



BOARD ACTIONS ON FEEDBACK/ COMMENTS ON THE ICC CODE DEVELOPMENT PROCESS

2017



SUMMARY OF BOARD ACTIONS ON FEEDBACK/COMMENTS ON THE ICC CODE DEVELOPMENT PROCESS

July 24, 2017

In September/2016, the ICC Board recognized the need to formalize a process to allow stakeholders the opportunity to provide feedback to the Board on the Code Development Process. The Board directed staff to engage stakeholders by announcing a “Call for Feedback” on any and all aspects of the ICC Code Development Process. Initial feedback included 96 issues from 44 individuals and/or organizations during the period of September 20, 2016 – February 15, 2017. The feedback was summarized and posted for comment, with comments received from 18 individuals and/or organizations during the period of March 9, 2017 – April 19, 2017.

At the May/2017 Board meeting, the Board reviewed the feedback and took the actions noted in this report. Preliminary draft revisions to CP28 Code Development (CP28) were submitted to the Board for their July/2017 Board meeting. In response to a request from the Industry Advisory Committee (IAC), proposed changes to CP28 that are being considered by the Board are posted for comment following this report. **See page 8. Comments are due August 21, 2017.**

This report is a summary of the significant feedback received and is not keyed to any hierarchy of importance. It is a running list of issues organized by the sequential steps in a cycle. The numbers noted in parenthesis are the feedback numbers in the “Summary of the Feedback Received” that is [posted](#). Unless noted by “Not effective for 2018/2019 Cycle”, the Board action is intended for the 2018/2019 Cycle.

If you have any questions, please contact Mike Pfeiffer, P.E. at email mpfeiffer@iccsafe.org.

Code Groups: Items 1 – 9

Feedback: Suggested changes to the code groupings for the 2018/2019 Cycle, including adding a Group C in the third year (2020).

Board action: Retain posted 2018/2019 Schedule dated 2/10/17 with IFC in Group A with the IBC – Egress, Fire Safety and General with no code development in 2020.

cdpACCESS General: Items 10 – 20

Feedback: Implement cdpACCESS bug fixes and make system enhancements. Provide alerts of pending code changes under consideration and user reporting capabilities.

Board action: Continue to improve the cdpACCESS system in support of the 2018 Cycle, including alerts, webinars on how to use the system and posting all hearing videos at no charge.

Feedback: Revise the code change submittal process to require all code changes being developed to be input into cdpACCESS as a “public” proposal in order to allow interested parties to view the code changes as they are being developed prior to submittal.

Board action: Retain the current practice of code change development via cdpACCESS to be a default condition of “private” development; “public” is at the option of the proponent. Retain all other aspects of the submittal process.

cdpACCESS On line voting: Items 21-27

Feedback: Improve the Online Governmental Consensus Vote (OGCV) system to make it more user-friendly.

Board action: Enhance the OGCV system as part of the comprehensive 2017 cdpACCESS update.

Feedback: Due to 2016 Final Action results which saw an increase in OGCV overturns of the PCH action, implement an OGCV quorum.

Board action: The implementation of the electronic voting devices for the 2018 Public Comment Hearing (PCH) that includes the votes cast at the PCH being transferred directly to the OGCV will address feedback concerns with respect to the 2016 Final Action results. Retain all other aspects of the OGCV process.

Feedback: Allow voters to “block vote” the code changes.

Board action: Do not add a “block voting” option to cdpACCESS. Each code change should be considered individually, based in its merits. A comprehensive list of all code changes, with respective CAH and PCH actions, will continue as an option to the individual code change voting page.

Code change submittals: Items 28-35

Feedback: Implement more restrictive criteria as to what constitutes a viable reason statement and cost impact substantiation/methodology.

Board action: The hearing process is the venue to debate the veracity of the reason and cost impact statements, as well as the supporting documentation. Cost impact is an important part of the code development process which needs to be expanded to the public comment process as public comments may have cost implications. Staff to develop revised CP28 procedures to require cost impact for public comment submittals for Board consideration. Retain all other aspects of the submittal process.

