

ALASKA STATE LEGISLATURE
HOUSE LABOR AND COMMERCE STANDING COMMITTEE

March 15, 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

CS FOR SENATE BILL NO. 244(RLS)

"An Act extending the termination date of the Board of Examiners in Optometry; and relating to optometrists."

- MOVED CSSB 244(RLS) OUT OF COMMITTEE

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; ASSIGNED TO SUBCOMMITTEE

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; ASSIGNED TO SUBCOMMITTEE

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; ASSIGNED TO SUBCOMMITTEE

PREVIOUS ACTION

BILL: SB 244

SHORT TITLE: OPTOMETRISTS: SUNSET AND LICENSING

SPONSOR(S): RLS BY REQUEST OF LEG BUDGET & AUDIT

Jrn-Date	Jrn-Page		Action
01/16/02	1962	(S)	READ THE FIRST TIME - REFERRALS
01/16/02	1962	(S)	L&C
01/31/02		(S)	L&C AT 1:30 PM BELTZ 211
01/31/02		(S)	Heard & Held
01/31/02		(S)	MINUTE(L&C)
02/07/02		(S)	L&C AT 1:30 PM BELTZ 211
02/07/02		(S)	Moved CS(L&C) Out of Committee
02/07/02		(S)	MINUTE(L&C)
02/08/02	2135	(S)	L&C RPT CS 5DP SAME TITLE
02/08/02	2135	(S)	DP: STEVENS, AUSTERMAN, DAVIS, LEMAN,
02/08/02	2135	(S)	TORGERSON
02/08/02	2135	(S)	FN1: (CED)
02/08/02	2135	(S)	FIN REFERRAL ADDED AFTER L&C
02/12/02		(S)	FIN AT 9:30 AM SENATE FINANCE 532
02/12/02		(S)	Moved Out of Committee
02/12/02		(S)	MINUTE(FIN)
02/13/02	2173	(S)	FIN RPT CS 4DP 4NR SAME TITLE
02/13/02	2174	(S)	DP: KELLY, GREEN, AUSTERMAN, LEMAN;
02/13/02	2174	(S)	NR: HOFFMAN, OLSON, WILKEN, WARD
02/13/02	2174	(S)	FN1: (CED)
02/14/02		(S)	RLS AT 10:30 AM FAHRENKAMP 203
02/14/02		(S)	MINUTE(RLS)
02/20/02	2264	(S)	READ THE SECOND TIME
02/20/02	2264	(S)	RLS CS ADOPTED UNAN CONSENT
02/20/02	2264	(S)	ADVANCED TO THIRD READING UNAN CONSENT
02/20/02	2264	(S)	READ THE THIRD TIME CSSB 244(RLS)

02/20/02	2265	(S)	PASSED Y17 N1 E2
02/20/02	2267	(S)	TRANSMITTED TO (H)
02/20/02	2267	(S)	VERSION: CSSB 244(RLS)
02/20/02	2259	(S)	RULES TO CALENDAR W/CS 2/20 SAME TITLE
02/20/02	2259	(S)	FN1: (CED)
02/22/02	2356	(H)	READ THE FIRST TIME - REFERRALS
02/22/02	2356	(H)	L&C, FIN
03/15/02		(H)	L&C AT 3:15 PM CAPITOL 17

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
03/01/02		(H)	Heard & Held MINUTE(L&C)
03/15/02		(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
03/01/02		(H)	Heard & Held MINUTE(L&C)
03/15/02		(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
03/01/02 (H) Heard & Held
MINUTE(L&C)
03/15/02 (H) L&C AT 3:15 PM CAPITOL 17

WITNESS REGISTER

HEATHER BRAKES, Staff
to Senator Gene Therriault
Alaska State Legislature
Capitol Building, Room 121
Juneau, Alaska 99801
POSITION STATEMENT: Presented SB 244 to the committee on behalf
of the sponsor.

PAT DAVIDSON, Legislative Auditor
Legislative Audit Division
Alaska State Legislature
PO Box 113300
Juneau, Alaska 99811-3300
POSITION STATEMENT: Discussed the audit of the Board of
Optometrists.

CATHERINE REARDON, Director
Division of Occupational Licensing
Department of Community & Economic Development
PO Box 110806
Juneau, Alaska 99811-0806
POSITION STATEMENT: Testified in support of continuation of the
board through SB 244.

JOHN KNABE, Chair
City of Fairbanks Plumbers Examining Board;
Director of Training for Plumbers and Pipefitters, UA Local 375
1978 Burgess Avenue
Fairbanks, Alaska 99709
POSITION STATEMENT: Testified in support of HB 399, HB 436, and
HB 437.

LARRY GILFILLAN
2527 Douglas
Anchorage, Alaska 99517
POSITION STATEMENT: Expressed concerns with the IMC.

COLIN MAYNARD, BBFM Engineers
510 L Street, Suite Number 200
Anchorage, Alaska 99501

POSITION STATEMENT: Urged the committee not to pass HB 436.

TOM McGEE

6131 Tuttle Place
Anchorage, Alaska 99516

POSITION STATEMENT: Discussed the flexibility of the IBC.

CRAIG HATELY, Training Coordinator
UA Local 367

610 W. 54th Avenue
Anchorage, Alaska 99518

POSITION STATEMENT: Testified in opposition to the IMC.

DICK CATTANACH, Executive Director
Associated General Contractors

8005 Schoon Street
Anchorage, Alaska 99518

POSITION STATEMENT: Expressed concerns.

JONATHAN STEELE, Architect

101 W. Benson Boulevard
Anchorage, Alaska 99503

POSITION STATEMENT: Supported the adoption of the International Codes.

JOHN McCOOL, Architect

901 W. 29th Avenue
Anchorage, Alaska 99501

POSITION STATEMENT: Expressed the need for a single family of coordinated codes.

PAT KROCHINA, Architect

Krochina Architects
3501 Denali Street
Anchorage, Alaska 99503

POSITION STATEMENT: Testified that [AIA's] goal has been to develop a consolidated code book and a more simplified process [for construction].

RON WATTS

Alaska Professional Design Council
6352 Citadel Lane
Anchorage, Alaska 99504

POSITION STATEMENT: Expressed the need to eliminate the proprietary language from the bills and [existing] statute.

ROBERT BUCH, Member

UA Local 367
610 W. 54th Avenue
Anchorage, Alaska 99518
POSITION STATEMENT: Discussed problems with the code adoption process.

JIM FERGUSSON
16860 Old Seward Highway
Anchorage, Alaska 99516
POSITION STATEMENT: Recommended that the legislature allow the adoption of both codes for one year.

HENRY KIM
HDK Company
2564 Loussac Drive
Anchorage, Alaska 99517
POSITION STATEMENT: Testified that the [code adoption] process was proper.

JOE GELDHOF
Mechanical Contractors of Alaska
(No address provided)
POSITION STATEMENT: Urged the committee to pass CSHB 399, consider moving out CSHB 437, and consider CSHB 436 as a long-range solution.

WILLIAM RUSSELL, President
Local ICBO Chapter
(No address provided)
POSITION STATEMENT: Testified that the International Residential Code would address industry concerns.

STEVE SHUTTLEWORTH, Building Official
City of Fairbanks
800 Cushman Street
Fairbanks, Alaska 99701
POSITION STATEMENT: Testified in opposition to any proprietary language or ANSI accreditation requirement.

CHRIS MILLER
Design Alaska
601 College Road
Fairbanks, Alaska 99701
POSITION STATEMENT: Testified that search through regulations and statutes to determine the current code is difficult, time-consuming, and awkward.

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

POSITION STATEMENT: Discussed how the IBC, IFC, and IMC were chosen.

DEAN GUANELI, Chief Assistant Attorney General
Legal Services Section-Juneau
Criminal Division
of Law
PO Box 110300
Juneau, Alaska 99811-0300

POSITION STATEMENT: Recommended that the legislature use code-neutral language in the statutes [referring to the codes].

CATHERINE REARDON, Director
Division of Occupational Licensing
Department of Community & Economic Development
PO Box 110806
Juneau, Alaska 99811-0806

POSITION STATEMENT: Discussed the options that the Division of Occupational Licensing would have under various scenarios.

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.

ACTION NARRATIVE

TAPE 02-35, SIDE A
Number 0001

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

SB 244-OPTOMETRISTS: SUNSET AND MISCELLANEOUS

Number 0020

CHAIR MURKOWSKI announced that the first order of business would be CS FOR SENATE BILL NO. 244(RLS), "An Act extending the termination date of the Board of Examiners in Optometry; and relating to optometrists."

Number 0090

HEATHER BRAKES, Staff to Senator Gene Therriault, Alaska State Legislature, presented SB 244 to the committee on behalf of the sponsor. She testified that SB 244 extends the termination date of the Board of Optometrists, rescinds an unreasonable licensing requirement, makes some statutory changes allowing the board to license by credentials, and updates continuing education requirements to bring them in line with current practice and regulations. It also eliminates the state practical exam in lieu of the National Board of Examiners and Optometry examination and implements an Alaska jurisprudence exam.

