

ADVISORY COMMITTEE COMMENT FORM FOR PROPOSED CODE CHANGES

(This form must be submitted electronically)

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1323, CE-11

Proposed Code Change - Language

Please provide your proposed code change in strikeout/underline format. Provide the *specific* language you would like to see changed, with new words underlined and words to be deleted should be ~~stricken~~. Also, state whether the language contained in your proposal is from a code book or from an amendment currently found in Minnesota Rule. (You may provide the language (electronically) on a separate, attached sheet).

Minn. Rules. Ch. 1323 (Commercial Energy Code)

C401.2 Application

1. The requirements of ANSI/ASHRAE/IESNA 90.1 as amended by this chapter.

Note: there may be other (better) means to accomplish this end (explained in the next section), but this seems the most direct. The other means might involve identifying certain minimum requirements that would pertain to all buildings regardless of which of the three compliance options permitted by C401.2 is chosen.

Proposed Code Change – Need and Reason

Please provide a thorough explanation of the need for this change and why this proposed code change is a reasonable change. During the rulemaking process, the Agency must defend the need and reasonableness of all its proposed changes. The Agency must submit evidence that it has considered all aspects of the proposal. (You may provide the need and reason (electronically) on a separate attached sheet).

The code change is needed to facilitate another code change (not yet proposed) with the ultimate need of preventing the repeal of the current provisions in Minnesota energy code. Two provisions which come to mind (there may be others):

- 1323.0672 Subp. 3, HVAC system acceptance testing, and
- 1323.0646 Prohibition of Heated Commercial Parking Facilities.

ASHRAE 90.1-2010 has no similar requirements as the aforementioned. Thus, if 90.1-2010 is adopted without amendment as an option, these two provisions would not be enforceable by building officials if this option is chosen (although the parking facility provision is required by Minnesota statute).

Note that the need and reason for retaining these particular provisions does not need to be argued in the SONAR. From the Minnesota Rulemaking Manual, 2011 edition, page 189:

If an agency is amending existing rules, the agency need not demonstrate the need for and reasonableness of the existing rules not affected by the proposed amendments.

However, if these provisions are intended to be repealed, then the SONAR will then need to substantiate the need and reason for the repeal. I expect this would be a difficult case to be made.

Proposed Code Change – Cost/Benefit Analysis

Please consider whether this proposed code change will increase/decrease costs or indicate that it will not have any cost implications and explain how it will not. If there is an increased cost, will this cost be offset somehow by a life safety or other benefit? If so, please explain. Are there any cost increases/decreases to enforce or comply with this proposed code change? If so, please explain. (You may provide the cost/benefit analysis (electronically) on a separate, attached sheet).

The proposal will retain existing rule, therefore there will be no increase/decrease to costs or benefits.

Other Factors to Consider Related to Proposed Code Change

1. Is this proposed code change meant to:

change language contained in a published code book? If so, list section(s).
2012 IECC, section C401.2

change language contained in an existing amendment in Minnesota Rule? If so, list Rule part(s).
Note that the ultimate intent of this amendment is to enable preservation of important segments of the Minnesota Rule.

delete language contained in a published code book? If so, list section(s).

delete language contained in an existing amendment in Minnesota Rule? If so, list Rule part(s).

neither; this language will be new language, not found in the code book or in Minnesota Rule.

2. Is this proposed code change required by a Minnesota Statute or new legislation? If so, please provide the citation to the Statute or legislation.

Yes. The ultimate intent of this amendment is to preserve language currently included in Minnesota rules.

3. Will this proposed code change impact other sections of a published code book or of an amendment in Minnesota Rule? If so, please list the affected sections or rule parts.
Yes. The change would enable amending ANSI/ASHRAE/IESNA 90.1-2010.
4. Will this proposed code change impact other parts of the Minnesota State Building Code? If so, please list the affected parts of the Minnesota State Building Code.
No.
5. Who are the parties affected or segments of industry affected by this proposed code change?
None – though the change will permit other change that will affect parties or segments of industry (will be elaborated when the other changes are proposed).
6. Can you think of other means or methods to achieve the purpose of the proposed code change? If so, please explain what they are and why your proposed change is the preferred method or means to achieve the desired result.
As suggested above there may be other, perhaps better means to accomplish this end.
7. Are you aware of any federal requirement or regulation related to this proposed code change? If so, please list the regulation or requirement.
No.