Feedback: Utilize the Code Correlation Committee (CCC) to review/act on editorial code changes.

Board action: The CCC is currently empowered to act on editorial code changes.

Referenced Standards: Items 36 – 38

Feedback: The Administrative Code Development Committee should not be responsible for updating currently referenced standards. This should be the responsibility of the respective code committee for the code for which the standard is referenced.

Board action: Not effective for 2018/2019 Cycle. Staff to develop revised CP28 procedures for updating standards for Board consideration. Any changes to the updating of currently referenced standards will not be effective until the 2021 Cycle (2024 Codes).

Feedback: Proposed code text that is intended to correlate with an update to a standard should be considered by the applicable committee as well as the updating of the standard itself.

Board action: Staff to clarify CP28 procedures where a code change proposal includes revised text intended to coordinate with a proposed update of a referenced standard for Board consideration. This effectively removes the standard from the administrative standards update process and places the text revisions as well as the standard update in the cycle which considers the code change proposal. The updated standard must therefore be completed by the Public Comment Hearing.

Code Development Committees: Items 39-45

Feedback: Implement more restrictive committee member balance requirements on code development committees by limiting single stakeholder participation on the committees.

Board action: Retain the current process and stakeholder distribution for code development committees. The appointment process includes applications being reviewed by the Codes and Standards Council, including past member performance,

and appointment recommendations are made to the ICC Board who is the final appointing authority. Where concerns are identified regarding committee member performance, this is conveyed to the nominating organization with a request to provide an alternate nominee.

Feedback: The administrative committee should not be responsible for updating technical code provisions.

Board action: The administrative code committee is charged with ensuring consistency among Chapter 1 of the respective I-Codes.

Committee Action Hearing: Items 46-58

Feedback: cdpACCESS includes an online modification submittal process. Consider a new modification process which requires modifications to be submitted and posted prior to the CAH.

Board action: Staff to develop revised CP28 procedures and to solicit further input prior to Board consideration.

Feedback: Discontinue the assembly motion at the CAH. If not discontinued, revise the process such that a successful assembly motion is the standing motion at the PCH.

Board action: The current process for an assembly motion at the CAH and online voting following the CAH via cdpACCESS allows all ICC Members to vote. Retain the current process where the standing motion at the PCH is the CAH action, regardless of a successful assembly motion. As a panel of technical experts, the action of the committee must be taken into account in the process.

Feedback: Revise procedures such that changes to the hearing order cannot be made without agreement by the proponent. This applies to both the CAH and PCH.

Board action: Staff to develop revised CP28 procedures for Board consideration.

Feedback: Multiple part code changes should be heard by a single committee. Eliminate two tracks at the CAH. Require committee members representing a single entity to recuse themselves when code changes are submitted from the same entity as the committee member.

Board action: Multiple part code changes will continue to be considered by the committee with the requisite expertise. Due to the volume of code changes, the current 2 track system must be retained. Retain current conflict of interest provisions in Section 5.2.2 of CP28 for committee member recusal.

Board action: See the discussion for the Public Comment Hearing and the feedback for tabling of code changes. Staff to develop revised CP28 procedures for tabling for Board consideration.

Public Comment Submittals: Items 59-60

Feedback: The 2016 Final Action saw an increase in OGCV overturns of PCH action which resulted in a considerable amount of feedback. The feedback suggested significant changes to PCH voting protocols as a result.

Board action: Retain the current process. The implementation of the electronic voting devices for the 2018 Public Comment Hearing (PCH) that includes the votes cast at the PCH being transferred directly to the OGCV will address feedback concerns with respect to the 2016 Final Action results.

Board action: See discussion for code change submittal/cost impact. Staff to develop revised CP28 procedures to require cost impact for public comment submittals for Board consideration.

