

ALASKA LEGISLATURE COMMITTEE FILES 1983 - 1984 86/2

2729 SLC HB 508 (FILE 2) - HB 535

September 15, 1983

FILE: AKMI (IR 3)

Mayor John Guinn
City of Bethel
Box 388
Bethel, Alaska 99559

Dear Mr. Guinn:

Recently we have been questioned about the 1982 Uniform Plumbing Code and the use of ABS/PVC waste and drain piping.

Please be advised that the 1979 edition of the Uniform Plumbing Code is still in effect and is being enforced by the state as the minimum plumbing code.

Until the legislature ammends AS 18.60.705, those ABS/PVC waste and drains installations subject to Chapter 401 (a) and Chapter 503 (a) of the 1979 Uniform Plumbing Code, are limited to residential construction, not more than two (2) stories in height.

Should you have any questions, please do not hesitate to call.


Don Cather Chief
Mechanical Inspection.

September 15, 1983

FILE: AKMI (IR 3)

Mayor Eugene Brower
North Slope Borough
Box 69
Barrow, Alaska 99723

Dear Mr. Brower:

Recently we have been questioned about the 1982 Uniform Plumbing Code and the use of ABS/PVC waste and drain piping.

Please be advised that the 1979 edition of the Uniform Plumbing Code is still in effect and is being enforced by the state as the minimum plumbing code.

Until the legislature amends AS 18.60.705, those ABS/PVC waste and drains installations subject to Chapter 401 (a) and Chapter 503 (a) of the 1979 Uniform Plumbing Code, are limited to residential construction, not more than two (2) stories in height.

Should you have any questions, please do not hesitate to call.


Don Cather Chief
Mechanical Inspection.

September 15, 1983

FILE: AKMI (IR 3)

Mayor Jack Shay
City of Ketchikan
Box 7300
Ketchikan, Alaska 99752

Dear Mr. Shay:

Recently we have been questioned about the 1982 Uniform Plumbing Code and the use of ABS/PVC waste and drain piping.

Please be advised that the 1979 edition of the Uniform Plumbing Code is still in effect and is being enforced by the state as the minimum plumbing code.

Until the legislature ammends AS 18.60.705, those ABS/PVC waste and drains installations subject to Chapter 401 (a) and Chapter 503 (a) of the 1979 Uniform Plumbing Code, are limited to residential construction, not more than two (2) stories in height.

Should you have any questions, please do not hesitate to call.


Don Cather Chief
Mechanical Inspector.

September 15, 1983

FILE: AKMI (IR 3)

Robert Hardin, Building Official
City of Fairbanks
410 Cushman St.
Fairbanks, Alaska 99701

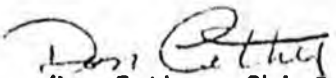
Dear Mr. Hardin:

Recently we have been questioned about the 1982 Uniform Plumbing Code and the use of ABS/PVC waste and drain piping.

Please be advised that the 1979 edition of the Uniform Plumbing Code is still in effect and is being enforced by the state as the minimum plumbing code.

Until the legislature amends AS 18.60.705, those ABS/PVC waste and drains installations subject to Chapter 401 (a) and Chapter 503 (a) of the 1979 Uniform Plumbing Code, are limited to residential construction, not more than two (2) stories in height.

Should you have any questions, please do not hesitate to call.


Don Cather Chief
Mechanical Inspection.

December 22, 1983

FILE: AKMI (IR 3)

Bill Carlson
Chairman of the Mechanical Board
610 West 54th
Anchorage, Alaska 99502

Dear Bill:

I have reviewed ordinance no. 83-9 and find that five of the amendments to the UPC are less stringent than the 1979 UPC as adopted by the State of Alaska under AS 18.60.705.


AS 18.60.735 provides for borough code administration no less stringent than those established under AS 18.60.705.

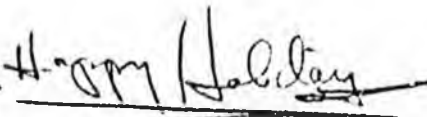
The amendments in question are 23.25.506 (f), 23.25.1003 (1), 23.25.1007 (c), 23.25.1007, and 23.25 appendix C.

We recommend the repeal of these amendments to avoid confusion and to conform to the State statutes.

We would appreciate your cooperation.

Sincerely,


Don Cather, Chief
Mechanical Inspection
Department of Labor



Bak

City of Fairbanks

JUNEAU OCT 10 1983

ATTORNEY GENERAL

SEP 28 1983

4th JUDICIAL DISTRICT
STATE OF ALASKA

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT

cc: Mary Amundola

STATE OF ALASKA,)
)
 Plaintiff,)
)
 vs.)
)
 CITY OF FAIRBANKS,)
)
 Defendant.)

FILED in the Trial Court
State of Alaska, Fourth District

SEP 28 1983

WAYNE W. WOLFE, Clerk, Trial Courts
By _____ Deputy

No. 4FA-83-1077 Civil

MEMORANDUM DECISION AND ORDER

This matter is presently before the court on the State of Alaska's motion for summary judgment. The State seeks declaratory relief against the City of Fairbanks for the City's failure to adhere to the Uniform Plumbing Code (UPC) as adopted by the State. AS 18.60.705. The narrow question addressed here is whether the City, a home rule municipality, may deviate from UPC standards and enforce less stringent ones.

The Constitution of the State of Alaska provides, at Article X, Sec. 11, that "A home rule borough or city may exercise all legislative powers not prohibited by law or charter." The State has clearly adopted the UPC "as the official minimum plumbing code for the state," AS 18.60.705, and has left no doubt of its intent that municipalities adopt standards "no less stringent than those established under AS 18.60.705." AS 18.60.735. The Supreme Court of Alaska has addressed the question of how far a home-rule municipality may extend its authority before encroaching on the State's.

[The authors of the constitution] wrote into Article X Sec. 11 the limitation of municipal authority "not prohibited by law or charter."

RECEIVED

OCT 10 1983

OFFICE OF THE COMMISSIONER

The test we derive from Alaska's constitutional provisions is one of prohibition, rather than traditional tests such as statewide versus local concern. A municipal ordinance is not necessarily invalid in Alaska because it is inconsistent or in conflict with a state statute. The question rests on whether the exercise of authority has been prohibited to municipalities. The prohibition must be either by express terms or by implication such as where the statute and ordinance are so substantially irreconcilable that one cannot be given its substantive effect if the other is to be accorded the weight of law.

Jefferson v. State, 527 P.2d 37 at 43 (Alaska 1974).

In the present matter, it is clear that any alteration by the City of the UPC as adopted by the State, which renders the code less stringent, is in violation of state law.

Summary judgment should therefore be granted to the State on the issue of whether the City may adopt a plumbing code less stringent than that adopted by the State. However, the question of whether the use of ABS or PVC in commercial structures falls short of the State's minimum standard is one which requires further proof. Assuming, arguendo, that the Building Official had power to authorize the use of alternative materials, he had no authority to authorize the use of materials which are prohibited for use by state law. The State appropriately notes that the Uniform Administrative Code, Sections 106 and 107, provides for the resolution of such conflicts in favor of those materials which provide "the greater safety to life" or those provisions which are "most restrictive". Unfortunately, the evidence before the court regarding "which materials are safest" is inconclusive and to hold that the 1979 version of the UPC is more restrictive than what the City proposes because it limits PVC and ABS to fewer types of structures

ignores the purpose of Sections 106 and 107 of the UAC which is not to restrict as to mere numbers, but to restrict as to quality.

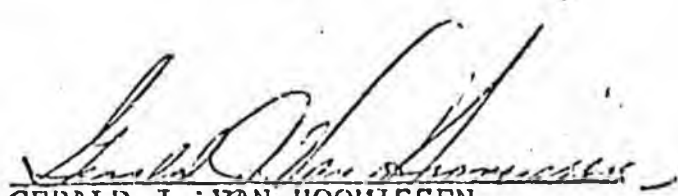
Based upon the foregoing,

IT IS HEREBY ORDERED that the State of Alaska's motion for summary judgment in the same hereby is granted to the State of Alaska on the issue of whether the City may adopt a plumbing code less stringent than that adopted by the State.

IT IS FURTHER ORDERED that the court shall appoint an independent expert master to be selected either by the parties or by the court within ten days from the date of this order to hear arguments by both parties and to make findings of fact regarding whether ABS and PVC are sub-standard with respect to the Uniform Plumbing Code.

IT IS FURTHER ORDERED that the parties hereto shall submit the name of the master selected by them within ten days from the date of this order or the court shall appoint its own master.

DATED at Fairbanks, Alaska this 28 day of September, 1983.


GERALD J. VAN HOOISSEN
Superior Court Judge

I certify that on 9/28/83
copies of this form were sent to
1983. *J. Cheyenne*

AG
City Atty

CHAPTER 4

DRAINAGE SYSTEMS

Section 401—Materials

(a) Drainage piping shall be cast iron, galvanized steel, galvanized wrought iron, lead, copper, brass, ABS, PVC, extra strength vitrified clay pipe, or other approved materials having a smooth and uniform bore, except that:

(1) No galvanized wrought iron or galvanized steel pipe shall be used underground and shall be kept at least six (6) inches (152.4 mm) above ground.

(2) ABS and PVC DWV piping installations shall be limited to those structures where combustible construction is allowed.

(3) No vitrified clay pipe or fittings shall be used above ground and shall be kept at least twelve (12) inches (3m) below ground.

(b) Drainage fittings shall be of cast iron, malleable iron, lead, brass, copper, ABS, PVC, vitrified clay, or other approved materials having a smooth interior waterway of the same diameter as the piping served and all such fittings shall conform to the type of pipe used.

(1) Fittings on screwed pipe shall be of the recessed drainage type. Burred ends shall be reamed to the full bore of the pipe.

(2) The threads of drainage fittings shall be tapered so as to allow one fourth (1/4) inch per foot (20.9 mm/m) grade.

Section 402—Fixture Unit Equivalents

The unit equivalent of plumbing fixtures shown in Table 4-1 shall be based on the size of the trap required, and the unit equivalent of fixtures and devices not shown in Table 4-1 shall be based on the rated discharge capacity in GPM (gallons per minute) (liters per second) in accordance with Table 4-2.

Maximum trap loadings for sizes up to four (4) inches (101.6 mm) are as follows:

1 1/4" - (31.8 mm)	— 1 unit
1 1/2" - (38.1 mm)	— 3 units
2" - (50.8 mm)	— 4 units
3" - (76.2 mm)	— 6 units
4" - (101.6 mm)	— 8 units

Exception on self-service laundries.

Section 403—Size of Drainage Piping

(a) The minimum sizes of vertical and/or horizontal drainage piping shall be determined from the total of all fixture units connected thereto, and additional, in the case of vertical drainage pipes, in accordance with their length.

(b) Table 4-3 shows the maximum number of fixture units allowed

Max. Lengths (feet)	45	60	75	90	105	120	135	150	165	180	195	210	225	240	255	270	285	300	315	330	345	360	
(m)	13.7	18.2	22.8	27.4	32.0	36.5	41.1	45.7	50.3	54.9	59.5	64.1	68.7	73.3	77.9	82.5	87.1	91.7	96.3	100.9	105.5	110.1	114.7
(See Note)																							

Excluding trap arm
 Except sinks and urinals
 Except six-unit traps or water closets
 Only four of water closets or six-unit traps allowed on any vertical pipe stack, and not to exceed three (3) water closets or six-unit traps on any horizontal branch or drain
 Based upon one-fourth (1/4) inch per foot (20.9 mm/m) slope. For one-eighth (1/8) inch per foot (10.4 mm/m) slope, multiply horizontal fixture units by a factor of 0.8, which if it is connected. Fixture unit load values for drainage and vent piping shall be computed from Tables 4.1 and 4.2. Not to exceed one-third (1/3) of the total permitted length of any vent may be installed in a horizontal position. When vents are increased one (1) pipe size for their entire length, the maximum length limitation specified in this table do not apply.
 NOTE: The diameter of an individual vent shall not be less than one and one-fourth (1 1/4) inches (31.8 mm) nor less than one-half (1/2) the diameter of the drain to which it is connected.

CHAPTER 5

VENTS AND VENTING

Section 501—Vents Required

Each plumbing fixture trap, except as otherwise provided in this Code, shall be protected against siphonage and back pressure, and air circulation shall be assured throughout all parts of the drainage system by means of vent pipes installed in accordance with the requirements of this chapter and as otherwise required by this Code.

Section 502—Vents Not Required

(a) Where permitted by the Administrative Authority, vent piping may be omitted on an interceptor when such interceptor acts as a primary settling tank and discharges through a horizontal indirect waste pipe into a secondary interceptor. The second interceptor shall be properly trapped and vented.

(b) Traps serving sinks which are part of the equipment of bars, soda fountains and counters, need not be vented when the location and construction of such bars, soda fountains and counters is such as to make it impossible to do so. When such conditions exist, said sinks shall discharge by means of approved indirect waste pipes into a floor sink or other approved type receptor.

Section 503—Materials

(a) Vent pipe shall be cast iron, galvanized steel, galvanized wrought iron, lead, copper, brass, ABS, PVC or other approved materials, except that:

(1) No galvanized wrought iron or galvanized steel pipe shall be used underground and shall be kept at least six (6) inches above ground.

(2) ABS and PVC DWV piping installations shall be limited to those structures where combustible construction is allowed.

(b) Vent fittings shall be cast iron, galvanized malleable iron or galvanized steel, lead, copper, brass, ABS, PVC, or other approved materials, except that no galvanized malleable iron or galvanized steel fittings shall be used underground and shall be kept at least six (6) inches (152.4mm) above ground.

(c) Changes in direction of vent piping shall be made by the appropriate use of approved fittings and no such pipe shall be strained or bent. Buried ends shall be reamed to the full bore of the pipe.

of the Administrative Authority no supply system is evident, special ap- the vacuum breakers.

ly connected to a sewer connected to the inlet side of a trap and shall vacuum breaker installed at least six aspirator unit. The discharge pipe designed for free flow and shall irgap.

