

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

April 28, 2003

3:20 p.m.

MEMBERS PRESENT

Representative Tom Anderson, Chair
Representative Bob Lynn, Vice Chair
Representative Nancy Dahlstrom
Representative Carl Gatto
Representative Harry Crawford
Representative David Guttenberg

MEMBERS ABSENT

Representative Norman Rokeberg

COMMITTEE CALENDAR

HOUSE BILL NO. 260

"An Act relating to immunity for free health care services provided by certain health care providers; and providing for an effective date."

- MOVED HB 260(L&C) OUT OF COMMITTEE

HOUSE BILL NO. 269

"An Act establishing the Safety Code Task Force; and providing for an effective date."

- HEARD AND HELD

HOUSE BILL NO. 272

"An Act relating to motor vehicle dealers."

- SCHEDULED BUT NOT HEARD

PREVIOUS ACTION

BILL: HB 260

SHORT TITLE: IMMUNITY FOR PROVIDING FREE HEALTH CARE

SPONSOR(S): REPRESENTATIVE(S) SEATON

Jrn-Date	Jrn-Page		Action
04/11/03	0935	(H)	READ THE FIRST TIME - REFERRALS

04/11/03	0935	(H)	L&C, JUD
04/23/03	1081	(H)	COSPONSOR(S): GARA
04/24/03	1111	(H)	COSPONSOR(S): ANDERSON
04/28/03		(H)	L&C AT 3:15 PM CAPITOL 17

BILL: HB 269

SHORT TITLE: SAFETY CODE TASK FORCE
 SPONSOR(S): REPRESENTATIVE(S) DAHLSTROM

Jrn-Date	Jrn-Page		Action
04/15/03	0985	(H)	READ THE FIRST TIME - REFERRALS
04/15/03	0985	(H)	L&C, FIN
04/28/03		(H)	L&C AT 3:15 PM CAPITOL 17

WITNESS REGISTER

REPRESENTATIVE PAUL SEATON
 Alaska State Legislature
 Juneau, Alaska
 POSITION STATEMENT: Spoke as the sponsor of HB 260.

LINDA FINK, Assistant Director
 Alaska State Hospital & Nursing Home Association
 Juneau, Alaska
 POSITION STATEMENT: Testified in support of HB 260.

HEDRIC HANSON, Obstetrician /Gynecologist
 Anchorage, Alaska
 POSITION STATEMENT: Testified on HB 260.

MICHAEL HAUGEN, Executive Director
 Alaska Physicians & Surgeons, Inc. (APS)
 Anchorage, Alaska
 POSITION STATEMENT: Testified in strong support of HB 260.

STEPHEN CONN, Special Projects Coordinator
 Alaska Public Interest Research Group
 Anchorage, Alaska
 POSITION STATEMENT: Testified in support of a form of
 legislation, but not the current draft of HB 260.

ZACH WARWICK, Staff
 to Senator Gene Therriault
 Alaska State Legislature
 Juneau, Alaska
 POSITION STATEMENT: As staff to the sponsor of the companion

legislation to HB 260, he answered questions.

SAM KITO, III

Alaska Professional Design Council

Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 269.

JOHN BITNEY

Alaska State Homebuilders Association

Palmer, Alaska

POSITION STATEMENT: Testified that although the Alaska Homebuilders Association is comfortable with the status quo, it does support HB 269.

DAVID OWENS, Owner

Owens Inspection Services

Palmer, Alaska

POSITION STATEMENT: Testified in support of HB 269.

JAMES BAISDEN, Kenai Fire Marshall

Kenai Fire Department

Kenai, Alaska

POSITION STATEMENT: Testified in opposition to HB 269.

CHARLES DEARDEN, Building Official

City of Ketchikan

Ketchikan, Alaska

POSITION STATEMENT: Testified in opposition to HB 269.

GARY POWELL, Director State Fire Marshall

Division of Fire Prevention

Department of Public Safety

Anchorage, Alaska

POSITION STATEMENT: Expressed concern with the make-up of the safety code task force created under HB 269.

STEVE SHUTTLEWORTH, Building Official

City of Fairbanks

Fairbanks, Alaska

POSITION STATEMENT: Expressed concern with the lack of a code building official on the task force proposed in HB 269.

BILL SAGER

Mechanical Contractors of Fairbanks

Fairbanks, Alaska

POSITION STATEMENT: Testified in support of HB 269.

ERIC MOHRMANN, Fire Chief
Chena/Goldstream Fire and Rescue
Fairbanks, Alaska

POSITION STATEMENT: During discussion of HB 269, testified that there should be representation from the fire department and the building official [profession].

DENNIS MICHEL, American Mechanical Contracting Firm
President, Mechanical Contractors
Fairbanks, Alaska

POSITION STATEMENT: During discussion of HB 269, testified that the mechanical contractors have agreed to this [task force] as a manner of resolving this issue.

KEN AKERLY, Alaska Fire Standards Council
Department of Public Safety

POSITION STATEMENT: During discussion of HB 269, testified that there should be representation from the fire department and the building official [professions].

ACTION NARRATIVE

TAPE 03-42, SIDE A

Number 0001

CHAIR TOM ANDERSON called the House Labor and Commerce Standing Committee meeting to order at 3:20 p.m. Representatives Anderson, Lynn, Dahlstrom, Gatto, Crawford, and Guttenberg were present at the call to order.

HB 260-IMMUNITY FOR PROVIDING FREE HEALTH CARE

CHAIR ANDERSON announced that the first order of business would be HOUSE BILL NO. 260, "An Act relating to immunity for free health care services provided by certain health care providers; and providing for an effective date."

Number 0053

REPRESENTATIVE PAUL SEATON, Alaska State Legislature, spoke as the sponsor of HB 260. He explained that the purpose of HB 260 is to encourage licensed health care professionals to provide free services through clinics, health fairs, et cetera. These services would encourage better health care services and the prevention and treatment of illness. Currently, Alaska faces a [shortage] of physicians and these physicians are also aging, which is also the case of other health care professionals. This

legislation allows a physician to participate [volunteer services] in a free clinic without having to purchase expensive malpractice insurance. The aforementioned would be especially important for those retired physicians who can't afford to maintain malpractice insurance in order to provide free services in the community. The services can only be provided under the following requirements: the health care provider has a current state license; the services provided are within the scope of the provider's licenses; the services are provided at clinics, municipal- or state- or U.S.-owned facilities, or a nonprofit facility; and the services were provided free of charge. Representative Seaton related his belief that HB 260 is good for the people of Alaska because this legislation would allow Alaskans who would not otherwise be able to access health care to do so.