MS. BRAKES referred to the audit report released on December 5, 2001, by the Legislative Audit Division, which lays out the objectives of the audit. Those objectives were to determine if the termination date of the board should be extended, if the board is operating in the public interest, and if the board has exercised appropriate regulatory oversight of licensed optometrists. The Division of Legislative Audit found that the Board of Examiners in Optometry should be extended to June 30, 2006, the standard for an extension. Auditors found that the regulation and licensing of qualified optometrists is necessary to protect the public's health, safety, and welfare, and that the board assists in providing the public benefit by establishing minimum educational and work experience standards for licensure.

Number 0200

MS. BRAKES said the findings and recommendations of the auditor can be found on page 7 of the audit, and the response to those recommendations from the Division of Occupational Licensing are on page 15. She stated, "Senate Bill 244 was drafted based on those findings and recommendations in attempts to improve them."

REPRESENTATIVE ROKEBERG asked if it is an audit recommendation that one can't send a photograph along with the application.

MS. BRAKES responded in the affirmative, and said it was audit recommendation number one. She said that this is a recurring

recommendation. Ms. Brakes, in further response to Representative Rokeberg, said she believes the reasoning behind the audit recommendation was that it leaves the board open to claims of discrimination. She noted that in the Senate, SB 244 went from one committee to the other putting in and taking out Section 2. She deferred further explanation to Ms. Davidson from the Legislative Audit Division.

Number 0325

PAT DAVIDSON, Legislative Auditor, Legislative Audit Division, Alaska State Legislature, testified that the reason the division makes that recommendation is to eliminate any potential bias that could be introduced into a decision-making process that is sometimes subjective in nature. She said the division doesn't have a problem with collecting photographs, but as the board is looking at the qualifications of an individual, what that person looks like can introduce instances of bias that don't need to be present. She said, "It's fine to check IDs when you're taking tests. If Occupational Licensing wants to have them in their files, that's fine."

Number 0395

CHAIR MURKOWSKI referred to this being a recurring recommendation by the Legislative Audit Division, and asked if this recommendation is consistent with any of the audits conducted of the boards.

MS. DAVIDSON answered that although that is generally the case, there probably have been boards that have slipped by [without that provision]. She said Catherine Reardon has prepared a list of the boards that require photographs and those that don't. "I think the trend that you will see are those occupations that do require it, are those occupations that are not subject to sunset," she said. This has been an issue the Legislative Audit Division has taken up since the early 1980s.

Number 0467

CHAIR MURKOWSKI asked if the current language in SB 244 would meet the Legislative Audit Division's approval in that they may require it, but the photograph is not then forwarded on to the board.

MS. DAVIDSON said that the language does achieve the goal.

Number 0520

CATHERINE REARDON, Director, Division of Occupational Licensing, Department of Community & Economic Development, testified in support of continuation of the board through SB 244.

CHAIR MURKOWSKI pointed out that the House, today, passed legislation addressing licensure by credentials for optometrists. She expressed the need to ensure that what was passed this morning is consistent with the current regulations for licensure. She specified that she is concerned with the endorsements.

MS. REARDON said that she didn't believe the two bills impact each other. The other bill contains all the statutes that refer to endorsements and establishes criteria for them. Therefore, those coming in for licensure by credentials would receive the regular optometrist license if the criteria were met; however, there is no mention of these people receiving any type of endorsement. An individual would have to apply for an endorsement just as one would obtaining their license by exam.

Number 0713

REPRESENTATIVE ROKEBERG moved to report CSSB 244(RLS) out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSSB 244(RLS) was reported from the House Labor and Commerce Standing Committee.

HB 399-UNIFORM MECHANICAL CODE
HB 436-MECHANICAL CODE
HB 437-UNIFORM MECHANICAL CODE

CHAIR MURKOWSKI announced that the next order of business would be to continue hearing testimony on the legislation relating to the mechanical code: HB 399, HB 436, and HB 437. She noted that there are committee substitutes (CS) for HB 436 and HB 437. [The committee had previously adopted CSHB 399, Version 22-LS1461\C, Bannister, 2/20/02.]

The committee took an at-ease from 3:37 p.m. to 3:39 p.m.

Number 0999

JOHN KNABE, Chair, City of Fairbanks Plumbers Examining Board; Director of Training for Plumbers and Pipefitters, UA Local 375, testified via teleconference and announced his support of HB 399, HB 436, and HB 437. Mr. Knabe informed the committee that the Fairbanks Plumbers Examining Board consists of five members who are appointed by the mayor and confirmed by the city council. These members serve without compensation. The board is charged with conducting examinations for the purpose of determining the knowledge and competency of mechanical work and issuing certificates of qualification. Approximately 60 contractors are certified to perform mechanical work in the City of Fairbanks. He specified that examinations are on the Uniform Mechanical Code (UMC) and continue to be. Mr. Knabe mentioned that at the May 2, 2001, meeting of the City of Fairbanks Plumbers Examining Board a motion to support adoption of the UMC in lieu of the International Mechanical Code (IMC) carried unanimously.

MR. KNABE turned to his perspective as the Director of Training for the Plumbers & Pipefitters. He highlighted that the City of Fairbanks Plumbers & Pipefitters Joint Apprenticeship Training Committee has been training on the UMC since statehood. It's estimated that the [Plumbers & Pipefitters] trust fund will have to spend an additionally \$50,000 for retraining on the IMC. However, this figure doesn't include the lost time for everyone impacted. Mr. Knabe concluded: "I am very disappointed at the arrogance and lack of respect for the democratic process by some who support the International Codes."

Number 1131

LARRY GILFILLAN testified via teleconference. He informed the committee that he began his career in plumbing in 1970 and in 1975 he established a nonunion plumbing shop. Mr. Gilfillan noted that he has taught service technicians under the Uniform Plumbing Code (UPC) and the UMC since he started in this trade. He explained that when [new] heating and plumbing fixtures are available on the market, the UPC and UMC make changes and training is available. He noted that Anchorage has an International Association of Plumbing and Mechanical Officials (IAPMO) which meets monthly in order to keep everyone abreast of the code changes and reasons why these codes exist. Mr. Gilfillan highlighted that he uses his UPC and UMC books and the two illustrated training manuals to train his service technicians as well as to help explain the codes to his customers. These code books are easy to read and are complete. The service trade most often uses venting codes, gas piping

codes, and local amendments to the code. Therefore, when retrofitting systems, [the plumber] must bring systems up to present code and explain why these codes must be followed for safety. Mr. Gilfillan pointed out that in the past it was difficult to compete with companies that didn't follow the codes or obtain permits. However, that seems to be less difficult now because the public is more aware and better informed about issues of public safety. "Allowing a less restrictive code, a less definable code, because it takes more time and books to research a specific issue, is a giant leap backwards for the State of Alaska and its people," he said. He predicted that this change in code will impact the plumbing and heating contract business now and in the future. Mr. Gilfillan expressed concern that the plumbing and heating trade will be overrun with contractors who will work with a less restrictive code and take no responsibility for their actions. He predicted that many like himself will be out of business. For example, the IMC allows the use of unvented room heaters by reference to the International Fuel Gas Code (IFGC) section 301.3, while those are specifically prohibited under section 916.3 of the 2000 UMC. This is only one of many examples [of compromised safety under the IMC].

Number 1341

REPRESENTATIVE ROKEBERG requested clarification with regard to the use of [unvented room heaters] under the IMC and the UMC.

MR. GILFILLAN explained that on the market there are unvented heaters that rely on "still switches" to provide safety for the occupants of the home. Those "still switches" malfunction. Therefore, Mr. Gilfillan said he believes that codes requiring vented heaters with the appropriate combustion air and size vents are safer and more restrictive. Although it's more expensive to run a vent for these heaters, it's much safer for the public. Mr. Gilfillan questioned whether unvented room heaters would be listed and tested. He predicted that such would fail under a less restrictive code. In further response to Representative Rokeberg, Mr. Gilfillan specified that he was present about half a day for the Municipality of Anchorage's code review.

Number 1430

COLIN MAYNARD, BBFM Engineers, testified via teleconference. He informed the committee that he has served on the Anchorage Building Board and has been involved in the municipality's

structural footed (ph) options since 1988. With regard to the claims that the IMC is a new code by an untried agency, he pointed out that the International Conference of Building Officials (ICBO) is one of the organizations involved in writing the IMC. The ICBO has been in existence since 1927. He highlighted that the [ICBO] has written the Uniform Codes up to this point. Two other agencies have been writing codes since 1940 and 1950. The International Code has been worked on since the early '90s. In fact, the chapters in the 1994 [International] code were rearranged so that all three organizations would be in alignment. The State Fire Marshal should have introduced technical legislation in order to avoid this problem with the name change, which is essentially the case, he said. The ICBO wrote the Uniform Code and the International Code.

MR. MAYNARD turned to HB 436, which he characterized as a very bad bill. He pointed out that there are no current codes adopted by the American National Standards Institute (ANSI) method, including the UMC 2000. Therefore, if HB 436 is passed, there would be no code that the state could adopt until the National Fire Protection Association (NFPA) completes the NFPA 5000 codes. He said that the NFPA 5000 is an untested building code by an agency that's never written a building code before. He expressed concern with what he has seen of the NFPA 5000. For example, [the NFPA allows] a seven-story wood building with 100,000 square feet to be built with separation walls. Mr. Maynard said that he didn't believe it's in the best interest of the state to go to the NFPA 5000 code. Mr. Maynard asked if all of the [code] agencies and municipalities have to be ANSI approved since the codes have to be ANSI approved. If that is the case, he questioned the cost and time involved. Mr. Maynard urged the committee to not pass HB 436 because it's a method to force the use of the NFPA and IAPMO codes. Mr. Maynard suggested that the proprietary language be eliminated from HB 399, HB 437, and the statutes.

