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Alaska State Legislature

SENATOR
GENE THERRIAULT

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Senate

Senate Bill 38: "An Act relating to construction, plumbing, mechanical, electrical, fire safety, and other safety codes adopted by state agencies and municipalities, to mechanical contractors and electrical administrators, to mechanical standards involved in certain housing loans, and to the adoption of the state's mechanical code; and providing for an effective date."

Sponsor: Senator Gene Therriault 

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 Marshall 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, which Senate Bill 38 aims to address.

On September 15, 2001 the State Fire Marshal adopted a new family of codes to replace the Uniform Fire, Building and Mechanical Codes that were in place. These new codes are from the International Family of Codes and are created and approved by the International Code Council. Concerns have arisen from the adoption and implementation of these new codes.

The first, and probably most critical, problem is the fact that there are two distinctly different families of codes used in the state. Many mechanical contractors are Mechanical Administrators with Plumbing category endorsement. Currently Mechanical Administrators are required to use the International Code while Plumbing category endorsements are required the use of the Uniform Code. A contractor who performs both Mechanical and Plumbing services is required to train employees in two competing codes, which have limited cross reference capabilities. Additionally, current statutes state that Mechanical Administrators are required to be familiar with the requirements of the Uniform Mechanical Code. These conflicts and discrepancies in regulation and statute have created a problem that requires a legislative solution.

The proposed statutory change would do the following:

- Remove the Mechanical Code authority from the Department of Public Safety and authorize the Department of Labor to adopt and administer the Mechanical Code along with the Electrical and Plumbing codes. This is a logical step to put trade-associated codes together in a department that has knowledge and experience in administering those codes. To be a licensed Mechanical, Electrical or Plumbing commercial contractor, continuing education is required. It is logical to have the Mechanical Code administered with other codes that require continuing education on specific construction related codes rather than with the Fire and Building Codes that require no ongoing training.
- In the future, require a three-year implementation period when a switch from one set of codes to another is proposed by the state. This would allow a period of time for the industry to become familiar with new codes before having to be tested and apply these codes in a work setting. This delay would not be required when a set of codes is simply being "updated." An exemption from the three-year implementation period would be created for the initial adoption of a Mechanical Code by the department of Labor.
- Grandfather projects that are in the design or permit phase to allow usage of the code that was in place when the project was started.

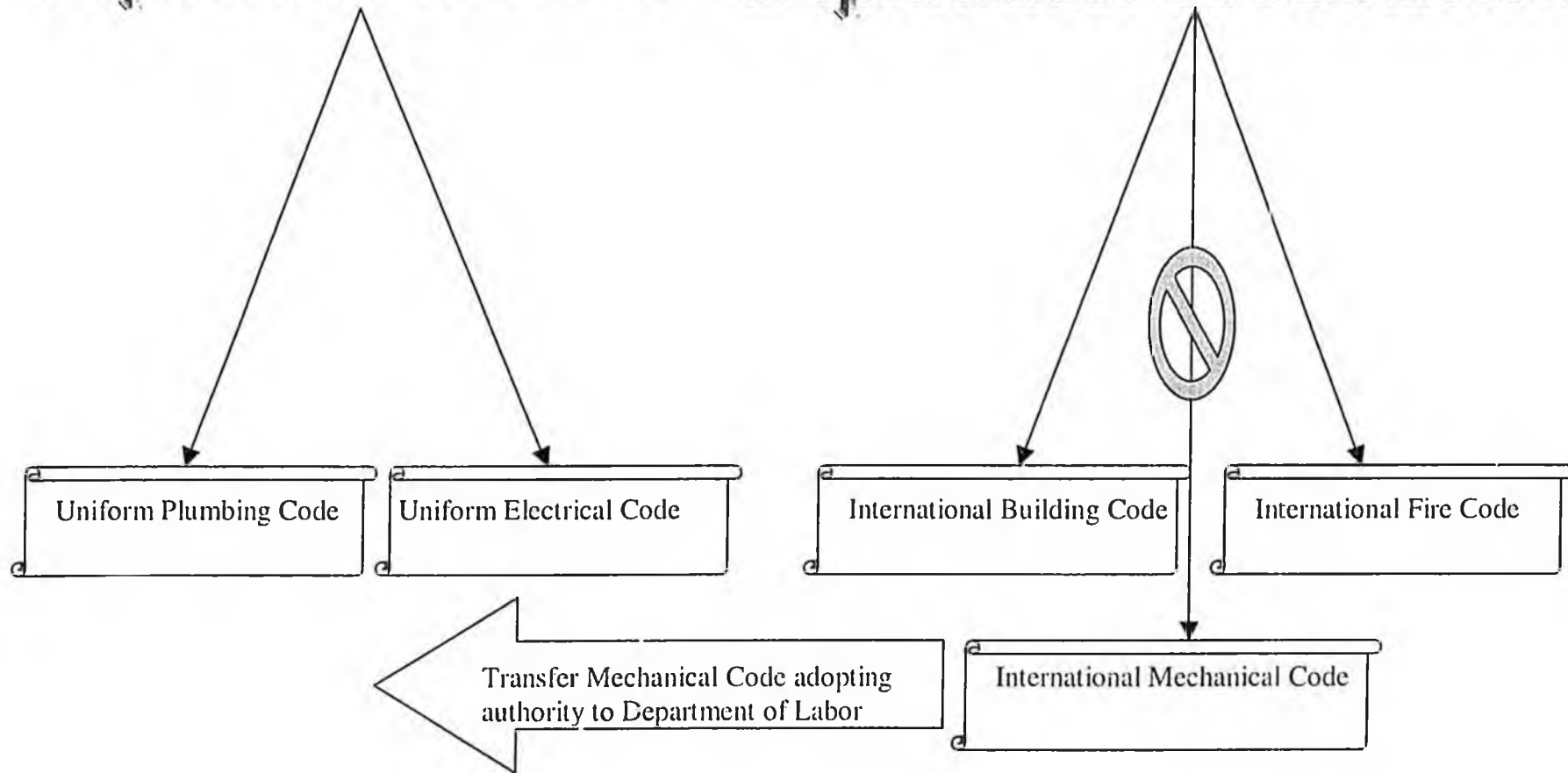
These changes are needed to rectify the current dilemma and prevent this situation from arising in the future.

*This Sponsor Statement represents the most recent CS () of SB 38 to be introduced to the Senate Community and Regional Affairs committee on Wednesday February 26th.

State Code Adopting Authority

Department of Labor

Department of Public Safety



Construction Administrators

Continuing Education Categories

Mechanical Administrators	Electrical Administrators
<p data-bbox="224 635 729 685"><u>Mechanical Categories</u></p> <p data-bbox="224 696 1116 939">Heating, Cooling, and Process Piping (HCPP) Mechanical Systems Temperature Control (CNTL) Residential HVAC (RHVC) Unlimited HVAC/Sheet Metal (UHVCS) Unlimited Refrigeration (UR)</p> <p data-bbox="224 1017 984 1067"><u>Plumbing Endorsement Categories</u></p> <p data-bbox="224 1078 1192 1170">Residential Plumbing and Hydronic Heating (RPHH) Unlimited Commercial and Industrial Plumbing (UCIP)</p>	<p data-bbox="1236 647 1699 697"><u>Electrical Categories</u></p> <p data-bbox="1236 708 1917 1003">Controls and Control Wiring (CNTL) Inside Communication (IC) Residential Wiring (RW) Outside Communications (OC) Unlimited Commercial Wiring (UCW) Unlimited Line Work (UL)</p>

23-LS0340V
Bannister
2/25/03

CS FOR SENATE BILL NO. 38()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR THERRIAULT

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to construction, plumbing, mechanical, electrical, fire safety, and other
2 safety codes adopted by state agencies and municipalities, to mechanical contractors and
3 electrical administrators, to mechanical standards and inspections involved in certain
4 housing loans, and to the adoption of the state's mechanical code; and providing for an
5 effective date."

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

7 * Section 1. AS 08.18.171(7) is amended to read:

8 (7) "mechanical contractor" means a contractor whose business
9 operations involve plumbing, pipe fitting, sheet metal, heating, air conditioning,
10 ventilating, or sprinkler and dry chemical fire protection trades in order to install or
11 modify mechanical piping and systems, devices, fixtures, and equipment or other
12 mechanical materials subject to the mechanical code adopted under AS 18.60.870
13 and the following codes as published by the International Association of Plumbing

1 and Mechanical Officials or the International Conference of Building Officials:

2 (A) Uniform Plumbing Code;

3 (B) Uniform Swimming Pool, Spa, and Hot Tub Code; and

4 (C) Uniform Solar Energy Code; [AND

5 (D) UNIFORM MECHANICAL CODE];

6 * Sec. 2. AS 08.40.270(a) is amended to read:

7 (a) Each applicant shall be examined to determine the applicant's

8 (1) ability to understand plans, design specifications, and engineering
9 terms commonly used in the mechanical field;

10 (2) knowledge of mechanical installations and piping;

11 (3) familiarity with the requirements of the mechanical code adopted
12 under AS 18.60.870. and the Uniform Plumbing Code, Uniform Swimming Pool,
13 Spa, and Hot Tub Code, and Uniform Solar Energy Code [, AND THE UNIFORM
14 MECHANICAL CODE] currently in effect in the state;

15 (4) [REPEALED

16 (5)] personal skill and ability.

17 * Sec. 3. AS 08.40.490(3) is amended to read:

18 (3) "mechanical administrator" means a person who is responsible for

19 (A) installing or modifying mechanical piping and systems,
20 devices, fixtures, equipment, or other mechanical materials subject to the
21 mechanical code adopted under AS 18.60.870. and the Uniform Plumbing
22 Code, Uniform Swimming Pool, Spa, and Hot Tub Code, and Uniform Solar
23 Energy Code [, AND THE UNIFORM MECHANICAL CODE] as published
24 by the International Association of Plumbing and Mechanical Officials and the
25 International Conference of Building Officials; or

26 (B) certifying that an installation or modification described in
27 (A) of this paragraph complies with the applicable codes;

28 * Sec. 4. AS 18.56.300(e)(3) is amended to read:

29 (3) "state building code" means

30 (.1) for building standards, the standards set out in the version
31 of the Uniform Building Code adopted by the Department of Public Safety

1 under AS 18.70.080, including the provisions of that code applicable to
2 buildings used for residential purposes containing fewer than four dwelling
3 units, notwithstanding the exclusion of those buildings from the Department of
4 Public Safety's jurisdiction made by AS 18.70.080(a)(2);

5 (B) for mechanical standards, the standards set out in the
6 mechanical code [VERSION OF THE UNIFORM MECHANICAL CODE]
7 adopted by the Department of Labor and Workforce Development under
8 AS 18.60.870 [DEPARTMENT OF PUBLIC SAFETY UNDER
9 AS 18.70.080], including the provisions of that code applicable to buildings
10 used for residential purposes containing fewer than four dwelling units [,
11 NOTWITHSTANDING THE EXCLUSION OF THOSE BUILDINGS FROM
12 THE DEPARTMENT OF PUBLIC SAFETY'S JURISDICTION MADE BY
13 AS 18.70.080(a)(2)];

14 (C) for plumbing standards, the minimum plumbing code
15 adopted for the state under AS 18.60.705; and

16 (D) for electrical standards, the minimum electrical standards
17 prescribed by AS 18.60.580.