REPRESENTATIVE CRAWFORD said this sounds great. However, physicians and health care providers make mistakes. He asked to whom will patients harmed by these physicians and health care providers with blanket immunity turn. He related that he was told this legislation is similar to the situation in which [military personnel] who are harmed in treatment provided [by military health care professionals] can't sue those health care professionals. Although the government would still be liable in the aforementioned situation, this legislation would leave someone harmed by these volunteer doctors providing free services without any recourse.

REPRESENTATIVE SEATON said this legislation doesn't exclude gross negligence, for which the doctor providing free services would be liable.

REPRESENTATIVE CRAWFORD inquired as to the remedy if the harm isn't at the level of gross negligence.

REPRESENTATIVE SEATON related that "what we're talking about" are acts of omission in which a free clinic wouldn't perform such things as a CAT scan or X-Ray. Representative Seaton remarked, "I think that what we're looking at is a difference between no health care and good health care, but without the liability for the doctor."

REPRESENTATIVE CRAWFORD commented, "Somewhere, somebody ought to be liable."

Number 0587

REPRESENTATIVE LYNN turned to the definition of "health care provider" and pointed out that the definition doesn't include a nurse practitioner, although it does include an advanced nurse practitioner and a practical nurse.

REPRESENTATIVE SEATON deferred to witnesses.

REPRESENTATIVE LYNN related his understanding that a practical nurse performs the more mundane activities while the registered nurse is under the direct supervision of a doctor, and a nurse practitioner can do certain things above the level of a regular nurse and advanced nurse. He asked if a category was left out.

REPRESENTATIVE SEATON said he wasn't opposed to including a category if it was left out. He reiterated that the purpose of HB 260 is to encourage health care workers to volunteer services.

REPRESENTATIVE LYNN inquired as to the definition of a naturopath.

REPRESENTATIVE SEATON deferred to witnesses on-line.

Number 0709

REPRESENTATIVE GUTTENBERG asked if the clinic would be liable if a retired physician working for free omits a procedure or performs an untimely test that causes harm.

REPRESENTATIVE SEATON informed the committee that the medical definition of gross negligence refers to "not adhering to standard procedures in a situation as identified by a professional." "If we get into the situation where somebody is providing treatment that is either outside of their specialty or what their license covers, or outside of standard practice, then we are getting into the other factor," he said.

Number 0822

LINDA FINK, Assistant Director, Alaska State Hospital and Nursing Home Association (ASHNHA), announced ASHNHA's support of HB 260. At this time, workforce development is one of the critical concerns in the health care field. Therefore, ASHNHA strongly supports anything that can be done to retain people in the professions and increase the workforce. Ms. Fink informed the committee that she learned from information from the American Hospital Association (AMA) that malpractice insurance

for hospitals has increased 158 percent over the last two years. Therefore, she supported not [requiring] liability on the retired [health care professional] who probably doesn't have an income.

REPRESENTATIVE SEATON informed the committee that under HB 260 facilities aren't granted immunity. Therefore, this legislation provides for personal immunity for people with licenses and not facilities.

Number 0905

CHAIR ANDERSON noted that he agreed with the merits of HB 260. However, he expressed concern with regard to Section 3, which provides immunity for a multitude of health care providers who aren't physicians. Although 43 states have limited liability, he pointed out that [those states have limited liability] for retired physicians not for health care providers. Therefore, he surmised that this legislation deals with all practitioners in the [health care] field.

REPRESENTATIVE SEATON informed the committee that Alaska is one of only seven states that doesn't have limited liability for health care providers. He explained that the Legislative Legal and Research Services Division recommended expanding the definition of "health care provider" so that the extent of health care providers would be apparent. He acknowledged that the expansion of the definition does cause some problems because the legislation only covers those health care providers currently licensed in the state.

CHAIR ANDERSON surmised then that physicians who retire keep their license, and in order to [come under HB 260], the health care provider would have to have an active license in order to be exempt from liability.

MS. FINK replied yes, and specified that the individual would have to qualify.

Number 1082

REPRESENTATIVE GUTTENBERG asked if a facility is liable when a health care provider does something that doesn't rise to the level of gross negligence, reckless, or intentional misconduct.

MS. FINK answered that she didn't know. However, she did inform the committee that facilities do provide a lot of charity care

and other free services, but she didn't know how that related to the facility's liability.

REPRESENTATIVE LYNN inquired as to what retired means.

REPRESENTATIVE SEATON responded that this legislation merely means that the [health care provider] retired or not is providing services for free.

Number 1195

HEDRIC HANSON, Obstetrician/Gynecologist, informed the committee that he has practiced in this state since 1972. He also informed the committee that he is 61 years old. Dr. Hanson opined that the health of our community is a major problem in this country. The health of the community cannot be optimized unless everyone is taken care of, which isn't the case today. Although he said he didn't know the solution, he related that there is a vast untapped resource [retired physicians] in this state. He stated that the number of retired physicians will increase in the next decade. He related his belief that [many retired physicians] would volunteer in the community if there wasn't the need for malpractice insurance. The question is will [the legislature] tap into this wealth of knowledge.

DR. HANSON remarked that when laws to protect the physician have been passed in other states it has been a win-win situation for the physicians and the patients. He suggested that it works because perhaps it returns to the once-practiced standards in medicine. With regard to the concerns expressed about injuries, Dr. Hanson related that there have been very few suits of free clinics in which physicians volunteer. He highlighted that the [care being discussed] isn't hi-tech surgery, diagnostic procedures, or invasive testing rather it's basic, primary care and [often to older patients]. Dr. Hanson emphasized that a retired physician can't afford malpractice insurance. Furthermore, the free clinic can't afford malpractice insurance either. He reiterated that the [legislature] will have to decide whether it wants to tap into this resource. He explained that he wants to be able to help the community and he didn't particularly want to perform missionary work in another country. He also explained that the reason the other health care providers are included in this is because the physicians can't do it alone. He concluded by emphasizing that this proposal has worked in other communities and states.

Number 1474

CHAIR ANDERSON directed attention to page 2 of the legislation where the definition of "health care services" doesn't delineate or distinguish the type of treatment. The definition seems to be fairly open. Furthermore, he recalled that Dr. Hanson had targeted retired physicians. However, the first criteria that one would have to meet in order to receive immunity for providing free health care services is to be licensed in Alaska. He asked if retired physicians would still be licensed or would renewal be required.

DR. HANSON related his understanding that one would have to renew his/her license, pay for the license fee, and meet the requirements for re-licensing, which is the continuing medical education.

