

**ALASKA STATE LEGISLATURE  
HOUSE LABOR AND COMMERCE STANDING COMMITTEE**

March 1, 2002

3:20 p.m.

**MEMBERS PRESENT**

Representative Lisa Murkowski, Chair  
Representative Andrew Halcro, Vice Chair  
Representative Kevin Meyer  
Representative Pete Kott  
Representative Norman Rokeberg  
Representative Harry Crawford  
Representative Joe Hayes

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE BILL NO. 399

"An Act relating to the Uniform Mechanical Code and other safety codes; annulling certain regulations adopted by the Department of Community and Economic Development relating to the mechanical code that applies to certain construction contractors and mechanical administrators; and providing for an effective date."

- HEARD AND HELD

HOUSE BILL NO. 436

"An Act relating to construction, plumbing, mechanical, electrical, fire safety, and other safety codes adopted by state agencies and municipalities."

- HEARD AND HELD

HOUSE BILL NO. 437

"An Act adopting a version of the Uniform Mechanical Code for the state and providing for adoption of future versions of the code; and relating to the building code adopted by the state and to other safety codes."

- HEARD AND HELD

**PREVIOUS ACTION**

BILL: HB 399

SHORT TITLE:UNIFORM MECHANICAL CODE

SPONSOR(S): RLS BY REQUEST OF ADMIN REGULATION REVIEW

Jrn-Date	Jrn-Page		Action
02/11/02	2204	(H)	READ THE FIRST TIME - REFERRALS
02/11/02	2204	(H)	L&C
03/01/02		(H)	L&C AT 3:15 PM CAPITOL 17

BILL: HB 436

SHORT TITLE:MECHANICAL CODE

SPONSOR(S): REPRESENTATIVE(S)HARRIS

Jrn-Date	Jrn-Page		Action
02/15/02	2286	(H)	READ THE FIRST TIME - REFERRALS
02/15/02	2286	(H)	L&C
02/15/02	2286	(H)	REFERRED TO LABOR & COMMERCE
03/01/02		(H)	L&C AT 3:15 PM CAPITOL 17

BILL: HB 437

SHORT TITLE:UNIFORM MECHANICAL CODE

SPONSOR(S): REPRESENTATIVE(S)HARRIS

Jrn-Date	Jrn-Page		Action
02/15/02	2286	(H)	READ THE FIRST TIME - REFERRALS
02/15/02	2286	(H)	L&C
02/15/02	2286	(H)	REFERRED TO LABOR & COMMERCE
03/01/02		(H)	L&C AT 3:15 PM CAPITOL 17

**WITNESS REGISTER**

REPRESENTATIVE LESIL McGUIRE, Chair  
Joint Committee on Administrative Regulation Review  
Alaska State Legislature  
Capitol Building, Room 418  
Juneau, Alaska 99801

POSITION STATEMENT: Testified on behalf of the sponsor of HB 399, the Joint Committee on Administrative Regulation Review.

JOHN MANLY, Staff  
to Representative John Harris  
Alaska State Legislature  
Capitol Building, Room 513  
Juneau, Alaska 99801

POSITION STATEMENT: Testified on behalf of the sponsor of HB 436 and HB 437.

MAX MIELKE, Business Manager  
UA Local Union 262 Plumbers & Pipefitters  
President, Alaska State Pipe and Trade Association  
President, Juneau Central Labor Council  
723 W 10th Street  
Juneau, Alaska 99801

POSITION STATEMENT: Testified that the IMC is all about politics.

STEVE SHOWS  
19137 Randall Road  
Juneau, Alaska

POSITION STATEMENT: Encouraged the legislature to let the regulations of the State Fire Marshall stand.

GENE RUTLAND, Executive Director  
Mechanical Contractors of Alaska  
(No address provided)

POSITION STATEMENT: Testified in support of HB 399.

DWIGHT PERKINS, Northwest Regional Manager  
International Association of Plumbing & Mechanical Officials  
(No address provided)

POSITION STATEMENT: Testified that the plumbing and mechanical industries should develop the plumbing and mechanical codes.

GARY POWELL, Director/State Fire Marshal  
Division of Fire Prevention  
Department of Public Safety  
5700 E Tudor Road  
Anchorage, Alaska 99507-1225

POSITION STATEMENT: Provided background with regard to the adoption of the IMC.

ROBERT BUCH, Member  
UA Local 367  
3160 W 71st Avenue  
Anchorage, Alaska 99502

POSITION STATEMENT: Testified in support of HB 399.

STEVE MILLER, Member  
UA Local 367  
610 W 54th  
Anchorage, Alaska 99518

POSITION STATEMENT: Expressed the difficulties he has with the International Codes.

KIT DAHLSTROM, Mechanical Administrator  
Enstar Natural Gas  
PO Box 770725

Eagle River, Alaska 99577

POSITION STATEMENT: Announced his support of the Uniform set of codes.

ERNIE MISEWICZ, Deputy Fire Marshal  
Fairbanks Fire Department  
656 7th Avenue

Fairbanks, Alaska 99701

POSITION STATEMENT: Noted his current opposition to HB 436.

BILL SAGER, Executive Director  
Mechanical Contractors Association of Fairbanks  
1340 2nd Avenue

Fairbanks, Alaska 99701

POSITION STATEMENT: Testified in support of HB 399.

BRET HELMS, Member

UA Local 375

1978 Burgess Avenue

Fairbanks, Alaska 99709

POSITION STATEMENT: Expressed concerns with changing to the IMC.

DENNIS DALMAN, Mechanical Administrator  
PO Box 49

Juneau, Alaska

POSITION STATEMENT: Expressed concerns with changing to the IMC.

JOHN BITNEY, Legislative Liaison  
Alaska Housing Finance Corporation  
Department of Revenue

PO Box 101020

Anchorage, Alaska 99510

POSITION STATEMENT: Testified with regard to AHFC's inclusion in HB 436 and HB 437.

#### **ACTION NARRATIVE**

TAPE 02-27, SIDE A

Number 001

CHAIR LISA MURKOWSKI called the House Labor and Commerce Standing Committee meeting to order at 3:20 p.m. Representatives Murkowski and Crawford were present at the call to order. Representatives Halcro, Meyer, Rokeberg, and Hayes arrived as the meeting was in progress.

HB 399-UNIFORM MECHANICAL CODE

HB 436-MECHANICAL CODE

HB 437-UNIFORM MECHANICAL CODE

CHAIR MURKOWSKI announced that today testimony would be heard on HB 399, HB 436, and HB 437, which all deal with the mechanical code.