18 * **Sec. 5.** AS 18.60 is amended by adding a new section to read:

19 **Article 12A. Mechanical Code.**

20 **Sec. 18.60.870. Mechanical code.** The Department of Labor and Workforce
21 Development shall adopt by regulation a mechanical code to be the minimum
22 mechanical code for the state.

23 * **Sec. 6.** AS 18.60 is amended by adding a new section to read:

24 **Article 14. Miscellaneous Provisions.**

25 **Sec. 18.60.900. Delayed effective date of safety codes.** (a) Unless otherwise
26 required by federal law and notwithstanding any other law to the contrary, a safety
27 code adopted by a state agency or municipality does not take effect until three years
28 after the code is adopted, unless the code specifies a later date.

29 (b) Notwithstanding (a) of this section, the three-year delay in (a) of this
30 section does not apply to the mechanical code adopted under AS 18.60.870 or to
31 revisions of that code.

1 (c) In this section,

2 (1) "adopt" includes revision of a safety code;

3 (2) "safety code" means rules related to the construction standards,
4 plumbing standards, mechanical standards, electrical standards, fire safety standards,
5 or any other procedures or requirements that relate to the safety of structures;

6 (3) "state agency" includes the Alaska Housing Finance Corporation.

7 * Sec. 7. The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

9 TRANSITION: ADOPTION OF MECHANICAL CODE. (a) The Department of
10 Labor and Workforce Development shall immediately proceed to adopt by regulation a
11 mechanical code to be the minimum mechanical code for the state and shall file the
12 regulations with the lieutenant governor under AS 44.62.060 within six months after the
13 effective date of this section of this Act.

14 (b) The effective date of the mechanical code adopted under (a) of this section is not
15 delayed by AS 18.60.900(a), enacted by sec. 6 of this Act.

16 * Sec. 8. The uncodified law of the State of Alaska is amended by adding a new section to
17 read:

18 CERTIFICATION OF EFFECTIVE DATE OF REGULATIONS. The lieutenant
19 governor shall certify to the revisor of statutes the effective date of the regulations adopted by
20 the Department of Labor and Workforce Development under sec. 7 of this Act.

21 * Sec. 9. The uncodified law of the State of Alaska is amended by adding a new section to
22 read:

23 TRANSITION FOR CURRENT CONSTRUCTION PROJECTS. The mechanical
24 code adopted under sec. 7 of this Act and certified under sec. 8 of this Act does not apply to a
25 construction project that has received a construction permit from a municipality before the
26 effective date of this section of this Act or that is in the process of being designed or
27 constructed on the effective date of this section of this Act.

28 * Sec. 10. The uncodified law of the State of Alaska is amended by adding a new section to
29 read:

30 CONTINGENT EFFECT. Sections 1 - 4 of this Act do not take effect unless the
31 lieutenant governor certifies to the revisor of statutes under sec. 8 of this Act the effective date

1 of regulations adopted by the Department of Labor and Workforce Development under sec. 7
2 of this Act.

3 * Sec. 11. Sections 5 - 8 and 10 of this Act take effect immediately under AS 01.10.070(c).

4 * Sec. 12. Sections 1 - 4 and 9 of this Act take effect the day after the revisor of statutes
5 receives notice from the lieutenant governor under sec. 8 of this Act.

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB 38
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: DCED
Title Adoption of Safety Codes BRU Occupational Licensing (117)
Component Occupational Licensing
Sponsor Senator Therriault
Requester Senate Community and Regional Affairs Component No. 2360

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other 1156 - Receipt Supported Services						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

New funds are not required to implement this bill.

Prepared by: Jennifer Strickler, Administrative Manager Phone (907) 465-2144
Division Occupational Licensing Date/Time 2/25/03 4:53 PM
Approved by: Edgar Blatchford, Commissioner Date 2/25/2003
Agency Department of Community & Economic Development

Q: What is ANSI?

A: ANSI, which stands for the American National Standards Institute, has served as coordinator of the U.S. private sector, voluntary standardization system for more than 80 years.

Its mission is to enhance both the global competitiveness of U.S. business and the U.S. quality of life by promoting and facilitating voluntary consensus standards and conformity assessment systems, and safeguarding their integrity. Through its members, staff, constituents, partners and advocates, ANSI responds directly to the standardization and conformity assessment interests and needs of consumers, government, companies and organizations.

Q: What does ANSI do?

A: ANSI coordinates the U.S. voluntary consensus standards system, providing a neutral forum for the development of policies on standards issues and serves as a watchdog for standards development and conformity assessment programs and processes. ANSI also accredits qualified organizations, whose standards development process meets all of ANSI's requirements. However, ANSI itself does not develop standards. In addition, ANSI represents U.S. interests in regional and international standardization activities while overseeing conformity assessment activities that promote the global acceptance of U.S. products, services, systems and personnel.

Q: How does ANSI conduct its business?

A: Overall, ANSI provides and promotes a process designed to protect the rights and interests of every participant through a set of four "cardinal principles".

Openness – The ANSI process is fair and open. Any materially affected and interested party shall have the ability to participate.

Balance – Participants should represent diverse interests and categories, and no single group should have dominance in standards development.

Due Process – All objections shall have an attempt made towards their resolution. Interests who believe they have been treated unfairly have a right to appeal.

Consensus – Agreements are reached when more than a majority, but not necessarily all, of the participants concur on a proposed solution.

Q: Does ANSI develop safety codes and standards?

A: ANSI accredits codes and standards development that operates in accordance with consensus procedures, and approves codes and standards provided they are developed via this process.

Q: If ANSI doesn't create standards, who does?

A: Presently, there are more 280 organizations accredited by ANSI to develop codes and standards, including organizations like ASTM International, Underwriters Laboratories, Inc., NFPA, ASME International, CSA America, Inc., the International Association of Plumbing and Mechanical Officials, and NSF International. Accreditation ensures adherence to ANSI's cardinal principles.

ANSI, in cooperation with these standards developers identifies the need for a standard, sets priorities for its completion, then assures that all impacted stakeholders have an opportunity to participate. Audits oversee the integrity of the ANSI process, regularly ensuring adherence to the ANSI procedures and safeguarding the value of the ANSI designation.



Alaska Professional Design Council • PO Box 100515 • Anchorage AK 99501-0515

MEMBER SOCIETIES

	<p>The Alaska Professional Design Council (APDC) is opposed to the Committee Substitute for SB38 presented to the Senate Community and Regional Affairs Committee on February 26, 2003. We do not believe this bill solves the problems identified in the sponsor statement:</p>
Alaska Society of Professional Engineers	◆ We agree that having codes from two distinctly different families of codes could be a problem but this bill does not resolve that problem. It moves from three International codes and one Uniform code to two International codes and two Uniform codes. The National Electrical Code is essentially part of both families. The simplest way to get to one family of codes would be to replace the Uniform Plumbing Code with the International Plumbing Code. However, the Plumbing Code is much less important for fire and life safety and, therefore, we have not pushed for adoption of the International over the Uniform Plumbing Code.
Alaska Society of Professional Land Surveyors	◆ This bill does create problems for fire and life safety. The Building, Fire, and Mechanical codes are the three primary elements of fire safety. It is imperative that they be coordinated. This is unlikely to occur when you have codes from two families, with two different approaches to fire prevention, being adopted by two different departments.
American Congress on Surveying & Mapping Alaska Section	◆ It is correct that a person who has both a Mechanical Administrator and Plumbing Administrator's license is currently being required to get education on codes from two families. But they would be required to get 8 hours of education on each of the two codes anyway, no matter which family the codes came from. There is no increase in total hours of required continuing education because the two codes are from different families, nor would there be a reduction if they were from one family.
American Council of Engineering Companies/ Alaska	◆ On the other hand, this bill will force the code officials in the Fire Marshal's office, as well as engineers and architects, to learn two codes from one family and one code from the other family. These codes will have no cross-referencing and we will lose the existing cross-referencing between the International codes. We don't understand why this is okay for these individuals but not for Mechanical and Plumbing Administrators.
American Institute of Architects Alaska Chapter	◆ We agree that there are conflicts and discrepancies in statute and regulations that require a legislative resolution. We do not believe this bill does that, as it leaves many of the discrepancies in force.
American Society of Civil Engineers Alaska Section	
American Society of Landscape Architects Alaska Chapter	
Architecture/Engineering Marketing Association of Alaska	
Professional Engineers in Private Practice Alaska Chapter	
American Society of Interior Designers	

Thus, we recommend that a public/private work group should be formed to address the whole system of code adoption and enforcement in the State. It should have representation from the 9 different State departments or agencies that are involved in regulating codes and other elements of the construction process plus representatives of building owners, architects, engineers, contractors, subcontractors, and municipal agencies. The work group should recommend both statutory and regulatory changes to make code adoption and enforcement more uniform and less onerous on the construction community.

We have attached a more comprehensive analysis of the issues raised by this legislation. If you have any questions regarding APDC's position or the attached document please call or email Colin Maynard, PE (907-274-2236, cmaynard@bbfm.com) or Amy Daugherty (907-463-2568, amydaugherty@gci.net).



Alaska Professional Design Council • PO Box 100515 • Anchorage AK 99501-0515

MEMBER SOCIETIES

Alaska Society of Professional Engineers	<p>The Alaska Professional Design Council (APDC) is opposed to the Committee Substitute for SB38 presented to the Senate Community and Regional Affairs Committee on February 26, 2003. We feel it handles a few concerns with the statutes regarding codes without resolving the systemic problems and, in some ways, makes the situation worse. We believe that a public/private task force with representation of the various different government agencies who are involved in codes and the construction process, as well as building owners, architects, engineers, contractors, subcontractors, and municipal agencies should be formed to address the whole system of code adoption and enforcement in the State. The following is a discussion of the issues related to this particular piece of legislation:</p> <p>1) <u>Uniform to International Code Transition</u>: There seems to be some m'sunderstanding about the Uniform/International Code transition.</p> <ul style="list-style-type: none">◆ The International Conference of Building Officials (ICBO) is the agency that developed the Uniform Building, Fire, and Mechanical Codes that the State has historically adopted. In some years, the Mechanical code was co-published by the International Association of Plumbing and Mechanical Officials (IAPMO). When ICBO and IAPMO were not publishing jointly, it was the ICBO version that the State adopted.◆ Starting in 1991, ICBO and the two other regional building code developing agencies joined forces under a joint body they called the International Code Council (ICC) and started work on a single national family of codes: the International Codes. These codes started out to be developed in conjunction with IAPMO and the National Fire Protection Association (NFPA) until these two organizations joined forces and went their separate way in 1999. Thus, the International codes are really a continuation of what we have always adopted – the codes developed by ICBO.◆ The design and construction community has been trying to get a single national family of codes since the 1970's. After the split between the ICC and the NFPA/IAPMO coalition, the American Institute of Architects (AIA) tried to get both sides together to discuss the issue. Based on their refusal to even discuss moving towards the goal of a single family of codes, and without an alternate explanation, the AIA concluded that NFPA's position was "solely based on economic self interest." These are the people who have "concerns" with the State Fire Marshal and the adoption process.◆ The change by the State Fire Marshal from the Uniform to International Codes has been portrayed as a capricious decision. That is not the case. The Uniform Codes we have historically adopted no longer exist and have been superceded by the International Codes. In 2000, there were no other Building or Fire codes to adopt other than the International Codes. It is imperative that the Building, Fire and Mechanical Codes work together, since they are the three fire safety codes, so it was an obvious choice to adopt the International Mechanical Code to complement the other International Codes.◆ We agree that having two distinctly different families of codes is a problem but this legislation doesn't resolve that problem, just divides it differently.
Alaska Society of Professional Land Surveyors	
American Congress on Surveying & Mapping Alaska Section	
American Council of Engineering Companies/ Alaska	
American Institute of Architects Alaska Chapter	
American Society of Civil Engineers Alaska Section	
American Society of Landscape Architects Alaska Chapter	
Architecture/Engineering Marketing Association of Alaska	
Professional Engineers in Private Practice Alaska Chapter	
American Society of Interior Designers	

