

INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

TO: Fire Prevention and Building Safety Commission
FROM: Commission Staff
DATE: January 28, 2022
RE: Proposed Bylaws and Membership for Indiana Electrical Code Update Committee

The Fire Prevention and Building Safety Commission (“Commission”), at their December 7, 2021, meeting, moved to direct staff to develop proposed bylaws and membership for a subcommittee of the Commission to be tasked with updated the 2009 Indiana Electrical Code. In response to the Commission’s motion, staff presents the attached bylaws and membership for consideration and approval.

INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

INDIANA ELECTRICAL CODE UPDATE COMMITTEE

(a subcommittee of the Fire Prevention and Building Safety Commission)

MEMBERSHIP AND BYLAWS

- 1. Establishment of the Committee.** The Indiana Electrical Code Update Committee (“Committee”) is hereby formed.
- 2. Duties of the Committee.** The Committee shall create a draft proposed rule to repeal and replace the current Indiana Electrical Code found at 675 IAC 17-1.8 with a new rule which shall adopt the 2020 National Electrical Code (NFPA 70). The Committee may amend this model code with Indiana amendments and shall consider all validly submitted code change proposals related to the subject matter of the rule. This may include amendments to the electrical provisions contained in the Indiana Residential Code, the Indiana Building Code, the Indiana Fire Code, or the General Administrative Rules.

The Committee shall compile a cost benefit analysis and a fiscal impact analysis for the draft proposed rule in accordance with the requirements Financial Management Circular #2010-4.

Committee members shall provide and keep up to date contact information (email address and phone number) with the Commission Secretary.

Note: The draft proposed rule adopted by the Committee is just that, a draft proposed rule, and the Commission retains its full rulemaking authority over this matter.

- 3. Committee Membership.** The Committee consists of ten members. No proxies are permitted.

3.1 Voting Members. The Committee shall be composed of the following members:

- [*awaiting recommendation*] - Member of the Fire Prevention and Building Safety Commission
- John Lupacchino - Electrical contractor
- [*awaiting recommendation*] - Electrical equipment manufacturer
- John A. Jackson III - IN licensed architect
- Stephen Culbert - IN licensed electrical engineer
- [*awaiting recommendation*] - Indiana Apartment Association representative
- Lynn Madden - Homebuilder
- Randy Gulley - Fire official

- i. Michael Popich - Building official
- j. Charlie Eldridge - Code consultant

3.2 Committee Chairman. The Committee Chairman is Michael Popich. The Committee Chairman shall control the conduct of the meetings. This authority includes: (1) the allowance or prevention of testimony from the public; (2) creating the agenda for the meeting; (3) calling for votes upon receipt of motions from other Committee members; (4) the calling of special meetings; (5) establishing requirements for properly submitting code change proposals; and (6) all other actions necessary to conduct an efficient and meaningful code drafting meeting.

3.3 Committee Secretary. The Committee Secretary shall be a Commission staff member assigned by the Indiana Department of Homeland Security. All submittals required to be made to the Secretary shall be delivered to buildingcommission@dhs.in.gov. The Committee Secretary shall handle all administrative functions for the Committee. This includes, but is not limited to: (1) the scheduling of meetings rooms; (2) sending out correspondence to members; (3) posting of meeting agendas; (4) taking of meeting minutes; (5) drafting of the draft proposed rule, cost benefit analysis, and fiscal impact analysis; and (6) the receipt and retention of filings.

- 4. Quorum.** Quorum consists of six members. In order to conduct business, there must be a quorum of members present at the meeting.
- 5. Votes Needed to Take Action.** For any action to take place, a majority of the members present and voting must vote in the affirmative.
- 6. Meeting Time, Dates and Location.** The first meeting will be held on a date, time, and location established by the Chairman. The remaining regularly scheduled meetings shall be established by vote of the Committee at the initial meeting. The adoption of the schedule of meetings shall also include proposed matters to be discussed at each scheduled meeting. The Committee may amend their schedule of meetings or the subject matter to be discussed at any meeting. The Committee shall make a copy of their schedule of meetings publicly available.
- 7. Special Meetings.** Special meetings may be called by the Chairman. Special meetings must be called three days in advance of the proposed date of the special meeting and all members must receive notice of the proposed special meeting three days in advance of the proposed date of the special meeting.
- 8. Participation in Meetings by Electronic Means.** Members may meet by electronic means in accordance with IC 5-14-1.5-3.7 (during a disaster emergency) or in accordance with IC 5-14-1.5-3.6 (if the Committee adopts an electronic communication meeting policy).

9. Member Terms. Members are expected to attend all Committee meetings. A member's term lasts until: (1) the member resigns; (2) the member is involuntarily removed; or (3) the work of this Committee has been completed by providing notice to the Commission.

10. Member Resignation. If for any reason a member cannot fulfill their duties, the member, and the member only, shall provide a resignation letter to the Committee Secretary. A member is deemed to have resigned upon the member's death or infirmity.

11. Involuntary Removal. Involuntary removal of a member may only occur by approval of the Commission.

12. Code Change Proposals. All code change proposals shall be submitted on the Commission's code change proposal form, or a reasonable facsimile thereof. All code change proposal must include the reason for the proposal and a statement of fiscal impact for the proposed change to be considered by the Committee. Approval of any code change proposal shall signify acceptance by the Committee of the reason and fiscal impact associated with the proposal. Modifications by the Committee to the language, reason statement, or fiscal impact of a code change proposal shall be identified in the meeting minutes.

No amendments to the current rule are automatically carried over (so-called "carry over amendments"). Any existing amendments to the current code must be submitted as code change proposals and approved by the Committee to be included in the draft proposed rule.

Except for the act of tabling, a proposal for code change previously acted on by the Committee shall not be re-opened for discussion unless new evidence is provided to justify such action and a two-thirds vote by the entire committee (not just those present and voting) approves the matter to be reopened.

All other procedures related to the review and submission of code change proposals shall be as implemented by the Chairman. These procedures may, among other things, implement deadlines for the submission of proposals.