussion and shall reopen the floor discussion for comments on the specific matter or issue. Upon receipt of all comments from the floor, the Moderator shall resume committee discussion.

Comment: Current practice

The Code Development Committee shall vote on each motion with the majority dictating the committee's action. Committee action on each code change proposal shall be completed when one of the motions noted above has been approved. Each committee vote shall be supported by a reason.

Comment: Current practice is to mandate a successful motion before moving to the next code change. This often requires motions and additional discussion to be re-visited until a successful motion is achieved.

The Code Development Committee shall maintain a record of its proceedings including the action

on each code change proposal.

5.7 Assembly Consideration: At the conclusion of the committee’s action on a code change proposal and before the next code change proposal is called to the floor, the Moderator shall ask for a motion from the public hearing attendees who may object to the committee’s action. If a motion in accordance with Section 5.7.1 is not brought forward on the committee’s action, the results of the public hearing shall be established by the committee’s action. If a motion in accordance with Section 5.7.1 is brought forward and is sustained in accordance with Section 5.7.3, both the committee’s action and the assemblies’ action shall be reported as the results of the public hearing. Where a motion is sustained in accordance with Section 5.7.3, such action shall be the initial motion considered at Final Action Consideration in accordance with Section 7.3.8.2.

Comment: Places a higher level of importance on participation and assembly action at the code development hearing.

5.7.1 Floor Motion: Any attendee may raise an objection to the committee’s action in which case the attendee will be able to make a motion to:

- 1 Approve the code change proposal as submitted from the floor (ASF), or
- 2 Approve the code change proposal as modified from the floor (AMF) with a specific modification that has been previously offered from the floor and ruled in order by the Chairman during floor discussion (see Section 5.5.2) or has been offered by a member of the Committee and ruled in order by the Chairman during committee discussion (see Section 5.6), or
- 3 Disapprove the code change proposal from the floor (DF).

Comment: Editorial

5.7.2 Discussion: On receipt of a second to the floor motion, the Moderator shall place the motion before the assembly for ~~discussion in accordance with Section 5.5.1.~~ a vote. No additional testimony shall be permitted.

Comment: With a higher importance placed on successful assembly actions, the process will see an increase in the number of motions which adds additional time to the proceedings. The public portion of the debate (Section 5.5) is the opportunity to raise the issues before the committee.

5.7.3 Assembly Action: The assembly action shall be in accordance with the following majorities based on the number of votes cast by eligible voters (See 5.7.4).

Committee Action	Desired Assembly Action		
	ASF	AMF	DF
AS		$\frac{2}{3}$ Majority	$\frac{2}{3}$ Majority
AM	$\frac{2}{3}$ Majority	$\frac{2}{3}$ Majority	$\frac{2}{3}$ Majority
D	$\frac{2}{3}$ Majority	$\frac{2}{3}$ Majority	

Comment: With increased importance on a successful assembly action, the requisite majority should be

higher.

5.7.4 Eligible Voters: All members of ICC in attendance at the public hearing shall be eligible to vote on floor motions. Only one vote authorized for each eligible attendee. Code Development Committee members shall be eligible to vote on floor motions. Application, whether new or updated, for ICC membership must be received by the Code Council ten days prior to the commencement of the first day of the public hearing.

5.8 Report of the Public Hearing: The results of the public hearing, including committee action and successful assembly action, shall be ~~published and made available~~ posted on the ICC website not less than 60 days prior to Final Action Consideration except as approved by the ICC Board.

Comment: A 12 month cycle with a CDH and FAH will require use of the website relative to availability of code change documents. Published hard copies, if requested will not be available in time to meet this criteria. The remainder is editorial as it is current practice but it reinforces the importance of the assembly action.

6.0 Public Comments

6.1 Intent: The public comment process gives attendees at the Final Action Hearing an opportunity to consider specific objections to the results of the public hearing and more thoughtfully prepare for the discussion for Final Action Consideration. The public comment process expedites the Final Action Consideration at the Final Action Hearing by limiting the items discussed to the following:

6.1.1 Consideration of items for which a public comment has been submitted; and

6.1.2 Consideration of items which received a successful assembly action at the public hearing.

6.2 Deadline: The deadline for receipt of a public comment to the results of the public hearing shall be announced at the public hearing but shall not be less than 30 days from the availability of the report of the results of the public hearing (see Section 5.8).

