

**ALASKA STATE LEGISLATURE**  
**SENATE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE**

February 24, 2022

1:31 p.m.

**MEMBERS PRESENT**

Senator David Wilson, Chair  
Senator Shelley Hughes, Vice Chair  
Senator Mia Costello (via teleconference)  
Senator Lora Reinbold  
Senator Tom Begich

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

SENATE BILL NO. 169

"An Act relating to the inspection and testing of fire dampers, smoke dampers, combination fire and smoke dampers, and smoke control systems; and providing for an effective date."

- MOVED CSSB 169(HSS) OUT OF COMMITTEE

CONFIRMATION HEARING(S) :

State Medical Board

Sola Olamikan

- REMOVED FROM AGENDA

SENATE BILL NO. 175

"An Act relating to telehealth; relating to the practice of medicine; relating to medical assistance coverage for services provided by telehealth; and providing for an effective date."

- REMOVED FROM AGENDA

**PREVIOUS COMMITTEE ACTION**

BILL: SB 169

SHORT TITLE: SMOKE/FIRE DAMPERS & SMOKE CTRL SYSTEMS

SPONSOR(S) : SENATOR(S) COSTELLO

01/21/22           (S)           READ THE FIRST TIME - REFERRALS

01/21/22 (S) HSS, FIN  
02/22/22 (S) HSS AT 1:30 PM BUTROVICH 205  
02/22/22 (S) Heard & Held  
02/22/22 (S) MINUTE(HSS)  
02/24/22 (S) HSS AT 1:30 PM BUTROVICH 205

#### **WITNESS REGISTER**

MELODIE WILTERDINK, Staff  
Senator Mia Costello  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions on SB 169.

JENS SCHURIG, Organizer  
Sheet Metal Workers Local 23  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions on SB 169.

#### **ACTION NARRATIVE**

[1:31:41 PM](#)

**CHAIR DAVID WILSON** called the Senate Health and Social Services Standing Committee meeting to order at 1:31 p.m. Present at the call to order were Senators Hughes, Reinbold, Begich and Chair Wilson. Senator Costello arrived thereafter via teleconference.

#### **SB 169-SMOKE/FIRE DAMPERS & SMOKE CTRL SYSTEMS**

[1:32:05 PM](#)

**CHAIR WILSON** announced the consideration of SENATE BILL NO. 169 "An Act relating to the inspection and testing of fire dampers, smoke dampers, combination fire and smoke dampers, and smoke control systems; and providing for an effective date."

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MELODIE WILTERDINK, Staff, Senator Mia Costello, Alaska State Legislature, Juneau, Alaska, stated smoke and fire damper systems are part of a three-legged stool that, in conjunction with fire alarms and sprinkler systems, keep a building safe. Fire alarm and sprinkler systems require highly trained individuals to perform the inspections. SB 169 seeks to have trained individuals perform smoke, fire, and combination system inspections so that all three systems are in working order to protect life.

[1:33:40 PM](#)

SENATOR HUGHES stated that based on Mr. Schurig's presentation and conversations with workers in the construction industry, building owners need to ensure maintenance workers and equipment installers understand how damper systems work. Doing this would get to the root of the problem and prevent foolish mistakes. She stated she is not against raising the bar for damper inspections, nor does she wish to delay the bill. However, the public must know that inspections alone will not solve the problem. A damper propped open by an object leaves it inoperable. In the event of fire between inspections, the damper would not close, and smoke inhalation could occur. She opined that it is imperative that school maintenance workers properly tend to the systems as no one would want children dying of smoke inhalation. Maintenance workers, installers, and building owners should take responsibility for understanding fire systems because system information does not always trickle down from inspectors.

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CHAIR WILSON moved to adopt Amendment 1, work order 32-LS1386\A.1.

32-LS1386\A.1  
Bannister  
2/24/22

### AMENDMENT 1

OFFERED IN THE SENATE

BY SENATOR REINBOLD

Page 2, line 19 "following program," :

Insert "a mechanical engineer registered under AS 08.48, a licensed fire protection engineer,"

[1:36:52 PM](#)

SENATOR REINBOLD objected for purposes of discussion.

CHAIR WILSON stated that Amendment 1 allows a mechanical engineer registered as a licensed fire protection engineer under AS 08.48 to perform smoke and fire damper inspections. Amendment 1 was based on public testimony heard in committee.

[1:37:25 PM](#)

MS. WILTERDINK agreed; the committee heard that mechanical and fire engineers have the training and knowledge to inspect and

identify problems. They should not be excluded from the list of capable inspectors because they are trained to identify problems, unlike others that are currently allowed to perform inspections but lack training. Smoke and fire damper inspections occur every four years, except in hospitals which are every six years. A trained professional will find a problem upon inspection, whereas an untrained individual may not identify a problem for many years, if ever. The purpose of SB 169 is to ensure inspectors are qualified and capable of identifying problems.