Water Over 160°F (71°C) shall be of le at temperatures of one hundred re without rendering any portion of

Connections shall be protected by an ice as set forth in subsection (a) of

n cases where it is impractical to ns on the domestic water line, the be considered a non-potable water r outlets shall be connected to the or back-siphonage from the non- ic water line shall be prevented by or by a tank having a pump for omestic water inlets to the non- an approved airgap as required t is impractical to install tanks, as ressure type backflow or back- be installed as follows:

to gravity or a vacuum within the ssure type vacuum breaker unit or ion device shall be installed in the

reaker unit shall be installed at a nes (.3 m) above the highest tank, the non-potable water. Other ap- ces shall be installed in a manner ve Authority, but in no case less ve the surrounding ground or floor. re to steam boilers, pumps, etc., e non-potable water line, an ap- ce shall be installed in the supply evice shall be installed at least e surrounding ground or floor.

ns of the non-potable water line t portions shall be properly iden- to the Administrative Authority. ater line which may be used for shall be posted: DANGER —

(p) Vacuum breakers shall be located outside any enclosure or hooded area containing fumes that are toxic or poisonous.

Section 1004—Materials

(a) Water pipe and fittings shall be of brass, copper, cast iron, galvanized malleable iron, galvanized wrought iron; galvanized steel, lead or other approved materials. Asbestos-cement, PB, PE, or PVC water pipe manufactured to recognized standards may be used for cold water distribution systems outside a building. PB water pipe and tubing may be used for hot and cold water distribution systems within a building. All materials used in the water supply system, except valves and similar devices shall be of a like material, except where otherwise approved by the Administrative Authority.

(b) Cast iron fittings up to and including two (2) inches (50.8 mm) in size, when used in connection with potable water piping shall be galvanized.

(c) All malleable iron water fittings shall be galvanized.

(d) Piping and tubing which has previously been used for any purpose other than for potable water systems shall not be used.

(e) Approved plastic materials may be used in water service piping, provided that where metal water service piping is used for electrical grounding purposes, replacement piping therefore shall be of like materials.

Exception: Where a grounding system, acceptable to the Administrative Authority is installed, inspected and approved, metallic pipe may be replaced with non-metallic pipe.

Section 1005—Valves

(a) Valves up to and including two (2) inches (50.8 mm) in size shall be brass or other approved material. Sizes over two (2) inches (50.8 mm) may have cast iron or brass bodies. Each gate valve shall be a full-way type with working parts of non-corrosive material.

(b) A fullway valve controlling all outlets shall be installed on the discharge side of each water meter and on each unmetered water supply. Water piping supplying more than one building on any one premises shall be equipped with a separate fullway valve to each building, so arranged that the water supply can be turned on or off to any individual or separate building; provided however, that supply piping to a single family residence and building accessory thereto, may be controlled on one valve. Such shut-off valves shall be readily accessible at all times. A fullway valve shall be installed on the discharge piping from water supply tanks at or near the tank. A fullway valve shall be installed on the cold water supply pipe to each water heater at or near the water heater. A fullway valve shall be installed for each apartment or dwelling of more than one (1) family. In lieu of the main supply shut-off in each apartment, individual shut-off valves may be provided at each fixture.

(c) All valves used to control two (2) or more openings shall be fullway gate valves or other approved valves designed and approved for the service intended.

Uniform Plumbing Code

HB 508 TITLE & SPONSOR SUMMARY

16:25 5/22/84 PAGE 1 OF 3

AMENDED TITLE:
AN ACT RELATING TO THE PLUMBING CODE
PRIME SPONSOR: COWDERY,
CO-SPONSORS: LISKA.

CURRENT STATUS: 2/21/84 IN (S) LABOR & COM REFERRAL JUDICIARY

HB 508 HOUSE ACTION

16:26 5/22/84 PAGE 2 OF 3

DATE SEQ PAGE

LEGISLATIVE ACTION

01/12/84 01 2239
02/02/84 02 2432
02/02/84 03 2432
02/16/84 04 2618
02/16/84 05 2620
02/15/84 06 2620
02/16/84 07 2620
02/16/84 08 2620
02/16/84 09 2621
02/29/84 10 2645
XXX XX XX

FIRST READING -- COMMITTEE REPORTS
L&C -- DP04, NR01, OTHER02
L&C F/NOTE EQUALS ZERO
SECOND READING
AM01 NOT ADOPTED BY DIV 15-24-01
ADVANCED TO 3RD READING BY UN-H CONSENT
THIRD READING
PASSED BY DIV 20-14-01
NOTICE OF RECONSIDERATION GIVEN
RECONSIDERATION NOT TAKEN UP
XXX XXX XXX

HB 508 SENATE ACTION

16:26 5/22/84 PAGE 3 OF 3

DATE SEQ PAGE

LEGISLATIVE ACTION

02/21/84 11 2134
XXX XX XX

FIRST READING -- COMMITTEE REPORTS
LABOR & COMMERCE
JUDICIARY
RULES
XXX XXX XXX

SIGN-IN SHEET

Proposed Legislation HB508

Name (please print)	Address	Representing	Testify?? (YES or NO)	Phone Number
2 KEN JOHNSON		REP Cowderl H&E W' C	YES	H905
Tim Russ	155 So. Seward	CBJ Bldg DFT	NO	586-5231
4 DWIGHT PERKINS	245 maeve wy #7 TUNSAW	Plumbers & Pipefitters L. 0252	YES	6-2874
T. DON ROULEAU	TUNSAW	LOCAL 71	YES	6-3703
7 David Wigglesworth	# 417 west 2 nd Ave	AHP	YES	276-2864
Bob Landan	Dept. of Labor 1111 W. 8 th	Dept. of Labor	yes	465-2700
5 Mary Ann Velazquez	803 Walnut Pt. Rd ^{Silber}	Francis Reby	yes	747-8086
1 TONY SCHROER	Houston, TX	Shell Chemical	yes	713/241-6991
6 VERNON AKIN	P.O. Box 1081 - Sumner AK	VERNON AKIN & ASSOC	YES	586-6622
3 Jack Lancaster	Rt 1 Box 370, Brighton Tenn.	Plastic Pipe & Fittings Association	Yes	901 829 4484
Jim Laughlin	TUNSAW	HOME BUILDERS ASSO	YES	not provided

SENATE LABOR AND COMMERCE COMMITTEE

HEARING DATE 5/10/84

Plumbing Code

MSG 84-00044129 PRTY 1 05/10/84 13:36:49 ORIG: HMR# IN= 0003 OUT= 0005
FROM: JEAN IN HOMER TO: KEN IN JUNEAU
TARGET: LJH6 SUBJ: PARTICIPANT LIST--PLUMBING CODES

TO PARTICIPATE:

1. BRUCE TURKINGTON
2. BUZZ BROWN

TO OBSERVE:

1. JOHN COOPES

MSG 84-00044120 PRTY 1 05/10/84 13:41:25 ORIG: LF20 IN= 0006 OUT= 0006
FROM: LYNDY/FBX TO: KEN/JNO
TARGET: LJH6 SUBJ: SEN L & C T/C 5/10

FBX #1

TO TESTIFY:

1. ART ROBSON, PLUMBER'S & PIPEFITTERS UNION

MSG 84-00044131 PRTY 1 05/10/84 13:42:09 ORIG: LA19 IN= 0004 OUT= 0007
FROM: CANDY & DON ANCHORAGE TO: KEN
TARGET: LJH6 SUBJ: SEN. LABOR & COMMERCE

OHNI # 2

TO TESTIFY:

4. LARRY BEATHE/BULDING INDUSTRY ASSOC. OF ANCHORAGE

MSG 84-00044133 PRTY 1 05/10/84 13:45:25 ORIG: LK00 IN= 0009 OUT= 0008
FROM: JUNE R./KETCHIKAN TO: KEN/JUNEAU
TARGET: LJH6 SUBJ: S LABOR & COMMERCE T/C HB 508 5/10/84

OHNI #1

TO OBSERVE IN KETCHIKAN:

1. R. F. TUCKER, RT #1, BOX 162, KETCHIKAN, AK. 99901, 225-3690

EOH/JR

MSG 84-00044108 PRTY 1 05/10/84 13:23:11 ORIG: LA19 IN= 0003 OUT= 0001
FROM: CANDY & DON/ANCHORAGE TO: KEN, ALL
TARGET: LJK6 SUBJ: S. LABOR & COMMERCE

OMNI # 1

TO TESTIFY:

1. WILLIAM CARLSON (MR. CARLSON TEACHES A CLASS THAT HE WOULD LIKE TO GET BACK TO, SO DOES REQUEST THAT HE SPEAK AS SOON AS POSSIBLE.)
 2. MARY LOU REDMOND.
 3. KEN WILKINGS.
-

MSG 84-00044113 PRTY 1 05/10/84 13:24:28 ORIG: LS00 IN= 0005 OUT= 0002
FROM: FALEENE/SITKA TO: JUNEAU
TARGET: LJK6 SUBJ: (S) L&C PLUMBING CODE TC

OMNI #1

TO OBSERVE:

1. AL ANAKA

MSG 84-00044115 PRTY 1 05/10/84 13:25:58 ORIG: SOL4 IN= 0004 OUT= 0003
FROM: LOBI, SOLDOTNA TO: KEN, JNUTC
TARGET: LJK6 SUBJ: PLUMBER'S CODE TC

OMNI # 1

✓ SOLDOTNA HAS ONE TO TESTIFY
KEN BROWN

MSG 84-00044122 PRTY 1 05/10/84 13:37:11 ORIG: LS00 IN= 0006 OUT= 0004
FROM: FALEENE/SITKA TO: JUNEAU
TARGET: LJK6 SUBJ: (S) L/C/PLUMBING CODE TC

OMNI #2

TO PARTICIPATE:

✓ HARRY CHARTIER, REPRESENTING CITY & BOROUGH OF SITKA

EDM

MSG 84-00044528 PRTY 1 /11/84 10:55:23 ORIG: 00 IN= 0005 OUT= 0011
FROM: JUNE R./KETCHIKAN TO: KEN/JUNEAU
TARGET: LJHV SUBJ: S LABOR & COMMERCE T/C HB 508 5/10/84 PL

LEGISLATIVE TELECONFERENCE NETWORK FINAL STATS

MAY 10, 1984_____ :DATE
KETCHIKAN_____ :SITE/LOCATION
S LABOR & COMM--HB 508 PLUMBING__ :SPONSOR/SUBJECT

FINAL STATS:

---0---:TESTIFIED *****T/C STARTED:-1:30 PM--
---2---:OBSERVED *****T/C ENDED:-3:00 PM--
---2---:TOTAL

NAME/REPRESENTING	ADDRESS/PHONE	TESTIFY	OBSERVE
1. R. F. TUCKER, RT. #1, BOX 162, KETCHIKAN, AK. 99901	225-3690		X
2. WILLIAM C. GOODALE, EVERGREEN TERRACE #1, KETCHIKAN, AK. 99901	225-5708		X

EQM*****

MSG 84-00044633 PRY 1 05/11/84 13:18:00 ORIG: 000 IN= 0009 OUT= 0024
FROM: SITKA TO: KEN/PRIMARY MODERATOR
TARGET: LJHV SUBJ: 5/10,S L7C PLUMBING CODE TC

FINAL STATS

LEGISLATIVE TELECONFERENCE NETWORK SIGN-IN SHEET

DATE: MAY 10, 1984
SITE: SITKA
SPONSOR/SUBJECT: SENATE LABOR & COMMERCE/HB 508, UNIFORM PLUMBING CODE

1 TESTIFIED *****T/C STARTED: 1:40
1 OBSERVED *****T/C ENDED: 2
2 TOTAL

TESTIFIED

1. HARRY CHARTIER, CITY & BOROUGH OF SITKA BUILDING INSPECTOR
P.O. BOX 79
SITKA, AK 99835 747-3294

OBSERVED

1. ALLAN ANAKA, DEPARTMENT OF LABOR, PLUMBING INSPECTOR
210 LAKE STREET
SITKA, AK 99835 747-6300

MSG 84-00044289 PRY 1 05/10/84 16:08:27 ORIG: HOMER IN= 0006 OUT= 0036
FROM: JEAN IN HOMER TO: KEN IN JUNEAU
TARGET: LJHV SUBJ: FINAL STATS---PLUMBING CODES T/C

PARTICIPATED:

1. BRUCE TURKINGTON BOX 1181 HOMER, AK. 99603 235-6466

OBSERVED:

1. JOHN COOPER BOX 562 HOMER, AK. 99603 235-8820
2. BUZZ BROWN BOX 1791 HOMER, AK. 99603 235-6556
3. PAT EVARTS BOX 1016 HOMER, AK. 99603 235-7376

EOM

MSG 84-00045057 PRTY 1 /14/84 10:05:14 ORIG: 20 IN= 0005 OUT= 0011
FROM: LYNDA/FBX TO: KEN JND/TC
TARGET: LJHV SUBJ: FINAL STATS - SEN L & C 5/10

LEGISLATIVE TELECONFERENCE NETWORK SIGN-IN SHEET

MAY 10, 1984 _____ : DATE
FAIRBANKS _____ : SITE/LOCATION
SENATE LABOR & COMMERCE CMTE. _____ : SPONSOR/SUBJECT
HB508, PLUMBING CODE

TESTIFIED/PARTICIPATED:

1. ART ROBESON, PLUMBERS & PIPEFITTERS, 3568 GERAGHTY ST, FBX 99701
#479-6281

OBSERVED:

1. ADELE BACON, AK STATE, 675 7TH AVE, FBX 99701 #452-8105
2. LARRY COFFMAN, " " " "

_____STATS_____

1_____TESTIFY/ED	*****T/C STARTED:_____
2_____OBSERVE/ED	*****T/C ENDED:_____
3_____TOTAL	

=====EOM

MSG 84-00044252 PRTY 1 05/10/84 15:32:17 ORIG: 008 IN= 0013 OUT= 0033
FROM: CANDY/ANCHORAGE TO: KEN
TARGET: LJHV SUBJ: S. LABOR & COMMERCE P. HEARING ON HB 508

LEGISLATIVE TELECONFERENCE NETWORK SIGN-IN SHEET

DATE: MAY 10, 1984
SITE: ANCHORAGE
SPONSOR/SUBJECT: SEN. LABOR & COMMERCE ON HB 508, PLUMBING CODE

0TESTIFIED *****T/C STARTED: 1:30PM
4UNABLE TO TESTIFY *****T/C ENDED: 2:55PM
0OBSERVED
4TOTAL

***** UNABLE TO TESTIFY *****

- 1. WILLIAM CARLSON, 610 W. 54TH AVENUE, ANCHORAGE 99502 562-2810
- 2. MARY LOU REDMOND, BOX 8700 INDIAN CREEK, ALASKA 99540 653-7654
- 3. KEN WILKINGS, 1530 GAMBELL ANCHORAGE 272-1146
- 4. LARRY BEATHE/BUILDING INDUSTRY ASSOC., 333-4712

OUR PARTICIPANTS DID LEAVE BEFORE THE END OF THE TELECONFERENCE AS IT APPEARED TO THEM THAT THERE WOULD BE LITTLE TIME AVAILABLE TO TESTIFY.

