

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

8664 HOUSE LABOR & COMMERCE

This latter reference means academic freedom and maintaining opportunity for academic innovation and advocacy.

As we created Alaska school systems, it was also obvious to most of us that in Alaska's smaller and more remote districts teachers would generally be outsiders in their teaching communities. Many would find themselves stepping into divided communities, or sometimes find that attempt at new ideas would be poorly received. They might also find themselves in the middle of personality or community disputes, or on occasion they simply might not fit well into a community. However, we reasoned this should not make them subject to arbitrary dismissal.

We also knew that on occasion teachers would even find themselves in dysfunctional communities, and that attempts to enforce a modicum of school discipline, or even attendance, could have unhappy results.

In the early 1970s the Legislature also created the State Operated School System (SOS), which brought rural schools together under one statewide rural school system. However, a very autocratic director of that system, insulated by serving at the pleasure of an SOS board, demonstrated quickly to lawmakers, and teachers, that more than ordinary protection was needed if teachers were to be expected to speak out on school issues against the position of administration, and on occasion school boards.

During the stormy life of the SOS system teachers did speak out, and many did so amidst an environment of real administrative intimidation. In the end, the willingness of teachers to risk advocacy helped bring SOS to an end, and bring about creation of the Rural Education Attendance Area (REAA) system.

I was also told by our first senior U.S. Senator, E.L. (Bob) Bartlett, formerly our territorial delegate to the Congress for many years, that the unhappy period in which native language was suppressed in Alaska rural schools were ultimately changed, in part, by teachers willing to speak out against a policy they were required to implement. Sen. Bartlett told me personally that such actions by teachers in those years was often treated by punitive transfer--to undesired teaching stations. Academic freedom was far from guaranteed, and as a result the process of advocacy to change a policy of language genocide was often muted.

**Strong tenure laws involve broad issue of academic freedom,
and also guarantee individual freedom from arbitrary treatment**

The opposite side of the de novo trial, which insures fair hearing, is some kind of process for "in house" hearing, either by the school board itself, or the board sustaining or rejecting an in-house hearing process. There is real question whether such a process can be fair, and whether districts have the means, or inclination, to attempt construction of real arms-length hearing process.

I recall an incident in a small single site district in the 1970s wherein a school board filed charges of moral turpitude against a young female teacher. The incident involved her boy friend coming to visit, and there being no other accommodations available, staying overnight with the teacher. There had been previous problems between teacher and board members, but when the incident described occurred the law seemed plain to the board. They moved on grounds of moral turpitude.

The board really did not understand the full implications of their charges, and that the nature of the charges left this teacher with no choice but to fight the action, or totally lose her profession. As I recall the district was also under an acting superintendent at the time, further interjecting the lay school board into management.

The board also did not understand the consequences of de novo trial in reviewing their action. They simply thought it was their call to make. The board obviously was in a questionable situation to present itself as an impartial hearing panel.

The situation represented something of a "lose-lose" situation. The teacher was going to win, but carry the burden of being charged with moral turpitude. The board would likely lose, but the board would win because the teacher would likely opt not to return to a strained community teaching situation. In the end, as I recall, other management interests interceded, explaining to the board the implications of de novo trial, which meant an impartial judge removed from the community hearing the case without regard to the board's own finding.

Fairbanks legislators in the 1960 and early 1970s represented highway communities, and in some of those communities "improper discussion" of the Viet Nam war was grounds for the punitive transfer.

We also saw disputes over teaching method and new programs. In Fairbanks, former Rep. Nillo Koponen, then an elementary school principal, and his teachers, came under fire for attempting something as radical as the "open classroom."

In making tenure law, the lawmakers of that time accepted the basic premise that districts were not the impartial source of final review.

During our period of building school systems and law in the 1960s and 1970s it is my sense that we determined that school boards, or their immediate constructions for hearing by a board, simply could not function as a final and impartial hearing forum. They might be necessary to initiate the action at the district level, but they could not be expected to be impartial. The de novo trial was the final forum of impartiality.

Has anything changed? Certainly today administrations are more professional, and a few larger districts might muster a convincing possibility of impartial hearing process. But conditions are also more precarious today. New philosophical winds and political factions are challenging schools, teaching content, and seeking to construct new methods that will require freedom of expression by educators who must interject the reality of the classroom. In addition, today simply teaching such urgently pragmatic curricula as human growth and development, in the climate of debate over moral values, exemplifies "teachers at risk."

Mike Bradner is Publisher of the *Alaska Legislative Digest*.



LOWER YUKON SCHOOL DISTRICT

P.O. Box 32089 • Mt. Village, Alaska 99632 • (907) 591-2411

Edwin T. Gonion
Superintendent

April 28, 1995

House Labor & Commerce Committee
Pete Kott, Chairman Beverly Masek
Norman Rokeberg Kim Elton
Brian Porter Gene Kubina
Jerry Sanders

Dear House Labor & Commerce Committee Members:

National School Employees Surveys demonstrate the tremendous pressures and challenges placed upon local school administrators today.

1990 Top 7 School Problems

1. Drug Abuse
2. Alcohol Abuse
3. Pregnancy
4. Suicide
5. Rape
6. Robbery
7. Assault

1990 Top 7 School Problems

1. Talking in Class
2. Chewing Gum
3. Making Noise
4. Running in Halls
5. Dress Code Violations
6. Cutting in Line
7. Littering

It is essential that our children have the very best teachers possible.

Please give your local school districts the time and management tools needed to carefully make tenure employment decisions.

We need your help. Please move HB 217.

Sincerely,

A handwritten signature in cursive script, appearing to read "Edwin T. Gonion".

Edwin T. Gonion
Superintendent

AMENDMENT 8

TO: CSHB 217 (L&C)

Page 2, line 8, after "for":

Delete: "four"

Insert: "three"

Failed

Page 2, line 9, after "the":

Delete: "four"

Insert: "three"

AMENDMENT (2) #9

TO: CSHB 217 (L&C)

Page 3, lines 21-25:

Delete all material.

withdrawn

AMENDMENT

④ II 10

withdrawn

TO: CSHB 217 (L&C)

④

Page 4, line 5, after "entitled to"

Insert: "independent"

AMENDMENT

(11)

OFFERED IN HOUSE LABOR AND COMMERCE

BY REP. KUBINA

TO: CSHB 217(L&C)

Page 2, Line 27:

Following "turpitude;"

Delete "or"

Page 2, Line 30:

Following "superintendent"

Insert "; or

(4) a decrease in total school revenue causing a financial emergency; the commissioner of education shall verify the financial emergency. The commissioner must also certify that the school district has done everything possible to reduce costs, including, but not limited to:

- reducing administrative costs
- eliminating administrative and school board travel expenses
- eliminating fees to lobbyists and to administrative, school board, teacher and other similar school associations
- eliminating all other non-essential costs."