6.3 Withdrawal of Public Comment: A public comment may be withdrawn by the public commenter at any time prior to Final Action Consideration of that comment. A withdrawn public comment shall not be subject to Final Action Consideration. If the only public comment to a code change proposal is withdrawn by the public commenter prior to the vote on the consent agenda in accordance with Section 7.3.4, the proposal shall be considered as part of the consent agenda. If the only public comment to a code change proposal is withdrawn by the public commenter after the vote on the consent agenda in accordance with Section 7.3.4, the proposal shall continue as part of the individual consent agenda in accordance with Section 7.3.5, however the public comment shall not be subject to Final Action Consideration.

Comment: This change reflects current protocol for withdrawn public comments. If withdrawn, they are not subject to Final Action Consideration. However, if withdrawn after the consent agenda is ratified, the code change proposal must still be acted upon during individual consideration as this is the only mechanism to complete the processing of the change.

6.4 Form and Content of Public Comments: Any interested person, persons, or group may submit a public comment to the results of the public hearing which will be considered when in conformance to these requirements. Each public comment to a code change proposal shall be submitted separately and shall be complete in itself. Each public comment shall contain the following information:

6.4.1 Public comment: Each public comment shall include the name, title, mailing address ~~and~~ telephone number and email address of the public commenter. If group, organization, or committee submits a public comment, an individual with prime responsibility shall be indicated. If a public comment is submitted on behalf a client, group, organization or committee, the name and mailing address of the client, group, organization or committee shall be indicated. The scope of the public comment shall be consistent with the scope of the original code change proposal, or committee action or successful assembly action. Public comments which are determined as not within the scope of the code change proposal, ~~or~~ committee action or successful assembly action shall be identified as such. The public commenter shall be notified that the public comment is considered an incomplete public comment in accordance with Section 6.5.1 and the public comment shall be held until the deficiencies are corrected. A copyright release in accordance with Section 3.3.4.5 shall be provided with the public comment.

Comment: Reflects standard practice

6.4.2 Code Reference: Each public comment shall include the code change proposal number and the results of the public hearing, including successful assembly actions, on the code change proposal to which the public comment is directed.

Comment: Standard practice and highlights importance of assembly action.

6.4.3 Multiple public comments to a code change proposal. A proponent shall not submit multiple public comments to the same code change proposal. When a proponent submits multiple public comments to the same code change proposal, the public comments shall be considered as incomplete public comments and processed in accordance with Section 6.5.1. This restriction shall not apply to public comments that attempt to address differing subject matter within a code section.

Comment: This is the corollary to the multiple code changes in section 3.3.3

[RENUMBER FOLLOWING SECTIONS]

6.4.3 Desired Final Action: The public comment shall indicate the desired final action as one of the following:

- 1 Approve the code change proposal as submitted (AS), or
- 2 Approve the code change proposal as modified (AM) by one or more specific modifications published in the Results of the Public Hearing or published in a public comment, or
- 3 Disapprove the code change proposal (D)

Comment: Although not necessitating a revision to the procedures, the importance of the assembly action will be reflected in the staff processing of public comments. Public comments submitted which request further modifications will be processed as modifications to either a successful assembly action for As Submitted (ASF) or As Modified (AMF). This comes into play in 7.3.8.3 where subsequent motions are permitted.

6.4.4 Supporting Information: The public comment shall include in a statement containing a reason and justification for the desired final action on the code change proposal. Reasons and justification which are reviewed in accordance with Section 6.4 and determined as not germane to the technical issues addressed in the code change proposal or committee action shall be identified as such. The public commenter shall be notified that the public comment is considered an incomplete public comment in accordance with Section 6.5.1 and the public comment shall be held until the deficiencies are corrected. The public commenter shall have the right to appeal this action in accordance with the policy of the ICC Board. A bibliography of any substantiating material submitted with a public comment shall be published with the public comment and the substantiating material shall be made available at the Final Action Hearing.

6.4.5 Number: ~~Two copies~~ One copy of each public comment and ~~two copies~~ one copy of all substantiating information shall be submitted. Additional copies may be requested when determined necessary by the Secretariat. A copy of the public comment in electronic form ~~may be requested. Is preferred.~~

6.5 Review: The Secretariat shall be responsible for reviewing all submitted public comments from an editorial and technical viewpoint similar to the review of code change proposals (See Section 4.2).