EOM.....

MSG 84-00044295 PRTY 1 05/10/84 16:12:24 ORIG: SOL\$ IN= 0007 OUT= 0037
FROM: SOLDOTNA/ LORI TO: JUNEAU T/C, KEN
TARGET: LJHV SUBJ: F. STATS/S LABOR & COMMERCE HB 508

LEGISLATIVE TELECONFERENCE NETWORK SIGN-IN SHEET

5/10/84_____ : DATE
SOLDOTNA_____ : SITE/LOCATION
SENATE LABOR & COMMERCE-PLUMBING CODE: SPONSOR/SUBJECT
1:30PM_____ : T/C START
4:00PM_____ : T/C ENDED

1___TESTIFY/ED
0___OBSERVE/ED
1___TOTAL

NAME/REPRESENTING	ADDRESS/PHONE	TESTIFY	OBSERVE
1. R.K. BROWN/YENNY CONSTRUCTION	BOX 486 STERLING 99672	X	
2.	262-3998		
3.			

May 11, 1984

Mr. Richard I Eliason
Chairperson
Senate Labor & Commerce
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Eliason:

I am Chairman of the Mechanical Board for the Municipality of Anchorage. I would like to make a few comments on the adoption of the 1982 U.P.C. Plumbing Code.

The Mechanical Board is reviewing the use of plastic pipe in Anchorage at the present time.

Thawing frozen plastic lines was discussed, especially water lines. The use of a steam machine with a small tube stuck inside the potable water pipe to melt the ice was recommended. Source of water would be a problem as it is frozen. Yellow snow could be one source of water. Is this steam thaw rig only used for water lines or sewer lines also?

How do you thaw underground A.B.S.? Would you use steam? What about clogs? Do you use a power auger? Both would cause irreparable damage.

Other questions I have are as follows:

1. Who was the advisory Committee who reviewed the code book and recommended its adoption? The Mechanical Board?
2. What were the recommendations of this Board of experts?
3. Was this information distributed to all affected towns and cities for comment at the inspection department level?
4. What were their recommendations and comments?
5. What does cost savings have to do with the health of Alaskans? Asbestos was cost effective also!
6. Who will inspect all the work to determine if it's installed correctly or to code?

I will look forward to hearing from you.

Sincerely Yours,
William R. Carlson
William R. Carlson
Chairman, Mechanical Board
Municipality of Anchorage

cc: John Bishop
Senator Pat Rodey

Alaska State Legislature

SENATOR
DON GILMAN

Juneau Ph.
(907) 465-4935
(907) 465-4529



State Senate

HOME ADDRESS
P.O. BOX 630
KILBUCK, ALASKA 99611
(907) 283-4182

DURING SESSION
POUCH V
JUNEAU, ALASKA 99811

April 11, 1984

MEMORANDUM

To: Senator Dick Eliason
Chairman, Senate Labor
& Commerce Committee

From: Senator Don Gilman *DLG*

Subject: HB 508 (An Act relating to the plumbing code)

I have attached a copy of a letter written to you from Dan Owen of Homer. Mr. Owen is in something of a bind and I need to give him some kind of answer as to what he may expect. While Homer has not adopted the '82 code by ordinance, I understand that some municipalities have.

Thank you.

OWEN MARINE CORP.

BOX 2586
HOMER, AK 99603
HOMER 235-7691
SEWARD 224-3542

March 27, 1984

Senator Richard I. Eliason
Chairman
Senate Labor & Commerce Committee
Pouch V
Juneau, Ak. 99811

Dear Senator Eliason,

This letter will hopefully enlist your timely assistance in the solution of a problem that has arisen during the construction of our new building. We are faced with a dilemma that could cost us needless economic hardship and serve no useful purpose in the process.

Last December 15, we began construction of a new facility to house our business, Owen Marine Corp. All the below grade work had been done prior to freeze-up, so we could take advantage of the slow winter months to build. The building permit was applied for and granted through the City of Homer, with our proposed project meeting all the city requirements. The project was designed, and has been built, in accordance with all the latest national building codes.

On February 16, we were visited by a State Plumbing Inspector from the Anchorage office of the Department of Labor. The inspector stated that he was responding to a telephone complaint of illegal plumbing installations being made in some commercial building projects in Homer. We are quite sure of the origin of the complaint, and the motivation for it. Let it suffice to say that it was not the result of a concerned citizen acting in behalf of the public's best interest. If serving the public interest was the inspector's mission, it seems strange that we have no verification of an inspection being performed on the construction of one very public facility here: the expansion of the South Peninsula Hospital, which also qualifies as the largest construction project currently underway in Homer. The inspector did, however, manage to visit three small commercial building sites in the area and issue at least two citations for 1979 Plumbing Code violations.

We were given the following in violation of section 43, of the Uniform Plumbing Code. As you can see on the enclosed copy of the ordinance, the single violation is "Sec 401, ABS plastic pipe not allowed in commercial building. Remove and replace with Code material."

Apparently, this is a legitimate violation of the 1979 edition of the Uniform Plumbing Code, the edition which the State of Alaska is currently enforcing. It is however, in direct conflict with the new 1982 Code, which is the standard we use in plumbing the building. The out-dated 1979 Code is still being enforced simply because the State Legislature has not adopted the 1982 edition of the Code. House Bill # 509, dealing with the replacement of the '79 edition with that of 1982, is presently sitting in your committee waiting action.

The City of Homer adopted this 1982 edition of the Uniform Plumbing Code over a year ago. The plumbing in our building was done in full compliance with this edition, not realizing we were in violation of State statutes as described above. Had we been aware of this fact, we could have very easily conformed to the 1979 edition when the plumbing was roughed in.

Since the inception of this project, we have put considerable effort to insure that the materials and workmanship in our building would meet or exceed the latest standards set by the National Uniform Building Code, National Electrical Code, and Uniform Plumbing Code. After all, with the substantial investment we are making in this project, it would be "penny wise and pound foolish" to do anything less.

It seems absolutely ludicrous to us that we should be required now, to forego the tremendous cost and time loss that would be necessary to abrogate this violation, when adoption of the new Code is so near. I ask you, what possible needs would be served by this action?

Several other commercial buildings in our area have been completed using ABS plumbing materials. They were completed without any inspection at all, and are apparently perfectly legal now because they simply were not inspected before completion. Is this the way our State statutes are intended to be enforced? As I understand them, both the State and Federal Constitutions guarantee, if not demand, equal and uniform enforcement of all statutes with regard to the citizenry they serve. Random inspections that can be prompted by nothing more than perhaps a vindictive telephone call, hardly qualify as "equal and uniform enforcement".

The project is subject to the fact that the...
The... of... of... of... of... of...
The... of... of... of... of... of...
that has already been secured, which is subject to the...
that complying with all current building codes. At the very
least, it would incur tremendous expense in terms of interest
costs alone, should any delay occur due to this situation.
Either set of circumstances would seriously jeopardize not only
this project, but the future of our business and the financial
security of the people involved in it.

I stated previously, we are not the only business here that
stands to suffer as a result of this misguided action. Lockwood
Hall, a long standing local bowling alley, has also cited for
using ABS pipe in their new building. They were instructed, as
we have, that "all ABS pipe had to be removed and replaced with
copper material". In both of our cases, walls, floors, and ceiling
lags would have to be torn out just to get to the subject
piping. The ABS piping would then have to be replaced with
"1979 Code material" which would have to be installed in the walls.
All of this would then be followed by the reconstruction of the
area out walls, floors, and ceiling. This would be a tremendous
task that would be very, very costly in both time and money.

Immediate action by your committee regarding the adoption of the
1982 Uniform Plumbing Code would prevent these situations from occurring.
It is imperative the current Legislature address this problem
during this session, as any delay in passage of this statute
could very possibly cause extreme and unnecessary financial
hardship for two businesses and their owners.

Trusting this request will be honored, I remain,

Sincerely,

Daniel G. Owen
President

cc: Senator Don Gilliam
Senator Paul Fischer
Representative Mike Pritz
Representative Hugh Malone
Mayor Eric Cooper
Homer City Council
Mitch Gravel

Alaska State Legislature

OFFICIAL BUSINESS

CHAIRMAN
RULES COMMITTEE



JAN FAIKS
DOUGH V
CAPITOL BUILDING
JUNEAU, ALASKA 99811

Senate

MEMORANDUM

TO: Senator Dick Eliason
Chair, Senate Labor and Commerce Committee

FROM: Senator Jan Faiks

DATE: March 29, 1984

RE: House Bill 508

House Bill 508 has been referred to the Senate Labor and Commerce Committee. I would very much appreciate a hearing for this bill as soon as your committee schedule allows.

I have had several letters and have been visited by a few of my constituents this session who are very supportive of this legislation. After listening to them, it does seem to me that this legislation or something similar to it is certainly needed.

Thank you.

*Rumor has it you hate this
bill ... Can we work a compromise?*

MSG 84-00044190 PRTY 1 05/10/84 14:43:33 ORIG: LA08 IN= 0008 OUT= 0011
FROM: CANDY/ANCHORAGE TO: KEN
TARGET: LJH6 SUBJ: FOR SENATE LABOR & COMMERCE HEARING

FOLLOWING IS THE TESTIMONY OF LARRY BEATHE/PRESIDENT OF THE BUILDING
INDUSTRY ASSOC. OF ANCHORAGE. MR. BEATHE ALSO REPRESENTS THE HOMEBUILDERS
ASSOC. OF AK:

I AM TESTIFYING ON BEHALF OF THE HBA OF ALASKA AND THE BUILDING INDUSTRY
ASSOC. OF ANCHORAGE, A NON-PROFIT TRADE ASSOCIATION REPRESENTING
RESIDENTIAL CONTRACTORS.

WE ENTHUSIASTICALLY SUPPORT THE USE OF POLYBUTYLENE BECAUSE IT HAS A PROVEN
TRACK RECORD THAT HAS SHOWN ITS MANY USERS A HOUSING COMPONENT THAT IS,
#1 SAFE, # 2 EASIER TO INSTALL THAN OTHER MATERIALS, AND # 3 LESS EXPENSIVE
THAN METAL PIPING.

HOUSING AFFORDABILITY IS ONE OF THIS NATION'S MOST CRITICAL ISSUES. THE
AMERICAN DREAM OF OWNING ONE'S OWN HOME HAS SERIOUSLY BEEN TARNISHED BY
SPIRALING COSTS. AFTER CAREFUL RESEARCH INTO ISSUES OF SAFETY,
ADAPTABILITY, DURABILITY, AND COST WE FEEL ADOPTION OF THIS CODE ALLOWING
THE USE OF POLYBUTYLENE WOULD BEST SERVE THE PUBLIC, SO WE ASK THAT YOU
HELP US KEEP HOUSING COSTS WITHIN REACH OF MOST CONSUMERS BY GIVING THIS
BILL YOUR FULLEST SUPPORT.

MR. BEATHE ASKS THAT THIS TESTIMONY BE GIVEN TO ALL COMMITTEE MEMBERS AS
WELL AS TO CLARK GRUENING IF HE IS PRESENT AT THE HEARING.

MSG 84-00044204 PRTY 1 05/10/84 14:54:58 ORIG: LA08 IN= 0009 OUT= 0012
FROM: CANDY/ANCHORAGE TO: KEN
TARGET: LJH6 SUBJ: FOR SENATE LABOR & COMMERCE COMMITTEE

FOLLOWING IS TESTIMONY FOR THE SENATE LABOR & COMMERCE COMMITTEE ON
HB 508:

I, MARY LOU REDMOND, WANT THE A.B.S. PLASTIC PIPE (BILL # 508, PLUMBING CODE)
TO PASS! I AM IN THE ANCHORAGE MUNICIPALITY AND THEY GO BY THE NEW 1982 CODE
BOOK, AND THE STATE GOES BY THE OLD 1979 CODE BOOK. AT PRESENT THE STATE IS
KEEPING MY BUSINESS CODE CLOSED FOR 3 MONTHS NOW BECAUSE OF MY A.B.S. PLASTIC
DRAIN PIPES!