Withdrawn



NEA-ALASKA

Affiliated with the National Education Association

NEA-Alaska Survey of the States

| State | Hearing | Appeal Forum |
|-------------|--|---------------------------------|
| Alabama | Board of Ed. at Teacher's Request Commission | State Tenure Commission |
| Alaska | Bd of Ed. at Tcher's Rqst | de novo trial |
| Arizona | Bd of Ed. at Tcher's Rqst | Superior Court |
| Arkansas | Bd of Ed. at Tcher's Rqst | Circuit Court |
| California | Commission of Profs'nal Competence | Superior Court |
| Connecticut | Board of Ed. at Teacher's Rqst or Impartial Hearing Panel-Board or Tchr Decision | Superior Court |
| Delaware | Bd of Ed. at Tchr's Rqst | Superior Court |
| Florida | Professional Services Contract (PFC) Teachers may elect hearing before impartial State Admin. Hearing Officer or Bd of Ed. Continuing Contract (CC) Teacher - Bd of Ed determines forum for Adm. hearing. | District Court of Appeals |
| Georgia | Board of Ed. Required or Impartial Tribunal of Prof. Practices Commission Tribunal/Bd Decision. | State Board of Ed. |
| Hawaii | Superintendent | Grievance Procedure |
| Idaho | Bd of Ed. Required | District Court |
| Illinois | Hearing Officer | Trial Court |
| Indiana | Governing Body of School Corporation at the Tchr's Request | Court of Competent Jurisdiction |
| Iowa | Bd of Ed. at Tchrs Rqst District Court | Adjudicator |
| Kansas | Hearing Officer | District Court |
| Kentucky | Tribunal Request | Circuit Court |
| Louisiana | Bd of Ed. Required | Court of Competent Jurisdiction |
| Maine | Bd of Ed. at Tchr's Rqst | State Bd of Ed. |
| Maryland | Bd of Ed. at Tchr's Rqst | State Bd of Ed. |



| State | Hearing | Appeal Forum |
|----------------|--|--|
| Massachusetts | Tchr Petitions Bd of Ed which, in turn, rqsts arb. by AAA | AAA |
| Michigan | Administrative Law Judge | Court of Appeals |
| Minnesota | Bd of Ed at Tchrs Rqst or Arbitrator | Judicialo Review (if hearing was before Bd of Ed.) |
| Mississippi | Bd of Ed at Tchrs Rqst | Chancery Court Supreme Court |
| Missouri | Bd of Ed at Tchrs Rqst | Circuit Court |
| Montana | Bd of Ed at Tchrs Rqst | County Superintend./ Superintend. of Public Instruction |
| Nebraska | Bd of Ed at Tchrs Rqst | Error Proceeding District Court |
| Nevada | Hearing Officer or Arbitrator | District Court |
| New Hampshire | Bd of Ed at Tchrs Rqst | State Bd of Ed. |
| New Jersey | State Commissioner of Ed | State Bd of Ed. |
| New Mexico | Bd of Ed at Tchrs Rqst | Arbitrator |
| New York | Arbitrator | State Supreme Ct. |
| North Carolina | Bd of Ed at Tchrs Rqst or Prof. Review Committee | Superior Court |
| North Dakota | Board of Ed Required | No |
| Ohio | Board of Ed Required or Bd of Ed at Tchrs Rqst | Court of Common Pleas |
| Oklahoma | Bd of Ed Required | de novo trial- District Court |
| Oregon | Fair Dismissal Appeals Bd at Teacher's Request or Arbitration, if both Bd of Ed & Teacher agree | Court of Appeals on procedure Appellate Court Sunreme Court |
| Pennsylvania | Bd of Ed Required | Secretary of the Department of Ed. |
| Rhode Island | Bd of Ed at Tchrs Rqst | State Bd. of Elem. and Secondary Ed./ Superior Court |
| South Carolina | Bd of Ed at Tchrs Rqst | Court of Common Pleas |
| South Dakota | Bd of Ed at Tchrs Rqst | State Circuit Court |
| Tennessee | Bd of Ed at Tchrs Rqst | Chancery Court |
| Texas | Bd of Ed at Tchrs Rqst | Commish of Ed or District Court |
| Utah | Bd of Ed at Tchrs Rqst or Hearing Examiner | No |

| State | Hearing | Appeal Forum |
|---------------|--|-------------------------------|
| Vermont | Bd of Ed at Tchrs Rqst | Pinding Arb or Superior Court |
| Virginia | Fact Finding Panel at Tchr Request and/or Bd of Ed. at Teacher's Request | Circuit Court |
| Washington | Hearing Officer | Superior Court |
| West Virginia | Bd of Ed Required | State Grievance Bd |
| Wisconsin | Bd of Ed at Tchrs Rqst | Arbitration |
| Wyoming | Hearing Officer | District Court |

To: Representative Pete Kott and Members of the House Labor and Commerce Committee
From: Kathi Gillespie, President of the Anchorage Council of PTAs
Date: 1/28/95

SUBJECT: HB 217 DISCUSSION AT 7:00 PM TONIGHT

After the public hearing today, I spoke with Marti Hughes about our information regarding tenure. According to the Education Commission of the States (a well respected organization that researches statistics on educational issues), statutes regarding tenure are as follows:

Colorado - eliminated tenure in 1989

Florida - eliminated tenure, goes with professional, annually renewable contracts

Maine - continuing contracts based on performance

Massachusetts - eliminated tenure in 1993

New Mexico - no provision for tenure

Oklahoma - no provision for tenure

South Carolina - no provision for tenure

Vermont - no provision for tenure

Mississippi - no provision for tenure

North Carolina - no provision for tenure

North Dakota - continuing contract based on performance - **It is interesting to note that North Dakota has some of the highest test scores and the lowest cost per student in the nation**

Please let us know if we can provide any other information and please pass this out of committee today.

04/28/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
15:06:29 PARTICIPANT LIST (ALL PARTICIPANTS) BY:DLG
TCN:50632 SCHEDULED FOR:04/28/95 15:00 TO 17:00 FOR:DLG
PUBLIC HEARING HOUSE LABOR & COMMERCE
LOCATION:DILLINGHAM
HB 217 GUY STRINGHAM DEA TESTIFY

Opposed

04/27/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
19:36:24 PARTICIPANT LIST (ALL PARTICIPANTS) BY:SOL
TCN:50670 SCHEDULED FOR:04/27/95 19:00 TO 22:00 FOR:SOL
PUBLIC HEARING HOUSE LABOR & COMMERCE

LOCATION:KEN/SOL
HB 217 MR. JIM SIMEROTH SELF TESTIFY
HB 217 MS. TRENA RICHARDSON SELF TESTIFY
HB 217 MR. DON OBERG SELF TESTIFY

*Peer Review
Peer Review*

04/27/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
19:49:30 PARTICIPANT LIST (ALL PARTICIPANTS) BY:DJT
TCN:50670 SCHEDULED FOR:04/27/95 19:00 TO 22:00 FOR:DJT
PUBLIC HEARING HOUSE LABOR & COMMERCE

LOCATION:DELTA JCL
HB 217 MR. WHITNEY AILLAUD TESTIFY
HB 217 MRS. MARY BOHANAN TESTIFY

*Opposed
Opposed*

04/28/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
15:05:56 PARTICIPANT LIST (ALL PARTICIPANTS) BY:VAL
TCN:50632 SCHEDULED FOR:04/28/95 15:00 TO 17:00 FOR:VAL
PUBLIC HEARING HOUSE LABOR & COMMERCE
LOCATION:VALDEZ
HB 217 MR. BOB COLLINS TESTIFY

04/28/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
15:58:16 PARTICIPANT LIST (ALL PARTICIPANTS) BY:VAL
TCN:50632 SCHEDULED FOR:04/28/95 15:00 TO 22:00 FOR:VAL
PUBLIC HEARING HOUSE LABOR & COMMERCE
LOCATION:VALDEZ
HB 217 MS. MARILYN LEAHY S TESTIFY

04/28/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
15:26:59 PARTICIPANT LIST (ALL PARTICIPANTS) BY:DJT
TCN:50632 SCHEDULED FOR:04/28/95 15:00 TO 17:00 FOR:DJT
PUBLIC HEARING HOUSE LABOR & COMMERCE
LOCATION:DELTA JCT.
HB 217 MR. DAN BECK AST SUPER TESTIFY

04/28/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
15:58:50 PARTICIPANT LIST (ALL PARTICIPANTS) BY:DJT
TCN:50632 SCHEDULED FOR:04/28/95 15:00 TO 22:00 FOR:DJT
PUBLIC HEARING HOUSE LABOR & COMMERCE
LOCATION:DELTA JCT.
HB 217 MR. DAN BECK AST SUPER TESTIFY
HB 217 MR. LEE FOSTER TESTIFY



Official Business

COMMITTEE:

DATE: 4/27/95

SIGN-IN

Subject of meeting:

NB 217

Employment Rights of Teachers

PLEASE PRINT!