Public Comment Hearing: Items 61-65

Feedback: Where the CAH action is Disapproval, eliminate the need to overturn the CAH standing motion for Disapproval in order to hear the public comments.

Board action: Retain the current process. The current process places significant weight on the committee's expertise and action and therefore should be considered as the initial step in the PCH process.

Feedback: Where a code change does not achieve the requisite majority vote, the PCH action should default to the Committee Action and not automatically Disapproval.

Board action: Retain the current process. Where a consensus of the eligible voting members of ICC is not achieved on whether or not to change the code, the code should not be changed.

Feedback: Allow code changes to be withdrawn after the PCH but before the OGCV.

Board action: Code change correlation is typically achieved at the PCH. Allowing a withdrawal following the PCH may result in correlation issues that cannot be reconciled in the OGCV. Retain the current process where code changes can only be withdrawn prior to PCH consideration. Staff to develop revised CP28 procedures to clarify the timing of such withdrawals.

Feedback: Allow tabling to occur at the PCH.

Board action: Tabling is not specifically prohibited in CP28 but permitted by Roberts Rules of Order. Staff to develop revised CP28 procedures for tabling for Board

consideration. The revisions should explicitly state that tabling of code changes at both the CAH and PCH is permitted, with the necessary procedures for tabling identified.

Board action: See discussion at the Committee Action Hearing for hearing order changes. Staff to develop revised CP28 procedures for hearing order changes which require agreement by the code change proponent for Board consideration.

OGCV General: Items 66 – 69

Feedback: Discontinue the OGCV, unless the online voting can occur in real-time during the PCH.

Board action: Retain the OGCV process as originally established by the cdpACCESS Steering committee. This is considered one of the significant benefits of cdpACCESS which allows the eligible voting members of ICC to cast their vote if they cannot attend the PCH.

OGCV Voting & OGCV – 2016 Final Actions: Items 70 – 81

Feedback: The 2016 Final Action saw an increase in OGCV overturns of PCH action which resulted in a considerable amount of feedback. The feedback suggested significant changes to PCH and OGCV voting protocols and voting majorities. Included is a proposed requirement for an OGCV voter to document their opposition to the PCH action as part of their OGCV. The feedback also identified a requirement to provide a mechanism for individuals to challenge the OGCV result where it is different than the PCH action.

Board action: Retain the current process. The implementation of the electronic voting devices for the 2018 Public Comment Hearing (PCH) that includes the votes cast at the PCH being transferred directly to the OGCV will address feedback concerns with respect to the 2016 Final Action results.

Feedback: Formalize the process for providing an opportunity for interested parties to provide input to the Code Correlation Committee (CCC) in matters of correlation of Final Actions.

Board action: The Code Correlation Committee (CCC) is authorized to resolve technical/editorial inconsistencies resulting from actions taken during the process. Staff to develop revised CP44 Code Correlation Committee procedures to facilitate a formalized process for input into the CCC correlation process for Board consideration.

Final Action Voters Items 82-84

Feedback: Code Development Committee members are a panel of experts whose charge is currently limited to presiding over the CAH. Revise procedures to include

Code Committee members who are not GMVR's to be eligible voting members at the PCH/OGCV.

Board Action: The Governmental Consensus Process is predicated on eligible voting members being limited to Governmental Member Voting Representatives and Honorary Members. Retain current process.

Structural Revisions to Process: Items 85 – 93

Feedback: Feedback items 85 – 93 include proposed revisions to the process that require significant restructuring. Items 85 and 86 include suggested revisions to utilize the Code Committees at two hearings (meetings) per cycle, with the committee presiding over the PCH prior to the OGCV. These revisions maintain a 2 year cycle with no code development in the third year. Other suggestions include going to a cycle longer than 3 years.

Board action: Not effective for 2018/2019 Cycle. Appoint a Board level committee to review the proposed structural revisions to the process and report their findings to the Board.