Number 1562

MR. MAYNARD, in response to Representative Rokeberg, explained that under the NFPA 5000 a seven-story, 100,000 square foot building could be built from wood. Furthermore, the NFPA 5000 specified that if one-hour separation walls were constructed, the building could be larger.

REPRESENTATIVE ROKEBERG inquired as to whether the problems revolving around training and those in the field were considered

during the Municipality of Anchorage's recent adoption of the IMC.

MR. MAYNARD noted that he was on the structural code committee and for [the structural code] there was no other option [than the IMC]. However, he said he understood that there had been discussion with regard to going to the UMC or the IMC in the mechanical committee and the plumbing committee. Since the state had already adopted the UPC, the UPC was adopted. The mechanical committee ultimately went with the IMC because it's linked to all the other codes that [could be] adopted. Mr. Maynard stated that the mechanical system under one code or the other isn't much different. The basic difference between the codes is that one, [the UMC] is very proscriptive, whereas the IMC offers various [choices], which may be better and cheaper in the long run. With regard to safety, it depends upon the provision as to whether the IMC or the UMC are safer. He noted that IAPMO was involved in the development of the IMC and thus he said he couldn't believe it [was involved] in producing a code that wouldn't work.

Number 1691

TOM McGEE testified via teleconference. He began by informing the committee that he has been a general contractor who has specialized in the design and construction of commercial buildings in Alaska for 30 years. Mr. McGee provided the following testimony:

Unlike most contractors that build whatever designs by whatever codes the part of the project they bid on, we design the buildings to suit our clients' needs and budgets. We have found that most often the buildings designed under the IBC [International Building Code] allow us to take advantage of safety features, such as sprinklers, that are already a part of our design to lessen the cost to our customers. One example is a 20,000 square foot warehouse office building recently designed for a relatively small lot that must be placed within 10 feet of the property line. IBC has a no additional cost to do so, UBC [Uniform Building Code] adds \$45,000 to a \$1.4 million job. UBC also requires \$8,000 for fire-rated occupancy separation, while IBC requires none at the end because of sprinklers and other safety features designed into the building. HB 436 excludes the use of IBC at great cost to the people of Alaska. Many companies will not

be able to build new facilities because they will be too expensive. Over 50 percent of the projects we price are never built, and price is a major issue. If your purpose behind these bills is to object to the method of adoption of the new code, please do not throw out the baby with the bath water. Deal with the adoption issue; do not prescribe a specific code and preclude what is, by most opinions, the best code for Alaska simply because you do not like the means of adoption of that code. Thousands of hours have gone into the review process statewide and the consensus is that International body of codes is ultimately the best body of codes available to the state and is consistent with the codes adopted by most of the nation. Thirty-seven states, either in whole or in part, have adopted the IBC. Why [has] ... HB 399 been proposed by legislators who have no idea of which code is best for Alaska nor do they know which approval process is best, that's in HB 436. The code proposed is one presented to legislatures by the organization that developed that particular code and they want exclusive rights to sell codes and related materials in the State of Alaska. Bill HB 399 gives them this right at the expense of all Alaskans. The codes are not written for the plumbers or mechanical contractors, their purpose is to ensure safe buildings for people to live and work in. Designers of buildings and mechanical systems have far more contact with the code than tradesmen. And it is the designers who overwhelmingly support the new codes adopted by the state as do many mechanical contractors. It may be that the legislature is ultimately responsible for the adoption of building codes in Alaska, then at least adopt a code determined by your officials who have done their homework to come up with the best code for the people of Alaska and not those offered by special interests who stand to profit from their code's adoption, such as IAPMO or the plumbers. The main idea behind codes is not to make money for those who produce them or work with them, it is to provide safe, efficient, and economical buildings.

Number 1836

REPRESENTATIVE ROKEBERG asked if the 10 foot setback was due to building material types or was because of the type of door structure.

MR. MCGEE explained that the 10 foot setback was because of the fire protection required on the exterior wall based on the closeness to the property line. The IBC allows a 10 foot setback with no additional cost for fire protective walls whereas the UBC requires a 20 foot setback. Mr. McGee expressed the need to have the flexibility [of the IBC] due to the small lots that are used to their maximum potential. The IBC relies on sprinklers and other safety features.

REPRESENTATIVE ROKEBERG surmised then that under the IBC the interior door systems wouldn't have to have 20-minute fire ratings.

MR. MCGEE clarified that under the IBC, a two-hour [fire] wall would be required. Within the [aforementioned] building there is occupancy separation that is required and carries an expense under the UBC whereas the IBC allows the use of sprinklers and other [safety] features [to meet safety requirements].

Number 1918

CRAIG HATELY, Training Coordinator, UA Local 367, testified via teleconference. He informed the committee that he has been working in the mechanical trade for 13 years, and teaching at [UA Local 367] for seven years. Upon review of the IMC, Mr. Hately said it was clear that the IMC would be difficult to teach because of the excessive cross referencing between the IMC, the other International Code books, and NFPA documents. Furthermore, the entire series of 21 books for the International Codes would have to be purchased. Purchase of those books and the NFPA documents amounts to over \$600 a set, while the cost of the UMC is \$47 and the UPC is \$57. This cost for the [IMC] would be a crippling hit to the training fund. Furthermore, he related his belief that the constant cross referencing would cost the contractor and end user money. With regard to the notion of using both codes, Mr. Hately viewed that as an even larger problem. Mr. Hately said that he is also opposed to the IMC due to the disclaimer in all the International Code books. This disclaimer says that "they" don't accept any liability resulting from the compliance with the provisions. He returned to the earlier example involving the unvented room heaters and recalled the Iditarod mushers who became sick after they were in tents with unvented room heaters. Mr. Hately echoed earlier testimony with regard to the need for the IFGC to be utilized in order to comply with the IMC, and pointed out that [the IFGC] conflicts with the UPC, which has been adopted by the state. In

conclusion, Mr. Hatley expressed his strong opposition to adoption of the IMC.

Number 2051

DICK CATTANACH, Executive Director, Associated General Contractors (AGC), testified via teleconference. He noted that the committee should have received his testimony dated March 12th. Mr. Cattanach informed the committee that this code change is an issue in which the AGC hasn't been involved because the adoption of the International Code by the State Fire Marshal occurred without AGC's direct involvement. The AGC didn't become too involved until the hearings were held, and after the hearings, AGC wasn't too involved because the [IMC] was adopted. Now there is the legislation before the committee, which caused AGC to form a committee to review [the legislation]. Mr. Cattanach said that AGC is concerned with regard to the liability that Representative McGuire spoke of [at the prior hearing]. "We think it's unfair for the state to be involved in something that basically fosters additional liability on the design community [and] on the construction community for something that may, in fact, be declared illegally adopted," he said. The private sector shouldn't be left with that potential liability. Mr. Cattanach emphasized that AGC would strongly support any code that would reduce the cost of construction, whatever the code. He related that the AGC feels that there are many positives with the IBC.

MR. CATTANACH turned to the [notion] of the consolidation of the building and construction codes. "We should make, in this state, a concerted effort to try to consolidate some of this and come up with a process that's going to make a lot more sense for dealing with the building and construction codes," he said. With regard to the issue of training, Mr. Cattanach related that it's a serious concern for everyone. The current situation under which trades people have to be trained under both codes is difficult. Furthermore, there really isn't a training program to deal with the International Code. At this point, Mr. Cattanach indicated that when the questions [outlined in his letter] are answered perhaps a resolution will result. He expressed the need for the rhetoric from both sides to be toned down in order to find a resolution that's in the best interest of the state, and the AGC is happy to work with others to do so.

REPRESENTATIVE ROKEBERG related his understanding that Mr. Cattanach agreed with a consolidated port authority for the state.

MR. CATTANACH confirmed his agreement with a consolidated port authority for the state. He agreed with Representative Rokeberg that the current situation in which there are eight separate departments that are involved with the building codes is confusing.

Number 2232

REPRESENTATIVE ROKEBERG expressed the need for the legislature to maintain the ability to adopt a specific code, but not the code cycles. Then the authority needs to remain within one agency in order to do so. He asked if Mr. Cattanach agreed with that concept.

MR. CATTANACH said, "I don't know that the legislature wants to be in the position of adopting a code." He indicated the need to rely on the people in the administration.

REPRESENTATIVE ROKEBERG interjected that such was the situation with the Department of Public Safety (DPS).

MR. CATTANACH acknowledged that. Although he agreed that this issue must be reviewed, he didn't believe that the legislature wanted to be involved in adopting the code and determining which code is appropriate. The legislature will have to look to those actually doing the construction.

REPRESENTATIVE ROKEBERG recalled Representative McGuire's testimony with regard to the separation of powers issue.