NAME ADDRESS (MAILING) & (ZIP) PHONE REPRESENTING DO YOU WANT TO TESTIFY?

| | | | | |
|------------------|-------------------------------|----------|------------|-----|
| CARL ROSE | 316 W 11th St Juneau | 6-1083 | AASB | Yes |
| Russell McDowell | 9499 Moraine Way Juneau 99801 | 9-7697 | J.E.A. | Yes |
| Robert Deitrick | 4421 Teal Ct, Juneau 99801 | 789-0951 | JEA | Yes |
| GLADIA DOUGLAS | 114 Second | 586-3090 | NEA-ALASKA | yes |
| Verna Marshall | 114 2nd St | " | " | YES |
| Willie Anderson | 8445 Kimberly, Juneau | 586-3090 | NEA-AK | Yes |
| | | | | |
| | | | | |
| | | | | |
| | | | | |



**ANCHORAGE COUNCIL OF
PARENT TEACHER ASSOCIATIONS**
ADVOCATING FOR ANCHORAGE CHILDREN SINCE 1960

April 26, 1995

To: Representative Peter Kott
Labor and Commerce Committee

From: Kathi Gillespie, Anchorage Council of PTAs

Dear Representative Kott,

As we have previously discussed, this is the language the PTA would like included in HB 217 by the Labor and Commerce Committee this afternoon. Please thank the committee for considering including a provision in HB 217 for open negotiations between school boards and bargaining units. We feel that this provision is an essential tool for us as we work to make education more cost efficient and accountable to the public. Over 84% of the Anchorage School District operating budget is protected by contracts negotiated outside of a public process as well as other public policy issues that should be allowed time for public comment. We feel very strongly that this has led to contracts that no longer serve the children or taxpayers well.

Again, thank you and please let us know if however else we can help.

Sincerely,

Kathi Gillespie
President

Amendment # _____

By _____

OFFERED IN THE HOUSE

TO: CSHB 217

Add a new section on Page ___ after Line ___ and renumber the following bill sections accordingly.

Sec. ___ AS 23.40 is amended by adding a new section to read:

Sec. 23.40.185. PUBLIC PARTICIPATION IN OPEN SCHOOL DISTRICT NEGOTIATIONS. (a) All initial proposals of collective bargaining units and a school district shall be presented at a public meeting of the district and shall be kept as public records.

(b) Meeting and negotiating shall not take place on any proposal until the public has had time to become informed and comment on the proposal at a public meeting of the school district. The school board shall vote to adopt the district's initial proposal after the public meeting.

(c) New subjects of meeting and negotiating arising after the initial proposal presentation shall be made public after 24 hours. A public comment meeting must be held prior to a public vote by the school board on the new proposal.

(d) All negotiations, mediation sessions and hearings between school districts and collective bargaining units are public meetings except to consider strategy for labor negotiations, including negotiation strategies or discussion and review of labor negotiation proposals.

HOUSE COMMITTEE REPORT

(7)

Date Referred: April 22, 1995

FURTHER REFERRALS:

Date of Committee Action: 5-1-95

The LABOR AND COMMERCE Committee considered:

HB 217

HOUSE BILL NO. 217

EMPLOYMENT RIGHTS OF TEACHERS

"An Act relating to employment of teachers."

recommends it be replaced with the following committee substitute CS HB 217 (LSC) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) _____ fiscal note(s) _____

zero fiscal note(s) _____ zero fiscal note(s) Education

| SIGNING WITH RECOMMENDATIONS | DP | DNP | NR | AM |
|------------------------------|-------------------------------------|-----|-------------------------------------|----|
| <u>Pete Felt</u> | | | <input checked="" type="checkbox"/> | |
| <u>...</u> | <input checked="" type="checkbox"/> | | | |
| <u>...</u> | <input checked="" type="checkbox"/> | | | |
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CHAIR'S SIGNATURE Pete Felt



Legislative Affairs Agency
Division of Administrative Services
Delta Junction Legislative Information Office
P.O. Box 1189
Delta Jct., AK 99737
Phone: (907) 895-4236 Fax: (907) 895-5017

Official Business

To: House Labor & Commerce

Fax: 465 5819 Phone: _____

Please excuse the delay in transmission.

My fax was out of order

Date Sent: 4/28/95 No. of Pages Including Cover Sheet: 10

Thank You.

EAS
Elizabeth A. Sarver
Information Officer



Alaska State Legislature

Please enter into the record my testimony to the House Labor - Commerce
 committee name
 committee on HB 217, dated 4/27/95
 bill/subject

Please stop HB 217 now. Vote against it.
 Doing away with teacher tenure is not the
 answer to education's problems. Don't use
 tenure as the undeserved scapegoat.

Tenure protects academic freedom in the
 community. It protects schools from becoming
 a place where political pressure groups run
 the show. Teachers need the opportunity to
 academic freedom, and students deserve
 this. Vote against HB 217

Signed: Quinn Melligan
 Testifier

Representing (Optional)
Box 972 Delta Jet AK 99737

Address
907 995 4445

Phone No.



Alaska State Legislature

House Labor and Commerce

Please enter into the record my testimony to the _____

committee name

HB 217

April 27, 1995

committee on _____, dated _____

bill/subject:

As a teacher and a parent, I am asking you to support several issues in this bill.

- 1) Transfer and tenure reciprocity when a school is transferred into a new or existing school district. This encourages teachers to move to positions that may be more suited to their expertise.
- 2) Allowing a teacher to remain on layoff status and retain hiring preference for three years following layoff.
- 3) A teacher's right to a judicial review.

I urge you to oppose a change requiring four years service to determine tenure. Two years is enough time for a district though its administrator to determine whether a teacher is the effective. Four years probation holds the potential for politicizing the position.

Finally, a few questions for you to consider:

Does a leave of absence constitute an interruption in service and thereby cause a teacher to lose tenure rights?

What constitutes "substantial noncompliance" in Sec. 5 AS 14.20.175(3)? This needs to be very specific for all parties.

What purpose does a peer review committee appointed by the superintendent with an advisory evaluation serve? I am not opposed to peer review, but the process needs to be well thought out and competently handled. All parties need training to make it work.

Signed: _____

Mary R. Conner

Testifier

Representing (Optional)

HC 60 Box 3050, Delta Junction, AK 99737

Address

895-1896

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the House Labor & Commerce
committee name

committee on HB 217 dated 4/27/95
bill/subject

Please DO NOT pass HB 217! In a period of financial stress, it seems the legislature could better use their time and efforts by looking for viable, positive, restructuring of priorities and subsequent costs rather than wasting it on unprincipled "teacher bashing" such as reflected in this bill. If you are indeed the representatives of ALL of the people and not just political pressure groups, it seems that you could learn from their example by working together, listening and seeking progress through true reform, NOT through politically driven battery.

A two-year teacher tenure period increases stability in the schools and the communities. We need to keep people working in the schools who care about the children they teach and the community those children come from. A sense of belonging is a potent, positive enabler. Two years is more than sufficient time for an adequate supervisor/administrator to evaluate an employee. Asking for more time than that is just implying that those administrators responsible are not capable of performing the tasks for which they were hired.