MARY LOU REDMOND
DBA MARY LOU'S
BAR & LIQUOR STORE
HOTEL/MOTEL & CAFE
INDIAN CREEK, ALASKA 99540
653-7654

MSG 84-00093517 PRTY 1 05/17/84 12:02:03 DRID: LA18 ID= 0005 OUI= 0055
FROM: DIRECT, AND INFO TO: FOR, BUREAU INFO
TARGET: LINK SUBJ: P O H

TO: ALL MEMBERS OF THE SENATE

FROM: MARY LOU REDMOND
602 8798
TOLL-FREE 88548
H/O 653-7651

RE: HB 508 FLOODING CODE

I WOULD LIKE TO HAVE HB 508 PASS BECAUSE I DO HAVE PLASTIC ABS DRAIN
PILES IN MY NEW BUSINESS. I WAS KEPT CLOSED BECAUSE OF THE 662 PLASTIC
PIPE EVEN THOUGH THE MUNICIPALITY OF ANCHORAGE HAS ACCEPTED ABS PLASTIC.

LOD

TESTIMONY

Mr. Tom Higham
Executive Director, IAPMO

"Reference was made, I believe, by Mr. Perkins to a lawsuit in California against IAPMO. That lawsuit was brought by the union, an environmental group known as Friends of the Earth, and by the State Department of Consumer Affairs. The State Department of Consumer Affairs was only interested in one aspect of the lawsuit: that the public be made aware that there is an environmental impact study going on in California. The requirement to make those people aware was stipulated to by IAPMO, and that was that a notice would be placed in the plumbing code alerting people that the environmental impact study is going on. The notice in no way, shape, or form stated that, or purported to state, that plastic is good, bad, or indifferent, but merely notifies people of the environmental impact study.

The lawsuit has been settled and the outcome of the lawsuit is that the allegations made by the union and the others was completely without foundation and were dismissed by the judge. But we do continue to put the notice in the code alerting the public of the study."

Presented during House L+C
cmte

1982 Uniform Plumbing Code
Significant Changes

Section 108 allows for a larger grease interception to serve one or more fixtures. Section 203(d) states that copper tubing used for water service shall have a weight of not less than Type L.

Table 4-3, footnote #4. Evidence indicates that a three-inch horizontal waste will effectively handle discharge from three water closets; thus the code change, so that only four water closets or six unit traps are allowed on any vertical stack, and not to exceed three water closets or six unit traps on any horizontal branch or drain.

Section 601 changes will not allow cold storage rooms, refrigerators, cooling counters, etc. designed to hold food or drink, or sinks for washing or preparation of food, to be directly connected to a waste or vent pipe. All drains shall discharge through an air gap into a open drain or approved receptor.

Section 1004 is one of the major changes, and allows Poly Butylene (PB) water pipes to be used for hot and cold water distribution tubing systems, using inserts for connectors. It also inserts language to assure that when metal pipe is used as a building ground, it will be replaced by metal pipe when repairs are made to these pipes.

Also adopted were insulation standards for cold water service and yard piping. These standards were for Poly Vinyl Chloride (PVC), asbestos cement pressure piping and Poly Butylene (PB).

Those groups most affected by this change will be plumbers, contractors, local governments and state agencies.

I-45

Changes in the Code



United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada

262

245 Marine Way #7

LOCAL NO.

STREET ADDRESS

Juneau, Alaska 99801

CITY STATE ZIP

SUBJECT MATTER

DATE

May 10, 1984

Mr. Chairman, Committee Members,

My name is Dwight Perkins and I am the Business Manager for the United Association of Plumbers & Pipefitters Local Union 262 in Juneau, Alaska. I am also speaking on behalf of the Alaska state Pipe Trades Council of the United Association with a membership of two thousand state wide.

I've come to speak in opposition of House Bill 508, an act relating to the Plumbing code. I would like to give you some background of the code and address some concerns that we have.

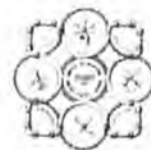
In October 1981 at it's 52nd. Annual Conference, the International Association of Plumbing and Mechanical Officials adopted the Uniform Plumbing Code, 1992 edition. Up until 1982 all such codes had limited the use of polybutylene, Polyethylene, Polyvinyl Chloride and Asbestos Cement Pipe for water distribution systems outside of a building, under section 1004 materials.

MARTIN J. WARD
General President

JOSEPH A. WALSH
General Secretary-Treasurer

MARVIN J. BOEDE
Assistant General President

CHARLES J. HABIG
Asst. General Secretary-Treasurer



AFL-CIO-CLC

Letters should
be confined to
one subject

In addition section 401-materials limited the use of ABS and PVC Piping installation for drainage and venting systems to residential construction, not more than two stories in height.

The 1982 addition of the Uniform Plumbing code has lifted restrictions regarding the use of PB water pipe under section 1004 so that now it may be used for hot and cold water distribution systems within a building.

In Section 401, ABS and PVC Piping installations can be used where all combustible construction is allowed.

Because of the less stringent attitudes the International Association of Plumbing and Mechanical Officials has adopted raises several issues of concern not only here in Alaska but nationwide.

The issues I would like to address regarding the use of plastic pipe, whether PB., PVC piping or ABS presents the following problems:

1. Durability
2. Thaw ability in Arctic regions as well as other parts of the state.
3. Fire Hazards (both combustibility and gases released

upon combustion)

4. Use of water system as the electrical "ground"
5. Permeability and related public health issues
6. Worker safety

1. Durability In discussing the issue of Durability, the most obvious difference between plastic and metal pipe is durability. Some of Alaska is earthquake prone and hence durability can be quite important. In construction of large residential buildings and commercial buildings, the increased usage makes durability important. This issue has the advantage of being self evident. Cast iron, malleable iron or copper piping and its qualities are apparent to all and a comparison with the qualities of plastic, particularly in temperature extremes such as those in the interior, needs no further amplification.

2. Thaw Ability The issue of thaw ability in arctic regions as well as other parts of the state is cause for concern in that sometimes pipes freeze. The common methods of thawing pipes are (a) the use of propane torches, (b) the use of steam, and (c) the use of clamp on electrical generators. ~~None~~ of these can be used on plastic pipe. In any installation where the freezing of a pipe represents a danger to either a considerable investment or a large number of people, the ability to thaw is important.

3. Fire Hazards The 1979 edition of the Uniform Plumbing code states that ABS or PVC installation be limited to residential construction, not more than two stories in height. The 1982 UPC states that ABS and PVC piping installation shall be limited to the structures where combustible construction is allowed. It also states that PB pipe may be used for hot and cold water distribution system within a building. The problems in this area are twofold. First, plastic pipe will burn. In burning, the plastic makes itself useless as a pipe and hence terminates the water which is often necessary to fight a fire. Additionally the burning of the pipe generates gases.

In a study of the combustion hazards of P.V.C. and A.B.S done by Eric L. Tollefson from the Department of Chemical and Petroleum Engineering at the University of Calgary found that:

1. The main product of pyrolysis or combustion of PVC is hydrogen chloride vapor which is not only extremely irritating to the eyes and nose but causes extensive lung damage when inhaled.
2. ABS is a very flammable plastic which on combustion produces deadly hydrogen cyanide as well as carbon monoxide.
3. The length of time between the initiation of combustion of ABS or PVC in a room and the point at which concentrations of smoke and toxic gases become overpowering to a victim is short, probably about one minute.

4. ABS and PVC under test conditions produce many times more smoke under flaming conditions than a number of woods that were tested.

5. Ionization detectors are relatively insensitive to the products of combustion of PVC sometimes giving a warning after the concentration of hydrogen chloride has built up to several times the tolerable concentration

6. Use of plastic pipe plumbing systems in high rises and multi-unit dwelling places can contribute to the rapid production of dangerous levels of smoke and toxic gases as well as spreading of flames should the components of such a system catch fire.

4. Grounding Most modern construction involves electricity. Electricity presents the problem of short circuits. Almost all communications that use electricity require additional grounding. Traditionally, this grounding is done through the water system in a building. In a plastic pipes water system, there is no readily available ground. If the water has sufficient mineral content and if the grounds are inserted through the pipe, adequate grounding may occur. Otherwise the defense against electrical accidents and fires is worthless in a plastic piped building.

5. Permeability Recent tests in California have

duplicated field and laboratory experiences of water utility districts and environmental health experts concur that polyvinyl chloride (PVC), Polyethylene (PE) and Polybutylene (PB) water service lines can be and are permeated by gasoline, petroleum distillates and industrial solvents. The Public Health impact can be serious enough to require the removal of an entire underground network of plastic water service lines and may cause serious health consequences for its consumers. Since plastic pipe was found to have a potentially adverse effect on the environment and because of its threat to water quality, worker safety, and fire safety, state agencies in California will not allow its expanded use until all scientific and public health questions have been answered.

Because the International Association of Plumbing and Mechanical Officials proceeded with the expanded use of plastic pipe in its 1982 Uniform Plumbing Code, a coalition of state public and private consumer groups, environmental and labor organizations sued I.A.M.P.O.. On January 24, 1984, the county clerk filed an order from the Honorable Jack A. Crickard, Judge presiding over the case in which he stated:

It IS NOW ORDERED, ADJUDGED AND DECREED:

1. Upon the authority of Code and Civil Procedure, Section 526 Subdivision (1), the existing preliminary injunction, granted upon the application of plaintiff Director's predecessor in office, is partially modified and continued in force as the permanent order of this Court.

2. Pursuant thereto, Defendant IAPMO, its agents, officers, employees and representatives, and all persons acting in concert or participating with IAPMO are hereby permanently enjoined from disseminating, directly or indirectly, to any individual or organization in California, the 1982 Edition of the Uniform Plumbing Code ("UPC") or the IAPMO Directory of Plumbing Research Recommendations ("Research Directory"), without including a warning notice. The warning notice required to be included shall appear in no less than 10 point bold type and shall state as follows:

Notice: An Environmental Impact Report is now being prepared in California to determine whether the use of CPVC, PVC, or PB plastic pipe for transing potable water poses a danger to public health or the environment. At the time of this printing of the 1982 Edition of the Uniform Plumbing Code and this update of IAPMO's Directory of Plumbing Research Recommendations, the State of California does not permit any expansion of the use of such pipe, in applications permitted by the Uniform Plumbing Code, beyond those applications permitted in the 1979

Edition of the Uniform Plumbing Code.

For information on California restrictions, contact the State Housing Law Section of the California Housing and Community Development Department.

Immediately below the notice, in the same size or smaller type, the following statement may appear, at the option of IAPMO:

(This notice is inserted herein pursuant to a court Order in the case of CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS V. INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS, Los Angeles Superior Court No.C-395294)

The Notice shall not contain, include or be accompanied by any other information or materials.

6. Worker Safety Assemblage in small construction quantities such as residential housing, do not normally bring workers beyond the dangerously toxic levels of exposure to the Benzene, Chloroform and kindred glue. On larger projects, the time spent on their assemblage puts workers beyond the safe limits of such exposure and in

effect forces him to sniff glue. Because the damage from these chemicals is permanent and irreversible, the United Association and its members strenuously object to the current state of the art process for assembling plastic pipe.

In closing, I would ask that you consider holding House Bill 508 in Committee and review the amendments the Municipality of Anchorage has adopted regarding the 1982 edition of Uniform Plumbing Code.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF CODES & STANDARDS Administrative Section
P. O. Box 1407, Sacramento, CA 95807 (916) 445-9471



November 10, 1982

INFORMATION BULLETIN SHL 82-5

TO: CITY BUILDING OFFICIALS
COUNTY BUILDING OFFICIALS
HOUSING CODE OFFICIALS
FIRE OFFICIALS
HEALTH OFFICIALS
ENVIRONMENTAL HEALTH OFFICIALS
INTERESTED PARTIES (SHL)
DIVISION STAFF

RE: PLASTIC PIPING SYSTEMS

The Department of Housing and Community Development has undertaken an Environmental Impact Report under the provisions of the California Environmental Quality Act before authorizing the expanded use of plastic pipe. The Environmental Impact Report is required because a significant controversy exists, and because evidence exists, although disputed, that plastic pipe may cause actual or potential significant adverse environmental or public health effects by leaching hazardous or carcinogenic chemicals, and/or may pose fire safety or worker safety hazards. The types of pipe being studied are PVC, CPVC, and PB for potable water and ABS and PVC for drain, waste and vent.

The Environmental Impact Report will also evaluate existing uses of plastic and metal pipe. Until the Environmental Impact Report is completed and reviewed, the expanded use of plastic pipe is not approved by the state beyond the uses adopted by the state in 1979.

Because of an order of the California Supreme Court, the Uniform Plumbing Code, 1982 Edition, is being distributed in California with a notice inserted by IAPMO which notifies recipients, among other things, that the Environmental Impact Report is being prepared and that the expanded use of plastic pipe "is not permitted in California." This notice of IAPMO, and its manner of insertion in the code, has caused misunderstanding as to the current status of the approved use of plastic pipe in California.

The Department of Housing and Community Development adopted the Uniform Plumbing Code, 1979 Edition, as part of the State Housing Law on December 31, 1979. The 1979 Edition is the current edition being enforced under the State Housing Law.

Re: California

NOTICE

The 1982 Uniform Plumbing Code is now being distributed to California users with the following notice inserted in each book:

TO CALIFORNIA USERS OF THE UPC Re UPC Section 1004 and IS-22-81

The following Notice is inserted in your 1982 edition of the UPC in order to comply with that certain Stay Pending Appeal issued by the Supreme Court of California on April 1, 1982, in the matter of *Spohn, as Director of the California Department of Consumer Affairs, Friends of the Earth, Consumer Federation of California, State Building and Construction Trades Council of California, and Aileen Adams, Plaintiffs, vs. International Association of Plumbing and Mechanical Officials, etc., et al., Defendants*, 2d Civil No. 64671. The Notice does not reflect the editorial policy of the publishers of the UPC, and its insertion in the UPC, to accompany listings of PB, PVC and CPVC plastic pipe, does not reflect any agreement or concession by IAPMO that the Notice is either necessary or appropriate.