2) Moving the Mechanical Code from Public Safety to Labor: APDC is opposed to this move for several reasons:

- ◆ It is more important that the Mechanical Code be compatible with the Building and Fire Code than the Plumbing Code. They are the three codes that work together to ensure fire safety. The Plumbing Code is much less important in this regard and, therefore, we have not opposed adoption of the Uniform Plumbing Code in lieu of the International Plumbing Code. It would be next to impossible to get a cohesive code set if we adopt a mix of codes from two different code families that have different approaches to fire safety and then have two different agencies implement them. This would put fire safety at risk.
- ◆ We understand the presumed logic of allowing the people who enforce the codes to adopt them. However, the fact of the matter is that DOL contains only one component of the enforcement process: inspection. There are three elements that are involved in enforcing codes: The engineers or architects who design to them, the code officials who review the design drawings prior to construction, and the inspectors who make sure that the contractor is building in accordance to the approved plans. In DOL you have the inspectors and in DPS you have the code officials. The way it works now, all three levels are involved in the enforcement of the Mechanical Code. If you move the Mechanical Code, then you will remove one leg of that three-legged stool.
- ◆ If we lose the plan review segment and just rely on inspections, we will be costing owners money, including the State of Alaska. Instead of finding out about a problem before you have constructed it, you will have to rip out completed work and construct something else in its place. And since DOL is only inspecting outside the largest cities, the contractor can't just run to the neighborhood plumbing supply store for new parts. Thus, owners will end up losing both money and time.
- ◆ If we put all the codes (Building, Fire, Mechanical, Plumbing, Electrical, ADA, Elevator, etc) in one agency and give it plan review and inspection authority, as well as an appeal process, then we would have the ideal situation. This bill does not move us toward that ideal. It actually moves us farther away.
- ◆ If we want to put all the codes that require administrator's licenses and continuing education into one place, why not in the Occupational Licensing Division of the Department of Community and Economic Development (DCED)? They are the agency that licenses the Administrator's and approves the continuing education courses they have to take to renew their licenses, not the DOL. While being more consistent with the aims of this proposal, we don't actually think that is a good idea either.

3) Training and Continuing Education: This is one of the biggest red herring arguments that have been made.

- ◆ Every three years a code comes out that has different provisions from the one before. Some of the changes are subtle and some are drastic. It requires training to become aware of the changes but only working with the code will get you familiar and comfortable with all the new provisions. It does not matter if you are going from the ICBO Uniform to the APMO Uniform or the ICBO Uniform to ICBO International, some training will be necessary as well as on the job experience.
- ◆ For example, the seismic load calculations have changed drastically in each of the last three code cycles. And that was just a code revision, not a switch between code developers.
- ◆ The fact that there is a statutory requirement for Mechanical, Plumbing, and Electrical Administrators does not mean that they are the only people going through continuing education. Training and continuing education are a fact of life for everybody in the construction industry.

4) Delay of enforcement: We do not believe that a three-year delay is in the best interest of the State.

- ◆ Codes are published on a three-year cycle. With a three-year delay, the next code will be out before you start working with the new one.
- ◆ The design profession, in many cases, starts working with the new editions of the codes even before the State or the Municipalities have adopted them. There are code provisions that allow use of "alternative means and methods" and code officials typically accept the new code, since it is based on newer research and experience.
- ◆ For example, the Arctic Slope Regional Corporation office building in Anchorage was designed using the International codes, was built, and occupied before Anchorage got around to adopting the new Codes.

5) Transition: We agree that some transition time is necessary for projects that are well along when the new codes become effective.

- ◆ It is our understanding that the State Fire Marshal and local code officials have always provided for this. We have no problem with codifying that practice.

6) Current statutory problems: There are numerous inconsistencies in the current statutes that this bill does not address.

- ◆ The International Conference of Building Officials is cited in several locations in the statutes and regulations. As of February 1, 2003, they no longer exist as a separate entity as they and the Southern Building Code Congress International and the Building Officials And Code Administrators formally merged to become the International Code Council.
- ◆ In several locations, the Uniform Building, Fire, and Mechanical Codes are cited in statute and regulation. The first two are no longer published and the latter is only published by IAPMO.

We can provide a detailed analysis of the specific provisions of the bill, if so desired. If you have any questions regarding APDC's position or this document please call or email Colin Maynard, PE (907-274-2236, cmaynard@bbfm.com) or Amy Daugherty (907-463-2568, amydaugherty@gci.net).



Alaska Department of Labor and Workforce Development

Job Seeker

Worker

Labor Standards and Safety Division

Mechanical
Inspection
Related
Web Sites:

Mechanical Inspection Section

[Proposed Regulations - Child Labor Regulations](#)

[National Association of Amusement Ride Safety Officials](#)

Programs

[Officials](#)

[National Board of Boiler and Pressure Vessel Inspectors](#)

The Mechanical Inspection Section oversees installations of a variety of mechanical work to ensure public safety. The programs administered include electrical and plumbing installations in new construction; boiler and pressure vessels, in both new construction and existing installations; elevators, new and existing; and amusement rides, ski lifts and tramways, new and existing. In addition, the Mechanical Inspection Section enforces the Contractor Licensing and the Mechanical and Electrical Administrator programs.

[International Conference of Building Officials](#)

Services

[Anchorage Society of Mechanical Engineers](#)

Inspectors perform electrical and plumbing inspections of new construction and repairs or alterations to existing structures. All new elevator, ski lift, tramway and amusement ride installations are inspected; and existing elevators, ski lifts, tramways and amusement rides are inspected annually. Boilers and pressure vessels are inspected according to a time schedule established in the national code, which varies from annually to every five years. The Mechanical Inspection Section issues licenses to qualified workers certifying their fitness to perform work in the electrical, plumbing, boiler operation fields. Construction contractor licensing and Electrical or Mechanical Administrator licensing are ongoing enforcement programs that are carried out in concert with other duties.

[International Association of Electrical Inspectors](#)

[National Fire Protection Association](#)

Email:

[National Electrical Contractors Association \(NECA\)](#)

[Anchorage LSS-MI@labor.state.ak.us](mailto:LSS-MI@labor.state.ak.us)

[National Association of Elevator Safety Authorities](#)

- [Application for Certificate of Fitness](#)
- [Approved Training Providers for Continuing Education - Electrical](#)
- [Mechanical Inspection Enforcement Programs](#)
- [Reciprocal Electrician Journeyman License](#)

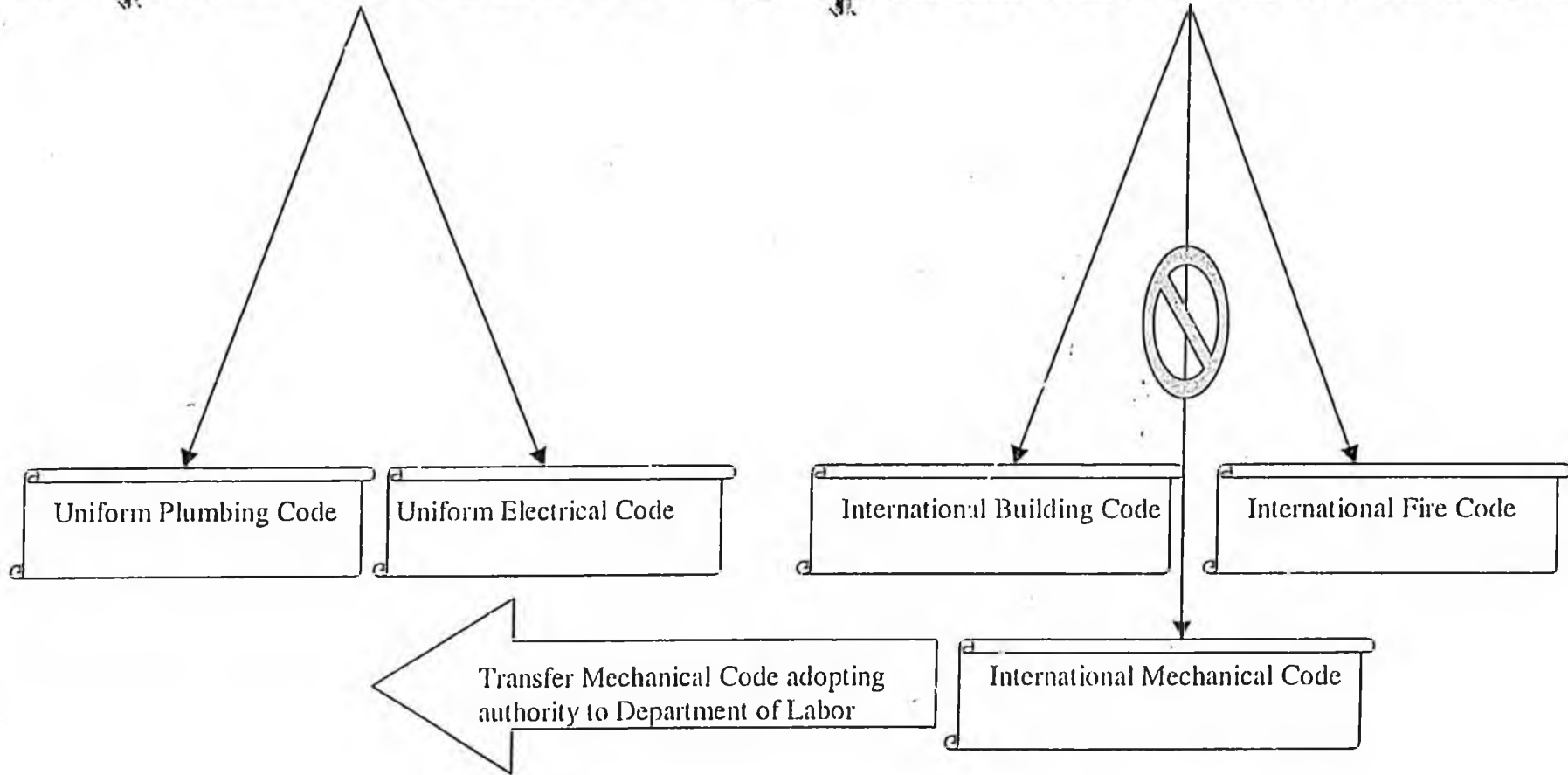
[International Association of Mechanical Officials](#)

[Labor Standards and Safety](#) || [Labor and Workforce Development](#) ||

State Code Adopting Authority

Department of Labor

Department of Public Safety



Uniform Plumbing Code

Uniform Electrical Code

International Building Code

International Fire Code

International Mechanical Code

Transfer Mechanical Code adopting authority to Department of Labor

Construction Administrators

Continuing Education Categories

*Public do? same from DOL
what do they do when not*

Mechanical Administrators

Mechanical Categories

- Heating, Cooling, and Process Piping (HCPP)
- Mechanical Systems Temperature Control (CNTL)
- Residential HVAC (RHVC)
- Unlimited HVAC/Sheet Metal (UHVCS)
- Unlimited Refrigeration (UR)

Plumbing Endorsement Categories

- Residential Plumbing and Hydronic Heating (RPHH)
- Unlimited Commercial and Industrial Plumbing (UCIP)

Electrical Administrators

Electrical Categories

- Controls and Control Wiring (CNTL)
- Inside Communication (IC)
- Residential Wiring (RW)
- Outside Communications (OC)
- Unlimited Commercial Wiring (UCW)
- Unlimited Line Work (UL)

ALASKA STATE LEGISLATURE



SENATE COMMUNITY & REGIONAL AFFAIRS COMMITTEE

Senator Tom Wagoner, Chair

Official Business

Senator Robin Taylor, Vice-Chair
Senator Kim Elton
Senator Georgianna Lincoln
Senator Gary Stevens

State Capitol, Room 427
Juneau, AK 99801-1182
Phone: (907) 465-4989
Fax: (907) 465-4779

Senate CRA Committee

March 3, 2003

March 3: No meeting scheduled.