Number 2287

JONATHAN STEELE, Architect, testified via teleconference. Mr. Steele informed the committee that he has been working in this profession in Alaska since 1979. [Since 1979] Mr. Steele has dealt with six editions to the codes, which is part of his continuing education as a designer. He acknowledged the importance of training and expressed his belief that the onus is on those in the design and trade professions to be updating themselves with training and new codes as they are adopted. Having said that Mr. Steele pointed out that the International Codes represent a long term effort over the last ten years. The International Codes is based on a goal of consolidation of differing codes in the United States, which the 2000 edition of the International Codes illustrates. Mr. Steele announced his support of the International Codes, which he believes to be a

coordinated code. Without the International Codes, there is no building code for Alaska, he noted.

TAPE 02-35, SIDE B

MR. STEELE mentioned that he participated in the adoption of the International Codes, specifically the International Fire Code. The process has been public and involved trades people, designers, code consultants, various code [organizations], and individuals. The process has reached the point at which the public hearing and testimony has come before the [MOA] building board and is awaiting deliberation by the assembly. The decision of the state to adopt the International Code will be pivotal [in the assembly's deliberation]. In summary, there is a process in which there was input and to date the output of the process has been supportive of the International Codes. Therefore, Mr. Steele urged the committee to stay with the adoption of the International Codes.

Number 2337

REPRESENTATIVE ROKEBERG inquired as to how long the Anchorage code review process has been ongoing for this cycle.

MR. STEELE estimated that for the 2001 codes the ongoing meetings have been occurring for a good portion of 2001. He explained that the process has been to assemble the documents, the formation of the committees, and ongoing regular meetings during which the committees discuss suggestions. Each committee reached a vote on final amendments, which, once adopted, were presented to the building board. There was a public hearing process at the building board level. The building board supported the amended International Code, which is now waiting to begin the municipal assembly public hearing process and adoption.

Number 2279

JOHN McCOOL, Architect, testified via teleconference. He informed the committee that he has been a practicing architect in Alaska for over 25 years. He stressed the need for a single, coordinated family of building codes. Therefore, he said that HB 399, HB 436, and HB 437 shouldn't be passed with reference to proprietary codes. Mr. McCool pointed out that IAPMO and ANSI are pieces of a code that don't receive input from [DPS] and haven't been coordinated with the IBC. The "Uniform Building Code" ceased in 1997 when it was published. Mr. McCool

explained that about 20 years ago building codes became more complex and thus the development of associated codes that coordinated with a basic building code began. The UBC published under the ICBO started the name [Uniform Building Code]. This building code includes references to ANSI and the American Society for Testing Materials (ASTM). Every three years, these model codes went through a cycle in which the fire, plumbing, and mechanical code coordinated by cross referencing the building code. This was referred to as the UBC or family of codes. For example, when determining the type of ventilation required in a boiler room, the building code drives the requirement and the mechanical and fire codes cross reference that requirement. In 1997 when the last building code, the UBC, was published, the ICBO group that formerly published the UBC started the IBC, which is a family of codes and uses the same terms and formats as the UBC. However, IAPMO is publishing the UMC and UPC, which don't have the input and coordination with the model code groups. In summary, Mr. McCool expressed the need to place the code in a single place whether by statute or regulation and have the regulations for architects, plumbers, and mechanical administrators in another place that refers to a single code.

Number 2140

PAT KROCHINA, Architect, Krochina Architects, testified via teleconference. He informed the committee that he has been practicing in Anchorage since 1977. He noted that he has been involved with the code since 1982, and during that time he has represented the American Institute of Architects (AIA). The [AIA's] goal has been to develop a consolidated code book and a more simplified process [for construction]. He said consolidating the codes is quite the process because it becomes a turf war between the various entities. Mr. Krochina explained that in 1992 the ICBO decided to consolidate with the three major code groups in the country. With that consolidation the additional [codes], such as the fire code, the mechanical code, et cetera, were brought in. Although the UMC decided to pull out of that process in 1994, the [consolidation efforts] continued. Therefore, [the International Codes] aren't new. Furthermore, Mr. Krochina said that he has volunteered his time and every committee he has been involved with has been open to [hearing from all interested parties] such as the trades, architects and engineers, the construction industry, the building industry, vendors, building officials, et cetera. Mr. Krochina highlighted that this code has been worked on for over three years with numerous public hearings. There have been ten

code review committees that have [met] for 2,500 hours. Mr. Krochina stressed that this process has been an open and fair process.

Number 1980

RON WATTS, Alaska Professional Design Council, testified via teleconference. The council is made up of 10 professional organizations with approximately 1,500 members. He noted he has 30 years of experience in the code and building process at the local, state, and national level. Mr. Watts provided the following testimony:

Now out of all this controversy we're hearing over the mechanical code, there is a win-win situation. As far as we're concerned, if the legislature just went back and took the proprietary language out of these bills - in fact it should be done out of all statutes - and go to the functional code descriptions, we would not be in the predicament that we're in today. And if we continue down this road we're going to be back next year and the following year and the year after.

MR. WATTS turned to the legislation before the committee. He predicted that these pieces of legislation will merely compound the code adoption process and the problems it involves. "We don't feel that this is the best solution to try to resolve this mechanical code issue or the other code issues that this is going to consist of or entail," he said. Mr. Watts echoed earlier testimony with regard to how the Uniform Code was specified in statute. He specified that there were 15 different uniform codes that were used in the Western United States and Alaska. Consequently, the general reference to the Uniform Code was placed in statute as a matter of course. He said he didn't believe it was the intent of the legislature to [refer to the "Uniform Code"] in order to eliminate the consideration of any other code. Furthermore, there are basically only three remnants of the Uniform Code. The simple solution to HB 399 is to return to the general code reference language.

MR. WATTS focused on HB 436 and pointed out that it includes a subtle requirement that state and local jurisdictions can only adopt by special ANSI consensus standard process. However, for over 50 years the Uniform Codes were all [adopted] by the governmental consensus process. House Bill 436 would exclude all other approved codes and/or nationally recognized codes other than those adopted by the ANSI process. Mr. Watts said

that there are many similarities between the ANSI process and the governmental consensus process until the final vote is taken. For ANSI, the final vote is taken from the general membership and anyone can become a member and vote. He informed the committee that there is an appeal occurring now with regard to standards "1710 and 1720" because those supporting the aforementioned standards bused in folks to support their position. However, under the governmental consensus process the final vote is taken from the local jurisdictions that have no vested interest in the outcome. Mr. Watts remarked that HB 437 is basically a reiteration of HB 436. He pointed out that HB 437 contains a paragraph that specifies that a generic building code could be adopted. If the building code can be adopted generically, then why can't it be done throughout all the codes, he questioned.

Number 1767

REPRESENTATIVE ROKEBERG asked whether Mr. Watts believes that the state should have a consistent uniform code.

MR. WATTS echoed earlier testimony regarding the effort to consolidate the codes that fell through due to turf issues. He indicated agreement with the need for consolidation with an umbrella organization under which all the local jurisdictions would fall. Mr. Watts opined that all references to the International Code and the Uniform Code, the IAPMO, the ICBO, and the ICC should be eliminated. However, he related his belief that there should be a nationally recognized building, plumbing, and electrical codes.

REPRESENTATIVE ROKEBERG expressed concern that if there isn't a stipulated code or if the state defers to an agency to select the code, there [won't] be conformity throughout the state. He asked if Mr. Watts agreed with a standard building code throughout the state.

MR. WATTS replied yes. Having these pieces of legislation illustrates the problem within the state departments, that is the fragmentation with departments adopting different codes or portions of a code.

Number 1627

ROBERT BUCH, Member, UA Local 367, testified via teleconference. He informed the committee that he has over 20 years of construction and building heating ventilating and air

conditioning experience. He also informed the committee that he is also a certified plumber in the State of Alaska and the MOA. Mr. Buch provided the following testimony:

In looking into what has occurred regarding the code accepting discussions we find: Number one, that some of a body of codes has been accepted by a portion of the state regulatory agency. And two, the adoption is incomplete [and] has caused confusion and possible liability. If we are to undertake significant code adoption, then all involved should have access through due process. Up until recently, the agenda to promote these changes has not been conducted to convention. Use shifts involving the standards for building construction in the State of Alaska require careful consideration by all concerned with public processes, not by one-sided committees with an established agenda. I witnessed one example at the building board's meeting October 18th last year in Anchorage where unanimous support for the Uniform Mechanical Code was ignored and the other code was promoted. What good did it do to have a committee? Currently, the Municipality of Anchorage has at least seven major construction projects finished or near completion ... using the International Codes as design basis. This means implementation of these codes took place prior to acceptance through regulations, which implies a liability as discussed in a letter from the Associated General Contractors of Alaska On page 2 [of the AGC letter], he asks: "What happens to buildings constructed under a code illegally accepted? Who is responsible for retrofitting such buildings to make them code compliant? Because of the implementation of this code, does the legal liability accrue to innocent parties involved in the construction process?" ... There's some 500 businesses in the State of Alaska that ... are involved with the construction industry. This is not a union-nonunion issue, this is an industry issue. We're concerned with the health and safety issues. And I'd also like to refer you to a comparison between 2000 Uniform Code and the 2000 International [Code] On page 4 it states in conclusion, "As indicated above there are several major differences between the 2000 UMC and the 2000 IMC. Those code users currently using the 1997 UMC ... will find it a relatively smooth transition to the 2000 UMC in comparison to adopting the IMC. It is

clear from comparing the size of the two books that the UMC [2000] is significantly more prescriptive in its approach, a philosophy that has been utilized in the development of the Uniform codes. This philosophy is evident in the fact that the 2000 UMC reproduces important standards in the code for ease of use while the IMC only references them. Jurisdictions considering adoption of one or the other document need to examine these differences and consider their impact on the health and safety of the communities that they serve." The requirements of references alone become expensive and excessive in number. Now, I think it's rather presumptive to say that these codes are going to be adopted. They're only adopted in 15 states nationwide. And the International Code is not international, it's only accepted in the United States. Whereas the other code is an actual international code. Thank you for your time.