“NOTICE: An Environmental Impact Report is now being prepared in California to determine whether the use of CPVC, PVC or PB plastic pipe for transporting potable water poses a danger to public health or the environment. At the time this edition of the Uniform Plumbing Code was printed the use of such pipe for this purpose is not permitted in California. It is recommended that you contact the State Housing Law Section of the California Housing and Community Development Department before using such pipe.”

S. L & C.
A. Fischer

APR 27 1983

FAIRBANKS CENTRAL LABOR COUNCIL

A. F. of L. - C. I. O.

FAIRBANKS, ALASKA

(907) 479-6281

April 22, 1983

Senator Don Bennett
Pouch V
Juneau, Alaska 99811
(Mail Stop 3100)


Re: Senate Bill 214

Dear Don :

The Fairbanks Central Labor Council has unanimously adopted the resolution opposing Senate Bill 214. The gravamen of the bill is to delete the 1975 Uniform-Plumbing Code as the official minimum plumbing code for the state. The bill replaces the 1979 edition with a 1982 edition. The 1982 edition was the product of a tremendous amount of lobbying and as a result, it is totally permissive. This means there are almost no standards. Plumbing work done by union plumbing contractors and union men has always been a guarantee of a good functional job. If we reduce to the standards of the 1982 version of the code, every kind of get rich quick short cut will be codified and everyone will have to drop to those standards to meet the competition. The result will be non-thawable pipes, leaks, and tremendous dissatisfaction with the plumbing industry.

For the benefit of the public, who needs the protection, and the plumbing industry, that must maintain its reputation, please vote against SB 214.

Sincerely,


ARTHUR LYLE ROBSON, Secretary-Treasurer
Fairbanks Central Labor Council

ALR:CIM

Letter of Opposition



Alaska Health Project

417 West Eighth Avenue — P. O. Box 10-1037, Anchorage, Alaska 99510 — (907) 276-2864

May 9, 1984

TO: Senate Labor and Commerce Committee

FROM: David Wigglesworth
Occupational/Environmental
Health Specialist

SUBJECT RE: House Bill #508, An Act Relating To The Plumbing Code

Plumbers and pipefitters encounter many hazardous materials in their occupations. For example, traditional metal pipe plumbing threaten plumbers with toxic metal fumes and vapors from welding. Now, contemporary polyvinyl chloride (PVC) and acrylonitrile-butadiene-styrene (ABS) plastic pipe systems present plumbers with new hazards which, unlike traditional plumbing, have not been fully studied as to their long and short term health hazards.

Alaska Health Project is not in the position of opposing or supporting HB508. However, we feel it is our responsibility to point out some health risks associated with the use of new plastic pipe systems and to raise questions concerning worker and public health if the legislature does expand the use of these systems as described in HB508.

I. Health Issues Associated With Plastic Pipe Systems

A. What Are The Chemicals Involved?

The joining of plastic pipe involves the use of many cleaning solvents and rapid gluing cements containing solvents and plastic resins.

Typical solvents found in plastic pipe cements and primers are:

- 1) Methyl Ethyl Ketone (MEK)
- 2) Tetrahydrofuran (THF)
- 3) Cyclohexanone (CyHx)
- 4) Dimethyl Formamide (DMF)
- 5) Toluene
- 6) Xylene
- 7) Methyl Butyl Ketone (MBK)

These cements also contain plastic resins such as PVC and ABS.

E. What Are the Health Effects To Workers

In General these substances enter the body via inhalation, ingestion, and/or skin contact. All of them can cause short term, or acute, irritation to the eyes, nose, and throat; impair judgement and cause dizziness and narcosis. Plumbers working in confined spaces without adequate ventilation or personal protective equipment will be more susceptible to these symptoms.

The long term, or chronic, implications of exposure to these substances is largely unknown, yet many are being investigated to determine if they cause or promote cancer and damage the central nervous system. For example:

1) Tetrahydrofuran (CAS-109-99-9)

Syn. - 1, 4 epoxy, butylene oxide (ether-like odor)

Routes of exposure are: inhalation, ingestion, skin contact

Acute exposure causes eye, nose irritation; and nausea, dizziness, headache.

Long term exposure - prolonged, repeated skin contact can dry out the skin, causing dermatitis.

Although not known as a liver toxin, liver and kidney effects should be considered because of the importance of these organs in the detoxification of the body.

No chronic systemic effects have been found in humans to date (1978 reference).

Latest Registry of Toxic Effects of Chemical Substances (RTECS) lists references on mutation data.

Being tested in NTP (National Toxicological Program) for carcinogenicity (Jan. 1983).¹

2) N, N, Dimethyl Formamide (CAS-68-12-2)

Syn. - DMF (ammonia-like odor)

Routes of exposure are: inhalation, ingestion, and skin contact. Can be absorbed through the skin.

Acute exposure - abdominal distress and pain, loss of appetite, nausea, vomiting, liver injury, agitation and increased blood pressure. Skin irritation may also result. Facial flushing (especially after drinking alcohol) may occur.

Long term exposure - repeated or prolonged skin contact can cause dermatitis.

DMF is toxic to the liver and kidneys - from animal testing and some human exposure studies (liver).

Odor thresholds is 100ppm - well above level of toxic affects. Poor warning properties.

RTECS list information on irritant properties, mutation data, reproductive effects data.

Being tested in NTP for carcinogenicity (Jan. 1983).²

3) Cyclohexanone (CAS-108-94-1)

Syns: Anon, Hexanone

Routes of exposure are: inhalation, ingestion, skin contact.

Acute exposure causes skin, eye, and nasal irritations, especially in concentrations above 50 ppm (parts per million). Exposure to high concentrations can result in central nervous system (CNS) depression.

Although research suggests that there are no long term health effects to workers, damage to liver and kidney should be considered because of the importance of these organs in the detoxification of the body.³

4) Methyl Ethyl Ketone (CAS-78-93-3)

Syns: MEK, Butanone

Routes of exposure are: inhalation, ingestion, and skin contact.

Short term (acute) exposures cause irritation to the nose and throat; Numbness in the fingers, arms, and legs; headache, nausea. Severe irritation results in concentrations greater than 300 ppm. Ingestion of an ounce or more can cause death.

Long term exposures can have an effect on the central nervous system characterized by weakness, fatigue, and numbness in the extremities. Symptoms may develop after 1 year of exposure to vapor concentrations of 50 to 200 ppm.

There is the possibility of a synergistic effect between MEK and THF to produce peripheral neuropathy.

The NIOSH Criteria Document for Ketones (1978) (which includes MEK, MBK and CYHX) recommends further research on the health effects of these substances. "The possibility of carcinogenic, mutagenic, teratogenic, and reproductive effects from ketones have not been thoroughly investigated. Epidemiological studies on all of the ketones are also needed."⁴

C. What Potential Health Effects will the Expanded Use of PVC and ABS Pipe Systems Have On The Community?

The health risks of plastic pipe cements and solvents to a community is low. However, plastic pipe systems of all types do pose a threat to public health when heated. Fires in buildings containing these systems can melt plastic pipes liberating gases and fumes, many of which are colorless, odorless, toxic and in some instances carcinogenic.

Given the proper conditions, PVC will burn decomposing into vinyl chloride, benzene, hydrochloric acid, phosgene gas, carbon monoxide. Both vinyl chloride and benzene are known carcinogens. Phosgene and hydrogen chloride (HCL) gas are extremely irritating to the respiratory system. The concern with ABS pipe systems is the liberation of acrylonitrile and butadiene, both known to cause cancer in humans.⁵

Besides the obvious fire hazards, burning plastics present potential hazards to emergency response personnel, office workers and the nearby public.

The real and potential hazards to plumbers and pipefitters, emergency responders, and the general public raise some fundamental questions which Alaska Health Project feels the legislature should address as it considers HB508.

1. If the state intends to expand the use of PVC/ABS plumbing systems, has it also considered completely the increased health risks to the community and to workers?
2. If HB508 is adopted, are there provisions in the legislation to ensure the maximum amount of protection to plumbers and the general public?
3. Is the legislature willing to expand the use of these plastic plumbing systems before current national research teams complete their studies on the potential carcinogenic, mutagenic and teratogenic properties of pipe cements and solvents?
4. Is there a mechanism in place whereby emergency responders are made aware of buildings containing ABS and/or PVC pipe systems so that they can protect themselves in the event of a fire?

In the event that this legislation is adopted, Alaska Health Project urges the legislature to consider the following amendments:

1. Adopt language directing the State Department of Health to develop a follow-up program to keep up-to-date with current NTP testing, NIOSH research and other scientific studies on the health issues surrounding plastic pipe systems. Furthermore, direct the Department to collect data on exposures and health effects to Alaskan plumbers who have used or are using these

systems and also to monitor for health effects at a statistically significant number of job sites where these systems are being installed. This information would more clearly define potential health problems and assist the state in developing programs to prevent unnecessary workplace exposures thereby protecting the health of plumbers.

2. When possible, PVC cements and cleaners should not be used if they contain DMF. Its health risks are more clearly documented and should be substituted for a less toxic substance.

3. Adopt language requiring that the fire department and other emergency responders are made aware of buildings containing PVC, ABS or other plastic pipe systems.

Alaska Health Project appreciates the opportunity to testify before the Senate Labor and Commerce Committee. We urge your careful consideration of this legislation.

NOTES

- 1 U.S. Dept. of Labor Occupational Health Guide for Tetrahydrofuran 1978
Registry of Toxic Effects of Chemical Substances (RTECs), NIOSH
- 2 U.S. Dept. of Labor Occupational Health Guide for Dimethyl Formamide 1978
Registry of Toxic Effects of Chemical Substances (RTECs), NIOSH 1983
- 3 Patty's Industrial Hygiene and Toxicology, 3rd revised edition, Vol. 2C 1982
- 4 Patty's Industrial Hygiene and Toxicology, 3rd revised edition, Vol. 2C 1982
Criteria Document for Occupational Exposure to Ketones, NIOSH 1978
- 5 International Firefighters Associations, Occupational Cancer and the Firefighter, Dept. of Research, Health and Safety Division

OTHER SOURCES

Health Hazard Evaluation Report, Plumbers and Gasfitters Local Union #12, NIOSH, 1981

NIOSH Current Intelligence Bulletin 41, 1, 3 Butadiene, Feb. 9, 1984

Sax, Irving, Dangerous Properties of Industrial Materials, 5th edition 1979

du Alaska Company

Manufacturers
Representatives

May 12, 1983

Senator Richard Eliason
Pouch V
Juneau, Alaska 99811

Dear Senator,

I had the pleasure today of talking to Sheila Peterson in your office in behalf of Senator Paul Fischer's Bill #214 to upgrade the Alaskan State plumbing code to agree with the 1982 edition of the IATMO Code.

I hope you can see your way clear to schedule hearings on this bill. One of the products which would be allowed would be Polybutylene Pipe for water service.

This pipe is not new to Alaska. Every trailer or modular home shipped into Alaska is plumbed with this product because it stands vibration extremely well and because if the unit freezes, no damage will occur from bursting pipe, yet because of our outdated code, local Trailer Manufacturers like Husky must use older and more expensive pipe. Owners who remodel or work on their units, must to be legal, use a different material. In actual fact they ignore the law.

In Fairbanks, Sitka, Palmer and Bethel, wide use is being made of this pipe wither under local code or illegally. It is just too good a product to ignore if there is any chance the building will freeze up. Imagine how much money is spent replacing water damaged walls from freeze burst copper pipe.

I have personally appeared before the Anchorage Borough Plumbing Board and have heard members of plumbing associations object to this product. My personal feeling is that the professional plumber tends to move slowly on any new product but since the Anchorage market is covered by the Greater Anchorage Borough Mechanical Board, their area will not be effected by the state code anyway.

ok this way

Letter of Support

There have been some people who have objected to any plastic on the basis that its use may cause cancer. I have never personally seen any laboratory test or medical opinion that bears this out. I know I eat off a plastic covered table, brush my teeth with a plastic toothbrush and drink Coke out of a plastic bottle poured into a plastic glass. I can't see how in the face of this, anyone can be concerned if the water for my scotch mixer comes out of a plastic pipe!

The other health problem has been told to me by the Anchorage Health Department personnel who say that galvanized pipe that is installed a long time rusts so bad inside that even repeated chlorination does not always kill the bacterial contamination. Polybutylene never corrodes, is always smooth and like new. I'd certainly prefer to get my water from it than some of these rusty iron pipes.

Our state achieves considerable revenue from the sale of petroleum, there has even been talk of a state supported Petro Chemical Plant. In view of this fact, is it now in the states interest to encourage the products of those Petro Chemical Plants instead of banning their use?

I'd like to come to Juneau for a hearing on this and I know others in Alaska who would also. If you would like people who are using this product in Alaska to contact you, I'll be delighted to ask them.

Best Regards,



C. Dammann

CD/bjs

Shell Chemical Company

A Division of Shell Oil Company



June 6, 1983

P.O. Box 7637
Stockton, CA 95207

Senator Paul Fisher
Pouch V
Juneau, Alaska 99811

ATTENTION: Elieen Glenn
Administrative Assistant

Dear Ms. Glenn:

I am writing this letter at the suggestion of C. Chuck Dummann of du Alaska Company, Inc. Chuck has informed me that Senator Fisher has introduced Bill #SP-214 that is of great interest to Shell Chemical Company.

The Bill would adopt the 1982 Uniform Plumbing Code as the required Code for the State. Currently the State operates under the 1979 version. While there are several minor changes between 1979 and 1982, there is a major change of importance to us. This change appears in Section 1004. It incorporates the use of polybutylene as an approved plumbing pipe along with the more traditional materials such as copper and galvanized pipe.

For your general information I am enclosing a selection of literature on the subject of polybutylene. As you can see, it is a versatile material capable of performing in many severe conditions.