Number 062

REPRESENTATIVE LESIL MCGUIRE, Chair, Joint Committee on Administrative Regulation Review, Alaska State Legislature, testified on behalf of the sponsor of HB 399, the Joint Committee on Administrative Regulation Review (ARR). Representative McGuire acknowledged that the subject matter of all three bills are the same. However, she expressed the need for a philosophical and public policy debate with regard to whether the Uniform Mechanical Code (UMC) or the International Mechanical Code (IMC) is appropriate for the state. Representative McGuire specified that the committee substitute (CS) before the committee strips out the substantive policy decisions. She expressed her desire to focus on the procedural issue at hand, which is the separation of powers issue.

Number 088

REPRESENTATIVE ROKEBERG moved to adopt the committee substitute (CS) for HB 399, Version 22-LS1461\C, Bannister, 2/20/02, as the working document. There being no objection, Version C was before the committee.

REPRESENTATIVE MCGUIRE began by providing the committee a brief history of ARR's experience with HB 399. This summer a group of mechanical contractors brought to Representative McGuire's attention that there were proposals to change the mechanical contractor code from the UMC to the IMC. The concerns brought to the ARR committee mainly dealt with the process with which this change in code occurred. There was the belief that the code change was rushed through and there had been no opportunity

to offer testimony with regard to the merits of the codes. At that point, this past fall, Representative McGuire decided to hold an ARR meeting on this matter. In attendance at this meeting were [representatives] from the Department of Public Safety (DPS), the Division of Occupational Licensing in the Department of Community & Economic Development (DCED). During this three-and-half hour meeting discussing the proposals by DPS, ARR clearly expressed concern with the process. There was specific concern noted with regard to the current statutes that charge the Division of Occupational Licensing with administering a test entitled the Uniform Mechanical Code, which is copyrighted, trademarked, and proprietary in nature.

REPRESENTATIVE MCGUIRE specified that her intention in holding the ARR meeting was to make [DPS] aware of the concerns with regard to the separation of powers issues. Furthermore, she said she had wanted to [make clear] that it's the legislature that establishes policy and the regulations are designed to implement that policy. She highlighted that she had requested that DCED [postpone adoption of the regulations] and come meet [with ARR] in January in order to discuss the merits of both codes. However, DCED proceeded to adopt regulations that directly contradict the statute. The only recourse was to hold an ARR meeting and ask DCED to explain their action. Representative McGuire said, "I can tell you with every degree of certainty ... that there was no legitimate explanation that came out of that meeting." However, she recognized that the Division of Occupational Licensing was probably placed in an awkward position because of DPS's broad authority given by the legislature. In fact, DPS has the ability to adopt whatever regulations [it deems appropriate]. On the other hand, DCED's statutory authority and licensing requirements are very clear in their reference to the UMC. Representative McGuire pointed out that the Department of Labor & Workforce Development (DLWD) was also involved in this and DLWD chose to adopt the newest version of the UMC, which [was] an option that DCED could've chosen.

Number 187

REPRESENTATIVE MCGUIRE pointed out, "As a legislative body it is our obligation to retain the power that we have in our branch of government. It's specifically the purview of the Administrative Regulatory Review Committee to continue to guard that ... power very safely." She informed the committee that in 1980 the supreme court decided that the legislature no longer had the ability through mere resolution to annul a regulation. Therefore, the role of ARR was changed significantly. She

submitted that ARR's role was made even more important because it is the only watchdog to ensure the correct implementation of the statutes. Representative McGuire stressed, "It is absolutely our responsibility to repeal these regulations." In closing Representative McGuire pointed out that the references to the UMC under the Division of Occupational Licensing are as follows: AS 08.18.171, which specifies the UMC in regard to the definition of a mechanical contractor; [AS 08.40.270], which specifies that applicants will be tested with regard to their familiarity with the UMC; AS 08.40.490, which is the definitions section for the entire licensing chapter.

Number 241

CHAIR MURKOWSKI requested that Representative McGuire inform the committee where things would stand if HB 399 is passed and the regulations are repealed.

REPRESENTATIVE McGUIRE explained that HB 399 would return the code to the UMC. In the event of a veto, she said there would be a veto override.

REPRESENTATIVE ROKEBERG asked if Representative McGuire had read anything regarding the heat exchanger provision of the plumbing code 1867(c)(3).

REPRESENTATIVE McGUIRE replied no.

REPRESENTATIVE ROKEBERG explained that the House Labor and Commerce Standing Committee established the policy to delegate to the degree of adoption of amendments. In other words, when there is a code revision the appropriate departments would adopt the relevant periodic revisions to the code in order to eliminate the need for the legislature [to be involved]. "It's been the policy here [HL&C] to try to delegate within our constitutional powers of delegation, but retain, by specifying in statute, the specific code," he said.

REPRESENTATIVE McGUIRE agreed with the expectation for the departments to update the codes periodically. However, the issue here is a substantive policy change between two different codes. This situation was one in which the effort was to change the code entirely. She acknowledged that there is a separation of powers and although there is delegation, the legislature has to retain the authority. The current statutes delegate authority and revisions to a specific code.

REPRESENTATIVE ROKEBERG highlighted, "Except to the Department of Public Safety, we have not." He remarked that this problem may have been created by the legislature itself due to conflicting statutes.

Number 326

REPRESENTATIVE MCGUIRE commented that the most troubling aspect of this process goes beyond the separation of powers issue. The concern is that the government is supposed to help people succeed in furthering their futures, jobs, and vocational trades. However, when the government is changing licensing requirements in a potentially arbitrary manner, it is disconcerting. She reiterated the need for the legislature to make these policy decisions.

REPRESENTATIVE HAYES agreed with Representative Rokeberg that this problem is as much the legislature's [fault] as it is anyone else's. Representative Hayes related his belief that the regulations [by the Division of Occupational Licensing] were done because the options were few to none; the division was in between a rock and a hard place. Therefore, he expressed the need to fix the statutes. Furthermore, Representative Hayes said that he believes that the administration was merely doing its job.

REPRESENTATIVE HALCRO inquired as to Representative McGuire's take on the motivation for changing the codes.

REPRESENTATIVE MCGUIRE said that she didn't disagree with Representative Hayes regarding the situation in which the Division of Occupational Licensing found itself. However, she did believe that the division had other options in that the division could've come to the legislature in January to do what is being done through HB 436 and HB 437. Representative McGuire expressed her dislike of subverting the statute itself because of the precedent it establishes. She stressed that the statute is controlling and the regulation has to follow rather than the other way around.