Number 1424

REPRESENTATIVE HALCRO said he understood Mr. Buch's testimony to be that only 15 states have adopted the International Codes.

MR. BUCH replied yes.

REPRESENTATIVE HALCRO pointed out that he has a document dated January 17, 2002, that specifies that 37 states have adopted the IMC and 21 of those states have adopted five or more of the books. Representative Halcro surmised that [a state] doesn't have to adopt all eight books of the International Code. He asked if that is correct.

MR. BUCH explained that it would depend upon the agencies in the state. He pointed out that the other states also [must take] into consideration municipal areas as well.

Number 1368

JIM FERGUSSON testified via teleconference. He noted that he has over 30 years of experience in the industry. Mr. Fergusson characterized the situation in which a code is adopted and then found to be illegal as a train wreck. He highlighted what happened with asbestos in this country. Mr. Fergusson expressed the need to look into the future with regard to solving this problem. Therefore, he recommended that the legislature adopt both codes for one year [to be used] at the designer's

discretion. Such a situation would determine whether the State Fire Marshal's actions were legal or illegal. Furthermore, it would provide the industry with the time to review the code and answer the questions. Mr. Fergusson recalled an earlier question with regard to whether the legislature or the industry should study the code. After listening to everyone, Mr. Fergusson said he didn't believe that the legislature is knowledgeable enough to answer the question nor does the legislature have the time. Therefore, he recommended that the legislature combine all eight departments in order that the one combined entity would handle the code. "Let the professionals figure out which code to adopt," he suggested.

Number 1193

HENRY KIM, HDK Company, testified via teleconference in support of the International Codes. The International Codes were developed in order to consolidate three national code bodies. That consolidation resulted in a simple, model building code that encompasses building, mechanical, and fire [codes]. These codes are complimentary and present some new technology and opportunities to use engineering methods to solve installation problems rather than a prescriptive installation matrix. In regard to the impact of switching to a new mechanical code, Mr. Kim related his belief that learning the nuances of a new code is part of professional development and continuing education. During his more than 27 years experience with the codes, Mr. Kim said that he regularly has to spend a considerable amount of his time training with regard to new code editions that occur every three years. "To me, it's kind of inconceivable that we could have a consolidated set of building codes and then have one offshoot where the mechanical portion does not mesh at all with the other editions that have been published," he said. Mr. Kim expressed his disappointment at being present today because he felt that the process was proper. "We're passing up an opportunity to embrace a set of codes that do function well together and present the design team with the opportunity to have a consolidated design effort and use the best technology that's available," he remarked.

Number 1044

JOE GELDHOF, Mechanical Contractors of Alaska, first addressed CSHB 399, Version C, which basically deals with the legislature's law-making power. Mr. Geldhof stressed the need for the legislature to protect its law-making powers under the Alaska Constitution. The CS for HB 436 attempts to take a

longer range view and adopts the ANSI standards, which he characterized as purely procedural. He said it's a policy call for the legislature. Furthermore, the rhetoric that no code will be able to adopt [the ANSI standards] isn't true given the effective date. Mr. Geldhof remarked that it's worth the committee's consideration to adopt the ANSI procedural adoption standards, which basically call for fairness, openness, and participation by everyone. Mr. Geldhof turned to CSHB 437, which attempts to craft a solution such that the status quo is maintained with respect to the mechanical code. The practical reality is that everyone in the trade is putting things in according the UMC and that will continue even if the decision is to go to the IMC now. Therefore, [CS]HB 437 would basically absolve MOA's [potential liability] problem due to its use of a code that wasn't adopted by ordinance or acceptable according to statute. In conclusion, Mr. Geldhof urged the committee to pass CSHB 399, consider moving out CSHB 437, and consider CSHB 436 as a long-range solution.

Number 0780

CHAIR MURKOWSKI asked whether the problem would get better or become more complicated if this issue was put on hold for a while.

MR. GELDHOF said that not dealing with the issue will result in difficulties. He said that the better solution is to pass CSHB 437 and study [the issue]. If a year or two is taken to answer all the questions brought by Mr. Cattanach, everyone will be better served. The "do nothing" option is unpleasant. Mr. Geldhof suggested that passage of CSHB 399 would result in those in the administration reviewing the situation and perhaps reconciling the differences between the statutes for AHFC, the State Fire Marshal, and the Division of Occupational Licensing.

Number 0631

REPRESENTATIVE HALCRO asked what happens to those buildings constructed under a code that was illegally adopted.

MR. GELDHOF began by saying that he wasn't sure he would characterize the situation as one in which the code was illegally adopted. Mr. Geldhof related his belief that MOA didn't have ordinance authority allowing for the IMC and there certainly wasn't any state provision. He said he believes that people were using the International Code prior to regulatory or statutory authorization, which was a concern for some.

Therefore, he suggested that any project started under [the International Code] is acceptable, but starting this summer the UMC will be used [until] its sunset in two years [during which a solution could be developed]. He characterized such action as providing comfort and perhaps making the builders and municipality "bullet proof."

Number 0491

REPRESENTATIVE ROKEBERG related his understanding that MOA is waiting for the assembly to adopt the latest recommendations from the building board with regard to the new cycle. Therefore, he surmised that there should've been no building in the Anchorage area [under the International Codes].

MR. GELDHOF clarified that he understood that for large projects there was a custom arrangement [allowing use of the International Code] because the design professionals liked it. He related his understanding that the State Fire Marshal has to sign-off on these projects. He informed the committee that some have argued that such situations occurred up until September 15th without the proper authority. Therefore, MOA's mayor has expressed the need to resolve the situation, which gave rise to CSHB 437.

Number 0301

MR. WATTS indicated agreement that MOA has approved projects under the International Code prior to the assembly's adoption. Mr. Watts explained that with the assistance of the architectural, engineering, and construction community approving projects with an alternate means of design and construction is permissible under the codes.

REPRESENTATIVE ROKEBERG inquired as to whether there is a question about the legal ability to do the aforementioned under the existing codes.

MR. WATTS said that it's a provision under the existing adopted codes.

MR. GELDHOF reiterated the need for the legislature to protect its law-making powers by acting on CSHB 399 as well as consider the merits of HB 437.

Number 0059

WILLIAM RUSSELL, President, Local ICBO Chapter, testified via teleconference. Mr. Russell said that the Uniform Codes are good codes. To say that the International Codes are any less safe is an incorrect statement, he said. With regard to the ANSI standards, Mr. Russell said it would, in a sense, create a proprietary code with which he disagrees.

TAPE 02-36, SIDE A

MR. RUSSELL said that voting in the ANSI process has created problems. Furthermore, no current code meets the ANSI process. Mr. Russell informed the committee that local amendments, which address specific concerns in local jurisdictions, are commonly done for the Uniform Codes and that will continue with the International Codes. The residential code seems to be the largest area of concern. He related that the International Residential Code (IRC) is designed to be a very prescriptive and all-encompassing document. He said he feels that the IRC would address the concerns brought forth by the industry. In response to Representative Rokeberg, Mr. Russell confirmed that there is an International Building Code and an International Residential Building Code. He explained that his testimony illustrates that within the family of International Codes, there are documents that could address specific concerns. In further response to Representative Rokeberg, Mr. Russell confirmed that before the International Codes came on the scene there was just the UBC that related to residential construction.

Number 0231

STEVE SHUTTLEWORTH, Building Official, City of Fairbanks, testified via teleconference. Mr. Shuttleworth noted that the committee should have copies of a letter dated February 27, 2002, from Mayor Thompson as well as city resolution 3753. Mr. Shuttleworth turned to CSHB 399 and related his understanding that the primary issue of [Version C] is the separation of power between the administrative and legislative branches of government. "It is not our intent to engage in that debate, other than to state for the record that we're opposed to proprietary reference to any construction code," he explained. He reminded the committee that in 1998 the entire construction community, including industry, contractors, politicians, as well as MCA proposed biased language to SB 269. That language included the following: "or other nationally recognized codes". The bill was passed with that language and thus [it seemed] that legislative intent was established. In October 2000, the City of Fairbanks Code Review Commission reviewed the various

construction codes. The city adopted the International Fire Code (IFC) and the IRC and within the next few weeks the city will be adopting the 2000 IBC and the 2000 UPC, which illustrates that the City of Fairbanks wants to offer the construction and design community choices.