March 5: 1:30 – 3:30pm: Fahrenkamp, Room #203

Bills Previously Heard:

+ SB 38 ADOPTION OF SAFETY CODES

+ HCR 2 EXTEND ALASKA RAILROAD TO FT. GREELY

March 7: No meeting scheduled.

**PLEASE REFER TO PREVIOUSLY DISTRIBUTED PACKETS
FOR SB 38 AND HCR 2.**

- SB 38 –
 - Distributed this date is undated Position paper from Alaska Professional Design Council
- HCR 2
 - DISTRIBUTED THIS DATE IS NEW CS ON HCR 2 – work draft \Q

+ Teleconferenced
* First Hearing

ALASKA STATE LEGISLATURE



SENATE COMMUNITY & REGIONAL AFFAIRS COMMITTEE Senator Tom Wagoner, Chair

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Senator Gary Stevens

State Capitol, Room 427
Juneau, AK 99801-1182
Phone: (907) 465-4989
Fax: (907) 465-4779

DATE: February 27, 2003
TO: Senate Secretary
FROM: Senator Tom Wagoner, Chair
Senate Community and Regional Affairs Committee
RE: Meeting Schedule: March 3 – March 7, 2003

March 3: No meeting scheduled.

March 5: 1:30 – 3:30pm: Fahrenkamp, Room #203

Bills Previously Heard:

- + SB 38 ADOPTION OF SAFETY CODES
- + HCR 2 EXTEND ALASKA RAILROAD TO FT. GREELY

March 7: No meeting scheduled.

- + Teleconferenced
- * First Hearing

Sponsor and/or Committee Name			Date
SCRA- Sen. Thomas Wagoner, Chair			3/05/03
Start/End Time	Chairing site	Juneau Room	Testimony
1:30 - 3:30	Juneau	CAP 203	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Invitational <input type="checkbox"/>
Contact Person and	Phone Number	Other sites may add?	Testimony Limit
Mary Jackson	465-4989	yes	

Subject of meeting and/or Bills on agenda

SB 38 Adoption of Safety Codes
HCR 2 Extend AK Railroad

Sites - LIOs		Sites - Offnets	Phone #
Anchorage	✓		
Barrow			
Bethel			
Cordova			
Delta Junction			
Dillingham			
Fairbanks	✓		
Glennallen			
Homer			
Juneau	✓		
Kenai	✓		
Ketchikan			
Kodiak			
Kotzebue			
Matsu			
Nome			
Petersburg			
Seward			
Sitka			
Tok			
Valdez			
Wrangell			

Notes

MAR 10 2003

Tel: 907-273-4449 Fax: 907-273-3990
700 G Street, 5th Floor, Anchorage, AK 99501
E-mail: greg.moore@nana-colt.com

March 7, 2003

The Honorable Senator Thomas Wagoner
State Capitol, Room 427
Juneau, AK 99801-1182
907-465-2828
800-964-5733
Fax: (907) 465-4779

RE: Senate Bill 38 Community Hearing March 5th, 2003

Dear Senator Wagoner,

NANA/Colt Engineering, LLC and I wish to thank you for the opportunity to testify during the March 5th committee hearing on Senate Bill 38. The continued involvement of your committee is appreciated and in our opinion, warranted. As Senator Taylor commented at the close of the SB 38 discussions, he was not comfortable with the idea of assigning this important issue to a department for resolution. We support the Senator's assessment and agree that it would not be the best solution to the problem.

In response to Senator Elton's request, I am enclosing Appendix L of the Alaska Administrative Code (13 AAC 50.020). The impact to the Appendix with the movement of authority and the changing of the code between the International & the Uniform Mechanical Code will impact the Appendix not in an easily recognizable manner such as direct reference to a specific section in the codes. The Appendix was written utilizing a performance based perspective, but wrapped deeply into all the requirements of the Building, Mechanical & Fire Codes. If the change were to take place it would be a matter of reviewing and the code requirements and trying to apply the Appendix verbiage.

The larger review and rewrite would be of all 208 cross-references between the three codes and then the creation of new revisions that would be used to cross-reference to the code adopted by the Department of Labor. All of this would affect the 13 AAC 50.010 thru 50.030. This would be a very time consuming procedure such as it was two years ago when the state journeyed from the Uniform Codes to the International Codes.

NANA/Colt is an Alaska based engineering firm that provides engineering and consulting services to the oil and gas industry. We are strongly committed to ensuring that safe building practices are maintained and utilized in the State of Alaska.

I have also enclosed a copy of my testimony for your records and review. Please feel free to contact me concerning questions or requests for assistance that may be needed.

Respectfully submitted,
NANA/Colt Engineering, LLC



Greg Moore
Fire Protection Specialist

cc: John Minier, President, NANA/Colt Engineering, LLC

Senate Bill 38
COMMUNITY & REGIONAL AFFAIRS Meeting
Wednesday, March 5th, 2003 - 1:30 PM

First, I would like to thank the Senators for allowing me the chance to speak.

My name is Greg Moore and I represent NANA Colt Engineering of Anchorage, Alaska. We are a firm of approximately 180 engineering and design professionals that provide services to the Industrial and Commercial Markets in Alaska.

We wish to voice our opposition to Senate Bill 38.

As a design & engineering firm we have a considerably investment into providing safe building designs, which incorporate the use of the International Building, Mechanical and Fire Codes. NANA Colt Engineering views the proposal of this bill in a manner that does not constitute an overall safe building design.

As an Alaskan Company we are most concerned with the safety of the citizens of Alaska, the people who visit Alaska and the workforce of Alaska. Maintaining the present code authorities and the adopted International Mechanical Code has provided that safety net we value.

As a 22 year National Fire Protection Association member who sits on 3 different code-writing committees and as a member of the International Conference of Building Officials and the Southern Building Code Congress International I have been involved in the code adoption process many times. I am used by many entities and companies to help sort out and understand the codes and the processes in place for enforcement. I come first to lend my assistance to any of the Senators or Representatives who wishes to understand the backgrounds & intentions of the Model Building Codes used in the United States.

This bill seeks to remove the authority of the Mechanical Code from the Department of Public Safety to the Department of Labor and then allow the Dept of Labor to adopt a Mechanical Code. Since it is unclear in the language of the bill what Mechanical Code the Dept of Labor would adopt we can only assume that it would be the Uniform Mechanical Code. This assumption is made under the pretense that the current Alaska Statute defines a Mechanical Administrator as a person required to work under the Uniform Mechanical Code along with other Uniform Codes. With this assumption in mind we follow the path that the Uniform Mechanical Code with amendments and appendixes would be adopted and thus the integrity of safe building designs would probably be jeopardized. When a State or City has model building codes not of the same family and not written with the same intentions, those areas can suffer from code segregation. To define "code segregation" we must assume that the International Building and Fire Codes are under the authority of the State Fire Marshal and the Uniform Mechanical and Plumbing Codes and the National Electrical Code is under the authority of the Dept of Labor. As probably all of us understand the design, construction, maintenance and repair of a building, regardless of whether it is a residential, commercial or an industrial occupancy utilizes all of the mentioned codes during the design and construction phase. Since this state and the municipalities within this state require plan reviews, construction permits or officially accepted maintenance procedures to be submitted to the regulatory authorities, it is only understandably that a single code authority is better than two. The reason why is that consistency in the plan review phase and standards that are equal and fair to all parties are the key to a safe building design. When a regulatory authority such as the State Fire Marshal is limited to the review of only certain areas of the model codes, the total building safety is compromised. Presently, the Dept of Labor does not provide plan review for the Electrical and Plumbing Codes. State Inspectors are expected to inspect a facility after it is built if at all. A common fear throughout the engineering & design communities is that of spending a million

dollars of a client's budget to build a facility to only find out later that it does not meet the code interpretation of the Electrical Inspector. Presently, the Fire Marshal's Office provides plan review services and code consultation to its customers. I find those services a very valuable part of the Safe Building Designs that we provide our clients. As a company, and I as a code professional view the segregation of the model building codes as damaging to the body and intention of the code. The International Codes were designed to be used as one set of codes utilizing references such as NFPA Standards or ANSI Standards. To require the engineer to separate the design between two state departments will be costly and especially time consuming. The time spent asking for interpretations between the two different codes will be frustrating and those costs will impact projects here in Alaska.

This bill brings many questions to mind; first and foremost what is the real driving force behind this bill. The bills sponsor explains that it is a matter of providing the proper training for the Mechanical Administrators. We can see his point, the Alaska Statute calls for the Uniform Codes to be followed by the Mechanical Administrators and the Alaska Administrative Code plus the State Superior Court tells them that the International Mechanical Code is the law that they must build to. I can only sympathize with them because what the Senate Bill will ask from all the Engineering, Architectural, Construction, Municipalities and the State Fire Marshals Office will be to first rewrite everything from the 13 AAC 50 to company design policies and procedures plus any of the various municipalities recently adopted laws. I do not propose that we ignore the Mechanical Administrators complaint or issues; I propose we attack the problem in a different manner. NANA/Colt Engineering supports a single department that can provide consistency in the administration of safe building design, maintenance and inspection. The Department of Public Safety is presently supplying this service for the Building, Mechanical and Fire Codes. With the addition of the Plumbing and Electrical Codes plus adding the electrical inspectors would create a single department charged with providing Model Building Code Adoption, Plan Review with permitting, code interpretation and building inspection services.

We understand that something such as this is costly to the state, just as costly as this Senate Bill will be. We are surprised to see a zero note attached to this bill. How can the Dept of Labor accept the authority and responsibility of the Mechanical Code without a cost impact? Has the Dept of Labor submitted a plan to this committee outlining their intentions on how to manage, administer, staff and regulate the Mechanical Code Authority process? Has a plan been set-up to incorporate the use of industry professionals to help with the code adoption process? Quite a few items need to be addressed, but why when the State of Alaska has a process that is in place. Does the process need work? Of course, code regulation, review and adoption is "evergreen". We engineers and designers expect the process to run through some sort of review and change ever three years, the normal code cycle.