In addition to these proven performance characteristics there are several reasons particular to the State of Alaska that make the passing of Bill #SB-214 important:

1. The mobile home industry has for years used polybutylene. We estimate over 80 percent of all mobile homes are plumbed with polybutylene. The manufactured housing industry outside of Alaska has a distinct cost advantage over the Alaska based manufacturer. The Alaska builder does not have the advantage of polybutylene's low cost.
2. The low installed cost of polybutylene puts the Alaska builder at a disadvantage to a major portion of the remainder of the United States. Mobile home and manufactured housing builders in other states have the advantage of using polybutylene. This puts the Alaska builder in an uncompetitive situation.

Letter of Support

June 5, 1983

3. In addition to polybutylene's advantages in plumbing application, its use is rapidly growing in fire sprinklers. Polybutylene is now listed by Factory Mutual. Approval of polybutylene in plumbing application would greatly assist its development in the fire sprinkler installation.
4. Given the Alaska climate, polybutylene has a special feature of being freeze resistant. Simply put, properly installed polybutylene will not rupture as will conventional material when frozen.

Thank you for your effort thus far. Polybutylene is a proven material around the United States and around the world and belongs as a material available to the people of Alaska.

I am ready to come to Juneau to testify or speak to anyone on the subject if it would be helpful.

I hope that Senator Fisher will make every effort possible to move this Bill forward.

Very truly yours,

M. J. O'Brien

M. J. O'Brien
Regional Sales Manager
Polybutylene Department

MJO/ja

Enclosures

cc: Chuck Dummann
Gordon Evans
Ely, Guess and Rudd
Juneau, Alaska

MSG 84-00043816 PRTY 1 05/09/84 15:48:52 ORIG: 4604 IN= 0007 OUT= 0036
FROM: DOROTHY/PETERSBURG TO: JUNEAU INFO.
TARGET: LJHK SUBJ: FOR

TO: SENATORS RICHARD ELIASON, BOB MULCAHY, FRITZ PETTYJOHN, PATRICK RODEY,
JOHN SACKETT

FROM: GARY FOND
BOX 1711
PETERSBURG, AK 99833

RE: HB 508

VOTE NO ON HB 508 WITHOUT REVISION.

UNLESS REVISED IN SECTION 404 AND SECTION 1004, I FEEL IT ENDANGERS THE
PUBLIC AND WORKERS HEALTH.

MSG 84-00043840 PRTY 1 05/09/84 16:19:50 ORIG: 460\$ IN= 0008 OUT= 0000
FROM: DOROTHY/PETERSBURG TO: JUNEAU INFO.
TARGET: LJHK SUBJ: POM

TO: SENATORS RICHARD ELIASON, BOB MULCAHY, FRITZ PETTYJOHN, PATRICK RODEY,
JOHN SACKETT

FROM: HARVEY BOHANNAN
BOX 7261
KETCHIKAN, AK 99901

RE: HB 508

VOTE NO ON HB 508 WITHOUT REVISION.

UNLESS REVISED IN SECTION 401 AND SECTION 1004, I FEEL IT ENDANGERS THE
PUBLIC AND WORKERS HEALTH.

Handwritten notes:
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MSG 84-00043868 PRTY 1 05/09/84 17:19:32 ORIG: 4604 IN= 0009 OUT= 0099
FROM: DOROTHY/PETERSBURG TO: JUNEAU INFO.
TARGET: LJHK SUBJ: POM

TO: SENATORS RICHARD ELIASON, BOB MULCAHY, FRITZ PETTYJOHN, PATRICK RODEY,
JOHN SACKETT

FROM: RONALD E. SMITH
BOX 772
HAINES, ALASKA 99827 907 766-2843

RE: HB 508

VOTE NO ON HB 508 WITHOUT REVISION.

UNLESS REVISED IN SECTION 401 AND SECTION 1004, I FEEL IT ENDANGERS THE
PUBLIC AND WORKERS HEALTH.

MSG 84-00043869 PRTY 1 05/09/84 17:22:37 ORIG: 4604 IN= 0010 OUT= 0100
FROM: DOROTHY/PETERSBURG TO: JUNEAU INFO.
TARGET: LJHK SUBJ: POM

TO: SENATORS RICHARD ELIASON, BOB MULCAHY, FRITZ PETTYJOHN, PATRICK RODEY,
JOHN SACKETT

FROM: DUANE E. VILANDRE
BOX 1420
SIKKA, ALASKA 99835 907 772-3045

RE: HB 508

VOTE NO ON HB 508 WITHOUT REVISION.

UNLESS REVISED IN SECTION 401 AND SECTION 1004, I FEEL IT ENDANGERS THE
PUBLIC AND WORKERS HEALTH.

MSG 84-00044100 PRY 1 05/10/84 13:22:15 ORIG: LK00 IN= 0005 OUT= 0064
FROM: JUNE G/KETCHIKAN TO: JUNEAU INFO
TARGET: LJHK SUBJ: POM

TO: SENATOR DICK ELIASON & SENATE LABOR & COMMERCE COMMITTEE MEMBERS:

FROM: CURTIS W. TUCKER
P. O. BOX 5784
KETCHIKAN, ALASKA 99901
(907) 225-6394 (HOME) (907) 225-6648 (WORK)

RE: HB 508

DUE TO WORKER'S HEALTH & SAFETY I URGE YOU TO MODIFY THE 1982 PLUMBING CODE SECTIONS 401 & 1004 TO EXCLUDE THE USE OF PLASTIC PIPE IN ANY DWELLING OF 2 STORIES OR LESS AND ALL COMMERCIAL BUILDINGS. THANK YOU.

EDM/JG

ASL 84-00044118 PRTY 1 05/10/84 13:30:48 ORIG: LK06 IN= 0006 OUT= 0006
FROM: JUNE G/KETCHIKAN TO: JUNEAU INFO
TARGET: LHM SUBJ: PDR 2

TO WENIGOR DICK ELIASON, LABOR & COMMERCE COMMITTEE

FROM ROBERT F. TUCKER
RT. 1 BOX 182
KETCHIKAN, ALASKA 99901
(907) 225-3699 (HOME) (907) 225-6648 (WORK)

RE HB 503 (PLUMBING CODE)

OBJECT TO PASSAGE OF HB 503 SECTION 1004 & 401 HAZARD TO WORKERS HEALTH & SAFETY AS WELL AS OCCUPANTS & OWNERS.

END JG

MSG 84-00044127 PRTY 1 05/10/84 13:40:52 ORIG: LK00 IN= 0008 OUT= 0068
FROM: JUNE G/KETCHIKAN TO: JUNEAU INFO
TARGET: LJHK SUBJ: FOM

TO: SENATOR DICK ELIASON, LABORS AND COMMERCE COMMITTEE

FROM: MICHAEL J. GLASSER
1378 WOODSIDE DR.
KETCHIKAN, ALASKA 99901
(907) 225-6845 (HOME) (907) 225-6648 (WORK)

RE: HB 508 PLUMBING CODE

OBJECT TO PASSAGE OF HB 508, SECTION 1004 & 401. HAZARDOUS TO WORKERS
HEALTH & SAFETY AS WELL AS OCCUPANTS AND OWNERS.

EDR/JG

H B

510

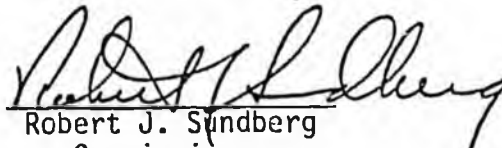
DEPARTMENT OF PUBLIC SAFETY
POSITION PAPER - PROPOSED CSHB 510 (TRSP)

Support

The Department of Public Safety supports passage of the CSHB 510 (TRSP) being proposed by the House Transportation Committee.

Currently there is no requirement for reporting state or municipally operated aircraft accidents. By enacting this legislation, the National Transportation Safety Board, at the Department's request, would investigate accidents involving state and local government operated aircraft.

By utilizing the experience and expertise provided by the NTSB in determining the cause of accidents and following up on their recommendations as to how to eliminate these causes, will be beneficial to the state by reducing the probability of aircraft accidents occurring in the future.


Robert J. Sundberg
Commissioner

Position
Paper

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

cc

*note
factor
page*

Revision Date: _____

REQUEST

Bill/Resolution No.: CSHB 510(TRSP)
Title: Act relating to accidents involving state & municipal aircraft
Sponsor: Transportation Committee
Requestor: House Transportation
Date of Request: 3/22/84

FISCAL DETAIL

Agency Affected: Public Safety
Program Category Affected: Fish & Wildlife Protection
BRU, Program or Subprogram(s) Affected: Fish & Wildlife

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

No fiscal impact.

ANALYSIS: Attach a separate page for analysis

Prepared By: Paul Conger Phone: 465-4333
Division: Administrative Services Date: _____

Approved by Commissioner: [Signature] Date: 3/23/84
Agency: Public Safety

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

*Finance wishes this be prepared with
to accompany bill (CSHB 510(Fin))*

Approved by CSHB 510 (Fin)

12/1/83

Fiscal Note

Changes made in

Offered: 5/22/84
Referred: Rules

Jud'is in

Yellow

Original sponsor: Martin

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

SENATE CS FOR CS FOR HOUSE BILL NO. 510 (Judiciary)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to accidents involving state or
municipal aircraft; and providing for an effective
date."

7

8

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

10

* Section 1. AS 02.15 is amended by adding a new section to read:

11

Sec. 02.15.225. ACCIDENTS INVOLVING STATE OR MUNICIPAL AIRCRAFT.

12

(a) Each aircraft accident involving an aircraft operated by the
state or a municipality of the state shall be reported to the National
Transportation Safety Board and the Department of Public Safety by the
person who

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^{deleted} " (1) was in command of the aircraft at the time of the
^{lang "who caused} accident; or

(2) authorized the operation of the aircraft if the person
who was in command at the time of the accident is physically unable to
report the accident.

(b) The Department of Public Safety shall request the National
Transportation Safety Board to investigate each aircraft accident
reported under (a) of this section. The Department of Public Safety
shall supply information regarding the aircraft accident requested by
the National Transportation Safety Board if the information is avail-
able to the Department of Public Safety.

(c) In this section "aircraft accident" means

(1) an occurrence associated with the operation of an
aircraft that takes place between the time a person boards the

deleted word "flight"

1 aircraft with the intention of flying or taxiing until the time the
2 person disembarks and in which

3 (A) a person suffers death or serious injury as a
4 result of being in or on the aircraft, or by direct contact with
5 the aircraft or an object attached to the aircraft; or

6 (B) the aircraft receives substantial damage;

7 (2) flight control system malfunction or failure;

8 (3) inability of a required flight crewmember to perform
9 normal flight duties during flight or while taxiing as a result of
10 injury or illness;

11 (4) failures of a turbine engine rotor, excluding compres-
12 sor blades and turbine buckets;

13 (5) in-flight fire;

14 (6) aircraft collision in flight or on the ground; or

15 (7) disappearance of an aircraft believed to have been
16 involved in an accident.

17 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
18 10.070(c).

COMMITTEE REPORT

SENATE

FURTHER:

Date

Mr. President

The Committee on LABOR COLLECTIVE BARGAINING considered SA 101234

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title _____
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation



National Transportation Safety Board

Bureau Field Operations
Anchorage Field Office
701 C Street, Box 11
Anchorage, Alaska 99513

March 1, 1984

Mark Hanley
& Terry Martin
Pouch V, Capitol Building
Juneau, Alaska 99811

Dear Mr. Hanley:

Pursuant to our telephone conversation you will find enclosed a list of the particular Federal Aviation Regulation Part Number and a brief description of each which does not apply to "public use" aircraft. Particular attention must be paid to Title 14 Code of Federal Regulations Part 1, which defines "civil aircraft" and "public aircraft".

The term "civil aircraft" is strategically used throughout the regulations which allows such aircraft to perform acts without repercussion from a federal viewpoint.

As you read through the brief descriptions you will realize the magnitude of the possible ramifications should these regulations be stretched to their ultimate definition.

Sincerely,

A handwritten signature in cursive script, appearing to read "George Kobelnyk".

George Kobelnyk

encls

FAR Part Nos
Title 49, Part 830, 2 cys

Background

FAR PART NUMBERS AND DESCRIPTIONS

- 91.3 Certificate requirements: A pilot certificate is not needed, nor an instrument rating; however, a medical certificate is required.
- 91.5 Para b,1. Preflight action - A public aircraft is not required to compute landing and takeoff distances.
Para b,2. Does not need other reliable information such as aircraft performance under expected values of airport elevation and runway slope, aircraft gross weight, and wind and temperature.
- 91.6 Category II and III Operations
Para a,1. Public aircraft does not need special authorizations to use category II or III operations.
- 91.7 Flight Crewmembers at Stations
Para b. Does not need to keep the shoulder harness fastened while at this duty station.
- 91.11 Liquor and Drugs
Para a. States civil aircraft which renders this entire part useless for public aircraft. A pilot of a public aircraft may drink and fly with less than the required eight hours; may fly while intoxicated; may fly under the influence of any drugs; be prescribed by a doctor or self prescribed, and may carry intoxicated passengers indiscriminately.
- 91.12 Carriage of narcotic drugs, marijuana, and depressants or stimulant drug substances.
Para a. A public aircraft can carry the above listed substances indiscriminately without violating the FARs.
- 91.13 Dropping Objects.
A public aircraft should they desire can drop objects so as to create a hazard to persons or property and not be in violation of the FARs.
- 91.14 Use of Safety Belts
Para a, 1. Pilot-in-command does not need to ensure that each passenger was briefed on how to fasten and unfasten the seatbelt.

Para a, 2. Does not need to notify the passengers to fasten their seatbelts.

Para a, 3. Does not need to ensure that each person occupies a seat or berth with a seatbelt secured about them.

91.21 Flight Instruction - Simulated Instrument Flight and Certain Flight Test.

Para a. Under this part a public aircraft does not need dual flight controls for flight instruction.