The section of the bill that reads, "...to better the academic program needs of the district," without established parameters to equitably guide the school districts is simply offering them carte Blanche, another words, a blank check to misuse and abuse the intent. The manner in which you have been able to neutralize tenure with all these other available avenues of attack virtually make it a non-issue anyway!

Decreasing revenues is another "gray" area with no parameters to guide, nor system to police. Do you perhaps have the revenues to spare to fund an agency for that purpose? If so, couldn't these revenues be put to better use educating our children?

To take away a teacher's right to a De Novo trial apparently serves a purpose which I cannot fathom! How fair and unbiased a hearing could a teacher possibly get from a local school board? I find the probabilities most unlikely! The De Novo trial offers the opportunity for the facts of a case to be heard before an impartial judge. The case is decided based on the facts that are presented by the school district and the defense for the teacher. Please do not let this nineteenth legislature be known for unprecedented, and politically motivated attacks on the rights of a select group of voters.

DO NOT PASS THIS BILL DO NOT PASS HB 217!

Signed: Jackie Nelson - Richards
Testifier

Delta - Greely Educational Support
Representing (Optional) Personnel Assoc.

HC 60 Bx 4180, Delta Jct, AK 99735

Address

895-4217

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the House Labor & Commerce
 committee name
 committee on HB 217 , dated 4/27/95
 bill/subject

House Bill 217, in its simplest form, is an instrument of public employee abuse and attack! Who is next? The State Troopers? The Fire Dept and Emergency Medical profession? When does it stop? The changes included in HB 217 are extreme and unnecessary! Please Stop this legislation!!

Signed: *Richard Johns*
 Testifier

Representing (Optional)
Box 877 Delta Jct, AK 99377
 Address
895-4194
 Phone No.



Alaska State Legislature

Please enter into the record my testimony to the House Labor + Commerce
committee name

committee on HB 217 , dated 4-27-95
bill/subject

According to the AP, the National Teacher of the year (from Alaska) teaches only one semester per year to prevent burnout. What does HB ~~217~~ do to create better working conditions and prevent burnout? Will having no breaks not even for a restroom for 6 hours make better teachers? Will less job security produce risk takers and innovators? Will eliminating De Novo hearings create an atmosphere of justice or just create law suits? If we really want better teachers, more support for the University and inservice programs are needed. This is a bill to eliminate jobs. It will hurt teachers. It will make schools less stable. It will deny students the best education.

Signed: Stephen R. McComb
Testifier

Representing (Optional)
HC 60 Box 3760
Address
695-4709
Phone No.



Alaska State Legislature

Please enter into the record my testimony to the House, Labor + Commerce
committee name

committee on HB 217 dated April 27, 1995
bill/subject

Please vote no for HB217. This bill will not be in the best interest for education. Districts already have binding contracts with teachers that take care of many parts of this bill.

Working conditions and morale will be at an all time low if this bill does pass. Please do not make schools an uncomfortable place to be working in. Job security is something people need to have to make them good, dependable workers.

This bill will not cause reform or make our schools better. Please vote no on HB217.

Thank you for your time.

Signed: Cheryl Cooper
Testifier

Representing (Optional)
HC 60 Box 3530

Address
Deete Jet, AK 99737

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the House Labor & Commerce
committee name

committee on 217, dated 4-27-95
bill/subject

Please vote no on HB 217, This bill is not in the best interest of education. Tenure, as it stands, provides stability in a teacher's life thus allowing them to ~~be~~ the security to be risk takers and innovative teachers. This bill as it stands will hurt teachers, harm education and negatively affect our children. I

encourage you to start making decisions that positively affect education.

Administrators should be competent enough to determine if a teacher belongs in the business and in their system in the first 2 years. Why allow 2 extra years for them to decide?

Signed: Melba Fortune
Testifier

Representing (Optional)
PO BOX 1023 Delta Jct AK

Address
895 4040

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Labor + Commerce
committee name

committee on C/S Fed House Bill, dated 4-27-95
bill/subject
No. 217 (JUD)

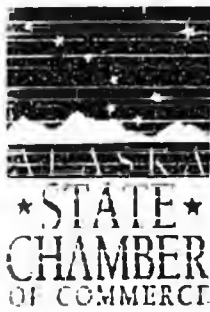
Tenure in two or 5 years is necessary. However in order to make it easier to fire a teacher we do not need a new Bill. We need competent administrators to realistically evaluate teachers and document the need for improvement in the teacher's job performance. The rules + laws are already in place. We do not need this Bill. Please vote ~~yes~~ no!

Signed: Mark O'Waller
Testifier

Self and my 2 little girls
Representing (Optional)

Box 731 Delta Jct, Ak. 99737
Address

907-895-5128
Phone No.



FISCAL NOTES

A BUDGET UPDATE FROM THE ALASKA STATE CHAMBER • ISSUE #9 • APRIL 27, 1995

Senate Approves Operating Budget: \$-27 Million Below Current Year

Last Saturday the full Senate gave final approval to its version of the FY 96 operating budget. It is \$27.0 million below the current year. Funding for K-12 education, which is 30 percent of the current year's operating budget, is being considered in separate legislation.

The following highlights several of the major programmatic differences between the Senate and House versions of the operating budget:

• **Air Quality Management** **\$-1.1 Million**

The Senate cut fee receipts paid to get permits required under the Clean Air Act. Senators were concerned the program would be operated inefficiently if it received the higher level. If additional funds are still needed later in the fiscal year, DEC can again seek legislative approval.

• **Subsistence Division** **\$-1.7 Million**

The Senate deletes all general funds that support the division; \$1 million remains in federal funds for specific projects.

• **Habitat Division** **\$-202,000**

The Senate's budget, which is \$713,400 below the Governor's requested funding level, spells out the kind of Habitat activities to be conducted with the remaining funds. To ensure the Fish and Game department continues to process permits required under Title 16, the Senate ties the remaining funds to permit-related activities.

• **Public Broadcasting/RAINET** **\$+610,000**

The House cuts RAINET 27% while the Senate cuts all \$1.1 million in funding for RAINET. However, it programatically combines RAINET and public television's funding so the Public Broadcasting Commission would decide if the remaining funds (\$4.4 million) should support RAINET, public television, or some combination of both.

• **Municipal Pass Throughs/Senior Citizens Property Tax Relief Programs** **\$4.6 Million**

Senate restores \$1.5 million for the Senior Citizens

Comparing "Bottom Lines"

The table compares the "bottom lines" of the budgets approved by the Governor, House and Senate. It illustrates the many ways you can describe the same budget:

| Compared to: | Gov | House | Senate |
|-----------------------|---------------|-------|--------|
| | (in millions) | | |
| FY 95 Authorized | 83.7 | -5.0 | -27.0 |
| FY 95 + Supplementals | -50.9 | 17.8 | -70.0 |
| Governor Knowles | -- | -98.7 | -120.6 |
| House Version | 98.7 | -- | -22.0 |
| Senate Version | 120.6 | 17.0 | -- |

Note: Above comparison does not include K-12 funding. Governor's request is +18 million above FY 95.

Property Tax Relief program (House zeroed it out). The Senate adds back 5% for Municipal Assistance/Revenue Sharing (House cuts 10%)

• **Disaster Relief/Fire Fighting** **\$-1.7 Million**

Senate eliminates all funding (\$1.4 million) for disaster response (such as flooding) and cuts fire fighting by \$310 thousand. Both programs are directed to use an emergency mechanism which accesses the General Fund during the year (in lieu of calling a special legislative session to approve funding). The department will seek a supplemental next year to "cover" the general fund "advance."