Council Policy Revisions: Item 94

Feedback: Establish a process to submit revisions to CP28 Code Development.

Board action: Council Policies 6 and 9 stipulate the scope and charge of the Industry Advisory Committee (IAC) and the Codes and Standards Council (CSC), respectively. These two entities are charged with the evaluation of proposed process revisions prior to consideration by the Board. Revisions should be submitted through this process.

Code Action Committees: Items 95-97

Feedback: Code Action Committees should be limited to matters of code clarification, and not changes in scope or technical and/or substantive changes to code text.

Board action: Retain the current practice of the Code Action Committees being permitted to decide their respective agendas of code issues to investigate as outlined in CP31 Code Action Committees. CP 31 does not include such limitations noted in the feedback.

**PROPOSED DRAFT REVISIONS TO CP28 CODE DEVELOPMENT
FOR THE 2018/2019 CYCLE**

POSTED FOR COMMENT

Proposed changes to the process for the 2018/2019 Cycle which are being considered by the Board are posted for comment in this section of the report. In parenthesis is the feedback numbers keyed to the Board's action in the report. These proposed revisions are ordered based on the numbering in CP28.

[Click here](#) for a link to all ICC's Council Policies, including CP28 Code Development.

Submit comments to ICCCodeProcessFeedback@iccsafe.org. Comments are due August 21, 2017.

Feedback (61 - 65): Clarification of when a code change proposal can be withdrawn

3.2 Withdrawal of Proposal: A code change proposal may be withdrawn by the proponent (WP) at any time prior to any testimony on the code change proposal(s) at the Public Comment Hearing ~~to public comment consideration of that proposal~~. All actions on the code change proposal shall cease immediately upon the withdrawal of the code change proposal.

Discussion: Proponents will often wait until the code change is brought to the floor at the Public Comment Hearing to indicate their desire to withdraw the proposal. This revision codifies the process in CP28.

CP28 update: Coordinate with current procedures utilizing web links for substantiation (not feedback related)

Code change submittals

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

3.3.5.1 – 3.3.5.2: No change

3.3.5.3 Substantiation: The proponent shall substantiate the code change proposal 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 code change proposal may be identified as such. The proponent shall be notified that the code change 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. Substantiation may be provided via a link to a website provided by the proponent and included in the reason statement. All substantiating material published by ICC is material that has been provided by the proponent and in so publishing ICC makes no representations or warranties about its quality or accuracy.

3.3.5.4 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 proposal and the proponent shall make the substantiating materials available for review at the appropriate ICC office and during the public hearing. Substantiation may be provided via a link to a website provided by the proponent and included in the bibliography.

Public comment submittals

6.4 Form and Content of Public Comments: Any interested person, persons, or group may submit a public comment to the results of the Committee Action 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 – 6.4.4: No change

6.4.5 Supporting Information: The public comment shall include 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 6.5 and determined as not germane to the technical issues addressed in the code change proposal or committee action may 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 Public Comment Hearing. Substantiation may be provided via a link to a website provided by the public commenter and included in the reason statement and bibliography. All substantiating material

published by ICC is material that has been provided by the proponent and in so publishing ICC makes no representations or warranties about its quality or accuracy.

Discussion: Proponents will often provide a link to their supporting documentation in the reason statement and/or bibliography. This revision codifies the process in CP28.

Feedback (36 - 38): Inclusion of Referenced Standards (new and updated) with new code text

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 standard shall comply with this section.