Number 379

JOHN MANLY, Staff to Representative John Harris, Alaska State Legislature, testified on behalf of the sponsor of HB 436 and HB 437, Representative Harris. Mr. Manly explained that HB 436 prohibits state agencies and municipalities from adopting safety codes unless the process the code was developed through was open

to all interested parties. The American National Standards Institute (ANSI) endorses those codes which are open to the greatest number of interested parties during development. House Bill 436 requires that the ANSI standard be followed in the adoption of these codes.

MR. MANLY turned to HB 437, which corrects the problem with the State Fire Marshall's Office adopting the IMC. This bill stipulates that the 2000 edition of the UMC is the one that is adopted for use in Alaska. The bill also allows DPS to adopt subsequent codes when available and when the department determines those are better suited for the public policy of the state.

Number 403

CHAIR MURKOWSKI inquired as to why both HB 436 and HB 437 were introduced.

MR. MANLY answered that the bills were introduced separately so that the issues could move forward separately in case one was viewed as a bad idea. If both are viewed as [appropriate], then either bill's title would probably cover the content of both bills. Therefore, the bills could be combined.

CHAIR MURKOWSKI noted that she was viewing HB 436 as option A and HB 437 as option B. That is, HB 437 specifically provides that the UMC is the code to be followed, while option A doesn't specify use of the UMC and would seem to allow flexibility to go outside the UMC.

MR. MANLY, in reference to HB 436, agreed that it would seem to allow flexibility to go outside the UMC as long as the code being considered met the ANSI standards. He pointed out that the IMC is problematic because it hasn't obtained the ANSI seal of approval.

CHAIR MURKOWSKI surmised that if the IMC eventually met the ANSI standards, [HB 436] would allow the flexibility to [utilize] the IMC.

MR. MANLY agreed.

CHAIR MURKOWSKI inquired as to the preference of the sponsor.

MR. MANLY answered that the sponsor would prefer the UMC. In regard to the sponsor's preference between HB 436 and HB 437, Mr. Manly indicated that the sponsor would prefer HB 437.

Number 435

REPRESENTATIVE ROKEBERG returned to HB 436 and pointed out that it basically describes the UMC and the International Association of Plumbing and Mechanical Officials (IAPMO) brochure regarding how the code is put together. Representative Rokeberg asked if there is currently a code that is the equivalent of the UMC that would meet the [ANSI] standards.

MR. MANLY related his understanding that there is no such equivalent code. He noted that the National Fire Protection Association (NFPA) is in the process of developing a building code.

REPRESENTATIVE ROKEBERG commented that Mr. Manly's answer illustrates the point that there is a very competitive situation between two different bodies. He noted the terrible situation in California with regard to the codes. He also noted the lack of a body of codes.

MR. MANLY mentioned that there is a Uniform Building Code (UBC) and an International Building Code (IBC). Mr. Manly agreed with Representative Rokeberg that those are older codes.

Number 467

MAX MIELKE, Business Manager, UA Local Union 262 Plumbers & Pipefitters; President, Alaska State Pipe and Trade Association; President, Juneau Central Labor Council; provided the following testimony:

Right here in Southeast Alaska I represent 100 plus members who install or repair mechanical systems on a daily basis under 13 different signatory contractors under the mechanical administrator license. All of our mechanical contractors are licensed under the Uniform Mechanical Code and Uniform Plumbing Code, which mesh with each other .... I would also like to point out that my 100 plus journeymen and apprentices go through extensive training on and off the job site under the Uniform Mechanical Code and the Uniform Plumbing Code. The International Mechanical Code is foreign to us and we are not licensed under this code.

There've been accusations made that this is strictly a union issue. I would like to make myself clear that this is not true. All non-union mechanical contractors that I have spoken with on this issue feel the same way we do .... Under the International Mechanical Code committee voting structure, the mechanical contractors and mechanics who install or repair the systems do not have a vote on this International Mechanical Code committee. With the Uniform Mechanical Code, all involved on the committees have votes. You have to have a balanced committee and one that is not dominated by ... any one organization .... The people that know these mechanical systems inside and out are the contractors and mechanics who install and repair them. They have to have a vote. Under the International Mechanical Code committee they will not have a vote. Lastly, I would like to say that we think the International Mechanical Code is all about politics and only addresses minimum safety standards for the safety and welfare of all Alaskans.

CHAIR MURKOWSKI welcomed those with written testimony to submit it to the committee to become part of the record.

Number 494

REPRESENTATIVE ROKEBERG asked if Mr. Mielke could define mechanical administrator.

MR. MIELKE explained that he has members who hold mechanical administrators license and others who are mechanical contractors. Everyone is licensed under the state plumbing license with a certificate of fitness. In further response to Representative Rokeberg, Mr. Mielke confirmed that [a mechanical administrator] could be a journeyman and union member without being licensed. However, mechanical contractors have to be licensed.

REPRESENTATIVE ROKEBERG surmised then that a licensed mechanical administrator would be one who has the background and experience to act as a contractor.

MR. MIELKE agreed. In response to Representative Rokeberg, Mr. Mielke informed the committee that it takes 10,000 hours of continuous on and off the job training and/or five years of job training. Each apprentice has to attend 265 hours of school.

REPRESENTATIVE ROKEBERG asked if an individual holding a mechanical engineering degree who passed the examination could become a mechanical administrator without being a journeyman.

MR. MIELKE related his belief that the individual would have to acquire the experience in the field. He said he couldn't answer that question.

REPRESENTATIVE ROKEBERG identified the training aspect as the key issue when there are transitions.

Number 525

STEVE SHOWS specified that he is testifying as an individual, although he noted that he has been an inspector in Alaska for federal, state, and local government for 23 years. Mr. Shows also noted that he is certified by every code being discussed today. Mr. Shows encouraged the legislature to let the regulations of the State Fire Marshall stand. He pointed out that the legislature appropriated \$100,000 for the State Fire Marshall to bring expert testimony in order to adopt codes that [secure] the health and safety of Alaskans. That expert testimony was [heard] and led to the codes that were adopted, the IMC, which are coordinated and dovetail to work together. With regard to licensing and testing, Mr. Shows informed the committee that he is certified in both codes [the UMC and the IMC]. He said that these codes aren't markedly different. He likened the difference between the codes to the difference between the 1997 UMC and the 2000 UMC.