• **Alaska State Troopers** **\$-2.1 Million**

To cover part of the general fund cut, the Senate authorizes use of \$1.6 million in federal funds from the Highway Safety Planning Agency (these are funds diverted from DOT road building because the Legislature has not passed a motorcycle helmet law; federal approval will be required for the Troopers to use this money).

• **Arts Council** **\$+494,400**

The House cuts the council's general funds by 89%; the Senate restored some of its funds, leaving it with a 29% GF reduction.

The Final Budget Sprint to the Finish Line: Conference Committee Work Gets Underway

Even though the House and Senate spend months deliberating changes to the Governor's proposed operating budget, the final funding levels are set by a six-member joint "Conference Committee" during the session's final weeks. Its appointment late in the session is one of the mileposts in the Legislature's journey to adjournment.

Typically the Finance Com-

Senator Fred Zharoff (Kodiak).

Prior to the changes made in the early 1980s to the rules that govern the legislative process, the Conference Committee was known as "Free" Conference. The Committee could add new projects and increase program funding beyond what was approved, or even considered, by either the House or Senate.

The new legislative rules

you're in Juneau during the last days of the session, you will often hear department officials, lobbyists, and special interests talk about how they are working to get the conferees to "take" the House or Senate number. As you probably guessed, their preference is usually the higher number!

Conference Committee funding decisions are made for each line item—personal services, travel



Alaska State Legislature

Please enter into the record my testimony to the House Labor and Commerce
committee name

committee on HB 217 dated 4/28/95
bill/subject

The idea of allowing school districts to lay off teachers who have acquired tenure rights is an outrageous suggestion. The idea of changing the law to save a few bucks at the expense of teachers who have distinguished themselves by their sacrifice of working in education, as opposed to business and its commensurately better schedules, is immoral. To give Delta/Greely administrators the power to lay off teachers based on programs rather than by seniority goes against contract law and is probably at variance with some basic contract law. Administrative decisions would be based upon short looking favoritism and not on programs. Seniority is a respected and time honored method of determining teacher value to the district. To bow to the Superintendent Club, whose powerful lobby is certainly trying to replace the current way of evaluating teachers, is to give power to the most whimsically dictatorial administrators left in the free world. This group of "good ol boys" is faced with some tough decisions and they are looking to solve them by clearing out a dedicated cadre of individuals who have been in the front lines of the war on ignorance for many years.

Signed: Carl Sauer

Testifier

Delta/Greely School District

Representing (Optional)

PO 1014 Delta Greely School Dist

Address

893-4178

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the House, Labor, & Commerce
committee name

committee on HB 217 dated 4/28/95
bill/subject

I am opposed to HB 217. I feel that tenure is working now. Two years is sufficient time to tell if a teacher is effective or not. If we would like teachers to become members of a community, then putting them on hold for a yrs. is too long. Teachers are most often very active community members, let's continue to allow this. Once again, I am opposed to HB 217. Do not take away more teacher rights.

Signed: Cindy Lou Ailland
Testifier

Delta Elem. School

Representing (Optional)

P.O. Box 1245 Delta, AK 99737

Address

895-4286

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the _____

committee name

committee on CSHB 217 dated 4/22/95
bill/subject

I do not support CSHB 217 bill (Hess).
I feel that a two year tenure period is long enough to determine if a teacher is competent to be a part of the teaching staff.

Signed: Michael J. Beck
Testifier

Delta Street Elementary School - Staff
Representing (Optional)

P.O. Box 730
Address

895-11446
Phone No.



Alaska State Legislature

Please enter in the record my testimony to the House Labor and Commerce
committee on HB 217 date April 28, 1995

I was a listener tonight (27th) on the HB217 that was in your committee. I strongly urge you to kill this bill and take some time this year to get up to speed on what the real issues facing education are. There is not a problem with the current 2 year length to gain tenure. As was part of the discussion, you may want to look at evaluation procedures. The very thought of taking away teachers right to a De Novo hearing is simply unthinkable. Since when have we based a person's (or should I say a teacher's) right to a fair trial on how much money it might cost? That portion of this bill should be thrown out; lock, stock and barrel. I don't see how tenure or De Novo hearings work to improve education. If that is what you are trying to achieve and not just trying to do some teacher bashing, you need to go back to the areas that elected you and find some real ways to improve education.

Signed:

Mary L. Cooper
Testifier

Representing (Optional)

HC60 Box 3530
Address

895-4577
Phone No.



Alaska State Legislature

Please enter into the record my testimony to the House, Labor & Commerce
 committee name
 committee on HB 217, dated 4-28-95
 bill/subject

Why are legislators taking valuable time to debate HB217, which essentially ~~is~~^{is} a "teacher bashing" bill, when educational funding levels have not been decided yet? Teacher tenure, eliminating duty free lunches, not allowing a trial hearing (DE NOVO) for dismissal, or laying off teachers to better meet the academic program needs of a district are NOT what you should be worried about right now.

We need to concentrate on fully funding education in this state and let contracts between districts and teachers take care of the aforementioned items. Thank you for representing Alaska's children, teachers, and parents.

Signed: Cheryl Cooper
 Testifier

Representing (Optional)
HC 60 Box 3530
 Address
895-4577
 Phone No.

April 28, 1995

TO: Rep. Pete Kott & the House Labor & Commerce Committee

FROM: Trena Richardson
P.O. Box 2278
Soldotna, Alaska 99669

Dear Chairman Kott and Committee,

Last night's teleconference on HB 217 was extremely frustrating. We arrived at the LIO at 7:00 o'clock only to find that your committee had change the order of business and that HB 217 would be heard last. After waiting for almost an hour to listen to testimony and to testify, we were cut off from the conference. The employee at the Kenai LIO was helpful in trying to reestablish the connection but it took about 30 minutes. During this time we were unable to listen to the testimony and/or the questions posed by the committee. In addition, I testified on a portion of the bill that no longer existed. This was because the LIO did not have the most recent version of the bill. It would be helpful to those that are testifying to have current information.

I believe that the current tenure law is sufficient. School districts need to insure that their administrators are evaluating employees in an effective manner and the the central office is supporting principals as they work with incompetent teachers.

In most jobs in the private sector, an employee has a very short probationary period. After that time they can not be terminated unless the employer can show just cause and follows due process. Teachers already have a longer probationary period than most other employees. It is not need to be increased.

FROM :

PHONE NO. :

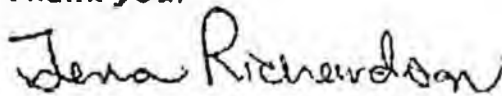
P03

In most other professions the least senior employees are non-retained first. This is what state law currently allows with educators. This should not be changed. A person who has worked for a district for fifteen years, has purchased a home, etc. should have priority over a one or two year teacher that is new in a community. Are you encouraging teachers to move around, not establish tenure, and assist in school programs being unstable? If you want to keep a job, then don't attain tenure. That is the message this sends. If you have reduced enrollment and it is necessary to reduce teachers, it should not be tenured teachers unless it is based on their seniority. Employees who have enough years of service to retire should be encouraged to do so through a Retirement Incentive Program that would compensate employees for leaving early. A state law that provides for this option for districts with declining enrollment would be helpful.

Trials by a judge and/or a jury are an established right in the United States and Alaska. Educators should have the same rights that other employees have.

Thank you for scheduling HB 217 for further testimony. It renews ones faith in the legislative process after last nights fiasco. Unfortunately, I had a previous commitment. I appreciate the opportunity to submit my written testimony.

Thank you.