91.23 Fuel Requirements For Flight in IFR Conditions.

Para a. Public aircraft do not need the required 45 IFR fuel reserve.

91.25 VOR Equipment Check for IFR Operations.

Para a. Public aircraft are not required to perform a VOR operational check within the preceding 30 days for a flight under IFR rules.

91.27 Civil Aircraft - Certifications Required For Public Aircraft None as the title of this Part implies.

91.29 Civil Aircraft Airworthiness

A public aircraft does not need to be in an airworthy condition as the title of this Part implies.

91.30 Inoperable Instrument And Equipment For Multi-engine Aircraft.

A public aircraft does not need an approved minimum equipment list.

91.31 Civil Aircraft Operating Limitations on Marking Requirements.

As the title implies, a public aircraft does not have to remain within the approved operating limitations or the marking requirements as outlined by the appropriate manuals.

91.32 Supplemental Oxygen

Under this part a public aircraft does not need oxygen.

91.33 Powered Civil Aircraft With Standard Category U.S. Airworthiness Certificates; Instrument and Equipment Requirements.

This entire section, as the title implies, vindicates all public aircraft from its requirements. Remember that in a previous part of this regulation, public aircraft do not need an airworthiness certificate to begin with.

91.34 Category II Manual

91.51 Altitude Alerting System or Device; Turbo-jet Powered Civil Airplanes.

Again a public turbo-jet powered airplane need not comply.

91.52 Emergency Locator Transmitters

Para a. A public aircraft does not need to carry an emergency locator beacon.

All of the above parts are an interpretation of paragraphs using the term "civil aircraft" as defined in FAR Part 1, Title 14.

DEPARTMENT OF LABOR

DIVISION OF WORKERS' COMPENSATION

1111 WEST 8th, Rm 305
BOX 1149
JUNEAU, ALASKA 99802
PHONE: (907) 465-2790

February 22, 1984

The Honorable Terry Martin
Alaska State Representative
Pouch V
Juneau, AK 99811

Dear Representative Martin:

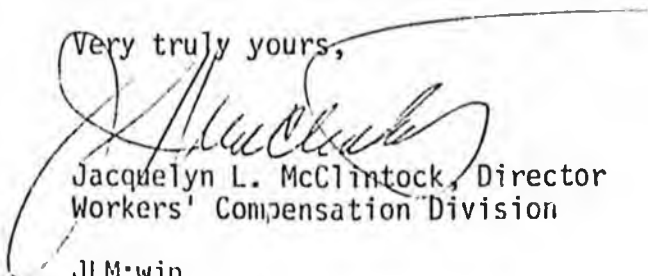
Re: Aircraft Accidents

Confirming my telephone conversation yesterday with Mark Hanley, following is the information requested by your office concerning workers' compensation claims arising from aircraft accidents:

<u>Year</u>	<u>Total Accidents</u>	<u>State of Alaska</u>	<u>Fatalities</u>
1979	83	(0)	(26)
1980	63	(2)	(14)
1981	56	(3)	(21)
1982	85	(8)	(13)
1983	47	(6)	(2)
Total	334	(19)	(76)

Please feel free to contact me if you need further information.

Very truly yours,



Jacquelyn L. McClintock, Director
Workers' Compensation Division

JLM:wjp

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF ADMINISTRATION

POUCH C (MS 0218)
JUNEAU, ALASKA 99811
PHONE: (907) 465-2180

DIVISION OF RISK MANAGEMENT

February 2, 1984

The Honorable Bette M. Cato
House Transportation Committee
Alaska House of Representatives
State Capitol - Pouch V
Juneau, AK 99811

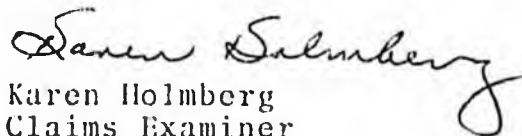
Dear Chairperson Cato:

Re: House Bill 510

In reply to your Committee's request for information regarding the number of State-owned aircraft accidents for the last five years, the following is submitted:

<u>Year</u>	<u>Total Accidents</u>	<u>Total Paid</u>
1980	0	-0-
1981	2	\$ 93,118
1982	2	34,684
1983	2	8,034
1984	<u>1</u>	<u>20,000</u>
	7	\$ 155,836

Sincerely,


Karen Holmberg
Claims Examiner

cc: Rebecca Burch
Department of Administration

FEDERAL AVIATION REGULATIONS

Part 1—Definitions and Abbreviations

Table of Contents

Sec.	
1.1	GENERAL DEFINITIONS.
1.2	ABBREVIATIONS AND SYMBOLS.
1.3	RULES OF CONSTRUCTION.



about one or more of its three principal axes.

"Balloon" means a lighter-than-air aircraft that is not engine driven.

"Brake horsepower" means the power delivered at the propeller shaft (main drive or main output) of an aircraft engine.

"Calibrated airspeed" means the indicated airspeed of an aircraft, corrected for position and instrument error. Calibrated airspeed is equal to true airspeed in standard atmosphere at sea level.

"Category":

(1) As used with respect to the certification, ratings, privileges, and limitations of airmen, means a broad classification of aircraft. Examples include: airplane; rotorcraft; glider; and lighter-than-air; and

(2) As used with respect to the certification of aircraft, means a grouping of aircraft based upon intended use or operating limitations. Examples include: transport, normal, utility, acrobatic, limited, restricted, and provisional.

"Category II operations", with respect to the operation of aircraft, means a straight-in ILS approach to the runway of an airport under a Category II ILS instrument approach procedure issued by the Administrator or other appropriate authority.

"Category III operations," with respect to the operation of aircraft, means an ILS approach to, and landing on, the runway of an airport using a Category III ILS instrument approach procedure issued by the Administrator or other appropriate authority.

"Ceiling" means the height above the earth's surface of the lowest layer of clouds or obscuring phenomena that is reported as "broken", "overcast", or "obscuration", and not classified as "thin" or "partial".

"Class" means aircraft of other than public aircraft.

(1) As used with respect to the certification, ratings, privileges, and limitations of airmen, means a classification of aircraft within a category having similar operating characteristics. Examples include: single engine; multiengine; land; water; gyroplane; helicopter; airship; and free balloon; and

(2) As used with respect to the certification of aircraft, means a broad grouping of aircraft having similar characteristics of propulsion, flight, or landing. Examples include: airplane; rotorcraft; glider; balloon; landplane; and seaplane.

"Air traffic clearance" means an authorization by air traffic control, for the purpose of preventing collision between known aircraft, for an aircraft to proceed under specified traffic conditions within controlled airspace.

"Air traffic control" means a service operated by appropriate authority to promote the safe, orderly, and expeditious flow of air traffic.

"Air transportation" means interstate, overseas, or foreign air transportation or the transportation of mail by aircraft.

"Alternate airport" means an airport at which an aircraft may land if a landing at the intended airport becomes inadvisable.

"Altitude engine" means a reciprocating aircraft engine having a rated takeoff power that is producible from sea level to an established higher altitude.

"Appliance" means any instrument, mechanism, equipment, part, apparatus, appurtenance, or accessory, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight, is installed in or attached to the aircraft, and is not part of an airframe, engine, or propeller.

"Approved", unless used with reference to another person, means approved by the Administrator.

"Area navigation (RNAV)" means a method of navigation that permits aircraft operations on any desired course within the coverage of station-referenced navigation signals or within the limits of self-contained system capability.

"Area navigation low route" means an area navigation route within the airspace extending upward from 1,200 feet above the surface of the earth to, but not including, 18,000 feet MSL.

"Area navigation high route" means an area navigation route within the airspace extending upward from, and including, 18,000 feet MSL to flight level 450.

"Armed Forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard, including their regular and reserve components and members serving without component status.

"Autorotation" means a rotorcraft flight condition in which the lifting rotor is driven entirely by action of the air when the rotorcraft is in motion.

"Auxiliary rotor" means a rotor that serves either to counteract the effect of the main rotor torque on a rotorcraft or to maneuver the rotorcraft

"Prohibited area" means designated airspace within which the flight of aircraft is prohibited.

"Propeller" means a device for propelling an aircraft that has blades on an engine-driven shaft and that, when rotated, produces by its action on the air, a thrust approximately perpendicular to its plane of rotation. It includes control components normally supplied by its manufacturer, but does not include main and auxiliary rotors or rotating airfoils of engines.

"Rated maximum continuous augmented thrust", with respect to turbojet engine type certification, means the approved jet thrust that is developed statically or in flight, in standard atmosphere at a specified altitude, with fluid injection or with the burning of fuel in a separate combustion chamber, within the engine operating limitations established under Part 33 of this chapter, and approved for unrestricted periods of use.

"Rated maximum continuous power," with respect to reciprocating, turbopropeller, and turboshaft engines, means the approved brake horsepower that is developed statically or in flight, in standard atmosphere at a specified altitude, within the engine operating limitations established under Part 33, and approved for unrestricted periods of use.

"Rated maximum continuous thrust", with respect to turbojet engine type certification, means the approved jet thrust that is developed statically or in flight, in standard atmosphere at a specified altitude, without fluid injection and without the burning of fuel in a separate combustion chamber, within the engine operating limitations established under Part 33 of this chapter, and approved for unrestricted periods of use.

"Rated takeoff augmented thrust", with respect to turbojet engine type certification, means the approved jet thrust that is developed statically under standard sea level conditions, with fluid injection or with the burning of fuel in a separate combustion chamber, within the engine operating limitations established under Part 33 of this chapter, and limited in use to periods of not over 5 minutes for takeoff operation.

"Rated takeoff power", with respect to reciprocating, turbopropeller, and turboshaft engine type certification, means the approved jet thrust that is developed statically under standard sea level conditions, within the engine operating limitations established under Part 33, and limited in use to periods of not over 5 minutes for takeoff operation.

"Rated takeoff thrust", with respect to turbojet engine type certification, means the approved jet thrust that is developed statically under standard sea level conditions, without fluid injection and without the burning of fuel in a separate combustion chamber,

FAA regulations

NATIONAL TRANSPORTATION SAFETY BOARD

PART 730—RULES PERTAINING TO THE NOTIFICATION AND REPORTING OF AIRCRAFT ACCIDENTS OR INCIDENTS AND OVERDUE AIRCRAFT, AND PRESERVATION OF AIRCRAFT WRECKAGE, MAIL, CARGO, AND RECORDS

Subpart A—General

- Sec.
830.1 Applicability.
830.2 Definitions.

Subpart B—Initial Notification of Aircraft Accidents, Incidents, and Overdue Aircraft

- Sec.
830.5 Immediate notification.
830.6 Information to be given in notification.

Subpart C—Preservation of Aircraft Wreckage, Mail, Cargo, and Records

- 830.10 Preservation of aircraft wreckage, mail, cargo, and records.

Subpart D—Reporting of Aircraft Accidents, Incidents, and Overdue Aircraft

- 830.15 Reports and statements to be filed.

AUTHORITY: Title VII, Federal Aviation Act of 1958, as amended, 72 Stat. 781, as amended by 78 Stat. 921 (49 U.S.C. 1441 et seq.), and the Independent Safety Board Act of 1974, Pub. L. 93-633, 88 Stat. 2161 (49 U.S.C. 1901 et seq.).

Subpart A—General

§ 830.1 Applicability.

This part contains rules pertaining to: (a) Providing notice of and reporting aircraft accidents and incidents and certain other occurrences in the operation of aircraft when they involve any aircraft of the United States wherever they occur, or foreign civil aircraft when such events occur in the United States, its territories or possessions.

(b) Preservation of aircraft wreckage, mail, cargo, and records involving all civil aircraft in the United States, its territories or possessions.

§ 830.2 Definitions.

As used in this part the following words or phrases are defined as follows:

"Aircraft accident" means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, and in which any person suffers death or serious injury as a result of being in or upon the aircraft or by direct contact with the aircraft or anything attached thereto, or in which the aircraft receives substantial damage.

"Fatal injury" means any injury which results in death within 7 days of the accident.

"Operator" means any person who causes or authorizes the operation of an aircraft, such as the owner, lessee, or bailee of an aircraft.

"Serious injury" means any injury which (1) requires hospitalization for more than 48 hours, commencing within 7 days from the date the injury was received; (2) results in a fracture of any bone (except simple fractures of fingers, toes, or nose); (3) involves lacerations which cause severe hemorrhages, nerve, muscle, or tendon damage; (4) involves injury to any internal organ; or (5) involves second- or third-degree burns, or any burns affecting more than 5 percent of the body surface.

"Substantial damage":

(1) Except as provided in subparagraph (2) of this paragraph, substantial damage means damage or structural failure which adversely affects the structural strength, performance, or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected component.

(2) Engine failure, damage limited to an engine, bent fairings or cowling, dented skin, small punctured holes in the skin or fabric, ground damage to rotor or propeller blades, damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wingtips are not considered "substantial damage" for the purpose of this part.

Subpart B—Initial Notification of Aircraft Accidents, Incidents, and Overdue Aircraft

§ 830.5 Immediate notification.

The operator of an aircraft shall immediately, and by the most expeditious means available, notify the nearest National Transportation Safety Board (Board), Bureau of Aviation Safety field office when:

(a) An aircraft accident or any of the following listed incidents occur:

(1) Flight control system malfunction or failure;

(2) Inability of any required flight crewmember to perform his normal flight duties as a result of injury or illness;

(3) Turbine engine rotor failures excluding compressor blades and turbine buckets;

(4) In-flight fire; or

(5) Aircraft collide in flight.

(b) An aircraft is overdue and is believed to have been involved in an accident.

§ 830.6 Information to be given in notification.

The notification required in § 830.5 shall contain the following information, if available:

(a) Type, nationality, and registration marks of the aircraft;

(b) Name of owner, and operator of the aircraft;

(c) Name of the pilot-in-command;

(d) Date and time of the accident;

(e) Last point of departure and point of intended landing of the aircraft;

(f) Position of the aircraft with reference to some easily defined geographical point;

(g) Number of persons aboard, number killed, and number seriously injured;

(h) Nature of the accident, the weather and the extent of damage to the aircraft, so far as is known; and

(i) A description of any explosives, radioactive materials, or other dangerous articles carried.