MR. SHOWS turned to HB 437, and said that it really speaks to why we're here today, which is restraint of trade. "When we try to get an unfair advantage through the legislative or code writing policy rather than take the health and safety of the population as our prime focus, that's when I think we don't all work together pulling the same wagon," he said. Mr. Shows informed the committee that the UMC is one of four mechanical codes in the country. About ten years ago, this country decided to pool its resources such that a product approved in Florida would be acceptable in Alaska. Everyone came together and concessions were made in order to determine the least restrictive and least costly requirement to have the built environment safe for the people of this country. "The International codes are laudable. Unfortunately, IAPMO and NFPA decided we're taking our ball and going home; we don't like it," he explained. Mr. Shows read a phrase from the UMC which

specifies that safety is the goal. He said that IAPMO's and NFPA's failure to live up to "that promise" is the reason [for the current situation]. The voting practices of [IAPMO and NFPA] are different than that of the International Codes. Mr. Shows explained that within the ANSI codes, those who are manufacturers of a product or those who represent an organized labor [group] who would benefit from more time spent on a job for a product are given a vote in the process. However, in the International Code adoption process those who are objective and have no financial interest in the outcome of the vote but do have a governmental right and duty to regulate are the ones who vote.

MR. SHOWS addressed how this all impacts Alaskans. He said that at some point there will be a national code and thus it's a matter of "how much we stumble our toes along the way." Mr. Shows informed the committee that through the Alaska State Legislature, IAPMO advocated the 1979 Uniform Plumbing Code for ten years after IAPMO's own code specified that plastic pipe was recognized as a standard, safe, and durable product. That action cost the people of Alaska tens of millions of dollars and caused some municipalities to bring civil suit in the state. He characterized the situation as one which clearly financially benefited certain people rather than being in the [best interest of the state]. In conclusion, Mr. Shows pointed out that times are changing and there is the opportunity to adopt codes that guarantee public safety with no special treatment for certain groups.

Number 584

REPRESENTATIVE HAYES inquired as to the number of states that have adopted the [International Codes] imposed by Alaska's State Fire Marshall.

MR. SHOWS said that he didn't have an exact number. He pointed out that the 2000 edition of the [International Codes] is in its first cycle of availability for adoption. Although he said he didn't have an answer, he indicated that there is momentum toward a national consensus.

CHAIR MURKOWSKI turned to Mr. Shows' perspective as an inspector.

TAPE 02-27, SIDE B

CHAIR MURKOWSKI continued by pointing out that the impression has been given that it'll be difficult to go between the codes, and furthermore there is the issue of the training.

MR. SHOWS related his belief that folks are scared. He reiterated that the two codes aren't different. He also reiterated that this is really about approval of materials and time spent on the job. Many new construction projects get their building built quicker and faster, and to that there is resistance.

Number 0583

REPRESENTATIVE ROKEBERG returned to Mr. Shows' reference to the tens of millions of dollars spent in the Fairbanks' suit against the UPC regarding the use of plastic piping. He inquired as to why that situation happened.

MR. SHOWS explained that the 1979 UPC had a provision in the materials section limiting plastic drain pipes to a two-story residential building. Every other structure was required to use cast iron or copper or some other type of drainage pipe, which he estimated probably added 2-3 percent to the cost of the total project. However, cities adopted new editions of the UPC, which allowed plastic pipe. The situation resulted in state inspectors coming by and saying that they had received a call from the union who wanted [the use of plastic pipes] to stop. [The City of] Fairbanks refused to stop [using plastic pipes] and thus went to court because the authority having jurisdiction [the city] has the right to look at materials that are the equivalent in regard to safety, performance, and durability. Therefore, if there are two approved materials, the question is whether one code is less stringent than the other. The court ruled that plastic is a safe and durable material.

REPRESENTATIVE ROKEBERG related his understanding that such could be overcome by local adoptions, which are amendments to the code adopted by the local authority.

MR. SHOWS specified that state statute supercedes local ordinance.

REPRESENTATIVE ROKEBERG asked if [in the Fairbanks situation] the problem was that the specifications were stipulated in the UPC and thus the [local authority] couldn't make a distinction.

MR. SHOWS pointed out that the UPC stated that plastic pipe is not approved except in specific locations, but it also specified, "Alternate methods and materials acceptable to the authority having jurisdiction based on component testing and documentation can be approved." Although that allowed for a local amendment, the state, the Department of Labor, took exception to it.

Number 552

GENE RUTLAND, Executive Director, Mechanical Contractors of Alaska (MCA), provided the following testimony:

In any given year MCA member businesses employ over 1,000 workers on job sites throughout Alaska. Many of these employees belong to unions .... We are the businesses and workers who install plumbing, heating, ventilating, air conditioning systems in buildings throughout Alaska. We are the construction professionals that help build Alaska. They're over 500 mechanical contractors and mechanical administrators in Alaska, licensed by the Division of Occupational Licensing. We need your help in sorting out how we work in Alaska. Various laws in Alaska call for the use of building and life safety codes. The Department of Labor is required by law to use the Uniform Plumbing Code and other uniform codes. The Alaska State Housing Authority is required to use the Uniform Mechanical Code. Existing codes call for the Division of Occupational Licensing to test and license mechanical administrators and mechanical contractors according to the Uniform Mechanical Code. These construction professionals are required to certify that each project they supervise was installed per the Uniform Mechanical Code. The Department of Commerce & Economic Development issues forms that must be executed by a responsible mechanical administrator for each commercial project.

Alaska law says the Uniform Mechanical Code. We believe that the Department of Public Safety, in order to have conducted this reg project of theirs in a responsible manner, should've come to the legislature and sought authority to adopt a new mechanical code. The current administration adopted regulations calling for the use of an unproven International Mechanical Code. MCA and other organizations believe that the

Uniform Mechanical Code has well served our state for decades.

Mechanical contractors all over Alaska want to know how the Division of Occupational Licensing can ignore the laws requiring testing and education according to the Uniform Mechanical Code. To us the issue is simple. How can an administrative agency ignore the law and adopt a new code through regulations. Since these International Codes are new codes, published by a new building code group, we ask will they even be around in five or ten years from now. MCA's member businesses are trying to build Alaska and make a living. I have members who are confused and uncertain about which mechanical code really is legal. Most of us believe laws should be given greater emphasis than regulations. We certainly want to comply with the law, but we're tired of being run over by a small group of bureaucrats who have fallen in love with a code they've created without our input. In fact, we were told during the regulation process, at one of our meetings, we were told by a representative from the Department of Public Safety that there was no use for us to make comments saying that we didn't like the International Mechanical Code because its adoption was a done deal. We don't think that that's the way regulation projects should be handled. We need to take a hard look at what's going on here, and help restore order.