MR. SHUTTLEWORTH turned to HB 436. Although this bill doesn't seem to be confrontational on the surface, Mr. Shuttleworth said that it's the most contentious of the three before the committee. Therefore, Mr. Shuttleworth opposed HB 436. The governmental consensus process for adoption of codes has been used since statehood and is the same process that this legislature uses. The governmental consensus process involves input from industry, the professional design community, contractors, and code officials. However, only code officials are allowed to vote in the final vote. These code officials don't have a vested financial interest [in the outcome]. On the other hand, the ANSI consensus process allows industry and special interests to be included in the final vote, which he viewed as suspect and ensures that the financial vested interest of special interests works for the corporate good. If industry is allowed to have the final vote, codes can be adopted purely on economic votes. Therefore, issues such as restraint of trade will cause restrictions of methods and materials to be common. Mr. Shuttleworth pointed out that no state has statutory language that requires ANSI accreditation, and for good reason, he said.

MR. SHUTTLEWORTH addressed HB 437. He acknowledged that HB 437 has undergone some language changes. Mr. Shuttleworth announced that [the City of Fairbanks] isn't opposed to having additional time in which the codes may be professionally reviewed or debated nor is [the city] opposed to a sunset clause. In conclusion, Mr. Shuttleworth informed the committee that the City of Fairbanks opposes any legislation that establishes proprietary code language or any companion language that requires ANSI accreditation.

Number 0585

MR. SHUTTLEWORTH, in response to Representative Rokeberg, clarified that the City of Fairbanks has formally adopted the IFC, IRC, and will be adopting the IBC and the UPC in two to three weeks. After the IBC and UPC are [formally] adopted the city will be taking up the mechanical code.

REPRESENTATIVE ROKEBERG asked if [the City of Fairbanks] has approved any projects or designs that have incorporated the IBC prior to its adoption by the local council.

MR. SHUTTLEWORTH replied yes and noted agreement with Mr. Watts' earlier comments on this matter. In fact, the City of Fairbanks Police Department building was built under the IBC.

Number 0716

REPRESENTATIVE HAYES inquired as to why the City of Fairbanks chose to go with the UPC and some of the International Codes.

MR. SHUTTLEWORTH answered that both codes, the IPC and the UPC, were put on the table and the UPC was adopted after MCA lobbied and convinced the local code review commission to support the UPC. The City of Fairbanks made some amendments and moved forward. He expressed the need to adopt the best code for a particular community. He echoed earlier testimony regarding the fragmentation and need for consolidation [of the codes].

REPRESENTATIVE ROKEBERG asked if the City of Fairbanks could adopt the IPC and have a local amendment for the heat exchanger situation.

MR. SHUTTLEWORTH replied yes.

Number 0840

CHRIS MILLER, Design Alaska, testified via teleconference. He informed the committee that he is a mechanical engineer who works with the codes every day. Mr. Miller mentioned that he doesn't have these codes committed to memory, and never has. The 2000 codes have been in effect for a over a year. Several construction projects are underway under these codes. There are some advantages to them, although it was a difficult process to learn the codes. [Indisc.] Mr. Miller mentioned that three large buildings are under construction under [the International Codes] and it seems to work well. He also agreed with earlier remarks regarding the need for clarity and consistency in this process. Mr. Miller pointed out that having to continually search through the regulations and the statute for the current code is difficult, time-consuming, and awkward. Therefore, he urged the legislature to deal with this issue.

Number 1040

REPRESENTATIVE HAYES inquired as to how the decision was made to switch codes. He related his understanding that the plumbers didn't have a lot of input in [the decision].

GARY POWELL, Director State Fire Marshal, Division of Fire Prevention, Department of Public Safety, explained that the decision for the building code was driven by the fact that other than the 2000 IBC there wasn't a building code offered after the 1997 UBC. Therefore, the next logical decision was with regard to the fire code. The fire chiefs met and they were split between the UFC and the IFC. After the review of the content of the codes and the training sessions, it became apparent that the IFC was a better fit with the IBC. Therefore, it was decided that the [IBC] would be used as the base document. The only other code that the [division] has traditionally adopted is the mechanical code and thus the UMC was used as the model code for the base document. Meetings were held in Juneau, Fairbanks, Anchorage, and Soldotna. Those meetings had a cross-section of all the impacted stakeholders. Although there was confusion with regard to who was really representing the mechanical industry, the sign-up sheets listed folks who appeared to represent the mechanical interest. Once the base documents were created, those were mailed to Linda Winters who [the division had listed as the mechanical industry's representative]. There was a comment period and changes were made throughout that process. Due to a typographical error on a public comment notice, two comment periods were held. Between the two comment periods, 700 individual copies were mailed to the addresses on record for all the mechanical administrators in the state.

REPRESENTATIVE HAYES related that it would seem appropriate to bring in all those adversely effected before making a decision on which code to choose. Such a discussion would seem appropriate before the comment period even occurred and perhaps this acrimony could've been avoided.

MR. POWELL said he agreed in part. However, he highlighted that the [division] held meetings with those it viewed as the stakeholders. These meetings were held before the decision was made. He reiterated that the only building code available was the IBC, which started this entire process. Mr. Powell said that once the cross-referencing in the IMC to the IBC and the IFC [was apparent], it was difficult not to offer that as the base document for comment.

Number 1280

REPRESENTATIVE CRAWFORD related his understanding that under the new codes, larger buildings without sprinklers can be built. Furthermore, the new codes allow buildings to be built with less fire doors and fire stops.

MR. POWELL said that such an umbrella statement probably isn't true. Although there are cases in which larger building can be built, in most cases those require other means of life and safety protection such as fire sprinklers. He pointed out that as the codes developed over the years, one safety provision was piled on top of another and thus the question became [which safety provisions were necessary]. Mr. Powell said, "In some cases it appeared to be a relaxing of the standards, but on the other hand there was no hard justification for keeping the stringent requirements in place."

REPRESENTATIVE ROKEBERG related his understanding that these regulations went into effect September 15, 2001. He inquired as to when [DPS] received the approximately \$100,000 appropriation from the legislature.

MR. POWELL confirmed that the regulations went into effect September 15, 2001. He recalled that the \$100,000 appropriation would have been part of the 2001 budget for the purpose of the adoption of the International Code. He agreed with Representative Rokeberg that in July 2000 [DPS] had the money. With that money, an independent code consultant was hired to take [the department] through the adoption process. The \$100,000 appropriation was for the entire project. In further response to the Representative Rokeberg, Mr. Powell confirmed that the request for the appropriation was made to the House Finance Committee.

REPRESENTATIVE ROKEBERG asked if any of the money was [earmarked] for transitioning, especially for the training.

MR. POWELL clarified that the code was adopted June 15, 2001, with an effective date of September 15, 2001. In discussing this issue with the Division of Occupational Licensing, [the effective date] seemed to coincide well because of the two years transition and training time that would be allowed for mechanical administrators who had two years before renewal [was required].

REPRESENTATIVE ROKEBERG inquired as to the impact this had on new candidates.

MR. POWELL indicated that he didn't know of the impact to new candidates. With regard to testing, Mr. Powell pointed that it was going to cost \$16,000 to change from the 1997 Uniform Code to the 2000 International Code, which was part of the \$100,000 appropriation. However, to change from the 1997 Uniform Code to the 2000 Uniform Code would cost \$40,000. He questioned why it would be more costly to change within the same family of codes. "I think the obvious answer is: It's not the same family," he said.

Number 1578

DEAN GUANELI, Chief Assistant Attorney General, Legal Services Section-Juneau, Criminal Division, Department of Law, began by explaining that in general a state agency doesn't have any obligation to engage in any process before placing regulations out for public comment. The process that the public has is the regulation process under the Administrative Procedures Act. In this case, DPS understood that this [potential code change] was important and thus requested funding from the legislature and had a process before the regular regulation adoption process. The DPS sent letters out to a number of statewide organizations inviting those organizations to meet with DPS in work sessions in order to discuss these codes. Mr. Guaneli reviewed some of the organizations that received the aforementioned letter from DPS. Day-long sessions held in Juneau, Anchorage, Fairbanks, and Soldotna. This occurred before DPS decided what the codes should be and any changes that should be made. He explained that whenever DPS adopts a code, it has to adopt certain changes in order to make the code fit the needs of Alaska. In this particular situation, after meeting with these organizations, DPS developed a list of changes to the codes that amounted to 76 single-spaced pages. Such changes have to be done regardless of what code is adopted. Once DPS decided what codes it wanted to adopt, the public notice process for administrative regulations began. There was a typographical error in one of the notices, and therefore the department did the public notice process again and the public comment period was extended by several months. After meeting with ARR in the summer of 2001, DPS decided to delay implementation for another two months.

MR. GUANELI said that he couldn't tell the committee which code is the better code. He submitted to the committee that regardless of which code is chosen, the same process [with regard to changes to the code] will occur. Mr. Guaneli recalled that many have recommended leaving this issue to the experts,

which has been the legislature's policy choice over the years. The legislature has allowed DPS to make the choice without being constrained to one family of codes. He noted his agreement with that approach. Although there has been testimony that this was a rushed process, Mr. Guaneli didn't believe that to be true. Furthermore, some have charged that [the IMC was wanted] by a handful of bureaucrats, which he didn't believe that to be the case either. With regard to the testimony that the [International Codes] are difficult to teach, Mr. Guaneli informed the committee that Ms. Reardon had related that the first time the IMC was tested, a higher percentage of people passed the test than the last couple of tests under the UMC. Although there has been [testimony] that people aren't accustomed to the new codes, at least in Anchorage it seems that the design professionals have been using the concepts embodied in the (IMC) for quite a while.