3.6.3.1.1 Proposed New Standards. 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. If the proposed new standard is not submitted in at least draft form, the code change proposal shall be considered incomplete and shall not be processed. The code change proposal shall be considered at the Committee Action Hearing by the applicable code development committee responsible for the corresponding proposed changes to the code text. The standard shall be completed and readily available prior to the Public Comment Hearing based on the cycle of code development which includes the code change proposal. If the standard is not completed and readily available at the Committee Action Hearing, the code change proposal shall automatically be placed on the Public Comment Agenda in order to confirm availability of the standard. ~~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. If a new standard is not submitted in at least draft form, the code change proposal shall be considered incomplete and shall not be processed.~~

3.6.3.1.2 Proposed Update of an Existing Referenced Standard. Code change proposals which include revisions to the code text to coordinate with a proposed update of an existing referenced standard shall include the submission of the proposed update to the standard in at least a consensus draft form in accordance with Section 3.4. If the proposed update of the existing standard is not submitted in at least draft form, the code change proposal shall be considered incomplete and shall not be processed. The code change proposal, including the update of the existing referenced standard, shall be considered at the Committee Action Hearing by the applicable code development committee responsible for the corresponding changes to the code text. The update of the existing referenced standard shall be completed and readily available prior to the Public Comment Hearing based on the cycle of code development which includes the code change proposal. If the standard is not completed and readily available at the Committee Action Hearing, the code change proposal shall automatically be placed on the Public Comment Agenda in order to confirm availability of the standard. Updating of standards without corresponding code text changes shall be accomplished administratively in accordance with Section 4.6.

4.6 Updating Standards Referenced in the Codes: The updating of standards referenced by the Codes that does not require a coordination code change proposal to the code text shall be accomplished administratively by the 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 of the third year of each code cycle. The published version of the new edition of the Code which references the standard will refer to the updated edition of the standard. If the standard is not available by the December 1 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.

Discussion: Clarification of CP28 where proposed revisions to the code text are intended to either reference a new standard or coordinate the code with the update of a currently referenced standard. The key consideration in such updated standards is that in order for the text to be

updated, the updated standard must also be completed and available at the time of the membership action at the PCH.

Updates to currently referenced standards which are done administratively without corresponding changes to the code text will use the current process where the updated standard will be considered in Group B and the standard must be available by December 1st of the third year in accordance with Section 4.6.

Feedback (46 – 58; 61 – 65): Changes to hearing order require proponent approval

Committee Action Hearing

5.4 General Procedures: *The Robert's Rules of Order* shall be the formal procedure for the conduct of the Committee Action 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 – 5.4.3: No change

5.4.4 Agenda Order: The Secretariat shall publish a Code Change Agenda for the Committee Action Hearing, placing individual code change proposals in a logical order to facilitate the hearing. 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 code change 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.

5.4.4.1 Proponent approval: A motion to revise the agenda order is considered in order unless the proponent(s) of the moved code change proposals are in attendance at the hearing and object to the move. Where such objections are raised, the motion to revise the hearing order shall be ruled out of order by the Moderator. The ruling of the Moderator shall be final and not subject to a point of order in accordance with Section 5.4.7. The motion to change the hearing order is not debatable.

5.4.4.2 Revised agenda order approved: A motion to revise the agenda order is subject to a 2/3 vote of those present ~~and voting~~.

Public Comment Hearing

7.5 Procedure: *The Robert's Rules of Order* shall be the formal procedure for the conduct of the Public Comment Hearing except as these Rules of Procedure may otherwise dictate.

7.5.1: No change

7.5.2 Agenda Order: The Secretariat shall publish a Public Comment Agenda for the Public Comment Hearing, placing individual code change proposals and public comments in a logical order to facilitate the hearing. The proponents or opponents of any code change 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.

7.5.2.1 Proponent approval: A motion to revise the agenda order is considered in order unless the proponent(s) of the moved code change proposals are in attendance at the hearing and object to the move. Where such objections are raised, the motion to revise the hearing order shall be ruled out of order by the Moderator. The ruling of the Moderator shall be final and not subject to a point of order in accordance with Section 5.4.7. The motion to change the hearing order is not debatable.

7.5.2.2 Revised agenda order approved: A motion to revise the agenda order is subject to a 2/3 vote of those present ~~and voting~~.