6.5.1 Incomplete Public Comment: When a public comment is submitted with incorrect format, without the required information or judged as not in compliance with these Rules of Procedure, the public comment shall not be processed. The Secretariat shall notify the public commenter of the specific deficiencies and the public comment shall be held until the deficiencies are corrected, or the public comment shall be returned to the public commenter with instructions to correct the deficiencies with a

final date set for receipt of the corrected public comment.

6.5.2 Duplications: On receipt of duplicate or parallel public comments, the Secretariat may consolidate such public comments for Final Action Consideration. Each public commenter shall be notified of this action when it occurs.

6.5.3 Deadline: Public comments received by the Secretariat after the deadline set for receipt shall not be published and shall not be considered as part of the Final Action Consideration.

6.6 Publication: The public hearing results on code change proposals that have not been public commented and the code change proposals with public commented public hearing results and successful assembly actions shall constitute the Final Action Agenda. The Final Action Agenda shall be ~~published and made available~~ posted on the ICC website at least 30 days prior to Final Action consideration.

Comment: A 12 month cycle with a CDH and FAH will require use of the website relative to availability of code change documents. Published hard copies, if requested will not be available in time to meet this criteria. Successful assembly actions are reported in the record and now will be the basis for the initial Final Action Motion.

7.0 Final Action Consideration

7.1 Intent: The purpose of Final Action Consideration is to make a final determination of all code change proposals which have been considered in a code development cycle by a vote cast by eligible voters (see Section 7.4).

7.2 Agenda: The final action consent agenda shall be comprised of proposals which have neither an assembly action nor public comment. The agenda for public testimony and individual consideration shall be comprised of proposals which have a successful assembly action or public comment (see Sections 5.7 and 6.0).

7.3 Procedure: *The Robert's Rules of Order* shall be the formal procedure for the conduct of the Final Action Consideration except as these Rules of Procedure may otherwise dictate.

7.3.1 Open Meetings: Public hearings for Final Action Consideration are open meetings. Any interested person may attend and participate in the Floor Discussion.

7.3.2 Agenda Order: The Secretariat shall publish an agenda for Final Action Consideration, placing individual code change proposals and public comments in a logical order to facilitate the hearing. The proponents or opponents of any proposal or public comment may move to revise the agenda order as the first order of business at the public hearing, or at any time during the hearing except while another proposal is being discussed. Preference shall be given to grouping like subjects together and for moving items back to a later position on the agenda as opposed to moving items forward to an earlier position. A motion to revise the agenda order is subject to a $\frac{2}{3}$ vote of those present and voting.

7.3.3 Presentation of Material at the Public Hearing: Information to be provided at the hearing shall be limited to verbal presentations. Audio-visual presentations are not permitted. Substantiating material submitted in accordance with Section 6.4.4 and other material submitted in response to a code change proposal or public comment shall be located in a designated area in the hearing room.

7.3.4 Final Action Consent Agenda: The final action consent agenda (see Section 7.2) shall be placed before the assembly with a single motion for final action in accordance with the results of the public hearing. When the motion has been seconded, the vote shall be taken with no testimony being allowed. A simple majority (50% plus one) based on the number of votes cast by eligible voters shall decide the motion.

7.3.5 Individual Consideration Agenda: Upon completion of the final action consent vote, all proposed changes not on the final action consent agenda shall be placed before the assembly for individual consideration of each item (see Section 7.2).

7.3.6 Reconsideration: There shall be no reconsideration of a proposed code change after it has been voted on in accordance with Section 7.3.8.

7.3.7 Time Limits: Time limits shall be established as part of the agenda for testimony on all proposed changes at the beginning of each hearing session. Each person requesting to testify on a change shall be given equal time. In the interest of time and fairness to all hearing participants, the Moderator shall have limited authority to modify time limitations on debate. The Moderator shall have the authority to adjust time limits as necessary in order to complete the hearing agenda.

Comment: The moderator needs this flexibility for those hearings where the hearings are going well beyond historical hearing rates and thus jeopardize a timely completion of the remainder of the hearings.

7.3.7.1 Time Keeping: Keeping of time for testimony by an individual shall be by an automatic timing device. Remaining time shall be evident to the person testifying. Interruptions during testimony shall not be tolerated. ~~Sergeants-at-arms~~ The Moderator shall maintain appropriate decorum during all testimony.

Comment: Current practice. The moderator acts as the sergeant at arms.