Based upon what I've learned, here is what I think you should do. Adopt the committee substitute for HB 399, voiding the regulations improperly adopted by the Division of Occupational Licensing allowing use of the International Code with the law [that] obviously states the Uniform Mechanical Code must be used. ... The people who really use the mechanical code are the mechanical contractors and the mechanical administrators .... Every mechanical set of plans for a structure that comes out from a mechanical professional's office has, in the general conditions of the specifications, a phrase that goes something like this: "These drawings are diagrammatic in nature. They are not intended to show all the details and offsets required to install. It is the responsibility of the contractor to install a workmanship, workable system in accordance with all

applicable codes and standards." We are the ones that are ultimately responsible for conforming to codes. We believe that we should have a voice in which code is going to be used.

Number 491

REPRESENTATIVE MEYER surmised then that Mr. Rutland isn't necessarily opposed to the International Codes but rather [MCA] is opposed to not being included in the process. He asked if that is a correct assessment. He also asked if Mr. Rutland would agree [with Mr. Shows] that there isn't much difference between the Uniform Codes and the International Codes.

MR. RUTLAND agreed that there probably isn't much difference between the two codes, and therefore he wondered why the International Mechanical Code is being adopted. In regard to opposition to the code, Mr. Rutland agreed that it's fairly accurate to say that [MCA] isn't opposed to the International Codes but rather is opposed to the process. Mr. Rutland reiterated earlier testimony regarding the fact that mechanical administrators licensed under these codes have to have five plus years of experience using these codes, pass an examination based on the codes, and perform eight hours of continuing education each code cycle. Therefore, these professionals have the Uniform Mechanical Code committed to memory.

REPRESENTATIVE MEYER commented that although he isn't sure why there [would be the need] to go the International Codes if there isn't much difference between it and the Uniform Codes, 37 states have adopted the International Code. Many of those states have given local governments the option of going to the International Code.

MR. RUTLAND informed the committee that the International Code is published by a consortium of three building officials, national organizations, who have formed the International Code Commission. He indicated that most of the building officials in the state are members of the International Conference of Building Officials (ICBO), which published the 1997 edition of the [Uniform Building Code]. Therefore, he said he didn't understand how this same group could, in three years, put forth a code that they claim is vastly superior. With regard to the family of codes, Mr. Rutland pointed out that the International Code consists of 11 [codes]. It is recommended that the family of codes be adopted because they are all interrelated. However, Alaska has only adopted three of the family.

MR. RUTLAND, in further response to Representative Meyer, said that the normal code cycle is every three years. Most of the code changes are merely a 1-2 percent change in the content of the code. A 5 percent change in content would be a huge change. Therefore, most changes require very little work to bring a person up to speed. Mr. Rutland viewed the change to the International Code as a huge change that is more than even a 5 percent change.

Number 434

REPRESENTATIVE CRAWFORD inquired as to the disruption Mr. Rutland expected in changing to the International Code as opposed to the update.

MR. RUTLAND said that first the code would need to be thoroughly read and studied. He estimated that it would probably require 80 hours to become familiar with the International Code [at the same level as the Uniform Codes]. He predicted that there would be much reference to the code [book] when on the job.

REPRESENTATIVE CRAWFORD related that he would guess the journeymen would be less efficient on the job if they have to continually reference the code book.

MR. RUTLAND agreed, and echoed earlier testimony that many of these mechanical administrators, who, by statute, are required to personally supervise every job, are superintendent types who supervise the work. Therefore, they, too, would have to be retrained.

REPRESENTATIVE ROKEBERG highlighted the notion that the International Code will bring greater flexibility and lower construction costs. Representative Rokeberg referred to flexible tubing and asked if it was recently [approved] by the UPC.

MR. RUTLAND replied yes. He, then, stressed that he is present to speak in regard to the UMC.

Number 400

REPRESENTATIVE ROKEBERG asked if the basic principles of [the mechanical contractor/administrator's] craft apply even if a new code is adopted.

MR. RUTLAND answered, "If the system is going to work, I would say ... yes that would be true because the laws of physics don't change."

REPRESENTATIVE ROKEBERG mentioned that if the specifications as to how high from the floor a water heater would be placed isn't on the specifications, then the architect or mechanical engineer would be contacted.

MR. RUTLAND said there isn't enough time to do that. The [mechanical contractor/administrator] need to know. In response to Chair Murkowski, he said that there are currently 508 registered mechanical administrators and there are about 240 mechanical contractors licensed in the state.

Number 356

DWIGHT PERKINS, Northwest Regional Manager, International Association of Plumbing & Mechanical Officials, noted that he would leave the committee with some handouts. With regard to earlier testimony that NFPA and IAPMO took their ball and went home, Mr. Perkins said that isn't what happened. He turned to the claim that 37 states have adopted the International Code. He explained that there may be 37 states that have adopted portions of the family of International Codes, but only three states have adopted the entire family of International Codes.

MR. PERKINS provided the following testimony:

The processes and procedures under which the two codes are developed are distinctly different and will have a serious impact upon everybody in the State of Alaska. ... the Uniform Plumbing Code and the Uniform Mechanical Code are being developed utilizing the American National Standards Institute, ANSI ... requirements .... ANSI mandates that the process be totally open giving everyone interested ... a voice and a vote. Just like in the American democracy, the development and update of the process, the UPC and UMC are literally open to participation by everyone in the state of Alaska. In maintaining the IMC ... and all their other codes, the International Code Council (ICC) uses a method they call governmental consensus. This is simply a consensus of governmental employees and building officials. Other than in public hearings and some committee activity by invitation only, only government employees and building officials may vote

on the adoption process. The rest of the industry, all the citizens, including the elected representatives, are shut out of the process. The ICC codes, including their mechanical code, do not replicate any of the three building official organizations prior codes. Instead, they created a concept of performance codes .... These [performance codes] offer ... broad guidelines and criteria which they leave to the design community to determine how to meet. Standards from other books and documents are referenced for the designer to determine whether or not they should be used. It is important to note that most contractors and trades people who serve the public do not have designers on staff. This will create repeated and unfortunate conflicts between enforcement inspectors and installers, [and] service repair technicians in the interpretations and application and compliance.