I must also comment on the Sponsors Statement for this bill. For an issue that effects Building Safety so deeply that legislation is required, I would of assumed that the bills sponsor would of contacted the State Fire Marshal to discuss a way to correct the issues that the Senator has outlined. As of yesterday at 3:00 PM, the Senator had not spoken with the State Fire Marshal or the Assistant State Fire Marshal. The Senators Statement also leads the reader to believe that personnel charged with using the Fire and Building Code are not required to attend continuing education. I would like to correct that statement by stating that my permit as issued by the State Fire Marshal requires me to accumulate points for every discipline I am certified in. Those points are earned mostly through Continuing Education Credits. On an average I must attend enough training to earn at least 16 CEU's per yr plus other professional activities where I earn points. I also usually take three 8-hour tests per year so as to maintain my certifications. The Plan Reviewers for the State Fire Marshal's Office must also maintain their certification and that is through formal training and testing. These requirements might not be spelled out in the

Alaska Statutes but the 13 AAC 50 does address the personnel permitting requirements for the State.

Presently the International Codes contain 208 cross-references between the International Building Code, Mechanical Code and Fire Code. To remove the Mechanical Code would require that each of those references be addressed in the 13 AAC 50 through either new language or to repeal. We would also like to mention that Appendix L of the 13 AAC 50, which addresses North Slope Hydrocarbon Processing Buildings, would need to be reviewed and rewritten if a new Mechanical Code with amendments is adopted. As far as using a cross reference book between the Uniform Mechanical and International Mechanical there is a book published by the International Code Conference (ICC). This book though only provides the reader with a chapter for chapter cross-reference. If the language or intention of the code was changed the cross reference book does not provide interpretation to the reader and thus the user is required to make a best guess or call the code authority for a Formal Interpretation. More time and money must be added to the project to make up for this and the State will need to budget and staff to support these questions.

This bill will also impact those municipalities that have adopted the International Family of Codes. Anchorage recently went through a very lengthy and I assume costly process to adopt the International Codes. If the State Fire Marshal's Office is not the code authority for the Mechanical Code and the Dept of Labor moves to adopt the Uniform Mechanical Code, will the municipalities be required to adopt the Uniform Mechanical Code? If the answer is yes, who is going to pay for the process to repeal the old and adopt another new code? What about the personnel in those engineering and construction firms that have attended formal training on the International Mechanical Code? We will need to retrain and test.

If this is truly a training issue as the bill sponsor states, lets address training with a solution that does not defeat safe practices, introduce costs to the people of Alaska and slow down the building process through increased departmental involvement. We do not need additional legislation of this kind to fix a training problem.

The Senate Bill also does not align itself well with the Governors statement of wanting to "Streamline the Business Permitting Process".

I thank you for your time and again I make myself available to this committee, the Department of Labor and the Department of Public Safety.

Very Respectfully,
Greg Moore
NANA Colt Engineering, LLC
700 G Street, ATO 500
Anchorage, Alaska 99501

Office – 907-273-4449
Mobile – 907-230-2438
Email – greg.moore@nana-colt.com

APPENDIX L NORTH SLOPE HYDROCARBON PROCESSING BUILDINGS

L101 General. These provisions have been established to provide engineering methods for the design and construction of Hydrocarbon Processing Buildings of Group H-1/H-2/H-3 occupancies on the North Slope of this state.

L102 Scope. These standards supersede the respective requirements of the 2000 *International Building Code (I.B.C.)*, *International Mechanical Code (I.M.C.)*, and *International Fire Code (I.F.C)* as the minimum requirements for Group H-1, H-2, and H-3 Occupancies when designing and constructing North Slope hydrocarbon buildings in this state.

L102.2. Small unoccupied structures, shelters and pigging enclosures. Small unoccupied structures, shelters, and pigging enclosures will be classified as a Group U occupancy as described in Section 312 of the *I.B.C.*. Any of these structures that exceed 250 square feet in area must have two exits.

L103 Basic allowable module size, height, and separation. The basic allowable module size, height, and separation for Hydrocarbon Processing Buildings must comply with Appendix L103.1 - L103.3 of this Code.

L103.1. Area and height. The maximum allowable floor area for Hydrocarbon Processing Buildings using a minimum of Type IIB construction is 10,000 square feet and the building may only be one story. The maximum allowable height shall be 65 feet; the reference datum shall be the top of the first floor framing system. Penthouse and roof structures are permitted to extend above the 65 foot height limit to meet special requirements, including aerial coolers, towers, and tower enclosures. Allowable area and building height increases permitted by Sections 504 and 506 of the *I.B.C.* do not apply.

L103.1.1. Service area platforms. An elevated platform or series of platforms of Hydrocarbon Processing Buildings may not be classified as a floor or mezzanine within a building, and are not be subject to the requirements of Section 505 of the *I.B.C.*.

Access and egress requirements for service area platforms must be served by at least two exits per level, with one being directly to an exterior stair.

Platforms must be constructed of grating-type material so that the main floor level below is visible through the platform. Upper service area platforms must be kept to the minimum size that is necessary to accomplish occasional service, operating duties, and safe egress. Virtual wall-to-wall grating on upper levels is considered a story and must be included in floor area calculations.

L103.2. Module separation. Hydrocarbon processing buildings must comply with the provisions of Subsections 501.2 as amended by this code and Subsections 704 and 720.6.2.3 of the *I.B.C.*, for all occupancies. Elevated pipeways extending from a building may not be considered "extensions" of the building.

L103.2.1. Building extensions and service area platforms. Building extensions of Hydrocarbon Processing Buildings into the yard, include landings, platforms, stairs, vessels, vessel enclosures, tanks, and exhaust or intake hoods. Clear and unobstructed access for fire fighting is to be no less than 40 feet. Bridging between buildings must be designed to allow access and operation for firefighting.

L103.3. Utilidors. Utilidors are considered pedestrian walkways and must comply with the provisions of Section 3104 of the *I.B.C.*. If such utilidors do not comply with Section 3104, they will be classified as a building and required to meet all applicable sections of the *I.B.C.*.

L104 Stairs, Landings, Handrails, and Guardrails. Stairs, landings, handrails, and guardrails must meet the minimum requirements of 8 AAC 61, as amended as of March 9, 2001 and as amended from time to time; these regulations supersede the respective requirements of the *I.B.C.*.

L104.1. Floor level at doors. Floors or landings may

be more than one inch lower than the threshold of doorways if an attempt is made to minimize the drop through the use of ramps at interior doorways as described in Subsection 1003.3.1.6 of the *I.B.C.*.

L105 Construction specifics. The construction of Hydrocarbon Processing Buildings must comply with Appendix L105.1 - L05.4 of this Code.

L105.1. Fire walls. When a fire wall is used to qualify under Section 705 of the *I.B.C.*, the wall must comply with that section. If the fire wall does not extend to the ground, the structural supports for the wall must rest upon, and be completely supported by, the pilings.

L105.2. Tank support fireproofing. Fire proofing requirements for steel tank supports, as described in Subsection 3404.2.9.1.3 of the *I.F.C.* (2000 Edition) as adopted by reference, may be waived by the building official when justified, based on the remoteness of the facility and lack of public access, or analytical or empirical results indicating that sufficient heat could be transmitted to the permafrost to cause foundation settlement.

L105.3. Foam plastic insulated building panels. For hydrocarbon processing buildings used in the actual processing of hydrocarbons and, not normally used in other mineral extraction or manufacturing activities, foam plastic insulated building panels used on these buildings may apply a foam plastic insulated building panel thermal barrier with an index of 15. Factory Mutual approval Standard 4880 or Underwriters Laboratory (UL) Subject 1040 are acceptable tests for the purposes of approval under Subsection 2603.7 of the *I.B.C.*.

L105.4. Electrical or communication equipment shelters and wellhead covers. Thermal barrier requirements as described in Subsection 2603.4 of the *I.B.C.*, are not required for fiberglass or metal covered foam panels used for construction of electrical or communication equipment shelters and wellhead covers if the following conditions are met:

1. Foam used must meet the requirements described in Subsection 2603.3 of the *I.B.C.*;

2. The area of an individual shelter or cover may not exceed 300 square feet;
3. Separation between individual shelters must be a minimum of six feet. Each wellhead must have an individual cover, but the minimum separation between individual covers does not apply;
4. The electrical or communication shelter or wellhead cover must normally be unoccupied. It is understood that operators need to spend approximately 10 minutes per day taking readings in well heads covers and that maintenance is infrequently required. The most extensive maintenance is well wireline work. This work may extend to a week per well and occur once every several years per well. Most of this work is accomplished from outside the well head cover. All maintenance is strictly controlled with a permit system;
5. The electrical or communication shelters designed with workstations in the facility do not qualify for this modification.

L106 Fire suppression. The provisions set out at Sections L106.1 - L106.3 establish the standards for fire suppression at North Slope Hydrocarbon Processing Buildings.

L106.1. Halon 1301 system automatic activation for gas detection. In areas of Hydrocarbon Processing Buildings where (1) both fire and explosion hazards exist, (2) both fire and gas detection systems are installed, (3) the fire and gas detection devices alarm at a continuously staffed control room and trained operators can quickly respond to the fire and gas alarms following specific fire and gas alarm response procedures, and (4) collateral fire damage is likely to be minimal, the following Halon 1301 operating activation mode is acceptable: Automatic activation of the Halon 1301 system upon gas detection coupled with manual activation of the same Halon 1301 system on fire detection.

L106.2. Manual activation of total flooding fire suppression systems. In areas where (1) the only hazard is fire, not explosion, (2) fire detection devices alarm at continuously staffed control rooms, (3) trained operators can quickly respond to the fire alarms following specific fire alarm response

procedures, and (4) collateral fire damage is likely to be minimal, manual activation of the total flooding fire suppression agent is acceptable. These areas also include continuously staffed control rooms.

L106.3. Platform width. In buildings protected with fire sprinkler systems, any platform that exceeds four feet in width or length is considered an obstruction for the purposes of the installation of sprinkler systems under Subsection 903.3.1.1 of the *I.B.C.*"



CITY OF FAIRBANKS

Steve M. Thompson, Mayor

800 CUSHMAN STREET
FAIRBANKS, ALASKA 99701-4615

OFFICE: 907-459-6793

FAX: 907-459-6787

smthompson@ci.fairbanks.ak.us

MAR 10 2003

February 18, 2003

VIA FACSIMILE: (907) 465-3884

Senator Gene Therriault
State Capitol Room 111
Juneau, Alaska 99801-1182

VIA FACSIMILE: (907) 465-2937

Representative Jim Holm
State Capitol Building
Juneau, Alaska 99801

Re: Senate Bill 38

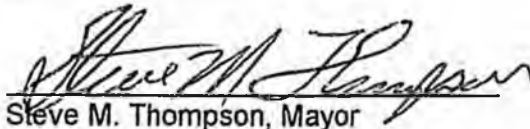
Gentlemen:

The City of Fairbanks wishes to inquire as to the origin and circumstances that prompted Senate Bill 38. As you may recall, the City of Fairbanks passed Resolution No. 3987 on March 25, 2002. The resolution was entitled, "A Resolution of Strong Objection to the Current Language of House Bills 399, 436 and 437 Regarding the State Adoption of the Uniform Mechanical Code and Other Related Codes." SB 38 although similar to the previously referenced house bills, is more regressive as it establishes: 1) a statutory monopoly for the adoption of construction codes; 2) postpones the effective date of any future construction code for three years; 3) retroactively invalidates all current construction codes duly adopted by this city or any other city; and 4) usurps home rule authority. Regarding an unrelated issue but nonetheless, emphasizing point number four, Senator Wilken was recently quoted in the Daily News Miner as stating, *"The best government is the government closest to the people,"* we concur. SB 38 does not meet this litmus test.