7.3.8 Discussion and Voting: Discussion and voting on proposals being individually considered shall be in accordance with the following procedures:

7.3.8.1 Allowable Final Action Motions: The only allowable motions for final action are Approval as Submitted, Approval as Modified by one or more modifications published in the Final Action Agenda, and Disapproval.

7.3.8.2 Initial Motion: The Code Development Committee action shall be the initial motion considered, unless there was a successful assembly action in accordance with Section 5.7.3. If there was a successful assembly action, it shall be the initial motion considered. If the assembly action motion fails, the code development committee action shall become the next motion considered.

Comment: Places a higher level of importance on participation and assembly action at the code development hearing. Sets forth the hierarchy of motions in the event that the assembly motion fails – placing the committee action as the next motion to be considered.

7.3.8.3 Motions for Modifications: Whenever a motion under consideration is for Approval as Submitted or Approval as Modified, a subsequent motion and second for a modification published in the Final Action Agenda may be made (see Section 6.4.3). Each subsequent motion for modification, if any, shall be individually discussed and voted before returning to the main motion. A two-thirds majority based on the number of votes cast by eligible voters shall be required for a successful motion on all modifications.

Comment: Although not necessitating a revision to the procedures, the importance of the assembly action will be reflected in the staff processing of public comments. Public comments submitted which request further modifications will be processed as modifications to either a successful assembly action for As Submitted (ASF) or As Modified (AMF).

7.3.8.4 Voting: After dispensing with all motions for modifications, if any, and upon completion of discussion on the main motion, the Moderator shall then ask for the vote on the main motion. If the motion fails to receive the majority required in Section 7.5, the Moderator shall ask for a new motion.

7.3.8.5 Subsequent Motion: If the initial motion is unsuccessful, a motion for one of the other allowable final actions shall be made (see Section 7.3.8.1) and dispensed with until a successful final action is achieved. If a successful final action is not achieved, Section 7.5.1 shall apply.

Comment: Editorial

7.3.9 Proponent testimony: The Proponent of a public comment is permitted to waive an initial statement. The Proponent of the public comment shall be permitted to have the amount of time that would have been allocated during the initial testimony period plus the amount of time that would be allocated for rebuttal. Where a public comment is submitted by multiple proponents, this provision shall permit only one proponent of the joint submittal to waive an initial statement.

Comment: Submittals submitted by multiple proponents should not be afforded the ability to manipulate the process.

7.3.10 Points of Order: Any person participating in the public hearing may challenge a procedural ruling of the Moderator. A majority vote of the eligible voters as determined in Section 5.7.4 shall determine the decision.

7.4 Eligible voters: ICC Governmental Member Representatives and Honorary Members in attendance at the Final Action Hearing shall have one vote per eligible attendee on all International Codes. Applications, whether new or updated, for governmental member voting representative status must be received by the Code Council ten days prior to the commencement of the first day of the Final Action Hearing in order for any designated representative to be eligible to vote.

Comment: Coordination with 1.4

7.5 Majorities for Final Action: The required voting majority based on the number of votes cast of eligible voters shall be in accordance with the following table:

Committee Action Public Hearing Action (see note)	Desired Final Action		
	AS	AM	D
AS	Simple Majority	$\frac{2}{3}$ Majority	Simple Majority
AM	$\frac{2}{3}$ Majority	Simple Majority to sustain the Committee Public Hearing Action or; $\frac{2}{3}$ Majority on additional modifications and $\frac{2}{3}$ on overall AM	Simple Majority
D	$\frac{2}{3}$ Majority	$\frac{2}{3}$ Majority	Simple Majority

Note: The Public Hearing Action includes the committee action and successful assembly action.

Comment: With the initial action being the committee action or successful assembly action, the voting majorities need to reflect this change. To ratify a successful assembly action, only a simple majority will be required.

7.5.1 Failure to Achieve Majority Vote: In the event that a code change proposal does

not receive any of the required majorities for final action in Section 7.5, final action on the code change proposal in question shall be disapproval.

7.6 Publication: The Final action on all proposed code changes shall be published as soon as practicable after the determination of final action. The exact wording of any resulting text modifications shall be made available to any interested party.

8.0 Appeals

8.1 Right to Appeal: Any person may appeal an action or inaction in accordance with CP-1.

View all FSC Tech Matters at www.foamshathing.org/common/kb/techmatters.php