Number 1592

REPRESENTATIVE LYNN asked if this [immunity] would include work [free services] in an abortion clinic.

DR. HANSON answered that he didn't know. However, he related that the free clinics that he knows about were started by churches and state grants. Providing free clinics is a [nationwide] movement that hasn't had a specific agenda like the abortion issue. He related his doubt that one would economically be able to run a free abortion clinic.

REPRESENTATIVE LYNN clarified that his question was targeted at volunteering services at a preexisting clinic.

DR. HANSON reiterated that he didn't know. He noted that the models he has seen haven't addressed that. [The models he has reviewed] address health maintenance, screening, and care that wouldn't be [classified] as an intervention as would an abortion. Dr. Hanson again highlighted Alaska's older population who can't access physicians because there aren't enough physicians to take care of them or the Medicare reimbursements are so low that no physicians will take Medicare patients, or the patient has no insurance at all.

REPRESENTATIVE LYNN asked if, under this legislation, a health care provider could perform an abortion on their own at a clinic and escape any liability.

DR. HANSON answered that he didn't know.

Number 1755

MICHAEL HAUGEN, Executive Director, Alaska Physicians & Surgeons, Inc. (APS), informed the committee that APS represents approximately 170 physicians. He specified that he was testifying in strong support of HB 260. Mr. Haugen echoed Dr. Hanson's comments regarding the access crisis that is of particular concern for the elderly population in the state. For example, a little over a year ago Anchorage had 28 practicing interns that took care of the elderly population. However, eight of those interns have been lost and two more are expected to leave. Mr. Haugen mentioned that Alaska has experienced difficulty attracting and keeping high-quality physicians. Therefore, he viewed this legislation as [part of the solution that would help] retired physicians who want to stay in the state and help the community. He indicated that the aforementioned is the impetus for APS supporting HB 260.

Number 1854

STEPHEN CONN, Special Projects Coordinator, Alaska Public Interest Research Group (AkPIRG), expressed concern with regard to the breadth of the legislation, specifically given the time frame of the legislative process. Mr. Conn said he didn't believe that anyone would want to deny Dr. Hanson the right to continue serving people in this state. However, he noted that he didn't view HB 260 as legislation that would encourage those already quitting practices because they aren't paid in an effective and efficient manner to become volunteers. Mr. Conn specified concern with the breadth of the term "health care provider." He related his assumption that the state license [requirement] would apply to all those listed under the definition of health care provider. However, the level of licensing and regulation of each category is an issue, he said. Mr. Conn also specified concern with the breadth of the term nonprofit facility. He questioned whether the [nonprofit] facility is being held to a level of screening and whether there are adequate resources for the physicians. Apparently, the facility could be sued, but he questioned whether the facility would be obliged to carry [insurance] coverage or resources should there be a problem. If the health care providers are immune and the facility lacks the resources to deal with the immediate needs resulting from a civil liability, everyone would bear those costs because those costs would be thrust back on the market. Therefore, Mr. Conn recommended meeting Mr. Hanson's request without using it as blanket immunity for any number of categories [of health care providers] with various levels of

regulations and working at various unknown facilities. The net result of the aforementioned would be unintended consequences. Mr. Conn concluded by specifying that he is in support of a form of legislation, but not HB 260 as it is currently drafted. In regard to the earlier issue of civil liability surrounding gross or intentional negligence, Mr. Conn characterized that as a lesser issue because it's fairly well defined.

Number 2035

REPRESENTATIVE CRAWFORD referred to page 2, line 6, of HB 260. He asked if the "limiting liability" language in the other 43 states that have enacted legislation limiting liability for retired physicians refers to blanket immunity up to gross negligence. He also asked if the 43 other states include the list of health care providers that [HB 260 specifies].

MR. CONN responded that he didn't know, and remarked that those are important questions. As was stated by the sponsor, the legislative intent is limiting liability for retired physicians.

MR. HAUGEN informed the committee that in these 43 other states, the liability extended to physicians comes in two forms: either it provides a blanket exemption and indemnifies a physician like a state employee, or, like Oregon, changes the liability standard to gross negligence. He noted his belief that the language of HB 260 is modeled on North Dakota's [provisions]. He highlighted that the list of health care providers that are immunized varies greatly throughout the 43 states. He related his belief that the intent of HB 260 was to be as broad as possible in order to encourage as much citizen participation as possible.

Number 2159

REPRESENTATIVE SEATON pointed out that the committee packet contains a listing of all the states and what that state provides [in the area of volunteer health care providers and civil immunity laws]. The listing is from the National Conference of State Legislatures (NCSL). The committee packet also includes Public Law 105-19-June 18, 1997, which is the federal Volunteer Protection Act of 1997. He explained that the purpose of the Volunteer Protection Act of 1997 is to promote interested social service programs and beneficiaries and taxpayers to sustain the availability of programs and nonprofit organizations, et cetera [that provide] health [services]. This Act preempts the laws in any state to the extent that such laws

are inconsistent with the Act, except the Act shall not preempt any state providing additional protection from liability related to volunteers or to any categories of volunteers in the performances or services of the nonprofit organization or governmental agency. Therefore, this is a model law and without any state law, the federal law is in place.

CHAIR ANDERSON related his view that Alaska would have the most expansive legislation with regard to [the definition of health care provider].

REPRESENTATIVE SEATON said that Legislative Legal and Research Services wanted to narrow the legislation by specifying [the definition of health care provider]. He informed the committee that most of [the 43 states doing this] refer to health care providers or professionals, which includes "all of the people that are licensed that have anything to do with health care."

Number 2305

REPRESENTATIVE CRAWFORD recalled Mr. Haugen's testimony regarding the indemnification of the volunteers [that occurs in some of the 43 states doing this], and inquired as to who indemnifies them when someone is damaged and there is no malpractice insurance in place.

MR. HAUGEN related his belief that the state passing the legislation would indemnify [the volunteer health care provider].

REPRESENTATIVE CRAWFORD surmised that Mr. Haugen would prefer that no one be liable if someone was damaged [by a volunteer health care provider].

MR. HAUGEN replied no and pointed out that the legislation includes a liability standard of gross negligence. Mr. Haugen reiterated that [the legislature] must determine whether encouraging providers to provide health care when they otherwise would not, to meet a very large need, is worth reducing the liability exposure to the provider. He noted that many states and the federal government have decided it's worth it.

REPRESENTATIVE CRAWFORD asked if Mr. Haugen felt that the state indemnifying the provider isn't workable.

MR. HAUGEN responded that the legislature] can debate that.