As to the specifics of the bill, we fundamentally believe that the governmental consensus process is appropriate for the adoption of construction codes, as the final vote rests with code officials employed by governmental agencies who have a vested interest in the outcome. However, the ANSI process as stipulated in SB 38, would allow special interest groups to have an equal and final vote. While we agree that all groups must be involved in the code adoption process, the final vote should not be vested with special interest groups which may benefit or profit by the outcome. Construction codes should not be used as an economic weapon. A code should be judged on its merits and not the economic impact on market share. We should have a choice to adopt the best code for the City of Fairbanks and the State of Alaska. As a direct comparison the legislative process incorporated by the State of Alaska Legislature is similar to the governmental consensus process. Hypothetically, if the ANSI process is implemented at the legislative level, the final vote, for any legislation would be determined by multi national industry and labor lobbyists. There would be no direct line of accountability as there currently exists between legislators, their constituents and the ballot box. While we recognize and appreciate that legislation is a give and take process, SB 38 only takes. We would like to discuss this matter with you more fully and develop a better understanding of the intent and motivation behind this bill.

Sincerely,

CITY OF FAIRBANKS


Steve M. Thompson, Mayor

CC: Interior Delegation
Encl. Copy of Resolution No. 3987

Senate Community & Regional Affairs Committee ✓

CITY OF SOLDOTNA
RESOLUTION 2003-17
(Requested by Council Member McLane)

MAR 10 2003

A RESOLUTION SUPPORTING HOUSE BILL 57, AN ACT AMENDING THE MANNER OF
DETERMINING THE ROYALTY RECEIVED BY THE STATE ON GAS PRODUCTION AS IT
RELATES TO THE MANUFACTURE OF CERTAIN VALUE ADDED PRODUCTS

WHEREAS, the manufacturing of value added resources in the State of Alaska serves as a catalyst to economic development in Alaska; and

WHEREAS, one of the state's premier value added manufacturing industries is located on the Kenai Peninsula; and

WHEREAS, this industry, Agrium Kenai Nitrogen Operations, is exceptional for its combination of high pay levels, amount and concentration of expenditures in Alaska, and Agrium Kenai Nitrogen Operations is one of the few industries adding value to Alaska's natural resources using Cook Inlet natural gas to create anhydrous ammonia and two forms of urea; and

WHEREAS, Agrium Kenai Nitrogen Operations purchases natural gas from producers in Cook Inlet and markets its products around the world competing against major world competition which is primarily based upon the monetization of trapped gas resources; and

WHEREAS, Agrium Kenai Nitrogen Operations is the Kenai Peninsula's third largest private employer and accounts for an additional 700 jobs in Alaska and the Kenai Peninsula, and

WHEREAS, Agrium Kenai Nitrogen Operations' expenditures in Alaska are spread to over 250 businesses statewide with 118 companies located on the Kenai Peninsula; and

WHEREAS, House Bill 57 has been introduced which will provide for the State of Alaska to enter into agreements with non-affiliated natural gas producers to accept as the price for the State's royalty share the price established in an arm's length contract negotiated between the natural gas producer and a manufacturer of value added products,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOLDOTNA, ALASKA:

Section 1. The Soldotna City Council urges the 23rd Alaska State Legislature to enact HB 57, "An Act Amending the Manner of Determining the Royalty Received by the State on Gas Production as it Relates to the Manufacture of Certain Value Added Products".

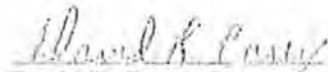
Section 2. Copies of this resolution shall be sent to all members of the 23rd Alaska State Legislature.

Section 3. This resolution shall take effect immediately upon adoption.

ADOPTED this 21st day of February, 2003.

ATTEST:


Patricia C. Burdick, CMC, City Clerk


David R. Carey, Mayor

SB 38
Version "\S"
March 17, 2003

Revisions are on page 3:

Line 27 Amend "three" year to "two year"

Lines 29 –30 New subsection clarifying two year delay application

Line 31 Amend "three" year to "two year"

23-LS0340S
Bannister
3/17/03

CS FOR SENATE BILL NO. 38()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR THERRIAULT

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to construction, plumbing, mechanical, electrical, fire safety, and other**
2 **safety codes adopted by state agencies and municipalities, to mechanical contractors and**
3 **electrical administrators, to mechanical standards and inspections involved in certain**
4 **housing loans, and to the adoption of the state's mechanical code; and providing for an**
5 **effective date."**

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 *** Section 1. AS 08.18.171(7) is amended to read:**

8 (7) "mechanical contractor" means a contractor whose business
9 operations involve plumbing, pipe fitting, sheet metal, heating, air conditioning,
10 ventilating, or sprinkler and dry chemical fire protection trades in order to install or
11 modify mechanical piping and systems, devices, fixtures, and equipment or other
12 mechanical materials subject to the mechanical code adopted under AS 18.60.870
13 and the following codes as published by the International Association of Plumbing

1 and Mechanical Officials or the International Conference of Building Officials:

2 (A) Uniform Plumbing Code;

3 (B) Uniform Swimming Pool, Spa, and Hot Tub Code; and

4 (C) Uniform Solar Energy Code; [AND

5 (D) UNIFORM MECHANICAL CODE];

6 * Sec. 2. AS 08.40.270(a) is amended to read:

7 (a) Each applicant shall be examined to determine the applicant's

8 (1) ability to understand plans, design specifications, and engineering
9 terms commonly used in the mechanical field;

10 (2) knowledge of mechanical installations and piping;

11 (3) familiarity with the requirements of the mechanical code adopted

12 under AS 18.60.870, and the Uniform Plumbing Code, Uniform Swimming Pool,

13 Spa, and Hot Tub Code, and Uniform Solar Energy Code [, AND THE UNIFORM

14 MECHANICAL CODE] currently in effect in the state;

15 (4) [REPEALED

16 (5)] personal skill and ability.

17 * Sec. 3. AS 08.40.490(3) is amended to read:

18 (3) "mechanical administrator" means a person who is responsible for

19 (A) installing or modifying mechanical piping and systems,

20 devices, fixtures, equipment, or other mechanical materials subject to the

21 mechanical code adopted under AS 18.60.870, and the Uniform Plumbing

22 Code, Uniform Swimming Pool, Spa, and Hot Tub Code, and Uniform Solar

23 Energy Code [, AND THE UNIFORM MECHANICAL CODE] as published

24 by the International Association of Plumbing and Mechanical Officials and the

25 International Conference of Building Officials; or

26 (B) certifying that an installation or modification described in

27 (A) of this paragraph complies with the applicable codes;

28 * Sec. 4. AS 18.56.300(e)(3) is amended to read:

29 (3) "state building code" means

30 (A) for building standards, the standards set out in the version

31 of the Uniform Building Code adopted by the Department of Public Safety

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under AS 18.70.080, including the provisions of that code applicable to buildings used for residential purposes containing fewer than four dwelling units, notwithstanding the exclusion of those buildings from the Department of Public Safety's jurisdiction made by AS 18.70.080(a)(2);

(B) for mechanical standards, the standards set out in the mechanical code [VERSION OF THE UNIFORM MECHANICAL CODE] adopted by the Department of Labor and Workforce Development under AS 18.60.870 [DEPARTMENT OF PUBLIC SAFETY UNDER AS 18.70.080], including the provisions of that code applicable to buildings used for residential purposes containing fewer than four dwelling units [, NOTWITHSTANDING THE EXCLUSION OF THOSE BUILDINGS FROM THE DEPARTMENT OF PUBLIC SAFETY'S JURISDICTION MADE BY AS 18.70.080(a)(2)];

(C) for plumbing standards, the minimum plumbing code adopted for the state under AS 18.60.705; and

(D) for electrical standards, the minimum electrical standards prescribed by AS 18.60.580.

* Sec. 5. AS 18.60 is amended by adding a new section to read:

Article 12A. Mechanical Code.

Sec. 18.60.870. Mechanical code. The Department of Labor and Workforce Development shall adopt by regulation a mechanical code to be the minimum mechanical code for the state.

* Sec. 6. AS 18.60 is amended by adding a new section to read:

Article 14. Miscellaneous Provisions.

Sec. 18.60.900. Delayed effective date of safety codes. (a) Unless otherwise required by federal law and notwithstanding any other law to the contrary, a safety code adopted by a state agency or municipality does not take effect until two years after the code is adopted, unless the code specifies a later date.

NEW → (b) The two-year delay in (a) of this section does not apply to the adoption of revisions for a safety code that has been adopted by a state agency or municipality.

(c) Notwithstanding (a) of this section, the two-year delay in (a) of this section



1 does not apply to the initial adoption of a mechanical code under AS 18.60.870.

2 (d) In this section,

3 (1) "safety code" means rules related to the construction standards,
4 plumbing standards, mechanical standards, electrical standards, fire safety standards,
5 or any other procedures or requirements that relate to the safety of structures;

6 (2) "state agency" includes the Alaska Housing Finance Corporation.

7 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

9 **TRANSITION: ADOPTION OF MECHANICAL CODE.** (a) The Department of
10 Labor and Workforce Development shall immediately proceed to adopt by regulation a
11 mechanical code to be the minimum mechanical code for the state and shall file the
12 regulations with the lieutenant governor under AS 44.62.060 within six months after the
13 effective date of this section of this Act.

14 (b) The effective date of the mechanical code adopted under (a) of this section is not
15 delayed by AS 18.60.900(a), enacted by sec. 6 of this Act.

16 * **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to
17 read:

18 **CERTIFICATION OF EFFECTIVE DATE OF REGULATIONS.** The lieutenant
19 governor shall certify to the revisor of statutes the effective date of the regulations adopted by
20 the Department of Labor and Workforce Development under sec. 7 of this Act.

21 * **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to
22 read:

23 **TRANSITION FOR CURRENT CONSTRUCTION PROJECTS.** The mechanical
24 code adopted under sec. 7 of this Act and certified under sec. 8 of this Act does not apply to a
25 construction project that has received a construction permit from a municipality before the
26 effective date of this section of this Act or that is in the process of being designed or
27 constructed on the effective date of this section of this Act.

28 * **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to
29 read:

30 **CONTINGENT EFFECT.** Sections 1 - 4 of this Act do not take effect unless the
31 lieutenant governor certifies to the revisor of statutes under sec. 8 of this Act the effective date

1 of regulations adopted by the Department of Labor and Workforce Development under sec. 7
2 of this Act.

3 * **Sec. 11.** Sections 5 - 8 and 10 of this Act take effect immediately under AS 01.10.070(c).