Compatibility of codes is also often raised as an issue. Obviously it is important that all codes and standards are compatible, but it is not an issue. Ever since codes were written, they have had to be harmonized to work together. The Uniform Mechanical Code and the Uniform Plumbing Code are turn-key ... codes that will not be in conflict with any building code the state adopts. Both national model code groups are working on their own sets of codes. This is a set of codes to cover all structures and their maintenance, already harmonized and ready for the adoption as a package. Currently, the National Fire Protection Association is developing their building code, which will complete the IAPMO and NFPA family of true consensus code set. The ICC ... is finalizing their family, which currently includes NFPA National Electrical Code upon which they utilize the harmonization process. The IAPMO Uniform Plumbing Code and Mechanical Code family relationship with all the NFPA codes is important for your consideration due to the fact that the NFPA and IAPMO codes all remain occupancy based.

MR. PERKINS closed with the following:

Why should we move away from ... industry developed time-tested codes and standards that are already adopted widely throughout the United States and in

other countries? And why should we ignore all the expertise and experience the industry brings to the code development? The plumbing and mechanical industries should develop the plumbing and mechanical codes.

Number 287

MR. PERKINS turned to Representative Rokeberg's comments regarding the latitude of the departments. He recalled when Representative Rokeberg was chair of the House Labor and Commerce Standing Committee when it discussed allowing departments to adopt the latest version of codes. However, a specific code was named. In DPS's statutory authority it specifies that the department will adopt regulations to protect people from fire, explosion, and panic. Mr. Perkins related his belief that there was a rush to adopt the International Codes in the state. However, as mentioned earlier, there are 11 code books not to mention the other standards that are necessary. He pointed out that [DPS] had to make over 100 changes in the regulations in order to reference the UPC and the National Electrical Code. He noted that the contractors requested that DPS replace references to the IMC in the International Building Code with the 2000 edition of the UMC. The department refused on the basis that the mechanical code wouldn't harmonize with such a change. Mr. Perkins disagreed and said that these are stand-alone codes. Additionally, Mr. Perkins pointed out that the regulations specify that the regulators must review the cost to the private individual. In this instance, there is no cost analysis of the impact on the apprenticeship training schools and the mechanical contractors.

Number 238

REPRESENTATIVE ROKEBERG agreed that the codes have been stipulated in statute. However, there was no other choice at the time because the competing codes were regional. Although at one time the ICBO and IAPMO coordinated the codes, they split. Therefore, Alaska's statutes are a mess and need to be addressed.

MR. PERKINS suggested the need [for the legislature] to review both model codes and determine which one should be adopted.

REPRESENTATIVE ROKEBERG pointed out that there isn't a [building] code to review from IAPMO for the 2000 cycle. He viewed that as part of the problem.

MR. PERKINS reiterated earlier testimony that code cycles are every three years and thus the next code cycle is nine months away. He pointed out that a code is being adopted that is technically nine months from being reviewed again.

REPRESENTATIVE ROKEBERG characterized that as traditional. However, he expressed concern that there are projects under way in the state that are being designed under a specific code.

Number 197

GARY POWELL, Director/State Fire Marshal, Division of Fire Prevention, Department of Public Safety, testified via teleconference. He announced that he was the one who started this. Mr. Powell explained that the project began in October 1999 when [the division] briefed the Office of Management & Budget (OMB) regarding the need to adopt new codes. Due to the need for a more extensive review of the codes, an increment was included in the budget. That increment was approved, the funding was received, and the project began. He noted that there were discussions with various interested parties such as the local jurisdictions and trades people. From the beginning, the project was done on as widespread a basis as possible. A code adoption coordinator and code consultant were hired. The code consultant has worked on both the code consulting and enforcement side for various design professionals. With regard to earlier remarks that there was a rush with this process, Mr. Powell didn't think [beginning in 1999] constituted a rush. In fact, the Division of Occupational Licensing was contacted in September 2000 and informed that [DPS] intended to pursue adoption of the International Code set for the building, fire, and mechanical codes. In October 2000 the DLWD was contacted and made aware of the aforementioned efforts and people from DLWD sat in on the meetings as the foundation document was created. The Department of Law worked with DPS throughout the entire process. In December 2000 DPS met with Linda Winters, who was thought to be the representative for [MCA], was contacted and sent a complete packet of information. However, in May 2000 DPS discovered that Mr. Rutland was representing at least a portion of MCA. Therefore, conversations were initiated with Mr. Rutland. Furthermore, there was a mail out of the packet to over 700 mechanical contractors and administrators. He noted that due to a typographical error in one of the announcements, [DPS] had to do a second open comment period. There was comment by one of the members of the Joint Committee on Administrative Regulation Review staff that [the Division of

Fire Prevention, DPS] did a great job, although that sentiment seems to have changed.

MR. POWELL mentioned that there have been some misleading comments regarding the adoption process. He noted that he has been involved in NFPA's ANSI-approved process and the International Code process. Of the two, the [International Code Council (ICC)] process produces a much better result because it isn't controlled by special interest groups, which was the case with NFPA's process last May in Anaheim, California where some special interest standards were pushed through. A fire chief that wanted to speak on the issue was "shouted down" and debate was cut off. It wasn't the ANSI process. He mentioned that those special interest standards will impact Alaska.

MR. POWELL recalled testimony that there were over 100 amendments to the regulations. Although that is true, the [amendments] were to defer the areas over which DLWD traditionally has authority, which are the plumbing and electrical codes. The model code that [DPS] adopted made numerous references to the plumbing and electrical code other than the Uniform Code, and therefore those were changed to defer [to DLWD]. These aren't technical changes but rather changes to clarify that DPS wasn't attempting to adopt a plumbing or electrical code on behalf of DLWD. Mr. Powell acknowledged that 2003 is the next code cycle, and pointed out that usually [DPS] is a year or two behind the publishing of the code. He noted the absurdity in thinking that the code could be adopted in nine months.

Number 067

CHAIR MURKOWSKI highlighted the question regarding why there is a need to change to the International Code if the Uniform Code has been working Okay and the differences between it and the International Code are minimal.

MR. POWELL answered that the primary reason is that there is no other building code available. Although the easy solution would be to stay with the 1997 codes, it wouldn't be the correct choice. "I think I have an obligation, under statute, to adopt the best and most current codes available," Mr. Powell said. Therefore, there was the need to adopt the International Building Code, the only building code available. The next step for his office would then be to adopt the companion fire and mechanical codes. Only the three codes within the International Codes would be adopted because those are the only areas over

which DPS has authority. With regard to the minimal difference between the two codes, Mr. Powell agreed with that assessment. "I would say if there's not much difference, then let's get one that works with the building code, and that's certainly the International Mechanical [Code]," he remarked.