Number 1908

MR. GUANELI turned to HB 437 and related his understanding that the legislation would replace the IMC with the UMC. Because the Uniform Codes don't have any corresponding building and fire codes, he suggested that it would require a considerable amount of conforming amendments. Therefore, he said he didn't believe that HB 437 makes sense. With regard to HB 436, Mr. Guaneli felt it best to leave the [code adoption] to the professionals in the field.

MR. GUANELI addressed the Division of Occupational Licensing's situation. He acknowledged that the division's definitional provisions in statute reference the Uniform Codes. Therefore, the question is whether the division is going to test on what actually has to be applied in the field or is the division going to test on an outdated [code] that isn't in the law. The Department of Law advised the Division of Occupational Licensing to test on what people actually have to apply in the field. From a legal standpoint, if the testing were on a code that wasn't applied in the field and someone failed the test, that individual would probably have a good lawsuit against the state. He said that he would hate to have to defend the state in such a lawsuit. The division followed the Department of Law's advice. During the ARR hearings, there was testimony that there was confusion with regard to which code the test would be based. Therefore, the Department of Law further recommended that the Division of Occupational Licensing adopt regulations that clarify that when there is reference to the UMC, it means any mechanical code adopted by DPS and applied in the field. The

division followed that advice as well. Therefore, HB 399 doesn't make a lot of sense. Mr. Guaneli suggested that the statutes should be "code neutral" and left to the professionals. Specific problems should be addressed in the regulatory process, and to the extent those aren't, those problems can be addressed in the legislature rather than dealing with a thousand or so pages of codes and hundreds of pages of amendments to those codes.

Number 2083

REPRESENTATIVE HAYES turned to Mr. Guaneli's advice to leave this issue to the experts and pointed out that the list [of experts] that DPS contacted didn't include the plumbers who implement the code. He questioned how the plumbers could be left out of the process. He said if all the players had been at the table originally, then this problem wouldn't have developed.

MR. GUANELI replied, "I'm not sure that I can really disagree with you about if there were other people who need to be at the table, and perhaps it could've been done differently." However, the process DPS followed was far more extensive than the usual process. With regard to comments from plumbers and union members about [concerns] with purchasing new books and unfamiliarity with the new code, Mr. Guaneli wasn't certain that those [concerns would've been allayed] had those groups been at the table. Although Mr. Guaneli agreed that DPS could've been more inclusive in the process leading up to the normal public process, he wasn't convinced it wouldn't have led to the same situation.

REPRESENTATIVE ROKEBERG, with regard to Mr. Guaneli's suggestion to [make the statutes] code neutral, asked if such action would actually grant a significant amount of the legislature's power to the bureaucracy.

MR. GUANELI said he thinks that has been the policy choice of the legislature for a number of years. Currently, there are no restrictions on DPS's authority to adopt regulations. He highlighted that he hasn't heard anyone suggest that DPS has abused that authority, other than the current complaints. Mr. Guaneli said he wasn't sure that every three years the legislature wants to go through the prospect of a 150-page bill versus relying on the experts in the field.

REPRESENTATIVE ROKEBERG highlighted that it's been the policy of this committee to make "half that step" by statutorily placing

the code outside the legislature and letting the departments adopt the various editions on a cyclical basis. However, there has always been the stipulation with regard to the code that was adopted, save DPS. He stressed that DPS's code-neutral language caused this problem in the first place and thus he wasn't sure why there would be the suggestion to go the route of code-neutral language.

Number 2257

REPRESENTATIVE HALCRO asked if the lawsuit brought by the Alaska Mechanical Contractors is still in progress.

MR. GUANELI replied yes. He informed the committee that there was a motion for a preliminary injunction, which was denied. Both parties have filed motions for summary judgment, which means that no facts are in dispute and thus it's a purely legal matter. The judge has scheduled a hearing for May 9th.

REPRESENTATIVE HALCRO asked if the Department of Law is worried that if the legislature passes HB 399 it might weaken the department's case.

MR. GUANELI said he wasn't sure that passage of HB 399 would weaken the department's case as much as make the case, at least a portion of it, moot. Although Mr. Guaneli recommended against clarifying the law [with HB 399], he said that when the legislature does clarify the law it's fine.

REPRESENTATIVE HALCRO inquired as to whether Mr. Guaneli felt that there is any merit to the charge that DPS usurped the legislature's authority by implementing these regulations.

MR. GUANELI replied no. He added that the judge who decided the preliminary injunction motion included in her decision [indications] that there is no merit to the aforementioned charge. Therefore, Mr. Guaneli said he was confident that the state will prevail.

CHAIR MURKOWSKI recalled that the sponsor [of HB 399] has expressed to the committee the need to act on this separation of powers issue. However, Mr. Guaneli has highlighted the conundrum it creates for the Division of Occupational Licensing with regard to testing.

TAPE 02-36, SIDE B

CHAIR MURKOWSKI inquired as to the impact if HB 399 were to pass.

MR. GUANELI explained that passage of HB 399 would mean that the Division of Occupational Licensing would be prohibited from testing on the International Code and would be required to conduct testing based on the UMC. He related his belief that such action would subject the state to the potential for litigation by an unsuccessful applicant, that is someone who didn't pass the test given under the UMC. Such an applicant would argue that the testing isn't related to what has to be done in the field. Therefore, Mr. Guaneli expressed concern that the result of such litigation would be that the court would order the Division of Occupational Licensing to do something the legislature didn't want, such as issue licenses without testing or return to testing under the [IMC]. Although the question regarding the legislature's authority is one that the legislature should be sensitive to, the question for attorneys and judges who review and interpret statutes is related to the legislature's intent. The Department of Law believes, and advised the Division of Occupational Licensing, that applicants should be tested on what they will actually be applying in the field, he said. Another alternative for the Division of Occupational Licensing would've been to stop testing altogether, which the Department of Law didn't view as responsible.

MR. GUANELI, in response to Chair Murkowski, clarified that the Division of Occupational Licensing adopted a regulation that says references to the UMC in statute are interpreted by the division to mean whatever mechanical code DPS has adopted for application in the state. Therefore, under the current situation the Division of Occupational Licensing would continue to test under the IMC. Mr. Guaneli stated his belief that the legislature could do nothing and things would be fine. He explained that if nothing were passed, the Division of Occupational Licensing would continue to test on the law in existence and DPS and the various inspectors throughout the state would be inspecting under the International Code. Although that leaves some ambiguity in the law, in terms of application of the law and testing business would continue as it is now. Mr. Guaneli reiterated his recommendation for code-neutral language in statute, which he viewed as providing more clarity to everyone.

Number 2179

CATHERINE REARDON, Director, Division of Occupational Licensing,

Department of Community & Economic Development, characterized passage of HB 399 as her worst-case scenario. She explained that if the language in the division's regulation that specifies that the UMC is the code in effect in the state is eliminated, then the division is left with the message that it was wrong in passing the IMC. However, there is no indication as to what the division should be doing. She agreed with Mr. Guaneli that such would leave the division to wait for a lawsuit. Ms. Reardon suggested that if the committee feels that the division shouldn't have adopted the regulation, although it liked the public policy, then [there should be legislation] that specifies that the division should test on the code specified by DPS. If the committee didn't like the public policy and it does believe that testing should continue on the UMC, then she requested that there be amendments to the division's statutes so that is clear.

CHAIR MURKOWSKI surmised then that the adoption of the two committee substitutes [for HB 436 and HB 437] wouldn't help the Division of Occupational Licensing.

MS. REARDON specified that if only HB 399 is passed, the division has a problem. If HB 399 is passed with [the aforementioned additional language], then the division would have the necessary instruction. Ms. Reardon stressed that the division has no opinion with regard to which code is appropriate, the division's involvement merely addresses the testing and discipline of the mechanical administrators. She requested that the committee consider whether the desire is to have the Division of Occupational Licensing's requirement tightly specify "the Uniform Mechanical Code as published by X organization." She recalled that there are local [jurisdiction] adjustments. Therefore, she suggested that the division's statutes cross reference DPS's code. Ms. Reardon pointed out that the CS left out one of the Division of Occupational Licensing's statute references.

Number 2002

REPRESENTATIVE ROKEBERG noted that he had provided the committee with a marked up version of HB 399, Version A. This marked up version would delete the specific reference to the UMC as well as Sections 5 and 6. He explained that this marked up version would provide a generic reference to the mechanical code that was adopted by DPS and annuls the regulations adopted by the Division of Occupational Licensing. Furthermore, this marked up version solves the constitutional problem by asserting the legislature's jurisdiction while leaving the code and testing

status quo. Representative Rokeberg related his belief that this marked up version satisfies the intent of the sponsor of HB 399. In response to Chair Murkowski, Representative Rokeberg confirmed that his marked up version of HB 399 solves the testing issue.

MS. REARDON noted that the marked up version of HB 399 does have the cross referencing that she had previously advocated. For the record, Ms. Reardon stated her belief that the Division of Occupational Licensing acted legally in the adoption of the regulation.