4 * **Sec. 12.** Sections 1 - 4 and 9 of this Act take effect the day after the revisor of statutes
5 receives notice from the lieutenant governor under sec. 8 of this Act.

23-LS0340\Q
Bannister
3/14/03

CS FOR SENATE BILL NO. 38()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY

**Offered:
Referred:**

Sponsor(s): SENATOR THERRIAULT

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to construction, plumbing, mechanical, electrical, fire safety, and other**
2 **safety codes adopted by state agencies and municipalities, to mechanical contractors and**
3 **electrical administrators, to mechanical standards and inspections involved in certain**
4 **housing loans, and to the adoption of the state's mechanical code; and providing for an**
5 **effective date."**

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 *** Section 1.** AS 08.18.171(7) is amended to read:

8 (7) "mechanical contractor" means a contractor whose business
9 operations involve plumbing, pipe fitting, sheet metal, heating, air conditioning,
10 ventilating, or sprinkler and dry chemical fire protection trades in order to install or
11 modify mechanical piping and systems, devices, fixtures, and equipment or other
12 mechanical materials subject to the mechanical code adopted under AS 18.60.370
13 and the following codes as published by the International Association of Plumbing

1 and Mechanical Officials or the International Conference of Building Officials:

2 (A) Uniform Plumbing Code;

3 (B) Uniform Swimming Pool, Spa, and Hot Tub Code; and

4 (C) Uniform Solar Energy Code; [AND

5 (D) UNIFORM MECHANICAL CODE];

6 * Sec. 2. AS 08.40.270(a) is amended to read:

7 (a) Each applicant shall be examined to determine the applicant's

8 (1) ability to understand plans, design specifications, and engineering
9 terms commonly used in the mechanical field;

10 (2) knowledge of mechanical installations and piping;

11 (3) familiarity with the requirements of the mechanical code adopted
12 under AS 18.60.870, and the Uniform Plumbing Code, Uniform Swimming Pool,
13 Spa, and Hot Tub Code, and Uniform Solar Energy Code [, AND THE UNIFORM
14 MECHANICAL CODE] currently in effect in the state;

15 (4) [REPEALED

16 (5)] personal skill and ability.

17 * Sec. 3. AS 08.40.490(3) is amended to read:

18 (3) "mechanical administrator" means a person who is responsible for

19 (A) installing or modifying mechanical piping and systems,
20 devices, fixtures, equipment, or other mechanical materials subject to the
21 mechanical code adopted under AS 18.60.870, and the Uniform Plumbing
22 Code, Uniform Swimming Pool, Spa, and Hot Tub Code, and Uniform Solar
23 Energy Code [, AND THE UNIFORM MECHANICAL CODE] as published
24 by the International Association of Plumbing and Mechanical Officials and the
25 International Conference of Building Officials; or

26 (B) certifying that an installation or modification described in

27 (A) of this paragraph complies with the applicable codes;

28 * Sec. 4. AS 18.56.300(e)(3) is amended to read:

29 (3) "state building code" means

30 (A) for building standards, the standards set out in the version
31 of the Uniform Building Code adopted by the Department of Public Safety

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under AS 18.70.080, including the provisions of that code applicable to buildings used for residential purposes containing fewer than four dwelling units, notwithstanding the exclusion of those buildings from the Department of Public Safety's jurisdiction made by AS 18.70.080(a)(2);

(B) for mechanical standards, the standards set out in the mechanical code [VERSION OF THE UNIFORM MECHANICAL CODE] adopted by the Department of Labor and Workforce Development under AS 18.60.870 [DEPARTMENT OF PUBLIC SAFETY UNDER AS 18.70.080], including the provisions of that code applicable to buildings used for residential purposes containing fewer than four dwelling units [, NOTWITHSTANDING THE EXCLUSION OF THOSE BUILDINGS FROM THE DEPARTMENT OF PUBLIC SAFETY'S JURISDICTION MADE BY AS 18.70.080(a)(2)];

(C) for plumbing standards, the minimum plumbing code adopted for the state under AS 18.60.705; and

(D) for electrical standards, the minimum electrical standards prescribed by AS 18.60.580.

* Sec. 5. AS 18.60 is amended by adding a new section to read:

Article 12A. Mechanical Code.

Sec. 18.60.870. Mechanical code. The Department of Labor and Workforce Development shall adopt by regulation a mechanical code to be the minimum mechanical code for the state.

* Sec. 6. AS 18.60 is amended by adding a new section to read:

Article 14. Miscellaneous Provisions.

Sec. 18.60.900. Delayed effective date of safety codes. (a) Unless otherwise required by federal law and notwithstanding any other law to the contrary, a safety code adopted by a state agency or municipality does not take effect until two years after the code is adopted, unless the code specifies a later date.

(b) Notwithstanding (a) of this section, the two-year delay in (a) of this section does not apply to the initial adoption of a mechanical code under AS 18.60.870 but does apply to revisions of that code.

1 (c) In this section,

2 (1) "adopt" includes revision of a safety code;

3 (2) "safety code" means rules related to the construction standards,
4 plumbing standards, mechanical standards, electrical standards, fire safety standards,
5 or any other procedures or requirements that relate to the safety of structures;

6 (3) "state agency" includes the Alaska Housing Finance Corporation.

7 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

9 **TRANSITION: ADOPTION OF MECHANICAL CODE.** (a) The Department of
10 Labor and Workforce Development shall immediately proceed to adopt by regulation a
11 mechanical code to be the minimum mechanical code for the state and shall file the
12 regulations with the lieutenant governor under AS 44.62.060 within six months after the
13 effective date of this section of this Act.

14 (b) The effective date of the mechanical code adopted under (a) of this section is not
15 delayed by AS 18.60.900(a), enacted by sec. 6 of this Act.

16 * **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to
17 read:

18 **CERTIFICATION OF EFFECTIVE DATE OF REGULATIONS.** The lieutenant
19 governor shall certify to the revisor of statutes the effective date of the regulations adopted by
20 the Department of Labor and Workforce Development under sec. 7 of this Act.

21 * **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to
22 read:

23 **TRANSITION FOR CURRENT CONSTRUCTION PROJECTS.** The mechanical
24 code adopted under sec. 7 of this Act and certified under sec. 8 of this Act does not apply to a
25 construction project that has received a construction permit from a municipality before the
26 effective date of this section of this Act or that is in the process of being designed or
27 constructed on the effective date of this section of this Act.

28 * **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to
29 read:

30 **CONTINGENT EFFECT.** Sections 1 - 4 of this Act do not take effect unless the
31 lieutenant governor certifies to the revisor of statutes under sec. 8 of this Act the effective date

1 of regulations adopted by the Department of Labor and Workforce Development under sec. 7
2 of this Act.

3 * **Sec. 11.** Sections 5 - 8 and 10 of this Act take effect immediately under AS 01.10.070(c).

4 * **Sec. 12.** Sections 1 - 4 and 9 of this Act take effect the day after the revisor of statutes
5 receives notice from the lieutenant governor under sec. 8 of this Act.



Alaska Professional Design Council • PO Box 100515 • Anchorage AK 99501-0515

MEMBER SOCIETIES

Alaska Society of Professional Engineers

Alaska Society of Professional Land Surveyors

American Congress on Surveying & Mapping Alaska Section

American Council of Engineering Companies/ Alaska

American Institute of Architects Alaska Chapter

American Society of Civil Engineers Alaska Section

American Society of Landscape Architects Alaska Chapter

Architecture/Engineering Marketing Association of Alaska

Professional Engineers in Private Practice Alaska Chapter

American Society of Interior Designers

The Alaska Professional Design Council (APDC) is opposed to the Committee Substitute for SB38 presented to the Senate Community and Regional Affairs Committee on February 26, 2003. We do not believe this bill solves the problems identified in the sponsor statement nor does it solve all the problems with current statutes regarding codes. The following is a provision-by-provision review of the bill and our perceived problems:

Section 1

1. This section does not correct the language referring to the "International Conference of Building Officials" (ICBO), which no longer exists, since they merged with the Building Officials and Code Administrators and Southern Building Code Congress International to form the International Code Council. This is not the only place in statute that refers to the International Conference of Building Officials and all of these locations need to be changed to refer to the International Code Council, the current name of the organization.
2. In addition, the other three code references (Plumbing Code; Swimming Pool, Spa and Hot Tub Code, and; Solar Energy Code) should be changed to generic codes, rather than "Uniform" codes, since the International Code Council (nee ICBO) is not publishing under the title of "Uniform" any longer. There are many other locations where these references appear in the statutes and they should also be fixed. This bill does not do that.

Section 2

1. See Section 1, item 2.

Section 3

1. See Section 1, Items 1 & 2.

Section 4

1. The "Uniform Building Code" no longer exists and the language should be changed to "building code." This may occur in other statutory provisions and should also be corrected in those locations.
2. We disagree with moving the Mechanical Code from the Department of Public Safety to Labor for many reasons that we have outlined in a previous cover letter and analysis. The primary reason is that it is essential that the Building, Fire, and Mechanical codes be coordinated. It is highly unlikely for that to occur if these codes are adopted by two different agencies, most likely using two different code families of codes, which have two different approaches to fire safety. If we want to arrive at a situation with the codes in one agency and from one family, it would be much easier to accomplish by moving the Plumbing Code and Electrical Code to the Department of Public Safety, rather than by moving the Mechanical code away from the Building Code and Fire Code.

3. Is there a reason that the definition in Paragraph B isn't identical in form to Paragraph C or D? We don't understand why the residential exclusion (the last phrase of Paragraph B) is being removed from the mechanical code nor why their isn't similar language with the plumbing and electrical code. Neither the Department of Labor nor the Department of Public Safety has the authority to enforce the codes for residential construction.

Section 5

1. See Section 4, Item 2.

Section 6

1. The three-year delay in Paragraph (a) is too long and totally unnecessary. Even if it only applied to the situation where new code was from a different family, it takes the State and the Municipalities 18 months to two years to adopt the codes after publication. This is plenty of time for everybody involved to get the necessary continuing education on the new code. In addition, the way most people become educated with the code is through working with it every day, not through a single eight-hour course. That experience in most cases occurs on projects that use the new code even before it is adopted by the governing jurisdiction, since it is the latest state of the art. An additional three year delay would make most people use "alternative means and methods" for three years with the new code and then an additional two years with the next version of the code. What happens if a different family is chosen every three years? The state's adoption process would always be two codes behind.
2. Why does paragraph (b) exempt the mechanical code from the three-year delay? Senator Therriault has testified that the Department is free to adopt any code. Assuming that the Department of Labor adopts the International Mechanical Code (admittedly, a highly unlikely prospect), wouldn't the three-year delay be warranted?
3. In addition, it appears that paragraph (b) excludes revisions of the mechanical code from these provisions in perpetuity. It does not state that the delay does not apply the first time that code is adopted; it states that the mechanical code is exempt whenever it is adopted or revised. Section 7 exempts the mechanical code the first time, so why is paragraph (b) necessary? There does not seem to be any reason to give the mechanical code such special treatment.
4. We do not believe that the definition in paragraph (c) agrees with the sponsor's statement that the delay did not apply to code revisions and only applies to changes between codes of different families. Definition (1) states that "*adopt*" includes revision of a safety code. Maybe the definition should be changed to "*adopt*" does not include revision of a safety code.