Number 028

REPRESENTATIVE ROKEBERG recalled that the committee adopted CSHB 399, which would annul DPS's regulations. The testimony stated that such action would return to the prior set of codes. He asked if that would be Mr. Powell's interpretation.

MR. POWELL specified that he didn't have the CS before him. However, he said he believes that it only annuls the Division of Occupational Licensing's regulations. If that is the case, then that would place [DPS] back at the point just after September 15th. Therefore, he surmised that the International Mechanical Code would still be adopted, although the mechanical administrators would be tested according to their knowledge on the Uniform Mechanical Code.

TAPE 02-28, SIDE A

MR. POWELL, in further response to Representative Rokeberg, acknowledged that [DPS] is currently in court.

REPRESENTATIVE ROKEBERG surmised that due to the promulgation of the regulations by DPS, the design community is using those International Codes for design.

MR. POWELL answered yes.

REPRESENTATIVE ROKEBERG inquired as to the scope and dollar volume of projects that would be impacted were the legislature to repeal the IMC and other International Codes.

MR. POWELL specified that currently [in the State Fire Marshal's Office] there are over 130 projects submitted under the International Code that haven't been approved. The total value of those projects is about \$61 million. He noted that those figures don't include the deferred jurisdiction for which he estimated there are nine jurisdictions that perform their own enforcement. Although he didn't have their records, he did mention that there are a number of large projects in most of those jurisdictions. In further response to Representative Rokeberg, Mr. Powell recalled that some of those jurisdictions

have adopted parts of the International Code. With regard to the IMC, he knew one jurisdiction had adopted it, although the majority of the jurisdictions are in the process [of adoption]. Four of the jurisdictions are at the point of recommending adoption, which is the point at which Anchorage stands. With regard to what Anchorage is doing during [this transition], Mr. Powell deferred to Anchorage.

Number 063

ROBERT BUCH, Member, UA Local 367, testified via teleconference. He informed the committee that he has 19 years experience as a certified journeyman in the plumbing and service industry. Mr. Buch announced his support of HB 399. Mr. Buch noted that he has followed this issue from its onset. He said that the premise behind the introduction of the International Codes was that it was an international code and would be the accepted standard throughout the United States. However, the International body of codes uses manufacturers specifications as guidelines for installation and materials requirements. The institutions associated with testing and approval such as ANSI, and IAPMO, to name only a few, are referred to in the "MSC" with terms such as "conform to," "in accordance with," and "shall comply with." There are 144 different references to standards, which include over 40 publications ranging from \$40-\$45 each. The other 50 associations have publications of their own, he noted. Mr. Bush highlighted that this process came about through local endorsement. He turned to the questions regarding whether there's any significant difference in the codes and why there should be a change. However, he specified that the questions should actually address who stands to gain and lose by these changes. "I think the real issues here are not the codes themselves but what they deal with and how they deal with them," he said.

MR. BUCH informed the committee that experienced, certified journeymen [offered] to be part of these committees, but were ignored. Mr. Buch related his belief that there has been an agenda to force implementation of the International body of codes. In summary, Mr. Buch said:

They are not an International body of codes, they are accepted only in some states in the United States. They are not recognized by ANSI .... It seems that the complication brought on by these processes that we're facing has muddied the waters and really changed the issues of what we're all trying to do here. We

have had workable codes that everybody has been able to operate off of. We have testing institutes, ... facilities in this state that we've abided by. The questions remain: who stands to gain; who stands to lose?

Number 129

STEVE MILLER, Member, UA Local 367, testified via teleconference. Mr. Miller informed the committee that he is an instructor for [UA Local 367]. He mentioned that he teaches approximately 200 people a year in code updates. After studying both codes for the last eight months, Mr. Miller remarked on the difficulty he will have in teaching the International Codes because he will have to reference numerous books. On the other hand, the UMC and the UPC are fairly straightforward and easy to follow. In order to implement the IMC, the International Fuel Gas Code (IFGC) must be utilized in order to have a full document for the IMC.

CHAIR MURKOWSKI related her understanding from Mr. Miller that if the IMC is adopted, at least one other code in the family would have to be adopted by necessity.

MR. MILLER replied yes. He explained that the IMC merely addresses fuel gas and the other code has to be adopted in order to have the natural gas standards.

CHAIR MURKOWSKI asked if training for the IMC is taking that much longer than training for the UMC, or can it be attributed to the learning curve.

MR. MILLER indicated that training takes quite a bit longer for the IMC. He informed the committee that he spoke with a gentleman from the International Codes who told him to teach from the UMC when teaching the IMC.

Number 170

KIT DAHLSTROM, Mechanical Administrator, Enstar Natural Gas, testified via teleconference. He informed the committee that he has 24 service technicians for which he is responsible for training and [review of] their work in the field. "We live by the code," he said. Since September 15th it has been difficult because the change necessitates carrying the International and Uniform code books in order to perform the work. Mr. Dahlstrom said, "We're in favor of the Uniform set of code books." He

said that once the process was started, the adoption of the [the International Codes] seemed to be a done deal. Mr. Dahlstrom reiterated that the IMC necessitates the adoption of the IFGC, although [the IFGC] places [the IMC] in conflict with the UPC. Therefore, there are many areas of the state in which no code has jurisdiction.

Number 221

ERNIE MISEWICZ, Deputy Fire Marshal, Fairbanks Fire Department, testified via teleconference representing the City of Fairbanks. Mr. Misewicz informed the committee that he has been involved with the code review process locally and has worked with the state fire marshal's office. The goal was to bring state and local codes together. He noted that [in Fairbanks] there are contractors and designers who work inside and outside the city. At the time this building code process started [Fairbanks] was under the 1994 building code and had contemplated going to the 1997 building code, but decided it would be more advantageous to go with the 2000 building code. However, at the time the only building code available was the IBC. In reviewing the integration of the codes, the International family of codes was reviewed. He explained that although his primary field is the fire code, he works with the building code and mechanical [code]. Therefore, the desire was to have a code that complimented [the other codes]. With regard to the mention of changes, Mr. Misewicz said that he can look back over his 28 years in the field and see significant code and training changes. Changes have occurred to keep pace with technology and the needs of the community, which is what is happening now. Mr. Misewicz said, "There are probably other codes out there that are equal to what we're trying to do, but by going over and limiting one specific code without referencing other nationally recognized standards, I think we're doing a disservice to the community, the people that we serve, designers, and architects ...." Although he said that "we" are willing to review other codes, he didn't see the need to be limited to one specific title or code.

Number 260

REPRESENTATIVE HAYES asked if Mr. Misewicz would support HB 436.