TAPE 03-42, SIDE B

CHAIR ANDERSON, upon determining no one else wished to testify, closed public testimony.

Number 2350

REPRESENTATIVE GATTO moved that the committee adopt Amendment 1, which read:

Page 2, line 27, following "dentist,":
Insert "dental hygienist,"

REPRESENTATIVE GATTO informed the committee that when he goes to the dentist, he almost always sees the dental hygienist. Therefore, he expressed the need to include dental hygienists in the list of health care providers.

REPRESENTATIVE GUTTENBERG informed the committee that there is a legitimate and licensed definition of dental hygienist, and therefore it is covered in statute.

CHAIR ANDERSON, upon determining there were no objections, announced that Amendment 1 was adopted.

Number 2283

REPRESENTATIVE DAHLSTROM moved that the committee adopt Amendment 2, which read:

Page 2, line 21:
Delete "and"

Page 2, line 22, following "the services":

Insert "; and
(5) provider
(A) obtains informed consent from the person receiving the health care services as described under AS 09.55.556, except in the case of an emergency; and
(B) provides the person receiving the health care services written notice of the immunity provided under this section"

CHAIR ANDERSON objected for the purposes of discussion.

REPRESENTATIVE DAHLSTROM clarified that AS 09.55.556 says the following:

Sec. 09.55.556. Informed consent. (a) A health care provider is liable for failure to obtain the informed consent of a patient if the claimant establishes by a preponderance of the evidence that the provider has failed to inform the patient of the common risks and reasonable alternatives to the proposed treatment or procedure, and that but for that failure the claimant would not have consented to the proposed treatment or procedure.

REPRESENTATIVE DAHLSTROM explained that the above is a common sense understanding that the provider is providing the information to the patient receiving the care and everyone is signing off on it.

CHAIR ANDERSON removed his objection.

REPRESENTATIVE GUTTENBERG asked if the informed consent notifies the patient that there is no liability.

REPRESENTATIVE SEATON said that he has no objection to [Amendment 2].

There being no further objection, Amendment 2 is adopted.

Number 2200

REPRESENTATIVE LYNN moved that the committee adopt Conceptual Amendment 3, which read:

Nothing in this bill shall remove civil liability from any health care provider that performs or participates in the performance of an elective abortion.

REPRESENTATIVE GUTTENBERG objected and remarked, "It's just the whole larger issue of liability for everybody, not just separating one out."

REPRESENTATIVE GATTO asked if Representative Guttenberg would be more comfortable with the language "any elected procedure."

REPRESENTATIVE GUTTENBERG explained that the issue is the liability question.

CHAIR ANDERSON related his understanding that Representative Lynn's amendment is getting at a physician who retires and maintains his/her medical license, goes to a clinic that performs abortions, and offers to work for free. In the aforementioned situation, the physician wouldn't have to have liability insurance. He said he understood Representative Lynn to mean that he didn't want it to be easy for a physician to retire and not have liability insurance for malpractice and perform [abortions].

REPRESENTATIVE LYNN agreed with Chair Anderson's understanding.

REPRESENTATIVE CRAWFORD said he believes [Conceptual Amendment 3] is discrimination and isn't fair and equal treatment. With regard to using the language "any elected procedure," Representative Crawford pointed out that could refer to having one's teeth cleaned. Therefore, he said he didn't see how there could be a law that discriminates against one form of health care, when that health care is legal under the constitution.

REPRESENTATIVE GATTO related his belief that having one's teeth cleaned is a medical procedure, which is why it's performed by a licensed individual. He suggested that perhaps any elected procedure shouldn't be covered when the intent is to simply release the physician when doing free work. Perhaps the free work could be limited to free and essential or free and necessary [services]. Therefore, procedures such as teeth whitening, plastic surgery, and removing tattoos wouldn't be covered.

Number 1975

REPRESENTATIVE GUTTENBERG said that the definition of "elective" would be troubling for a lot of people. Comparing an elective teeth cleaning to an elective abortion is troubling. He posed a situation in which someone has an accident and there is a life and death situation [between the mother and her unborn child], and questioned whether the decision of whether one or both die would be considered elective.

REPRESENTATIVE LYNN clarified that [Conceptual Amendment 3] doesn't go to the abortion issue itself rather it addresses the liability issue.

REPRESENTATIVE SEATON reiterated that the purpose of HB 260 is to provide legal voluntary health care. If attempts are made to allow certain procedures and disallow others, he said he

believes it will probably [thwart this attempt to provide free] needed medical care.

CHAIR ANDERSON asked if Representative Seaton was saying that the language on page 3, line 1, "to treat or prevent illness or injury", doesn't include abortion.

REPRESENTATIVE SEATON replied, "Right."

REPRESENTATIVE LYNN disagreed.

REPRESENTATIVE GATTO clarified that any female can go to a physician and say that it stresses her or would injure her to have a baby in which case a mental illness would be associated with the delivery of the baby. Representative Gatto opined that ignoring it would mean that it's covered, and therefore he supported Conceptual Amendment 3.

Number 1811

A roll call vote was taken. Representatives Dahlstrom, Gatto, Lynn, and Anderson voted in favor of Conceptual Amendment 3. Representatives Guttenberg and Crawford voted against it. Therefore, Conceptual Amendment 3 was adopted by a vote of 4-2.

REPRESENTATIVE CRAWFORD highlighted his belief that it's important to recognize that [this legislation] issues blanket immunity up to the point of gross negligence. Some states indemnify the volunteer health care providers. He said he would hate to see people [unable to seek damages] when they have been injured by these health care providers. He noted that he was leery about providing blanket immunity. Therefore, he noted that he would be in favor of putting the state in charge of indemnifying these volunteer health care providers.

CHAIR ANDERSON recalled Mr. Conn's point that the licensure for the various health care providers varies. Furthermore, there is some ambiguity with regard to the liability of a nonprofit facility. Chair Anderson pointed out that the committee has reviewed this legislation per the purview of this committee. Therefore, he said he believes the legislation could be forwarded to the next committee of referral, the House Judiciary Standing Committee, where the more definitive aspects could be reviewed.

REPRESENTATIVE LYNN pointed out that indemnifying these volunteer health care providers could cost the state millions.

Further, he questioned whether the state would have to carry the insurance.

REPRESENTATIVE CRAWFORD posed a situation in which an indigent is harmed, and indicated that the state, as the last resort, would be responsible for this person.

REPRESENTATIVE LYNN stated that he totally supports the concept of HB 260 as it has been amended.