Number 1789

REPRESENTATIVE LESIL MCGUIRE, Chair, Joint Committee on Administrative Regulation Review, Alaska State Legislature, remarked, "I certainly think that Representative Rokeberg ... has hit the nail on the head." She indicated her approval of the language annulling the regulations while attempting to provide a solution. Representative McGuire commented that she doesn't take her job lightly. In her year-and-a-half as chair of the Joint Committee on Administrative Regulation Review, she recalled situations in which regulations were promulgated that were "gray" due to the question of the legislature's intent. In those cases, the department involved is asked to go to a negotiated rule-making process in which the shareholders are brought together in order to find a solution or the committee requests more time during the public comment period. This is [one of the rare] situations in which the matter is black-and-white. Therefore, Representative McGuire expressed difficulty in listening to the prior two witnesses say that there was some gray area. Representative McGuire said that the statute was clearly specified a copyrighted document. Furthermore, the IMC is different from the UMC.

REPRESENTATIVE MCGUIRE turned to the speculation as to what the courts would do and said that such speculation is dangerous. In conclusion, Representative McGuire stressed that she viewed the annulment of the regulations as very important. It's the legislature's job to make public policy decisions, she said. She acknowledged that perhaps centralizing or neutralizing "it" will offer some clarity.

Number 1614

CHAIR MURKOWSKI surmised that the original HB 399 isn't too far from Representative Rokeberg's marked up version.

REPRESENTATIVE MCGUIRE said that's fair to say, but remarked that the only difference is that at the beginning of this she leaned toward the UMC because of practicality. Those in the field have expressed concern about their obligation to be familiar with a code that they didn't know. Representative McGuire said that she didn't know that those concerns have been resolved yet. Furthermore, she expressed lingering concerns that the mechanical contractor community wasn't included. It's concerning that at the national level there aren't more worker bees at the table [during discussions] for the IMC. She noted her preference of a code that's generated by all the stakeholders. Representative McGuire expressed her frustration with this matter. She recalled the August 14, 2001, Joint Committee on Administrative Regulation Review meeting on this matter during which she clearly asked that [the regulations be held] until January when the legislature would be in session. Why that request wasn't respected, she said she didn't know.

Number 1349

REPRESENTATIVE CRAWFORD recalled his trip to Houston, Texas, last December when two eight-plexes caught fire before his eyes. Those buildings didn't have fire breaks between the buildings. Therefore, having codes in place is very important, he stressed. Representative Crawford related his understanding that the UMC is the more restrictive code. Even if the International Code allows cheaper buildings to be built, Representative Crawford said that he wanted safer buildings. If the UBC is the safer and more prescriptive of the two codes, Representative Crawford said that is the code he supported. Representative Crawford related his understanding that Representative Rokeberg's marked up version of HB 399 would aggregate the legislature's ability to specify the Uniform Code or the International Code.

REPRESENTATIVE ROKEBERG interjected that isn't the case.

REPRESENTATIVE CRAWFORD said he was mistaken then. He expressed the need to make the right decision, which he viewed as going to the more prescriptive and safer code.

REPRESENTATIVE ROKEBERG clarified that his marked up version of HB 399 uses code-neutral language, but doesn't determine which code to use. Representative Rokeberg said, "You have to separate all the family of codes from what we've been talking about in terms of the mechanical code." Adopting a building code is different, he stressed. Representative Rokeberg pointed

out that the same people, the ICBO, who drafted the UBC recently drafted the IBC. However, there is no building code by IAPMO and the Uniform [organization]. This situation helped drive DPS to adopt the [IBC]. Although the ICBO who drafted the IBC has implemented things to make the code more flexible, Representative Rokeberg said he doesn't believe it aggregates the public safety issues. He related that in the [last] 25 years in the United States there hasn't been a death in a building with fire sprinklers. He recalled his career building high-rise buildings in Anchorage when every three years the building code would change and the inside fire protection mechanisms and rules [would change] even when the buildings had sprinkler systems and safe layouts. Representative Rokeberg stressed the need to clean up this mess with the codes by consolidating the codes and deciding whether to go code neutral or specify a code. He mentioned that perhaps consideration should be given with regard to whether there should be a transitional training period for the testing. "This is the greatest thing in the world to have a national building code and some consistency, and that's what the International Codes are doing for the first time," he stressed. Therefore, he viewed [the International Codes] as a great step forward, although he recognized the need to be sensitive to those in the field who have to change. He said that the power to select the final code shouldn't be given away to the bureaucracy because it's a public policy [that the legislature should decide].

CHAIR MURKOWSKI asked if Representative Rokeberg viewed passage of his marked up version of HB 399 as a band-aid.

REPRESENTATIVE ROKEBERG specified that he believes his marked up version of HB 399 ratifies the status quo. Therefore, action to overturn that and return to the UMC would require another piece of legislation. Representative Rokeberg informed the committee that two-and-a-half years ago the Senate Finance Committee agreed [with the adoption of the International Code] because the BRU [Budget Review Unit] request specified that the International Code was going to be adopted. Furthermore, Anchorage has functioned a year-and-a-half [under the International Code] as has Fairbanks, with the exception of the UPC. Therefore, Representative Rokeberg said that the legislature should step forward and make sure that those in the business are comfortable enough to go forward and learn new things while recognizing the need to be fair to them with regard to training.

REPRESENTATIVE MEYER mentioned the possibility of moving [the marked up version of HB 399] and placing the other two bills in a subcommittee.

Number 0829

REPRESENTATIVE ROKEBERG mentioned that his marked up version of HB 399 could be amended to include language allowing the mechanical administrator to choose which exam to take.

MS. REARDON clarified that those currently holding mechanical administrator licenses don't have to retest, they merely renew their license every two years. However, continuing education is required to renew the license. Therefore, Ms. Reardon recommended that continuing education be required on the International Code. The new applicants would have to pass the test. With regard to the concern that new applicants may have difficulty passing the International Code test because the journeymen plumbing experience was performed under the Uniform Code, Ms. Reardon informed the committee that there is only a small sample, one test from December. Of the eight people who took the test in December, only one failed. If there are similar passage rate results from today's test, Ms. Reardon said she would say that the passage rate under the International Code is better than under the Uniform Code. Therefore, there may not be a need to offer a transition for the test. Ms. Reardon noted that the same company that provided the Uniform Code test provided the International Code test, and therefore she assumed that both were equally difficult.

Number 0653

REPRESENTATIVE ROKEBERG inquired as to the problem with allowing a new applicant to elect under which code to be tested.

MS. REARDON said she supposed it would be feasible. However, she questioned why testing on the Uniform Code would be allowed when, once the applicant passed the code, the applicant would be required to work with the International Code.

REPRESENTATIVE ROKEBERG said, "Because they spent all this time learning the Uniform Code and that's what they should be tested on if they spent several years and thousands of hours learning that." He indicated that this ability to choose under which code to be tested could be done during the transitional period.

MS. REARDON commented, "If you think that's good public policy, I'll do it."

REPRESENTATIVE ROKEBERG highlighted that one of the biggest complaints was that there wasn't sufficient training and transition timing.

MS. REARDON recalled that the aforementioned complaint is from those who already have a license, not from new applicants.

CHAIR MURKOWSKI shared Ms. Reardon's recollection.

MS. REARDON mentioned that this complaint was also expressed by those who train those in the field.

Number 0509

REPRESENTATIVE ROKEBERG moved that the committee rescind its action in adopting CSHB 399, Version 22-LS1461\C, Bannister, 2/20/02. There being no objection, before the committee was HB 399.

REPRESENTATIVE ROKEBERG clarified that his marked up version of HB 399 would delete the word "Uniform" throughout the bill and delete Sections 5 and 6.

REPRESENTATIVE ROKEBERG moved that the committee adopt the following conceptual amendment to HB 399, Version 22-LS1461\A:

Page 1, line 11,
Delete "edition of the Uniform"

Page 2, line 13,
Delete "Uniform"

Page 2, line 24,
Delete "edition of the Uniform"

Page 3, line 7,
Delete "Uniform Mechanical"

Number 0375

REPRESENTATIVE KOTT objected and said that this band-aid fix isn't [appropriate] at this point.

REPRESENTATIVE McGUIRE posed a scenario in which HB 399 is amended, but fails [to move from committee]. In that scenario, would the House Labor and Commerce Standing Committee have the ability to bring up HB 399 [as Version C]. "If this fails, the public policy part of it, ... I still want to pursue my bill on the annulment of the regulations," she stated.

CHAIR MURKOWSKI explained that the committee is merely taking up a conceptual amendment that would remove references to the Uniform Code.

A roll call vote was taken. Representatives Meyer, Rokeberg, and Murkowski voted for the adoption of conceptual Amendment 1. Representatives Kott, Crawford, and Hayes voted against the adoption of conceptual Amendment 1. Therefore, the amendment failed by a vote of 3:3.

The committee took an at-ease from 6:33 p.m. to 6:38 p.m.

CHAIR MURKOWSKI announced that more work needs to be done on this matter, and therefore she appointed a subcommittee to work with the bill sponsors. The subcommittee consisted of Representative Rokeberg, Chair, and Representatives Halcro and Hayes.

ADJOURNMENT

There being no further business before the committee, the House Labor and Commerce Standing Committee meeting was adjourned at 6:40 p.m.