Trona Richardson



Alaska State Legislature

Please enter into the record my testimony to the Labor and Commerce
 committee name
 committee on SB 217 , dated 4/28/95
 bill/subject

This bill presents tools for school districts to implement cost saving (with the no flow aspect) program planning with adequate teachers working in their field of expertise, with the lay-off aspect of the bill and to end up with teachers we know are quality teachers because an extended tenure will give school districts time to implement necessary in-service, peer and program and self-help to bring a teacher up to a higher quality level. Two year tenure does not give us this option.

Signed: Deanna J. Falls, Pres
 Testifier
Reeta J. Gault, School Board
 Representing (Optional)
11660, Box 4800, Reeta Jct., AK 99737
 Address
907-895-4502
 Phone No.



Alaska State Legislature

Please enter into the record my testimony to the HS LABOR & COMMERCE
 committee name
 committee on HB 217 dated 4/28/95
 bill/subject

Just a few words concerning HB 217. You have heard all the argument for and against passage of this bill but i would like to say a few words about some previous testimony and add a few words of my own. I am deeply concerned about the vicious attack on tenure that is the heart of this bill. It is not the fact that teachers have tenure that , as so many people think, gives bad teachers a solid hold on their jobs. Rather it is the fact that Administrators, good and bad, are not doing their job of working with these new employees to either improve their skills or move them out . Improve the sincerity and quality of the administrative staff state wide and most , if not all, of the problem will disappear. That is of course unless the problem is one of a different nature. Carl Rose spoke in testimony dated April 13th that grand fathering people, which means allowing them to work with the rules that have been in effect for many more than the 17 years I have taught in Alaska would, and I quote, "Render the bill pretty much useless" Unless Mr. Rose see's a use for the bill beyond improving the quality of education nothing is wrong with allowing the long term employees who form the brain trust of our educational system to continue to be at the core of the educational future of Alaska's young people.

DO - NOT PASS THIS BILL

Signed: *E. Josta*
 Testifier

Delta/Greely Educ Assoc. Vice President
 Representing (Optional)

Box 671 Delta Jct AK 99737
 Address

907-895-4072 / 887-3101
 Phone No. Home / Work



Alaska State Legislature

Please enter into the record my testimony to the Labor & Commerce
 committee name
 committee on HB217 , dated 4-28-95
 bill/subject

Please do not pass HB217. ^{Section 132} ↑ I
 am in favor of teacher tenure
 the way it is now.

Also section 6 - laying off a tenured
 teacher due to school revenues or to
 better meet the academic program - This
 is unfair to tenured teachers - it
 completely takes away tenure. Tenure
 needs to mean something!

Signed: Arnst Norman
 Testifier

Representing (Optional)

Box 413

Address

907 895 4774

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the House Labor & Commerce
 committee name
 committee on HB 217 dated 4/25/95
 bill/subject

I am writing to show my opposition to HB 217. I feel that 2 years is sufficient time needed for teachers to prove their abilities/qualifications. Also, having to wait 4 years would further inhibit community root building. Teachers need to be able to buy homes and feel that they are members of the community without having to wait 4 years.

Signed: James A. [Signature]
 Testifier
Delta Elem. School
 Representing (Optional)
P.O. Box 916 Delta, AK 99737
 Address
595-5044
 Phone No.

9-LS0821\U
Cramer
4/29/95

CS FOR HOUSE BILL NO. 217(L&C)
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE IVAN

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to teacher tenure, teacher layoff and rehire rights, and to the**
2 **right of tenured teachers to judicial review of decisions of nonretention or**
3 **dismissal; and relating to retirement for certain employees of school districts and**
4 **regional educational attendance areas."**

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

6 *** Section 1. AS 14.20.147(b) is amended to read:**

7 (b) When a school operated by a federal agency is transferred to or absorbed
8 into a new or existing school district, the teachers shall also be transferred if mutually
9 agreed by the teacher or teachers and the school board of the new or existing district.
10 A teacher transferred from a federal agency school that [, WHICH] does not have an
11 official salary schedule or teacher tenure in the same manner as a public school district
12 in the state [,] shall be placed on a position on the salary schedule of the absorbing
13 district; the salary may not be less than the teacher would have received in the federal
14 agency school. If the teacher taught four [TWO] or more years in the federal agency

1 school and, at the time of transfer, had a valid Alaska teaching certificate, that teacher
2 shall be placed on tenure in the absorbing district.

3 * Sec. 2. AS 14.20.150 is amended to read:

4 Sec. 14.20.150. ACQUISITION OF TENURE RIGHTS. (a) A teacher
5 acquires tenure rights in a district when the teacher

6 (1) possesses a standard teaching certificate; and

7 (2) has been employed as a teacher in the same district continuously
8 for four [TWO] full school years and is reemployed for the school year immediately
9 following the four [TWO] full school years.

10 (b) The tenure rights acquired under (a) of this section become effective on the
11 first day the teacher performs teaching services in the district during the school year
12 immediately following the four [TWO] full school years.

13 * Sec. 3. AS 14.20.160 is amended to read:

14 Sec. 14.20.160. LOSS OF TENURE RIGHTS. Tenure rights are lost when the
15 teacher's employment in the district is interrupted or terminated. However, a teacher
16 on layoff status does not lose tenure rights during the period of layoff except as
17 provided under AS 14.20.177.

18 * Sec. 4. AS 14.20.175(b) is amended to read:

19 (b) A teacher who has acquired tenure rights is subject to nonretention for the
20 following school year only for the following causes:

21 (1) incompetency, which is defined as the inability or the unintentional
22 or intentional failure to perform the teacher's customary teaching duties in a
23 satisfactory manner;

24 (2) immorality, which is defined as the commission of an act that,
25 under the laws of the state, constitutes a crime involving moral turpitude; or

26 (3) substantial noncompliance with the school laws of the state, the
27 regulations or bylaws of the department, the bylaws of the district, or the written rules
28 of the superintendent [; OR

29 (4) A NECESSARY REDUCTION OF STAFF OCCASIONED BY A
30 DECREASE IN SCHOOL ATTENDANCE].

31 * Sec. 5. AS 14.20 is amended by adding a new section to read:

1 Sec. 14.20.177. LAYOFFS. (a) A school district may place a teacher who has
2 acquired tenure rights on layoff status but only after the district has nonretained all
3 nontenured teachers and only if it is necessary for the district to reduce the number of
4 tenured teachers because of a decrease in school attendance or because of a financial
5 emergency verified by the commissioner of education. The commissioner's
6 determination is not subject to review or appeal. This section does not apply to a
7 teacher who has not acquired tenure rights.

8 (b) For a period of three years after layoff, a teacher is on layoff status and
9 is entitled to a hiring preference in the district or regional educational attendance area
10 where the teacher had been employed. The hiring preference applies only to vacant
11 teaching positions for which the teacher is qualified. If a teacher is offered a teaching
12 position under this subsection and the teacher declines the offer, the teacher is no
13 longer considered to be on layoff status and is no longer entitled to a hiring preference
14 under this section.

15 (c) In making layoff and rehire decisions under this section, a school district
16 may give preference to a primary school teacher who has less seniority than a
17 secondary school teacher in order to preserve the primary school program. The district
18 may also give preference to a secondary school teacher over a primary school teacher
19 with more seniority in order to preserve secondary school programs.

20 (d) Notwithstanding any provision of AS 23.40, the terms of a collective
21 bargaining agreement entered into between a school district or regional educational
22 attendance area and a bargaining organization representing teachers on or after the
23 effective date of this section may not be inconsistent with the provisions of this
24 section.

25 (e) A teacher on layoff status is not entitled to be reemployed under
26 AS 14.20.145 and does not accrue leave. However, layoff status does not constitute
27 a break in service for

28 (1) retaining acquired tenure rights; or

29 (2) retaining accrued sick leave.