Number 1611

REPRESENTATIVE GUTTENBERG noted that he, too, liked HB 260 conceptually. However, he was also interested in Representative Crawford's suggestion to explore some blanket indemnification. Some of the definitions of health care providers are broad, and therefore defining health care providers is smart. Still he noted his concerned with the liability of the legislation as well as the license requirements.

CHAIR ANDERSON offered to contact Rick Urion, Director, Division of Occupational Licensing, Department of Commerce & Economic Development, and request an interpretive and opinion letter regarding licensure to be submitted to the House Judiciary Standing Committee.

REPRESENTATIVE CRAWFORD said he hates to send legislation with problems to the next committee of referral. He emphasized his concern with providing blanket immunity.

Number 1493

REPRESENTATIVE DAHLSTROM moved to report HB 260, as amended, out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE GUTTENBERG objected. Representative Guttenberg requested a list of physicians and their licensing requirements.

A roll call vote was taken. Representatives Dahlstrom, Gatto, Rokeberg, Lynn, and Anderson voted in favor of reporting HB 260, as amended, out of committee. Representatives Guttenberg and Crawford voted against it. Therefore, CSHB 260(L&C) was reported out of the House Labor and Commerce Standing Committee by a vote of 5-2.

HB 269-SAFETY CODE TASK FORCE

CHAIR ANDERSON announced that the next order of business would be HOUSE BILL NO. 269, "An Act establishing the Safety Code Task Force; and providing for an effective date."

Number 1389

REPRESENTATIVE DAHLSTROM, speaking as the sponsor HB 269, explained that that this legislation establishes the Safety Code Task Force. Representative Dahlstrom provided the following testimony:

There are five primary safety codes dealing with construction in Alaska, which are under the jurisdiction of two different departments. The fire, building, and mechanical codes are under the jurisdiction of the fire marshal at the Department of Public Safety. The plumbing and electrical codes are governed by the Department of Labor. Each department is responsible for adopting a family of codes to bring uniformity and consistency to the construction industry. However, the current delegation of authority to the respective departments has caused a set of conflicts and discrepancies.

The mission of the Safety Code Task Force is to suggest options for consolidation of our code administration function. The task force will be charged with presenting recommendations to the legislature by the first day of the second regular session of the Twenty-Third Alaska State Legislature. As part of the task force, we're proposing an advisory panel that will be appointed by the governor, representing the Division of Occupational Licensing, the Division of Fire Prevention, the Department of Labor & Workforce Development. The purpose of this group is to advise the task force on the effects of any changes in code adoption to their respective agencies. However, it is not my intent to limit the size and scope of the advisory to just these persons. To ensure the broadest representation of stakeholders, I would like to see all interested parties participate in a panel, and so therefore I would like to see this task force move forward without amendments; ... all interested parties do have the opportunity to participate.

The Safety Code Task Force will consist of nine members, representing parties affected by the adoption of safety codes in this state. The make-up of the task force is as follows: an appointee of the Senate President, which would be a Co-Chairman appointee of the Speaker of the House, which would also be a Co-Chairman appointee of the governor. The following members are to be appointed jointly by the Senate President and the Speaker of the House, and they include: a representative from the construction design community; a representative from the construction engineering community; a representative for general contractors; a representative for mechanical contractors; a representative for electrical contractors; a representative for plumbing contractors. I urge positive consideration of House Bill 269, Mr. Chair, and there are others here who are available to testify and answer questions.

REPRESENTATIVE ROKEBERG pointed out that these types of issues have been before this committee on numerous occasions. In the past, this committee has taken the policy of these code adoptions being done on a periodic basis in the department rather than the legislature. He noted that there has been correspondence regarding the lack of representation from "the fire plan check, fire department, and fire prevention-type area." He asked if any consideration has been given to including representation from the municipal building department, which is responsible for code enforcement.

REPRESENTATIVE DAHLSTROM agreed that the fire industry should be represented, and therefore her intent was that the official representing the public safety interest would be from the [fire industry].

[The gavel had been passed to Representative Lynn.]

REPRESENTATIVE GATTO asked if it would be safe to assume that the governor's appointment for that division would hopefully be the fire marshal.

REPRESENTATIVE DAHLSTROM replied that she wouldn't want to assume what the governor would do. She related her understanding that the fire marshal's responsibility is to enforce the code once it has been decided.

Number 1146

REPRESENTATIVE GATTO said he wondered if there would be interest in combining the mechanical construction and the plumbing construction member under one member. He informed the committee that California adopted the existing Uniform Building Code while Oregon adopted the International [Building] Code. Representative Gatto pointed out that California has more seismic concerns than Oregon, and therefore he was interested in California's use of the Uniform Building Code. For example, under the International Building Code if there was a seismic shift that caused the sprinkler line to break, there wouldn't be any sprinklers. However, under the Uniform Building Code there would have to be a source of water to operate the sprinklers. The aforementioned illustrates a major difference between the codes, and therefore he noted that he is leaning toward the Uniform Building Code.

REPRESENTATIVE DAHLSTROM noted that she is aware that the two codes have major differences. She deferred to others present who are more versed in the codes.

Number 0980

REPRESENTATIVE GUTTENBERG informed the committee that the state has a Seismic Hazards Safety Commission to recommend code changes that are necessary to accommodate those things unique to the state.

REPRESENTATIVE GATTO asked if the Seismic Hazards Safety Commission is part of this proposed task force.

REPRESENTATIVE GUTTENBERG noted that the governor hasn't appointed the individuals to fill the positions.

REPRESENTATIVE ROKEBERG pointed out that currently there are state codes that are adopted. However, there is conflict within the statutes. Therefore, he said he understood the purpose of the proposed task force is to conform the statutes and overcome some of the problems and turf wars that have occurred. For instance, there have always been problems with the adoption of the plumbing code because those living north of Palmer have problems with their hot water tanks. Therefore, the provisions of local amendments are real. One of the problems is that the Division of Occupational Licensing is such that there isn't knowledge of which code is in certain areas due to the conflict of law. Representative Rokeberg related his belief that the

representative from the construction engineering community should be someone who specializes in seismic issues.

Number 0828

REPRESENTATIVE DAHLSTROM turned attention to the fiscal note. She highlighted that the recommendations from this task force are due on the first day of the second session of the Twenty-Third Alaska State Legislature. Therefore, this task force isn't long term and the costs are relatively small, \$20,700. The costs arise from the three meetings in 2004 for which three days were budgeted for each meeting as well as travel costs of the task force members and one legislative staff. She specified that the fiscal note doesn't include travel funds for the advisory panel of state employees because any costs for their travel will be absorbed within existing executive branch budgets. The cost of the meetings is as follows: Anchorage meeting - \$7,000; two Fairbanks meetings - \$12,000. Furthermore, \$700 is estimated for costs to teleconference meetings and print the task force report. There is also a supply budget of \$1,000.

