

**MINUTES**  
**SENATE FINANCE COMMITTEE**  
**May 01, 2003**  
**9:01 AM**

**TAPES**

SFC-03 # 72, Side A

**CALL TO ORDER**

Co-Chair Gary Wilken convened the meeting at approximately 9:01 AM.

**PRESENT**

Senator Gary Wilken, Co-Chair  
Senator Lyda Green, Co-Chair  
Senator Con Bunde, Vice-Chair  
Senator Lyman Hoffman  
Senator Robin Taylor  
Senator Ben Stevens  
Senator Donny Olson

**Also Attending:** MARK RILEY, Staff to Senator John Cowdery; ZACH WARWICK, Staff to Senator Gene Therriault; SAM KITO III, Alaska Professional Design Council; GARY POWELL, Director State Fire Marshall, Division of Fire Prevention, Department of Public Safety

**Attending via Teleconference:** From Kenai: JAMES BAISDEN, Kenai Fire Marshall; From Mat-Su: DAVID OWENS, Owner, Owens Inspection Services

**SUMMARY INFORMATION**

SB 72-EXTEND REGULATORY COMMISSION OF ALASKA

The bill was scheduled but not heard.

SB 148-PFD: ALLOWABLE ABSENCE FOR MILITARY SVC

The Committee heard from the sponsor and reported the bill from Committee.

SB 180-SAFETY CODE TASK FORCE

The Committee heard testimony from the sponsor and the industry.

The bill was held in Committee.

#sb148

SENATE BILL NO. 148

"An Act relating to allowable absences for certain members of the armed forces and their spouses and dependents for purposes of eligibility for permanent fund dividends; and providing for an effective date."

This was the second hearing for this bill in the Senate Finance Committee.

Co-Chair Wilken reminded the Committee that this bill would amend "State statutes governing allowable absences for Permanent Fund dividends" for individuals serving in the US armed forces.

MARK RILEY, Staff to Senator John Cowdery, the bill's sponsor, informed the Committee that he is available to answer questions.

Senator B. Stevens moved to report the bill from Committee with individual recommendations and accompanying fiscal note.

Without objection, SB 148 was REPORTED from Committee with previous fiscal note #1 from the Department of Revenue.

#sb180

CS FOR SENATE BILL NO. 180(L&C)

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

This was the first hearing for this bill in the Senate Finance Committee.

Co-Chair Wilken explained that this bill would "establish a nine-member safety code task force, within the Legislature, to review five primary safety codes dealing with construction in Alaska and make recommendations regarding the consolidation of the code's administrative functions."

ZACH WARWICK, Staff to Senator Gene Therriault, the bill's sponsor, explained that, currently, numerous departments are involved in establishing and administering the fire, building, mechanic, plumbing, and electrical codes "which are supposed to ensure safe building and construction throughout the State." He furthered that

currently the fire, building, and mechanical codes are managed by the Department of Public Safety through the State Fire Marshall's office, while the plumbing and electrical codes are managed through the Department of Labor and Workforce Development. He characterized a set of code as a "family". He stated that, "therein lays the problem," as the departments have adopted separate families of the two "national families of codes;" thereby, he asserted, causing dissention between the departments.

Mr. Warwick elaborated that recently the State Fire Marshall's office adopted the "International" family of codes, contrary to the Department of Labor and Workforce's "Uniform" family of codes. He stated that because there is "a lot of cross-referencing done on these codes" and because two separate families of codes now exist, the departments' codes are not uniform to each other.

Mr. Warwick referenced SB 38, which he stated, attempted to solve the training and licensing issues that arose during the transition of the fire, building, and mechanical codes from the Uniform Code to the International family of codes. He stated that the suggestion of creating this nine-member task force to impartially address issues was the result of that legislation. He stated that the task force would be comprised of three members representing the Uniform code, three members representing the International code, and three appointed impartial members.

Mr. Warwick advised that the decision was made to exclude representatives of the construction industry as voting members of the task force, as he attested, their inclusive would make it impossible "to produce a working document." However, he continued, it was suggested that the construction industry be included on an advisory panel within the task force. He furthered that representatives from the Division of Occupational Licensing "and a person from fire prevention" would also be included on the advisory panel, and he noted that a forthcoming amendment would provide for the inclusion of other entities on the advisory panel.