30 (f) A teacher on layoff status may choose whether or not to treat the layoff as
31 a termination for purposes of receiving a refund of the balance of the teacher's member

1 contribution account in the teachers' retirement system under AS 14.25.150.

2 * Sec. 6. AS 14.20.180(b) is amended to read:

3 (b) The tenured teacher may, within 15 days immediately following receipt of
4 the notification, notify the employer in writing that a hearing before the school board is
5 requested or, within 60 days after receipt of the notification, bring suit in superior
6 court. If the tenured teacher notifies the school board that the teacher is requesting
7 a hearing before the school board, the [. THE TENURED] teacher may require in the
8 notification that the hearing be either public or private and that the hearing be under oath
9 or affirmation. The notification may also require that the right of cross-examination be
10 provided and that the tenured teacher be represented by counsel and have the right to
11 subpoena a person who has made allegations that are used as a basis for the decision of
12 the employer.

13 * Sec. 7. AS 14.20.205 is amended to read:

14 Sec. 14.20.205. JUDICIAL REVIEW. If a school board reaches a decision
15 unfavorable to a teacher after a hearing under AS 14.20.180, the teacher is entitled to
16 judicial review based on the record [A DE NOVO TRIAL] in the superior court.
17 However, a teacher who has not attained tenure rights is not entitled to judicial review
18 under [ACCORDING TO] this section.

19 * Sec. 8. The amendments made by secs. 1 and 2 of this Act apply to teachers first hired by
20 a school district on or after the effective date of this Act.



P.O.Box 157 Hoona, Alaska 99829 (907) 945-3611 Fax (907) 945-3614

M E M O R A N D U M

TO: Representative Pete Kott
 Alaska House of Representatives

FROM: Dr. Virgie L. Fryrear, Superintendent

DATE: May 1, 1995

SUBJECT: Support HB217

We want to encourage your support of HB217 which is scheduled for a vote in the House of Representatives on May 2nd! As we view the bill, it would give both teachers and school boards more control.

Teachers would have ample opportunity during the first four years of employment in a school district to learn whatever teaching or classroom management skills they lack. Administrators and school boards would have a better chance to effectively evaluate teachers under the new parameters set forth in HB217!

Teachers are often not reemployed at the end of their second year because school boards and administrators aren't sure if these employees can change or improve as needed! Life-altering decisions are often made because two years is simply not long enough.

We need and want more time in which to evaluate our teachers before we have to decide on their fate! Please call us if we can assist in any way.

HB

220

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB220

| | |
|---|--|
| Revision Date: <u>March 3, 1995</u> | Department: <u>Commerce and Economic Development</u> |
| Title: <u>An act relating to: duties of the Commissioner;</u> | BRU: <u>Alaska Tourism Marketing Council</u> |
| <u>per diem expenses; powers & duties of ATMC; extension.</u> | Component: <u>Alaska Tourism Marketing Council</u> |
| Sponsor: <u>Kott, Therriault, Vezey, Toohy</u> | |
| Requestor: <u>Labor and Commerce, Finance</u> | COMPONENT SERIAL NO. <u>1026</u> |

| Expenditures/Revenues | (Thousands of Dollars) | | | | | |
|-----------------------------|------------------------|------------|----------------|----------------|----------------|----------------|
| OPERATING EXPENDITURES | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 | FY 01 |
| PERSONAL SERVICES | | | 193.4 | 193.4 | 193.4 | 193.4 |
| TRAVEL | | | 55.1 | 55.1 | 55.1 | 55.1 |
| CONTRACTUAL | | | 6,735.4 | 6,735.4 | 6,735.4 | 6,735.4 |
| SUPPLIES | | | 4.0 | 4.0 | 4.0 | 4.0 |
| EQUIPMENT | | | 5.0 | 5.0 | 5.0 | 5.0 |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 6,992.9 | 6,992.9 | 6,992.9 | 6,992.9 |
| CAPITAL EXPENDITURES | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| CHANGE IN REVENUES | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| FUND SOURCE | (Thousands of Dollars) | | | | | |
|--------------------------|------------------------|------------|----------------|----------------|----------------|----------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 General Fund | | | 4,604.5 | 4,604.5 | 4,604.5 | 4,604.5 |
| 1005 GF/Program Receipts | | | 2,388.4 | 2,388.4 | 2,388.4 | 2,388.4 |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | 0.0 | 0.0 | 6,992.9 | 6,992.9 | 6,992.9 | 6,992.9 |

Estimate of any current year (FY 95) cost: \$ 0.0

| POSITIONS | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 | FY 01 |
|-----------|-------|-------|-------|-------|-------|-------|
| FULL-TIME | 0 | 0 | 3 | 3 | 3 | 3 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

ANALYSIS: (Attach a separate page if necessary)

The council is due to sunset on December 30, 1996. This bill extends the council until December 30, 1999. Current operating costs would not be affected by HB220. If the bill is enacted, expenditures and revenue projections for FY98-FY01 are reflected as being consistent with the council's current operating budget.

| | | |
|---------------------------|------------------------------------|---------------------|
| Prepared by: | Kathleen Dunn | Phone: 907-563-2289 |
| Division: | Alaska Tourism Marketing Council | Date: March 3, 1995 |
| Approved by Commissioner: | William L. Hensley <i>Guy Bell</i> | Date: 3/3/95 |
| Agency: | Commerce and Economic Development | |

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Alaska State Legislature House of Representatives

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MILITARY & VETERANS AFFAIRS, CHAIRMAN
COMMUNITY & REGIONAL AFFAIRS
RESOURCES
INTERNATIONAL TRADE / TOURISM
LEGISLATIVE COUNCIL



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SESSION:
STATE CAPITOL
JUNEAU, AK 99801-1182
PHONE (907) 465-3777
FAX (907) 465-2819

SPONSOR STATEMENT HB 220

There is no doubt that tourism is an important and expanding element in Alaska's economy. With declining production in oil and continued instability in market prices, alternative sources of state revenue and private sector diversity and expansion become more important.

House Bill 220 is legislation that greatly assists in tourism expansion and greater diversification of the state's economy. This legislation calls on the Commissioner of the Department of Commerce & Economic Development to contract with a qualified in state trade association to promote Alaska as a visitor destination through a cooperative marketing effort. The contract term would be four years in order that the promotion has stability and a chance to impact the market place.

I urge your support for expansion of Alaska tourism and this legislation which will help it to continue to succeed in a very competitive industry.



Representative Pete Kott



**DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 3, 1995

SUBJECT: Sectional Summary of HB 220
(Work Order No. 9-LS0749\F)

TO: Representative Pete Kott
Attn: George Dozier

FROM: *TB*
Theresa Bannister
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1 changes the criterion for when the commissioner must contract with a trade association to jointly manage the Alaska Tourism Marketing Council. Replaces a "best interest of the state" criterion with a criterion that is based on the existence of a qualified trade association in the state that has an interest in promoting the state as a destination through the cooperative marketing program. Allows a contract with the trade association to last four years, rather than two years.

Section 2 removes a limitation on the per diem and travel expenses that the Council's board members may receive. That limitation provided for per diem and travel expenses only for travel in the state. With the amendment a board member can receive per diem and travel expenses for travel outside the state as well as inside the state. Makes a technical change (adding "of tourism").

Section 3 changes who must sign a contract or grant of the Council in order to make the contract or grant effective. Under the amendment, it is the commissioner who must sign.

Section 4 changes to whom the Council is to submit the Council's annual proposed operating budget. Under the amendment, the proposed budget is to be submitted to the commissioner.

Section 5 extends the sunset date for the Alaska Tourism Marketing Council to December 30, 1999.