REPRESENTATIVE CRAWFORD expressed disappointment that the list of members of the task force doesn't include any members of the actual workforce, such as labor.

REPRESENTATIVE DAHLSTROM surmised then that Representative Crawford would want to include language specifying that there would be a representative from the labor community.

Number 0666

ZACH WARWICK, Staff to Senator Gene Therriault, Alaska State Legislature, explained that Senator Therriault is the sponsor of the companion legislation, SB 180. In response to Representative Crawford, Mr. Warwick related that this issue has been considered a union/nonunion issue. He said that although the members from the mechanical construction industry, the electrical construction industry, and the plumbing construction industry aren't necessarily going to be labor representatives, he opined that the task force is well-balanced. He informed the committee that three people [from the groups to be represented] have almost taken a stance on the code they prefer, and three people are nonpartisan [type people].

[The gavel was returned to Chair Anderson.]

REPRESENTATIVE CRAWFORD asked if these people have already been appointed.

MR. WARWICK replied no, but people in specified industries have come out for or against each individual code. He noted that lists of those interested in participating in this task force are being compiled. However, it could get out of hand and the task force could reach a membership of say 40 people.

REPRESENTATIVE CRAWFORD said that he took exception with regard to whether this is a union/nonunion issue. He recalled that last year mechanical and plumbing contractors as well as union contractors supported the Uniform Building Code. Therefore, he didn't believe it's a fair characterization. He reiterated the need for the task force to have some representation of the people who actually perform the work. The current list of membership could completely leave out those who do the work.

MR. WARWICK opined that this membership of the task force is an equal, sort of bipartisan community that deals with the codes on a daily basis.

CHAIR ANDERSON surmised that Mr. Warwick is saying that the representatives from the mechanical construction industry, the electrical construction industry, and the plumbing construction industry could include labor.

REPRESENTATIVE LYNN asked if the language could be changed such that it specified the need for a balance between labor and management of these industries.

MR. WARWICK said he didn't know how to word that.

Number 0376

REPRESENTATIVE GATTO commented that the [sponsors] have probably heard from several people who want to submit their names because this is a powerful position. Therefore, he asked if [the sponsors] have been able to take notice of people who might have a financial interest by supporting one side or another. For instance building code officials have the International Code Council (ICC) as its parent company which makes and sells books dealing with the code. Therefore, there would be a direct financial interest.

MR. WARWICK said that the above is something that the task force would consider.

REPRESENTATIVE GUTTENBERG questioned why labor would be left out if the [sponsor] considers this a labor [nonlabor] issue. Without involving labor, a group that is seen as part of the problem wouldn't be part of the solution.

MR. WARWICK clarified, "I don't see this as a union/nonunion issue" but rather an administration issue.

CHAIR ANDERSON remarked that he didn't believe the representatives listed on page 2, lines 1-3, excludes unions. However, he agreed with Representative Crawford that it would've been nice to specify that labor would be represented and thus the legislation may need to be tightened a bit.

MR. WARWICK related his belief that union representatives wouldn't be left out of this issue.

Number 0143

REPRESENTATIVE ROKEBERG said he understood Mr. Warwick to mean that this isn't a union versus nonunion issue and asked if that is correct.

MR. WARWICK clarified that he doesn't believe that this is a nonunion versus union issue.

Number 0024

SAM KITO, III, Alaska Professional Design Council (APDC), explained that the APDC includes members of the design community, such as architects, engineers, land surveyors, and landscape architects. The APDC works for the benefit of all the design professionals in public and private service. He noted appreciation of Representative Dahlstrom proposing the task force because it has long been needed.

TAPE 03-43, SIDE A

Number 0001

MR. KITO related APDC's support of HB 260. However, APDC wants to ensure that there is balance on the task force membership. One area of concern is the member representing the electrical construction industry. He explained that both sets of codes refer to essentially the same electrical code, and therefore APDC suggested that the electrical construction industry member be an advisory member. Furthermore, APDC recommends that a

building official be a voting member of the task force. The building officials that work for the municipalities of Anchorage, Fairbanks, and Juneau enforce the codes adopted by their respective Assembly. [These building officials] are members of ICC as much as they were members of the International Conference of Building Officials (ICBO) when that organization existed. Building officials provide a unique perspective because they have to deal with the codes every day. The APDC doesn't believe that building officials have a financial interest because they are municipal employees. Mr. Kito directed attention to page 2, lines 5-6, and suggested that the language "one family of codes" be changed to refer to a "consistent set of codes" because in Oregon there is a situation in which components of two different codes have been adopted and are working together.

Number 0209

REPRESENTATIVE ROKEBERG asked if the language "consistent set of codes" would allow for components from the ICC and components from the International Association of Plumbing and Mechanical Officials (IAPMO) to be adopted.

MR. KITO explained, for example, if the plumbing and the mechanical code don't work together when designing a building to one standard, [changing the language to allow components from different codes to be adopted would help] avoid such situations.

REPRESENTATIVE GUTTENBERG asked, "But you could get a hybrid, as long as everything worked."

MR. KITO replied yes, if there are two sets of codes, which is the case in Oregon and currently in Alaska. He explained that in Alaska there are some components of the mechanical plumbing code that are the Uniform Code while the fire code uses the International Code, and those are working together.

REPRESENTATIVE ROKEBERG asked if Mr. Kito's suggestion to change the language on page 2, lines 5-6, should include a methodology for adopting local amendments.

MR. KITO said he couldn't speak to that.

REPRESENTATIVE ROKEBERG requested that Mr. Kito could pose the above question to the APDC.

Number 0418

JOHN BITNEY, Alaska State Homebuilders Association, informed the committee that he has a bit of a background with HB 260, in terms of representing the association this year and representing the Alaska Housing Finance Corporation (AHFC) for the seven years prior. Mr. Bitney recalled Representative Dahlstrom's comments that there are two agencies that deal with building codes, which is correct. However, as a subset to the building code, there is a residential code that applies to homebuilding. This residential code is de facto under AHFC, as a sort of "third" agency. This "third" agency exists because no state residential building code has been adopted. Therefore, AHFC statutes require a home to be inspected to ICBO construction standards. Mr. Bitney explained that because the fire marshal has adopted the International Building Code as the code in order for AHFC to conform with the rest of state law and policy, AHFC has received an opinion from the Department of Law. This opinion specifies that ICBO inspectors, as provided under state law, inspect to the International Residential Code. Although this isn't the best situation under which to work, the Alaska Homebuilders Association is comfortable with the status quo. If the legislature wants to address which code should be adopted, the association is supportive of a task force. "We do support the bill," he said. Mr. Bitney related that the Alaska Homebuilders Association would like to participate on this task force, however the association isn't requesting a seat on the task force. He related his understanding that [members of the Alaska Homebuilders Association] could vie for four potential seats and the association is willing to do that. Mr. Bitney highlighted the importance of this task force working and the need to avoid stacking the task force in any way.