Subpart C—Preservation of Aircraft Wreckage, Mail, Cargo, and Records

§ 830.10 Preservation of aircraft wreckage, mail, cargo, and records.

(a) The operator of an aircraft is responsible for preserving to the extent possible any aircraft wreckage, cargo, and mail aboard the aircraft, and all records, including tapes of flight re-

orders and voice recorders, pertaining to the operation and maintenance of the aircraft and to the airman involved in an accident or incident for which notification must be given until the Board takes custody thereof or a release is granted pursuant to § 831.17.

(b) Prior to the time the Board or its authorized representative takes custody of aircraft wreckage, mail, or cargo, such wreckage, mail, or cargo may not be disturbed or moved except to the extent necessary:

(1) To remove persons injured or trapped;

(2) To protect the wreckage from further damage; or

(3) To protect the public from injury.

(c) Where it is necessary to disturb or move aircraft wreckage, mail or cargo, sketches, descriptive notes, and photographs shall be made, if possible, of the accident locale including original position and condition of the wreckage and any significant impact marks.

(d) The operator of an aircraft involved in an accident or incident as defined in this part, shall retain all records and reports, including all internal documents and memoranda dealing with the accident or incident, until authorized by the Board to the contrary.

Subpart D—Reporting of Aircraft Accidents, Incidents, and Overdue Aircraft

§ 830.15 Reports and statements to be filed.

(a) **Reports.** The operator of an aircraft shall file a report as provided in paragraph (c) of this section on Board Form 6120.1 or Board Form 6120.2* within 10 days after an accident, or after 7 days if an overdue aircraft is still missing. A report on an incident for which notification is required by § 830.5(a) shall be filed only as requested by an authorized representative of the Board.

(b) **Crewmember statement.** Each crewmember, if physically able at the time the report is submitted, shall attach thereto a statement setting forth the facts, conditions, and circumstances relating to the accident or incident as they appear to him to the best of his knowledge and belief. If the crewmember is incapacitated, he shall submit the statement as soon as he is physically able.

(c) **Where to file the reports.** The operator of an aircraft shall file with the field office of the Board nearest the accident or incident any report required by this section.

Note: The reporting and recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

* Forms are obtainable from the Board field offices (see footnote 1), the National Transportation Safety Board, Washington, D.C. 20594, and the Federal Aviation Administration, Flight Standards District Office.

1 The National Transportation Safety Board field offices are listed under U.S. Government in the telephone directories in the following cities: Anchorage, Alaska; Chicago, Ill.; Denver, Colo.; Fort Worth, Tex.; Kansas City, Mo.; Los Angeles, Calif.; Miami, Fla.; New York, N.Y.; Oakland, Calif.; Seattle, Wash.; Washington, D.C.

From The Last Frontier

Rep. Terry Martin
State Capitol, Pouch V
Juneau, AK 99811

H B

535

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____
(Page 1 of 2)

<u>REQUEST</u> Bill/Resolution No.: <u>CSHB 535 (SA)</u> Title: <u>"An Act relating to</u> <u>purchase of group life insurance by retirees.</u> Sponsor: _____ Requestor: _____ Date of Request: _____	<u>FISCAL DETAIL</u> Agency Affected: <u>All State Agencies</u> Program Category Affected: <u>Health Insurance</u> BRU, Program or Subprogram(s) Affected: _____
--	---

EXPENDITURES/REVENUES: (Thousands of Dollars)

Operating	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
100 Personal Svcs						
100 Rtmnt & Bnfts						
200 Travel						
300 Contractual						
400 Supplies						
500 Equipment						
600 Land & Struct						
700 Grants, Claims						
700 TRS Match						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

General Fund						
Federal Funds						
Other						
Total	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

Full-Time						
Part-Time						
Temporary						

SOURCE OF FUNDS TO OFFSET IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: J.K. Humphreys *J.K. Humphreys* Phone: 465-4460
 Division: Retirement & Benefits Date: 3-12-84

Approved by Commissioner: Lisa Rudd *L. Rudd* Date: 3-15-84
 Agency: Department of Administration

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CSHB 535
Fiscal Note Analysis
Prepared by the Division of Retirement & Benefits
Department of Administration

March 12, 1984

IV Analysis: This bill would allow retirees age 65 and older to continue to purchase optional group life insurance. Currently, retirees are ineligible to purchase this insurance after age 65.

In addition, it provides that those persons who were previously ineligible to enroll in optional life coverage because they were over 65 years of age at retirement or whose coverage was terminated when they reached age 65 would be allowed to enroll within one year after the effective date of this Act.

There is no cost to the State. Premiums for this insurance would be paid by the retiree.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 535

CSHB 535(SA) WOULD ALLOW RETIREES AGE 65 AND OLDER TO CONTINUE TO PURCHASE OPTIONAL GROUP LIFE INSURANCE. CURRENTLY, RETIREES ARE INELIGIBLE TO PURCHASE THIS INSURANCE AFTER AGE 65.

IN ADDITION, IT PROVIDES THAT THOSE PERSONS WHO WERE PREVIOUSLY INELIGIBLE TO ENROLL IN OPTIONAL LIFE COVERAGE BECAUSE THEY WERE OVER 65 YEARS OF AGE AT RETIREMENT OR WHOSE COVERAGE WAS TERMINATED WHEN THEY REACHED AGE 65 WOULD BE ALLOWED TO ENROLL WITHIN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS ACT.

THERE IS NO COST TO THE STATE. PREMIUMS FOR THIS INSURANCE WOULD BE PAID BY THE RETIREE. ~~ALTHOUGH~~, FAVORABLE PREMIUM RATES WOULD BENEFIT THE RETIREES

THIS LEGISLATION IS SUPPORTED BY THE ADMINISTRATION, ALASKA PUBLIC EMPLOYEES ASSOCIATION, AND THE UNIVERSITY OF ALASKA.

CSHB 535(SA) WILL REMOVE DISCRIMINATORY LANGUAGE FROM THE STATUTE AND WILL MAKE INSURANCE COVERAGE AVAILABLE AT A TIME WHEN PEOPLE NEED IT THE MOST. I URGE THAT YOU VOTE FOR THIS LEGISLATION.

FURTHER INFORMATION

- 1) THE HOUSE SUPPORTS THIS LEGISLATION 40 - 0.
- 2) SENATE COMMITTEE OF REFERRAL WAS 4 "DO PASS".
- 3) THE ACTUAL CHANGES IN THIS LEGISLATION ARE ON PAGE 2, LINE 23 -- DELETE "WHO IS NOT 65 YEARS OLD" AND PAGE 3, LINE 17 -- ADD SEC. 2. (ALLOWS FOR THOSE PREVIOUSLY DENIED AN OPPORTUNITY TO ENROLL FOR COVERAGE TO DO SO WITHIN ONE YEAR AFTER EFFECTIVE DATE).

535 TITLE & SPONSOR SUMMARY

17:15 6/04/84 PAGE 1 OF 3

ENDED TITLE: CS08 535(S.A.)
ACT RELATING TO THE PURCHASE OF GROUP LIFE INSURANCE
FORMER STATE EMPLOYEES AND OTHERS

GENERAL DOLLARS: \$0 (F. NOTE)

THE SPONSOR: SHULTZ,

OTHER DOLLARS: \$0

-SPONSORS:

URGENT STATUS: 5/10/84 CHAPTER 0046 SLA 04

5 535 HOUSE ACTION 17:15 6/04/84 PAGE 2 OF 3

DATE	SEQ	PAGE	LEGISLATIVE ACTION
6/23/84	01	2533	FIRST READING -- COMMITTEE REPORTS
6/23/84	02	2540	L&C -- 0P05
6/23/84	03	2570	ZERO F/NOTE W/ANALYSIS HSE SUPPL 002
6/07/84	04	2639	S.A. -- CS07
6/14/84	05	2916	FIN -- S.A. CS07, NR01
6/21/84	06	2998	SECOND READING
6/21/84	07	2998	S.A. CS ADOPTED BY UNAN CONSENT
6/21/84	08	2998	ADVANCED TO 3RD READING BY UNAN CONSENT
6/21/84	09	2998	THIRD READING
6/21/84	10	2999	PASSED BY DIV 40-00-00
6/25/84	11	3467	TRANSMITTED TO GOVERNOR
6/10/84	12	3622	SIGNED BY GOVERNOR-CH0046, EFF 08/08/84
###	##	#	### ### ###

5 535 SENATE ACTION 17:15 6/04/84 PAGE 3 OF 3

DATE	SEQ	PAGE	LEGISLATIVE ACTION
6/22/84	11	2430	FIRST READING -- COMMITTEE REPORTS
6/04/84	12	2652	L&C -- 0P04
6/12/84	13	2716	MOVED FROM FIN TO RLS BY UNAN CONSENT
6/24/84	14	2804	RLS -- OTHER04 TAKEN UP IMMEDIATELY
6/24/84	15	2817	SECOND READING
6/24/84	16	2807	ADVANCED TO 3RD READING BY UNAN CONSENT
6/24/84	17	2868	THIRD READING
6/24/84	18	2808	PASSED BY DIV 15-00-04
###	##	#	### ### ###

COMMITTEE REPORT

SENATE

FURTHER: FINANCE

Date 11-18-89

Mr. President

The Committee on LABOR AND COMMERCE considered HR 3100

purchase of group life insurance by firms with employees and others.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

DeLoach
Chairman

Do you
Chairman recommendation

ANALYSIS

CSHB 535

"An Act relating to the purchase of group life insurance by former state employees and others."

NOTE: One of the purposes of this legislation is to re-number the present statute. Therefore, the entire statute is a part of the bill.

Only CHANGES will be mentioned in this analysis.

Page 2, Lines 22-26:

AMENDS current law to remove the exclusion of persons over the age of 65 for participation in the program.

Page 2, Line 29 and Page 3, Line 1:

AMENDS current law to provide that persons over the age of 65 who elect to continue coverage must pay the premiums for such coverage.

Page 2, Lines 17-23:

ADDS new language to give former employees one year from the effective date of the Act to enroll in the state's life insurance program.

BACKGROUND

HB 535

House Bill 535 is a single purpose piece of legislation designed to allowed retired state employees to continue their group life insurance after age 65. They would be required to pay the premiums on this coverage.

HB 535 arose from complaints from a constituent in House District 17 who is a retired state employee. At the time of her retirement, the group life insurance policy with the state was her only life coverage. By the time she was informed that she was no longer covered, her age made it impossible to purchase life insurance on the open market at a reasonable rate.

Cost of funerals in small, interior communities is very high. This is primarily due to the fact that graves cannot be dug in the winter, and bodies must therefore either be cremated or held in cold storage until after break-up.



Jay Barton
President

UNIVERSITY OF ALASKA
FAIRBANKS ALASKA 99701

April 2, 1984

The Honorable Richard Eliason, Chairman
Senate Labor and Commerce Committee
Pouch V
Juneau, Alaska 99811

Dear Senator Eliason:

When HB 535 was being considered in the House, I asked the University of Alaska Risk Manager to review the bill as it related to University employees. After reviewing the proposed legislation he stated that this is a desirable bill because of the limited insurance opportunities available to retired employees. Therefore, the University of Alaska is happy to support HB 535.

We would appreciate your favorable consideration of this legislation.

Sincerely yours,

W. Russell Jones
Special Assistant
for Legislative Affairs

mlf



Alaska Public
Employees Association **APEA**
State Headquarters: 340 N. Franklin, Juneau, AK 99801 (907) 586-2334

MEMORANDUM

To: Senator Richard Eliason, Chairman
Labor and Commerce Committee

From: Cherie Shelley *CS*
Executive Director

Subject: HB 535

Date: April 3, 1984

The Alaska Public Employees Association fully supports HB 535 allowing former public employees to continue to purchase group life insurance after age 65.

The legislation will remove discriminatory language from state statute and make insurance coverage available at a time when people need it the most.

There will be no cost to the state since the premium will be paid by the former employees.

CS/rb

cc: Representative Richard Shultz

Fairbanks Field Office
825-D College Road
Fairbanks, AK 99701
Telephone: (907) 456-5412

Anchorage Field Office
833 Gambell Street, Suite A
Anchorage, AK 99501
Telephone: (907) 274-1688

Juneau Field Office
227 1/2th Street
Juneau, AK 99801
Telephone: (907) 586-6305




Alaska Public
Employees Association **APEA**

State Headquarters: 340 N. Franklin, Juneau, AK 99801 (907) 586-2334

MEMORANDUM

COPY FOR YOUR
INFORMATION

TO: Representative John Cowdery, Chairman
House Labor and Commerce Committee

FROM: Cherie Shelley 
Executive Director

SUBJECT: HB 535

DATE: February 7, 1984

The Alaska Public Employees Association fully supports the provisions of HB 535 allowing all former public employees to continue to purchase group life insurance regardless of age.

This legislation will remove discriminatory language from state statute and make insurance coverage available at a time when people need it the most.

Cost to the state will be minimal since the premium will be paid by the former employees.

CS/rb

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Position Paper

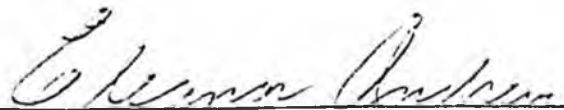
HB 535

The Department of Administration supports this bill. It offers retirees the choice of continuing to purchase optional group life insurance coverage beyond the current limit of age 65. This flexibility can be achieved with no cost to the state. Favorable premium rates would benefit the retiree.



J.K. Humphreys, Director, Division of Retirement & Benefits

2-3-84
Date



Lisa Rudd, Commissioner, Department of Administration

2/8/84
Date