Discussion: Proponents feel it is unfair to have their proposal moved without their agreement. Code change proponents in attendance at the hearing can object to such a move and when such an objection is raised, the code change proposal cannot be moved. In many cases, such a move back in the agenda can impact their participation in the hearings.

Feedback (46 – 58; 61 – 65): Tabling of code changes

Committee Action Hearing

5.4 General Procedures: *The Robert's Rules of Order* shall be the formal procedure for the conduct of the Committee Action 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 – 5.4.4: No change

5.4.5 Tabling: Tabling of code change proposals shall be permitted. The motion to table must occur prior to any testimony on the code change proposal(s). The motion to table is considered in order unless the proponent(s) of the tabled code change proposals are in attendance at the hearing and object to the tabling. Where such objections are raised, the motion to table shall be ruled out of order by the Moderator. The ruling of the Moderator shall be final and not subject to a point of order in accordance with Section 5.4.7. The motion to table is not debatable.

The motion to table must identify one of the following as to the location on the agenda when or where the code change proposal(s) will be considered:

1. Specific date and time within the timeframe of the Code Change Agenda for the code change proposals under consideration, or
2. Specific location in the Code Change Agenda for the code change proposals under consideration.

5.4.5.1 Tabling approved: A motion to table is subject to a 2/3 vote of those present.

5.4.5.2 Tabled code changes proposals back to the floor: The Moderator shall bring the tabled code change proposal(s) back to the floor at the applicable time/agenda location in accordance with Section 5.4.5 Items 1 or 2.

Public Comment Hearing

7.5 Procedure: *The Robert's Rules of Order* shall be the formal procedure for the conduct of the Public Comment Hearing except as these Rules of Procedure may otherwise dictate.

7.5.1 – 7.5.2: No change

7.5.3 Tabling: Tabling of code change proposals shall be permitted. The motion to table must occur prior to any testimony on the code change proposal(s). The motion to table is considered in order unless the proponent(s) of the tabled code change proposals are in attendance at the hearing and object to the tabling. Where such objections are raised, the motion to table shall be ruled out of order by the Moderator. The ruling of the Moderator shall be final and not subject to a point of order in accordance with Section 5.4.7. The motion to table is not debatable.

The motion to table must identify one of the following as to the location on the agenda when or where the code change proposal(s) will be considered:

1. Specific date and time within the timeframe of the Public Comment Agenda for the code change proposals under consideration, or
2. Specific location in the Public Comment Agenda for the code change proposals under consideration.

7.5.3.1 Tabling approved: A motion to table is subject to a 2/3 vote of those present.

7.5.3.2 Tabled code changes proposals back to the floor: The Moderator shall bring the tabled code change proposal(s) back to the floor at the applicable time/agenda location in accordance with Section 7.5.3 Items 1 or 2.

Discussion: The current procedures are silent on the issue of tabling. As such, the process would defer to Sections 5.4 and 7.4 and the reference to Robert's Rules of Order. The following is an excerpt from commentary on Robert's Rules of Order:

Table: To table a discussion is to lay aside the business at hand in such a manner that it will be considered later in the meeting or at another time ("I make a motion to table this discussion until the next meeting. In the meantime, we will get more information so we can better discuss the issue.") A second is needed and a majority vote required to table the item being discussed.

The proposed revision to CP28 mirrors the proposed revision to the changes in hearing order which allows the proponent to object to such tabling. This also specifies that either a time specific or agenda order location for the item must be identified. The 2/3 vote is the same vote criteria to revise the agenda order in sections 5.4.4 and 7.5.2.

While Roberts Rules of Order allow tabling to a "next meeting", this is not an option in the code development process. The tabling motion must identify the date/time or location within the specific hearing agenda under consideration.

Feedback (46 – 58): Modifications submitted and posted in advance of CAH

5.5.2 Modifications: Modifications to code change proposals shall be submitted in advance of the start of the Committee Action Hearing ~~may be suggested from the floor~~ by any person who will be participating in the public hearing. The person proposing the modification, or his/her designee, is deemed to be the proponent of the modification.