Sections 7 & 8

1. See Section 4, Item 2.

Section 9

1. We believe that the transition period should be until the Department of Labor adopts the new code by regulation, not the effective date of the act, since we will not know what code will be adopted until the Department has completed the adoption process. This would also make it more compatible with Sections 11 and 12.

Section 10

1. It seems to be redundant to Section 12, which includes Section 9 and seems more reasonable.

Sections 11 & 12

1. These seem to be reasonable.

Fiscal Note

1. We do not understand how this bill has a zero fiscal note. It will require the Department of Public Safety to modify their regulations to account for the several hundred cross references from the Building Code and Fire Code to the Mechanical Code, unless the Department of Labor adopts the International Mechanical Code which is highly unlikely. This whole bill was introduced to allow the overturning of that adoption, so what is the likelihood that they will change their minds now?
2. It will also require the Department of Labor and the Lieutenant Governor's Office to do work on new regulations to adopt the new code. This is going to be done at no cost?

In conclusion, we do not believe this bill resolves the problems with the whole system of code adoption and enforcement in the State and in many ways it makes it worse. We recommend that a public/private work group should be formed to address the situation during the interim. It should have representation from the 9 different State departments or agencies that are involved in regulating codes and other elements of the construction process plus representatives of building owners, architects, engineers, contractors, subcontractors, and municipal agencies. The work group should recommend both statutory and regulatory changes to make code adoption and enforcement more uniform and less onerous on the construction community. They should review the 2003 editions of the two families of codes and determine which one, or amalgamation of both, would be best for the State. This could be accomplished by next January.

If you have any questions regarding APDC's position or this document please call or email Colin Maynard, PE (907-274-2236, cmaynard@bbfrn.com) or Amy Daugherty (907-463-2568, amydaugherty@gci.net).



**PROTECTING THE PUBLIC'S SAFETY WITH
CODES, SERVICES, AND SUPPORT**



**Comprehensive
Consensus
Codes™**

COMPREHENSIVE



The future of public safety is in the Comprehensive Consensus Codes™ (C3) set. The first of its kind, C3 is the result of model code and standard developers bringing their

expertise together to form one fully integrated, consensus-based code set. As a result of these coordinated efforts, C3 offers the only complete set of American National Standards Institute (ANSI)-accredited model codes, integrated for public safety.

AN INTEGRATED CODE SYSTEM

The C3 set includes codes and standards from a wide range of well-respected code development organizations including:



NFPA, a worldwide leader in protecting public safety through its multifaceted approach that includes scientifically-based safety codes and standards, certification and training, research, and public education programs.



International Association of Plumbing and Mechanical Officials (IAPMO), an international leader in enhancing public health, comfort, and safety through its work in the plumbing and mechanical communities.



Western Fire Chiefs Association (WFCAs), promulgator of one of the most widely adopted fire codes in the United States.



American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), which advances the science of heating, ventilation, air-conditioning, and refrigeration for the public's benefit through research, standards writing, continuing education, and publications.

Together, these model code and standard developers share a collective 400 years of code development experience. Now, these independent organizations — each with its own specialties and areas of expertise — have combined their efforts and coordinated their key safety documents to create the C3 code set.

Unmatched Support and Service for Communities

The C3 set provides numerous benefits for adopting jurisdictions and other users of codes. The set offers a seamless system of code support and service from the best providers in the field — the C3 partners. This combination enhances ease of use and ensures consistencies in content, making C3 codes easy to reference, read, and apply.

Also, adoption of the C3 set can help jurisdictions reduce code-related costs for taxpayers. When a state adopts a C3 code, the code developers make available free training and associated codebooks for code enforcers in that state. No other code development organization can match our commitment to reducing the cost of enforcement and to providing services to jurisdictions.

"The quality of service being provided on technical interpretations by a C3 partner during our code adoption process has been unlike anything I have seen as a building official."

Rick Doell, P.E.

*Deputy Director, Building Official,
City of Phoenix*

"As we work to protect the public, C3 ensures that we building officials can choose a full set of codes that reflects the latest technology and expertise."

Rick Breezee, C.B.O.

*Building Official,
Metropolitan Airports Commission,
Minneapolis-St. Paul
International Airport*

CONSENSUS



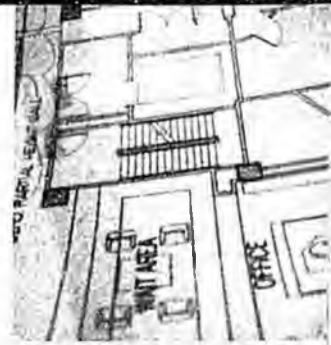
“Having a set of codes developed through a balanced and accredited consensus-based process is a tremendous advancement for the code world

and public safety. A comprehensive set of consensus codes represents an unparalleled, new resource for the public safety community.”

Robert Stricker

*Chief Plumbing Inspector,
City of San Antonio*

CORNERSTONE OF C3



Serving as the cornerstone of the C3 code-making process is consensus — the belief that everyone must have the right to participate, with an equal voice and a vote, throughout the development of codes and standards. In the development of C3 codes, no single interest group can dominate, and voting is not restricted to certain classes of membership. Each code development committee includes a balance of all affected interests, as committee members hear proposals, act on public comments, and prepare a report for the general membership. Before a C3 code is published, the public provides input, and voting is open to all members of the C3 organization which promulgates that document.

In addition to being open to all, the development of C3 codes is a thorough, detailed process. Thanks to the integrity of that process and the commitment of the volunteers who serve in it, the end result is the most up-to-date and high-quality set of codes. A prominent example of this process is NFPA 70, *National Electrical Code*®, the world's most widely used and adopted code for electrical installations.

Once the codes have been developed, elements of the C3 set are updated regularly to ensure that they reflect the latest safety advancements and research. Any revisions to a code or standard are made following the same open, consensus-based process used to develop the document.

“The C3 set is the only group of construction codes that includes the *National Electrical Code*® — the nation’s wiring rules — and the only integrated set of codes developed through an ANSI-accredited, consensus process.”

H. Brooke Stauffer

*Executive Director,
Standards and Safety,
National Electrical Contractors
Association (NECA)*

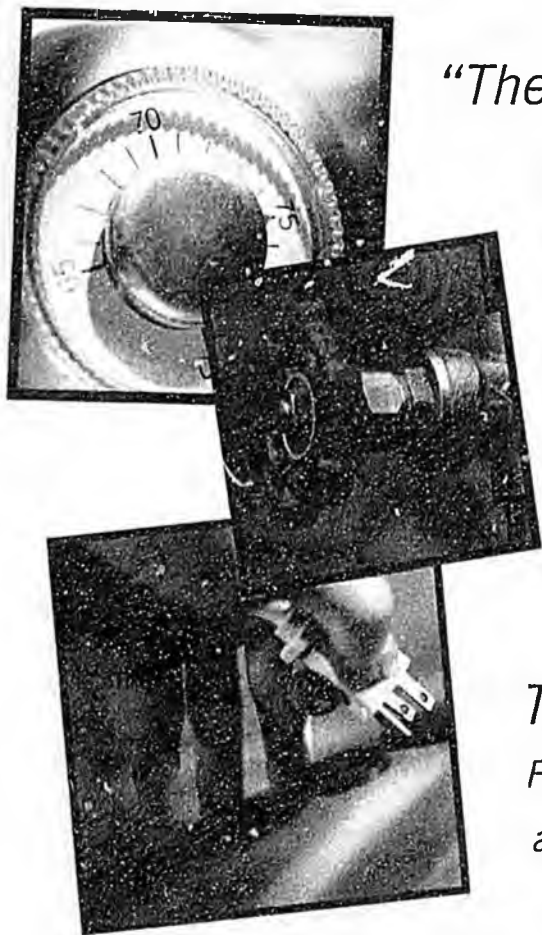
C3 Code Set Fact

The type of process used to develop C3 codes is encouraged by the federal government. Federal Public Law 104-113 requires federal agencies to use technical standards developed by voluntary consensus standards bodies. The subsequent Office of Management and Budget Circular A-119 states that its purpose is to direct agencies “to use voluntary consensus standards in lieu of government-unique standards.”



Accreditation from the American National Standards Institute (ANSI) demonstrates a code development organization’s commitment to balanced input from all interested parties. ANSI accredits code developers that adhere to the guiding principles of consensus, due process, and openness.

CODES



“The C3 partners are also the leading developers of widely used safety standards, and this set will fully integrate those standards with the codes, enhancing ease of use.”

Tim Fuller

*Fire Chief, St. Paul Department of Fire
and Safety Services*

PROTECTING THE PUBLIC'S SAFETY WITH C3 CODES



NFPA 5000™, Building Construction and Safety Code™

The first and only building code developed through an ANSI-accredited consensus process. NFPA 5000™ contains provisions for every aspect of design and construction of buildings and structures, as well as the creation of building systems for health, safety, comfort, and convenience. It also is the only building code featuring an occupancy-based format, along with integrated provisions for both performance-based design options and the rehabilitative use of existing buildings.

NFPA 70, National Electrical Code® (NEC®)

The most widely adopted model code, the NEC focuses on the proper installation of electrical systems and equipment in order to protect people and property from the dangers of electricity.

NFPA 101, Life Safety Code®

Sets minimum building design, construction, operation, and

maintenance requirements necessary to protect building occupants from dangers caused by fire, smoke, and toxic fumes. Also provides "prompt escape" requirements for new and existing buildings.

NFPA 1, Uniform Fire Code™

Integrating NFPA 1, *Fire Prevention Code™* and the *Uniform Fire Code™* (UFC™) — the two most widely adopted fire codes in the United States — results in a merged code that addresses fundamental fire prevention requirements to protect people and property.

Uniform Plumbing Code™

Provides manufacturers, contractors, installers, and inspectors with safe and sanitary plumbing systems in a proven format using the latest technologies and innovations.

NFPA 58, Liquefied Petroleum Gas Code

Applies to the design, construction, installation, and operation of all LP-Gas systems and to the highway transportation of LP-Gas.

NFPA 54, National Fuel Gas Code

Provides requirements for the installation and operation of gas piping, equipment installations, and venting.

Uniform Mechanical Code™

Provides complete requirements for the installation and maintenance of heating, ventilating, cooling, and refrigeration systems.

NFPA 30, Flammable and Combustible Liquids Code

NFPA 30A, Code for Motor Fuel Dispensing Facilities and Repair Garages

Apply requirements and safeguards for storage, handling, dispensing and use of flammable and combustible liquids.

NFPA 900, Building Energy Code

Incorporating ASHRAE standards 90.1 and 90.2, this code will provide design requirements for energy-efficient new commercial and residential buildings.

Key C3 Facts:

NEC

Its requirements affect 40 percent of the world's electricity.

UPC™/UMC™

The most widely adopted plumbing and mechanical codes in the United States.

NFPA 101

Enhancing public safety in all 50 states, it can be utilized in conjunction with a building code or alone in jurisdictions without an adopted building code.

NFPA 5000

Provides ease of use by occupancy and access to quality code support and service, training, and certification.

NFPA 1

Integrates the two most widely adopted fire codes in the country.



C3 is the only set of ANSI-accredited codes that completely covers the built environment. The codes making up the C3 set already affect virtually every building, process, service, design, and installation in society today.



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