MR. MISEWICZ pointed out the problem with that is that when the review process for building codes began, there were no building codes that met the ANSI standards. Although he knew that there are codes being developed to meet the ANSI standards, he said he

didn't know of any such codes right now. Therefore, HB 436 would implement a standard that couldn't be met and thus Mr. Misewicz said that he is opposed to HB 436 at the moment.

Number 281

REPRESENTATIVE HALCRO requested that Mr. Misewicz provide a practical example of the difference in the codes.

MR. MISEWICZ said that he couldn't provide such an example without having the codes to reference. He pointed out, however, that the fire code will provide requirements for fire protection and thus specifies things that need to meet the requirements in the mechanical code. Because all the companion codes [of the International family of codes] haven't been adopted, codes that are in local city ordinance that reference the Uniform Mechanical Code have to be referenced.

REPRESENTATIVE HALCRO related his understanding that both Fairbanks and Anchorage building departments like the IMC because it's good for the public and is affordable. Therefore, he surmised there must be a difference between the two codes, which Representative Halcro said he is trying to understand in practical terms.

MR. MISEWICZ said the code includes the latitude to allow new and improved things, which is where the local jurisdiction comes into play if the local jurisdiction can provide information that something will meet the intent of the code. Mr. Misewicz explained that he is reviewing the flexibility to allow other nationally recognized standards so that there can be the latitude to meet the intent of changing technology as well as dealing with the public.

Number 331

BILL SAGER, Executive Director, Mechanical Contractors Association of Fairbanks, testified via teleconference. Mr. Sager said that the committee can't imagine the frustration this has created from the association's members, who are business owners. Many of the members have spent many years operating their businesses under the UMC, and bidding jobs based on their familiarity with the UMC. He specified that the UMC is comprehensive and easy to follow and apply. The UMC is proven and the product of an open, fair, and balanced adoption process, which includes government officials and industry. Mr. Sager specified that if the change to the IMC is necessary, then it

should be done through law not regulation. Furthermore, there should be an orderly transition period during which there should be education and training, which will take time and money. Mr. Sager noted that mechanical contractors are willing to learn new methods that benefit the customer and the public. However, it isn't obvious how the IMC makes construction better, safer, or cheaper. "Changing codes via regulations ignores the law we've come to know for decades," he remarked. Until this situation is sorted out, Mr. Sager recommended following the law and passing HB 399.

Number 366

BRET HELMS, Member, UA Local 375, testified via teleconference. He informed the committee that he is an instructor for UA Local 375. He referred to a letter addressed to Mr. Ross Fosberg, dated May 29[, 2001], which Chair Murkowski said the committee members had. Mr. Helms turned to his own comments and informed the committee that Local 375 has trained hundreds of plumbers and pipefitters under the Uniform Code. Therefore, training to the IMC could be costly and time-consuming. The UMC is a more descriptive and understandable code in comparison to the IMC. He questioned why there should be the change to the IMC.

Number 390

DENNIS DALMAN, Mechanical Administrator, informed the committee that he has 40 years of education under a code that has progressed such that it has become a national code, which allows Mr. Dalman to work in 45 states and know what he is doing. "It appears to me that the [acceptance] of a different code for these purposes kind of lowers the bar a little bit and allows money to shift around somewhat," Mr. Dalman said. In other words, a less stringent installation and the introduction of alternate products allow lower skill levels, less pay for those installing [the products] and thus a cheaper job that he said would require more maintenance. Mr. Dalman said, "We're seeking a standard." He discussed the difficulties with continuing education under the adoption of the IMC. "We've already got a system that can be adjusted by regulation - that's been demonstrated - so what issues are there," he questioned. Mr. Dalman stated that there are differences between the code such as the [fact] that some things work in warm weather and some don't, which the UMC defines [in one book]. He turned to the bidding platform and questioned how it will work when one project chooses certain products while another person chooses

"copy cat" products. Such a situation doesn't protect the consumer nor does it provide a fair business platform.

Number 435

JOHN BITNEY, Legislative Liaison, Alaska Housing Finance Corporation (AHFC), Department of Revenue, began by noting that the committee should have written statements from AHFC. In terms of HB 436, Mr. Bitney expressed his hope that the intent of this bill is to cover construction codes. The only code/standard that AHFC adopts are in relation to the energy efficiency standards that state law requires AHFC establish. The standards that AHFC establishes are, in some cases, different than national standards for energy efficiency. He commented that AHFC feels that its standards are much more appropriate for the climate and diversity in the state. The bill seems to be drafted specifically to construction codes, which AHFC doesn't adopt. He explained that AHFC's statutes are tied to other agencies for all the construction, plumbing, et cetera. Although HB 436 doesn't speak to energy efficiency in the definition section, AHFC is specifically included under the definition of a state agency. Therefore, the bill as a whole would appear to take AHFC's energy efficiency standards and evaluate them against ANSI, which AHFC doesn't believe to be [appropriate]. With regard to HB 437, AHFC again seems to be along for the ride. Mr. Bitney expressed the hope that the construction codes, which are required for AHFC to purchase a home's mortgage, mirror the state's code. Mr. Bitney likened AHFC's situation to that of the Division of Occupational Licensing in that the hope would be to conform to the policy established as the state standard.

Number 464

REPRESENTATIVE ROKEBERG referenced Mr. Fauske's letter dated February 25, 2002. He asked if the Building Energy Efficiency Standard (BEES) is a standard that was developed in Alaska by AHFC.

MR. BITNEY replied yes. He explained that AHFC used the state standard "ASHRAY" (ph), which he believes is under ANSI.

REPRESENTATIVE ROKEBERG surmised that AHFC has reviewed the International Energy Conservation Code (IECC), but prefers the BEES.

MR. BITNEY answered yes, and pointed out that state statute allows AHFC to have different standards for different regions of the state, as well as give consideration to the cost related to fuel installation and materials.

REPRESENTATIVE ROKEBERG mentioned that he and Mr. Bitney have been working on a bill for home inspection for three years. The bill includes ICBO-certified home inspectors who he understands to be affiliated with the International [Codes] group.

MR. BITNEY confirmed Representative Rokeberg's understanding.

Number 481

CHAIR MURKOWSKI announced that those not available on March 15th [when these bills will be heard again] are welcome to forward written testimony to the committee.

[HB 399, HB 436, and HB 437 were held over.]

#### **ADJOURNMENT**

There being no further business before the committee, the House Labor and Commerce Standing Committee meeting was adjourned at 5:30 p.m.