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SENATOR REINBOLD asked if anyone could obtain inspector training.

[1:38:39 PM](#)

MS. WILTERDINK answered yes; accreditation is through the American National Standards Institute (ANSI); any organization that becomes accredited can offer the training. An accredited school could provide training to students. An organization could also hire an accredited individual to offer training to employees.

SENATOR REINBOLD asked if an estimate for training costs was obtained.

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MS. WILTERDINK answered that training costs vary. For example, a building owner might arrange for training and certification. The owner could bear the cost or request that participating employees pay a fee. Some unions have received accreditation, and membership dues pay for training and certification. Schools might also be accredited, and students' training costs could be part of their tuition.

SENATOR REINBOLD asked why SB 169 has a finance referral but no fiscal note.

CHAIR WILSON replied that a bill with an indeterminate fiscal note goes to finance.

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SENATOR BEGICH stated that the last line of the fiscal note for SB 169 reads, "Therefore, an indeterminate fiscal note is being submitted." This statement recognizes that SB 169 has an associated cost, so the fiscal note is submitted to the finance

committee. In other words, the fiscal note is not a definitive zero.

SENATOR REINBOLD commented that she understands why SB 169 would go to the finance committee if it is a cost to the state but not if it is a cost to the private sector. Finance is backed up, so it would help if SB 169 could skip the finance referral.

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CHAIR WILSON replied that there would be a cost to the state because, through the Department of Public Safety (DPS), the note allows the Fire Marshal's office to establish a fee for the service. The fee amount is unknown, so the fiscal note could be negative or positive.

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SENATOR BEGICH stated a request could be made to the Senate President to waive SB 169 from the finance committee since the amount would be minuscule in terms of fiscal impact. He said he was willing to make the request and suggested others do likewise.

SENATOR REINBOLD said she would let Chair Wilson decide whether to request a referral waiver. She asked whether it was correct that the State Fire Marshal had no issues with SB 169.

CHAIR WILSON replied that is correct. He stated he did not feel comfortable removing the fiscal note from the Finance Committee without speaking with the sponsor. He suggested the sponsor talk with the Senate President about its referral to the Finance Committee.

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SENATOR REINBOLD removed her objection.

[1:43:32 PM](#)

CHAIR WILSON found no further objection [and Amendment 1 was adopted]. He solicited the will of the committee.

SENATOR HUGHES stated she has learned that smoke and fire damper inspections are already required by regulation. SB 169 would make inspections statutory. From the previous meeting on SB 169, she had understood there were no inspection requirements. She opined that having provisions in regulation and statute was a bit redundant. She stated that large municipalities, such as Anchorage and Fairbanks, do not fall under the jurisdiction of the State Fire Marshal. She asked if large cities have fire

marshals and whether the sponsor of SB 169 would support a conceptual amendment to page 2, lines 23-25, stating findings of noncompliance would be given to municipal jurisdictions in addition to building owners and the State Fire Marshal.

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MS. WILTERDINK replied that Anchorage has a fire marshal and would fall under SB 169, page 2, line 18, "a municipality with a fire and life safety inspection program." She said the State Fire Marshal does not review every jurisdiction's reports. The purpose is to keep records in a central location.

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SENATOR HUGHES agreed that it is good to have a central repository. However, she opined that the Anchorage Fire Marshal should be aware of buildings that are not compliant. She stated her belief that the State Fire Marshal and the appropriate person in a jurisdiction should receive copies of the non-compliance report.

CHAIR WILSON commented that he would not want to decide without hearing the impact it could have on municipal fire departments. He said the committee does not know whether the requirement exists within municipal fire departments.

[1:47:03 PM](#)

MS. WILTERDINK stated she does not know the reporting requirements of individual jurisdictions. The intent of reporting to the State Fire Marshal is to have one repository. She does not know if the sponsor would oppose reporting to presiding jurisdictions.

SENATOR BEGICH referred to page 2, line 17, and stated his belief that if a municipality has fire inspectors, it will be doing the inspection. In effect, if a municipality has a fire inspector doing the inspections, statute requires the report to be sent to the State Fire Marshal.

[1:49:19 PM](#)

JENS SCHURIG, Organizer, Sheet Metal Workers Local 23, Anchorage, Alaska, stated it is the building owner's responsibility to keep the inspection findings report in case a municipality asks to see it. A municipality could also get the inspection report from the State Fire Marshal, so it is redundant for the city to hold it.

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SENATOR HUGHES responded that she disagrees because not sending the information to the local fire marshal puts an extra burden on the fire department as it would have to ask each building owner for a findings report. The suggestion that local fire marshals receive reports of non-compliance is essential. The reports pertain to the area they service for fires. Municipalities that may require the report are of no consequence. Those that do not require it should receive it. The inspection report is already being supplied to two entities. Supplying it to local fire marshals is easier than the fire marshals collecting it. She asked whether municipalities contract out smoke and fire damper inspections to independent inspectors. If so, it cannot be assumed that local fire marshals would get the report.