5.5.2.1 Submission. All modifications shall be submitted electronically to the ICC Secretariat at least 10 days prior to the start of the Committee Action Hearing in a format determined by ICC staff. The deadline for the submission of modifications shall be posted in the Code Change Agenda. Modifications submitted after the deadline shall not be considered. ~~unless determined by the Chairman to be either editorial or minor in nature. The modification will be forwarded electronically to the members of the code development committee during the hearing and will be projected on the screen in the hearing room.~~

5.5.2.2 Modifications posted. Modifications received by the deadline shall be posted in a timely fashion in advance of the start of the hearing for the code for which the modification is submitted.

~~5.5.2.2~~ **5.5.2.3 Criteria Committee Action Hearing process.** In order for a modification to be considered, the proponent of the modification shall introduce the modification from the floor. The Chairman shall rule the proposed modifications in or out of order before ~~they are~~ it is 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. 1. changes the scope of the original code change proposal; or~~
- ~~3. 2. is not readily understood to allow a proper assessment of its impact on the original code change proposal or the Code.~~

Modifications introduced from the floor and determined editorial by the Chairman shall be permitted.

The ruling of the Chairman on whether or not the modification is editorial or 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~~ **5.5.2.4 Testimony.** When a modification is offered from the floor and ruled in order by the Chairman, the modification shall be projected on the screen in the hearing room and specific floor discussion on that modification is to shall commence in accordance with the procedures listed in Section 5.5.1.

Discussion: The Board directed staff to solicit input on the development of procedures to require modifications to be submitted in advance of the Committee Action Hearing. This new procedure will also require coordination with the logistics of the cdpACCESS system as CAH modifications are currently required to be submitted via cdpACCESS at the CAH and they will continue to be submitted via cdpACCESS. It is duly noted that while this process for advance modifications is viewed as a positive step as it allows participants and the committee to prepare prior to the CAH, it will have a significant impact on the utility of tabling of code change proposals since modifications to tabled code changes must also be submitted in advance in accordance with these procedures.

Feedback (28 – 35; 59 – 60): Require cost impact for public comments

6.4 Form and Content of Public Comments: Any interested person, persons, or group may submit a public comment to the results of the Committee Action 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 – 6.4.5: No change

6.4.6 Cost Impact: The proponent of the public comment shall indicate one of the following regarding the cost impact of the public comment to the code change proposal:

- 1) The public comment and code change proposal will increase the cost of construction;
- 2) The public comment and code change proposal will decrease the cost of construction; or
- 3) The public comment and code change proposal will not increase or decrease the cost of construction.

The public commenter shall submit information which substantiates such assertion. This information will be considered at the Public Comment Hearing and will be included in the published public comment. Substantiation may be provided via a link to a website provided by the public commenter and included in the cost substantiation statement.

Any public comment submitted which does not include the requisite cost information shall be considered incomplete and shall not be processed.

Correlative change to code change submittal cost impact

3.3.5.6 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;
- 2) The code change proposal will decrease the cost of construction; or
- 3) The code change proposal will not increase or decrease the cost of construction.

The proponent shall submit information which substantiates ~~either~~ such assertion. This information will be considered by the code development committee and will be included in ~~the bibliography of~~ the published code change proposal. Substantiation may be provided via a link to a website provided by the public commenter and included in the cost substantiation statement.

Any proposal submitted which does not include the requisite cost information shall be considered incomplete and shall not be processed.

Discussion: Cost impact is a key consideration in the code development process and is currently only required for the initial code change proposal. Public comments can also have a cost impact which should be identified. This way, should a code change be approved with a public comment, the process will now identify the cost impact of the entire code change as approved. The text is patterned after Section 3.3.5.6 for the code change submittal. For code change proposals/public comments which have no impact on cost, this declaration can be made. Cost impact is a separate item in cdpACCESS and is not part of the bibliography.