Number 0727

REPRESENTATIVE GUTTENBERG asked if Mr. Bitney believes the group proposed in the legislation can do the job to everyone's satisfaction.

MR. BITNEY answered that it would depend upon the individuals appointed; it comes down to making good selections.

Number 0798

DAVID OWENS, Owner, Owens Inspection Services, testified in support of HB 269. However, he noted his agreement with Mr. Bitney regarding the importance of having a balanced [task force with representation] from all areas of concern. He expressed

the need for a certified building inspector or someone from the building inspection industry to be part of the [task force].

Number 0850

JAMES BAISDEN, Kenai Fire Marshall, Kenai Fire Department, testified in opposition to HB 269. He said he didn't believe the current system is broken. The only reason to have this task force is to [placate] those who would rather see the adoption of the Uniform Building Code. With regard to the sponsor statement that says there are five primary codes, Mr. Baisden said that there are really two codes: the International Code group and the Uniform Code group. He mentioned that he has done some research on the Internet and gleaned that about 40 states have either in whole or in part adopted the International Building Code. With regard to the concerns surrounding seismic issues, Mr. Baisden said that both codes address seismic issues in a similar fashion by referencing the National Fire Protection Association Codes. Mr. Baisden recalled testimony regarding California's use of the Uniform Fire Code, and related his understanding that California still uses the 1997 Uniform Building Code because there is no [current] Uniform Building Code to adopt. He related his belief that the 2000 [International Building Code] works well to protect the citizens of Alaska. With regard to the make-up of the task force, he echoed earlier testimony regarding the fact that it doesn't include a representative from the building officials or the fire code officials, which he believes is deliberate because there is no desire to hear from these officials. He noted his disagreement with the earlier suggestion to change language [on page 2, line 6] such that it wouldn't refer to a "family of codes." He, as a code official, said that such a change would make it harder to enforce the codes. He then turned to the earlier mention of local amendments. Currently, the state fire marshal is appointed by the governor and that individual is a good representative when it comes to adopting these codes. Furthermore, deferred jurisdiction can be used so that the city can take on the code enforcement process. Lastly, there has been no discussion with regard to the costs related to training the code enforcement [officials] to become recertified in these codes.

Number 1035

CHARLES DEARDEN, Building Official, City of Ketchikan, announced that after talking with the mayor, the fire chief, city council members, architects, engineers, and local builders, "we" are opposed to HB 269. Basically, this is viewed as the NFPA 5000

against the [International Building Code]. Furthermore, he believes that it's loaded toward the unions and thus IAPMO is probably pressing for this legislation. He expressed the hope that the task force wouldn't be weighted in favor of either union or nonunion entities. He echoed Mr. Braisden's comments regarding the expense to be retrained and be recertification. Mr. Dearden indicated that "we" are comfortable with the International Building Code. He pointed out that there are really no uniform building codes available. He concluded by reiterating his opposition to HB 269.

MR. DEARDEN related his belief that the state fire marshal, who is the building official for the state, should head this (indisc.) and perhaps bring the workforce development into the department of building safety. He suggested that there could be a building task force run by that entity.

Number 1169

REPRESENTATIVE ROKEBERG pointed out that currently the statutes are in conflict because the International Building Code has been adopted, although the mechanical and plumbing codes are still on the books. He inquired as to how Mr. Dearden, as a building official, enforces the building code when that conflict exists.

MR. DEARDEN informed the committee that [Ketchikan] is still under the 1997 code and will be going to the 2000 code. He noted that he accepts the 2000 International Building Codes or the 1997 Uniform Building Codes. Basically, [Ketchikan] is following the state fire marshal's adopted codes so that there isn't any disparity between architects, engineers, and builders. If the NFPA 5000 is adopted, then [Ketchikan] will have to follow that. He said it would be appropriate for a state building inspector to be the head of this [task force].

REPRESENTATIVE ROKEBERG surmised then that [Ketchikan] is working toward the adoption of the International family of codes.

MR. DEARDEN replied yes, [Ketchikan] is going to adopt the 2000 [International family of codes]. Basically, the fire department would take over from the state the requirements of looking at the schools, hospitals, and libraries. The state fire marshal would give the [city] responsibility, which would eliminate a portion of the state's budget, to do this. In order for this transfer of responsibility to occur, the city must adopt the state codes.

REPRESENTATIVE ROKEBERG surmised then that currently if there is a state project, the state fire marshal would assert authority over the local building official.

MR. DEARDEN replied yes, adding that he didn't mind because the goal of life and safety is the same. The [state fire marshal] would perform the plan review for life and safety, while [the building official] would perform the reviews for the electrical, mechanical, and plumbing. Mr. Dearden said, "Since we're going to become deferred - which now I ... don't know if we're going to want to go through this process if we're not going to be able to adopt the same codes, the same codes that I've been certified for." He informed the committee that he is a certified International Building Code inspector, plan examiner, IRC welding inspector, and has passed the first part of the IRC building inspector test. To change all the aforementioned would be a hardship on the community.

MR. DEARDEN, in further response to Representative Rokeberg, confirmed that the mechanical code is the odd code out, although there are other codes that can be adopted. Mr. Dearden commented that there isn't a huge difference other than the International codes are engineer oriented while the Uniform codes utilize certain criteria that has been established over the years.

REPRESENTATIVE ROKEBERG inquired as to whether the state fire marshal is working against the International codes, and therefore the engineer and design community may have to design one way under one set of codes for the state and another way under another set of codes for [the Ketchikan jurisdiction] until the change is made.

MR. DEARDEN explained that currently the 2000 [International Building Codes] have been adopted and are enforced, although the city is under the 1997 [Uniform Building Code].