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MR. SCHURIG stated that a fire marshal visits businesses unannounced and checks fire safety equipment such as fire extinguishers, cooking hoods, fire alarms, and sprinkler systems. They also ask for the smoke and fire damper report that the building owner is required to retain. Fire marshals or fire department inspectors show up on the premises because they must do a visual inspection to sign off the report. He stated he would not sign off a report that had been emailed.

SENATOR HUGHES said she is not expecting the fire marshal to sign anything and stated her belief that the inspection report is life and safety information that each jurisdiction should have. She commented that there is no harm in having an inspection report sent to a fire marshal if the inspection is done by an "other person," as stated in SB 169, page 2, line 23. It does not create more work for the fire marshal. It is just information.

[1:53:45 PM](#)

SENATOR REINBOLD suggested the issue could be addressed as an individual recommendation when it moves out of committee. She said architects and engineers visited her, and there was confusion concerning SB 169. A House member informed her that the issues were resolved. She asked for confirmation that the information she received was accurate.

CHAIR WILSON stated he would let sponsor's staff respond but is hopeful Amendment 1 addressed the confusion.

[1:54:35 PM](#)

MS. WILTERDINK stated the sponsor met with the Architects, Engineers, and Land Surveyors Board members and the Alaska Professional Design Council. Both entities were concerned about mechanical and fire protection engineers not being listed as qualified inspectors in SB 169. Amendment 1 added these professions to SB 169 as qualified inspectors. SB 169 specifically addresses the issue of unqualified individuals performing damper inspections and passing buildings that are not in compliance. The sponsor hopes to address other concerns through separate legislation, such as smoke and fire damper education and inspection requirements.

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SENATOR BEGICH opined that Senator Hughes is correct and suggested that SB 169, page 2, line 25 be amended to resolve the issue of municipal fire marshals not receiving a findings report when performed by inspectors outside of the municipal fire department.

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SENATOR HUGHES commented that smoke and fire damper education and inspection requirements could be legislated separately. However, reporting findings to local jurisdictions is relevant to the duties of qualified inspectors. She stated she would support an amendment by Senator Begich.

[1:57:57 PM](#)

At ease.

[2:04:59 PM](#)

CHAIR WILSON reconvened the meeting.

[2:05:09 PM](#)

SENATOR BEGICH moved [conceptual] Amendment 2.

**[CONCEPTUAL] AMENDMENT 2**

BY SENATOR BEGICH

Page 2, line 25 following **"compliance"**  
Delete **"and to the state fire marshal"**

Insert ", to the state fire marshal, and, where a municipality has a fire and life safety inspection program, to that program office"

[2:05:18 PM](#)

CHAIR WILSON objected for purposes of discussion.

SENATOR BEGICH read the conceptual amendment.

[2:05:56 PM](#)

CHAIR WILSON removed his objection; he found no further objection, and [Conceptual] Amendment 2 was adopted.

[2:06:04 PM](#)

CHAIR WILSON moved to zero the fiscal note for SB 169, OMB Component 3051.

[2:06:23 PM](#)

SENATOR HUGHES objected for purposes of discussion.

[2:06:47 PM](#)

At ease.

[2:07:15 PM](#)

CHAIR WILSON reconvened the meeting and restated his motion to zero the fiscal note, OMB Component 3051.

[2:07:33 PM](#)

SENATOR HUGHES objected for purposes of discussion.

CHAIR WILSON stated SB 169 should have a zero effect given the Department of Public Safety's ability to charge a reasonable fee for the inspection service.

[2:08:01 PM](#)

SENATOR HUGHES removed her objection.

[2:08:06 PM](#)

CHAIR WILSON found no further objection and the motion to zero the fiscal note passed.

CHAIR WILSON noted that Senator Costello joined the meeting by teleconference. He asked if she had any closing comments.

SENATOR COSTELLO thanked everyone for working together to keep Alaskans safe.

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CHAIR WILSON solicited a motion to move SB 169 from committee.

[2:08:35 PM](#)

At ease

[2:08:49 PM](#)

SENATOR HUGHES moved to report SB 169, work order 32-LS1386\A, as amended, from committee with individual recommendations and attached fiscal note(s) and authorization for legislative Legal Services to make technical and conforming changes in regard to the conceptual amendment.

[2:09:10 PM](#)

SENATOR REINBOLD asked for clarification on the status of the fiscal note; the zero status of the fiscal note was affirmed.

[2:09:08 PM](#)

CHAIR WILSON found no further objection, and CSSB 169(HSS) was reported from Senate Health and Social Services Standing Committee.

[2:09:52 PM](#)

There being no further business to come before the committee, Chair Wilson adjourned the Senate Health and Social Services Standing Committee meeting at 2:09 p.m.