CP28 Update: Coordinate CP28 sections with Section 10.1 which identifies the process if electronic voting devices are not used (not feedback related)

7.5.8.7 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. The vote on the main motion shall be taken electronically with the vote recorded and each vote assigned to the eligible voting member. In the event the electronic voting system is determined not to be used by ICC, a hand/standing count will be taken by the Moderator. If the motion fails to receive the majority required in Section 7.6, the Moderator shall ask for a new motion.

7.5.8.8 Subsequent Motion: If the initial motion is unsuccessful, a motion for either Approval as Submitted or Approval as Modified by one or more published modifications is in order. A motion for Disapproval is not in order. The vote on the main motion shall be taken electronically with the vote recorded and each vote assigned to the eligible voting member. In the event the electronic voting system is determined not to be used by ICC, a hand/standing count will be taken by the Moderator. If a successful vote is not achieved, Section 7.5.8.9 shall apply.

7.5.8.10 Public Comment Hearing Results: The result and vote count on each code change proposal considered at the Public Comment Hearing shall be announced at the hearing. In the event the electronic voting system is not utilized and a hand/standing count is taken in accordance with Sections 7.5.8.7 and 7.5.8.8, the vote count will not be announced if an individual standing vote count is not taken. The results shall be posted and included in the Online Governmental Consensus Ballot (see Section 8.2).

8.2 Online Governmental Consensus Ballot: The ballot for each code change proposal considered at the Public Comment Hearing will include:

1. The Public Comment Hearing result and vote count.
2. The allowable Online Governmental Consensus Vote actions in accordance with Section 8.1.
3. Where the Public Comment Hearing result is As Submitted (AS) or Disapproval (D), the original code change proposal will be presented.
4. Where the Public Comment Hearing result is As Modified by the committee (AM) or As Modified by one or more Public Comments (AMPC), the original code change and approved modification(s) will be presented.
5. The committee action taken at the Committee Action Hearing.
6. ICC staff identification of correlation issues.
7. For those who voted at the Public Comment Hearing, the ballot will indicate how they vote, unless an electronic vote count is not taken in accordance with Section 7.5.8.10
8. An optional comment box to provide comments.
9. Access to the Public Comment Agenda which includes: the original code change, the report of the committee action and the submitted public comments.
10. Access to the audio and video of the Committee Action and Public Comment Hearing proceedings.
11. Identification of the ballot period for which the online balloting will be open.

10.1 Tabulation and Validation: Following the closing of the online ballot period, the votes received will be combined with the vote tally at the Public Comment Hearing to determine the final vote on the code change proposal. If a hand/standing count is utilized per Subsection 7.5.8.7 or 7.5.8.8, those votes of the Public Comment Hearing will not be combined with the online ballot. ICC shall retain a record of the votes cast and the results shall be certified by a validation committee appointed by the ICC Board. The validation committee shall report the results to the ICC Board, either confirming a valid voting process and result or citing irregularities in accordance with Section 10.2.

Discussion: Internal coordination of CP28 sections with respect to electronic voting devices. If the Moderator calls the PCH action without the need for a standing vote count, there is no vote count to report.

Feedback (70–81) – Develop process for stakeholder input in Code Correlation Committee process of correlating final actions

11.2 Code Correlation: The Code Correlation Committee is authorized to resolve technical or editorial inconsistencies resulting from actions taken during the code development process by making appropriate changes to the text of the affected code. The process to resolve technical or editorial inconsistencies shall be conducted in accordance with CP44 Code Correlation Committee. Any such changes to a Code shall require a 2/3 vote of the Code Correlation Committee. Technical or editorial inconsistencies not resolved by the Code Correlation Committee shall be forwarded to the ICC Board for resolution.

Discussion: Staff to engage the CCC and solicit input in the revision process for CP44 and submit such revisions to CP44 for the Board's consideration. The process must include the necessary aspects of due process and transparency.