Number 1431

GARY POWELL, Director State Fire Marshall, Division of Fire Prevention, Department of Public Safety, began by mentioning that it's not unusual for the fire service to have a slightly different opinion than the state fire marshal, and therefore he noted that he is speaking on behalf of the Department of Public Safety. Mr. Powell provided the following testimony:

We understand the complexity of the issue that's before the committee. And we do not necessarily oppose the concept of a balanced task force. However, we feel that there are a number of disciplines that have no representative as it is currently written. Most notable among those missing is a representative from the fire safety community. Not only does the fire code play a crucial role in the construction of a building it also becomes a primary governing code throughout the life of the building. The fire code provides a means for protecting occupants, the structure, the contents, and the first responders in case of an emergency. Currently, fire safety representation is limited to a single, nonvoting, advisory member. Further, there is no representation for industry, and more specifically the oil and gas industry. The future codes adopted in this state will play a crucial role in the development of oil and gas production and transportation infrastructure such as the TAPS [Trans-Alaska Pipeline System] strategic reconfiguration (indisc.) point and Alpine expansion projects. There's no representation for building owners; the individual that owns the building after construction should have a voice in how the building is constructed and how it's maintained after occupancy. Building officials also deserve a seat at the table. They're the ones responsible for the safety of construction and ease of their jurisdictions. Last, but certainly not least, the general public has a vested interest in the adoption of building and trade codes; they are and will be effected each and every day by the recommendations of the task force.

This issue is not unique to Alaska, the same struggle is waged in most western states since the discontinuation of the publication of the Uniform Building Code in 1997. And we all knew the Uniform Building Code ..., were it not for that discontinuation of the publication we'd probably not be here today. However, I feel we must rise to the challenge put before us and adopt a set of building and safety codes that are in the best interest of the state as a whole. The Oregon example was raised briefly as well as the California example. For the record, the Oregon package of codes is the International Building Code, International Fire Code,

International Mechanical Code, Uniform Plumbing Code, International Electrical Code, International Fuel Gas Code, and International Residential Code. Ironically, this is the precise mixture of codes we have in Alaska at this time, with the exception of the residential code is not adopted on a statewide basis, but (indisc.) by local jurisdictions. The balance of the Oregon code review committee was three engineers, three municipal code officials, two fire representatives, one mechanical contractor, one architect, and one building contractor. Also, I feel I might want to respond to the seismic requirements. I'm certainly not an engineer, but I've heard that the International Code seismic requirements are more stringent because they're more (indisc.) and have had the most recent review. As it pertains to the sprinkler's license, those requirements are governed by NFPA 13 regardless of which code you adopt I really would find it hard to believe that they have (indisc.) susceptibility in one code and not the other.

Number 1643

STEVE SHUTTLEWORTH, Building Official, City of Fairbanks, said that since the committee has a copy of the letter from the Mayor of the City of Fairbanks, he wouldn't take the time to read it. Mr. Shuttleworth clarified, "We really have great contractors in the Fairbanks area ..., we just simply disagree on one subject. But we don't disagree on our responsibilities when we come to work every day and that is that the building department does the plan review for code compliance ... and the contractors build it." Although Mr. Shuttleworth didn't comment on the seismic issues, he eluded to the fact that in that area a little information is dangerous. Mr. Shuttleworth left the committee with the following analogy:

Imagine that the same legislative branch was tasked with trying to solve aviation safety in the Bush and the legislature, through their well-meaning efforts, appointed various people. ... But they left out a certified and professional pilot. That's exactly what this Senate Bill has done. We are supportive of the ... concept, but regardless of what code you end up adopting in the Twenty-Third Legislature ... I will come to work that next day. And I will be looking only one thing and that's code review compliance ...

it will not be to become the lowest bidder, it will not be to ... buy merchandise pumps or pipes or anything else. It will just simply be code review. ... To leave off folks that do that on a professional, daily basis, and consider that you have a balanced ... task force ... is naïve and I would just hope that the committee would consider all the input today.

Number 1759

BILL SAGER, Mechanical Contractors of Fairbanks, informed the committee that the Mechanical Contractors of Fairbanks represent 10 local contractors. He announced that the Mechanical Contractors of Fairbanks are in favor of HB 269, which seems to be a good compromise. With regard to appointing a building official to the task force, Mr. Sager suggested that consideration might be given to appointing a building official to the governor's advisory panel.

Number 1807

ERIC MOHRMANN, Fire Chief, Chena/Goldstream Fire and Rescue, began by informing the committee that he has also been the deputy fire marshal for the City of Fairbanks for 20 years during which he enforced the Uniform Fire Code and its predecessor. Twelve years ago the ICC started working toward standardizing codes across the nation. Through a great deal of effort over a number of years, the three independent model code organizations merged into the ICC and developed the International [family of] codes. The separate codes within the International [family of] codes are integrated with each other, which is important with regard to construction and design. He explained that the purpose behind this merger was to have a usable code nationwide that doesn't have conflicts built in. With regard to the adoption of new codes, the state fire marshal's office has done public hearings. He mentioned that local amendments are important as well. If these [codes] are to be reviewed again, he suggested that fire department and building official representation would be crucial on this task force. A great deal of the code deals with seismic issues and life and safety issues, which primarily revolve around the reaction of a building and the persons within the building to fires. In response to Chair Anderson, Mr. Mohrmann specified that representation from both the fire department and the

building official [professions] should be on the voting committee.

Number 1956

DENNIS MICHEL, American Mechanical Contracting Firm; President, Mechanical Contractors, mentioned that this probably isn't the best forum for this debate on code issues. Contractors represent those who perform the work and who have a real vested interest. Mr. Michel said, "When you're starting to look at redesigning these panels and starting to load it with fire officials and ... building officials that dilutes representation potentially from the labor force that makes a living off of installing these systems." The labor force, because of their five years of apprenticeship program, has a vested interest in the development of a stable set of codes. Therefore, the mechanical contractors have agreed to this [task force] as a manner of resolving this issue.

Number 2012

KEN AKERLY, Alaska Fire Standards Council, Department of Public Safety, informed the committee that he represents that Alaska State Firefighters Association on the council. The Alaska State Firefighters Association feels strongly that there should be adequate fire service representation on the task force, as a voting member. Mr. Akerly noted that he still uses both the International Building Code and the Uniform Building Code. Both codes uses NFPA 13 to govern sprinkler systems. Therefore, he said he feels that the International family of codes is a good code; everything should be uniform. However, he agreed with earlier statements that the ICC is making money off of the codes, which is true of all the codes. Regardless of the code used, Mr. Akerly indicated that the task force can't provide building safety to the citizens and emergency responders without having adequate fire service representation on the task force.

CHAIR ANDERSON highlighted the testimony regarding the need to include representation from the fire industry, the building administration profession, and labor, and announced that HB 269 would be held over.

ADJOURNMENT

There being no further business before the committee, the House Labor and Commerce Standing Committee meeting was adjourned at 5:35 p.m.