Mr. Warwick shared that the Task Force would be responsible for discussions regarding current codes and recommendations regarding a single family of codes to provide consistency as well as discussions and recommendations for a single State agency to adopt and administer all codes. He mentioned that some states have adopted codes comprised of both the Uniform and International family of codes.

Co-Chair Wilken noted that there has been "considerable input regarding this task force," and he commented that the goal would be to develop a committee substitute that defines "what is really

trying to be accomplished with this bill" to benefit the communities and people of the State. He noted that the Fairbanks North Star Borough that he represents is against the bill in its current form. He shared that this "seemingly innocuous issue... seems to have all sorts of tentacles."

Senator Olson asked how the members of the Task Force were identified.

Mr. Warwick responded that the members were identified because they have the "most involvement" in the adoption and administering of the codes. He mentioned that some professions, such as a municipal building official were suggested, but not selected for inclusion because of "vested interest" concerns.

Senator Olson voiced that a local building official should be involved.

Mr. Warwick responded that the involvement of this profession on the advisory panel would be addressed in a forthcoming amendment.

Senator Olson asserted that a local building representative should be on the Task Force.

Mr. Warwick defended the omission of a local building official on the task force by noting their inclusion as a member of the advisory panel, as he stated, these individuals administer codes rather than create or design them.

Senator Olson asked why a fire safety representative is not included on the task force.

Mr. Warwick responded that that decision was based on the same reasoning as the exclusion of a local building official.

JAMES BAISDEN, Fire Marshall, City of Kenai, testified via teleconference from Kenai and spoke against this legislation as "the make-up of the task force is unfair to fire marshals and building officials who have been involved in the code process for fifty-five years protecting the citizens of the State." He opined that the bill is "weighted heavily against these groups," and he attested that code changes would affect communities and other involved entities financially as recertification, training, and other aspects of conforming to the codes would be required. He voiced support for the International family code as it more adequately protects the State.

DAVID OWENS, Owner, Owens Inspection Services, a private building

inspection company in Homer, testified via teleconference from Mat-Su, to voice support of this bill. He noted however, that while it is a good concept; he aired "that the balance of the Board needs to be changed" to include a certified building inspector.

SAM KITO III, Representative, Alaska Professional Design Council, testified in Juneau to express that the task force should include a fire protection and/or a certified building inspector. He questioned the inclusion of an electrical industry representative on the task force, as he remarked that the Uniform and International family of codes pertaining to electrical codes are basically identical.

Senator Taylor asked for further information as to the type of building inspector that the testifier would support being included on the task force.

Mr. Kito clarified that either a certified building inspector or a municipal building official should be included. He stated that, while they have "different perspectives on the code, they both have a working knowledge of the code."

GARY POWELL, Director State Fire Marshall, Division of Fire Prevention, Department of Public Safety, voiced support for the concept of the legislation, but voiced that the balance of the task force should include a Fire Marshall and a building official. He noted that, while the State has five separate, identified codes, a task force without a Fire Marshall and a building official would represent only three. He declared that the two codes omitted "are truly the major codes of the five groups; the building codes being the kingpin that all other codes are based on." Therefore, he asserted, these groups should be voting members of the task force.

Mr. Powell expressed that the State has been successfully operating with both the International and Uniform family codes for more than one and one-half years. He spoke to the transitional training issue by explaining that a minimum 90-day transition period was provided and that construction projects underway or being designed were allowed to proceed under the code that was in place at the time. He stressed that this provided "ample time" for training and project needs, and he informed that the Department of Public Safety has prevailed in the related court cases.

Senator Olson asked how small contractors are affected by the requirement of two types of codes.

Mr. Powell responded that the number of construction permits issued increased during this time, which he attested, indicates, "things

are proceeding fine". He stated that the Division has received no complaints regarding the technical aspect of codes.

Senator Olson verified that there have been no complaints concerning whether one of the two family codes is more cumbersome than the other.

Mr. Powell concurred.

Co-Chair Wilken announced that the SB 180 would be HELD in Committee

Co-Chair Wilken thanked the Committee for participating in the previous public testimony hearings for SB 117 Eliminating Longevity Bonus Program and he noted that listening to public testimony is important and appreciated by the citizens of the State.

Senator Olson commended the Chairman for the respectful manner in which the hearings on the Longevity Bonus legislation were conducted.

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#### **ADJOURNMENT**

Co-Chair Gary Wilken adjourned the meeting at 09:25 AM