Representative Pete Kott

March 3, 1995

Page 2

Section 6 makes a technical change to delete the definition of "director", since the bill's changes make the definition unnecessary.

Section 7 makes the Act effective July 1, 1995.

If I may be of further assistance, please advise.

TLB:klb:pl

95-118.klb

after "race" limit

provided the game
of chance is administered
by the nonprofit organ
that conducts the sled
dog race.

Fairbairn

03/06/95

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

LTN1150

15:13:16

PARTICIPANT LIST (ALL PARTICIPANTS)

BY:FBX

TCN:50333 SCHEDULED FOR:03/06/95 15:00 TO 17:00

FOR:FBX

PUBLIC HEARING

HOUSE LABOR & COMMERCE

LOCATION:FAIRBANKS

HB 220

MR.

JOHNE

BINKLEY

AVA

TESTIFY

HB 146

MR.

DAVID

LAMBERT

TESTIFY

Referred: March 1, 1995

FURTHER REFERRALS:

Finance

of Committee Action: 3-6-95

LABOR AND COMMERCE Committee considered:

HB 220

SE BILL NO. 220

ALASKA TOURISM MARKETING COUNCIL

Act relating to the duties of the commissioner of commerce and economic development concerning the Alaska Tourism Marketing Council; relating to the per diem travel expenses of the council's board of directors; relating to the powers and duties of the council; extending the termination date of the council; and providing an effective date."

Amends it be replaced

the following committee substitute

CS HB 220 (L & C)

the same title

a new title

Additional referral to _____ Committee

Attached amendment(s)

PTS: _____ Letter of Intent

ACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS:

(Dept/Date)

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) Commerce

zero fiscal note(s) _____

AGREING WITH RECOMMENDATIONS

| | DP | DNP | NR | AM |
|-------------------------|----|-----|----|----|
| <u>Pete Lott</u> | ✓ | | | |
| <u>K. J. ...</u> | ✓ | | | |
| <u>Ann ...</u> | ✓ | | | |
| <u>Jim Sanders</u> | ✓ | | | |
| <u>Miriam S. Porter</u> | ✓ | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

DR'S SIGNATURE

Pete Lott

03/06/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
15:13:16 PARTICIPANT LIST (ALL PARTICIPANTS) BY:FBX
TCN:50333 SCHEDULED FOR:03/06/95 15:00 TO 17:00 FOR:FBX
PUBLIC HEARING HOUSE LABOR & COMMERCE

LOCATION: FAIRBANKS
HB 2207 MR. JOHNE BINKLEY AVA TESTIFY
HB 146 MR. DAVID LAMBERT TESTIFY

03/06/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
15:05:34 PARTICIPANT LIST (ALL PARTICIPANTS) BY:ANC
TCN:50333 SCHEDULED FOR:03/06/95 15:00 TO 17:00 FOR:ANC
PUBLIC HEARING HOUSE LABOR & COMMERCE

LOCATION: ANCHORAGE
HB 2209 FREDERICK DURE TESTIFY
HB 220 TINA LINDGREN TESTIFY

FOR:VAL 00:17:00 TO 15:00:03/06/95 SCHEDULED FOR:50333 TCN: PUBLIC HEARING HOUSE LABOR & COMMERCE
BY:VAL PARTICIPANT LIST (ALL PARTICIPANTS) 15:08:21
LTN1150 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM 03/06/95

03/06/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
15:05:34 PARTICIPANT LIST (ALL PARTICIPANTS) BY:ANC
TCN:50333 SCHEDULED FOR:03/06/95 15:00 TO 17:00 FOR:ANC
PUBLIC HEARING HOUSE LABOR & COMMERCE

LOCATION: ~~SEASIDE~~ TESTIFY
HB 220 FREDERICK DURE
HB 220 TINA LINDGREN TESTIFY

03/06/95 15:01:07 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1120
MESSAGE FROM: LIOCPAT IN GLENNALLEN JNU
RE TCN: 50333 SCHEDULED FOR:03/06/95 15:00 TO 17:00
SPONSOR: HOUSE LABOR & COMMERCE PURPOSE: PUBLIC HEARING
MESSAGE TEXT: VTS GAKONA, ALAN LEMASTER TO TEST ONHB220

03/06/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
14:57:41 PARTICIPANT LIST (ALL PARTICIPANTS) BY:SIT
TCN:50333 SCHEDULED FOR:03/06/95 15:00 TO 17:00 FOR:SIT
PUBLIC HEARING HOUSE LABOR & COMMERCE

LOCATION: SITKA
HB 220 JOHN LITTEN AVA & SITKA TOUR TESTIFY

HB

224



MECHANICAL CONTRACTORS

of Fairbanks, Inc.

P.O. Box 74786 Fairbanks, AK 99707-4786
1840 Second Avenue (907) 455-0347
FAX NO. (907) 451-6132



Date March 28, 1995

FAX TO City of Fairbanks Bldg. Dept.
459-6333

ATTENTION Steve Shuttlesworth

FROM Gene Rutland

SUBJECT HB 224 / Double Wall Heat Exchangers



TOTAL PAGES INCLUDING THIS PAGE = 2

Steve:
I thought you would be interested
in this copy of a page from the
DOW Chemical Co. glycol brochure.

Gene R.



CITY OF

FAIRBANKS

March 28, 1995

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
State Capitol
Juneau, Alaska 99801-1182

Attention: Pete Kott, Chairman Labor and Commerce Committee
FAX: (907) 465-2619

Re: HOUSE BILL 224 - SINGLE WALL COIL AMENDMENT

Dear Mr. Kott:

Thank you for providing the City of Fairbanks an opportunity to express its concerns regarding House Bill 224 during the recent teleconference. We are hopeful that a mutually beneficial dialogue may be initiated between the City of Fairbanks Building Department and the new Commissioner of the Department of Labor. Nonetheless, problems do exist and timely resolution is respectfully requested.

The teleconference was beneficial; however, several points raised by one particular opponent to the single wall amendment were misleading and in some instances categorically incorrect. A specific case in point was the assertion that propylene glycol is toxic and therefore patently dangerous. The fact of the matter is that propylene glycol poisoning is a myth. Propylene glycol is classified as an essentially non-toxic, heat transfer fluid. Obviously an argument could be made that too much of any substance is potentially toxic; common sense, however, must prevail.

Enclosed for your consideration is a toxicology report regarding the DOWFROST PROPYLENE GLYCOL. Additionally we have enclosed two food labels taken from items commonly found in a typical refrigerator. Please note that propylene glycol is listed as an ingredient. The listed food is also approved by the Food and Drug Administration (F.D.A.).

When evaluating the proposed single wall coil amendment, please consider that several states have previously adopted the National Plumbing Code, which accepts single wall coils. I cannot believe that these states would knowingly adopt a code which would create a health hazard to millions of its citizens. *Why is it then, a unique hazard to Alaska?*

Sincerely,

A handwritten signature in cursive script, appearing to read "Steve J. Shuttleworth".

Steve J. Shuttleworth
Building Official

SJS:nld

cc: Tom Cashen, State Commissioner of Labor
Labor and Commerce Committee
Interior Delegation
File

the GOLDEN HEART CITY... "extremely Alaska"

410 Cushman Street Fairbanks, Alaska 99701

KRAFT[®] FREE[®] THOUSAND ISLAND

Nutrition Facts: Serv Size 2 Tbsp (35g), Servings 8

Amount Per Serving: **Calories** 45, **Fat Cal** 0, **Total Fat** 0g - 0%* (**Sat Fat** 0g - 0%*), **Cholest** 0mg - 0%*, **Sodium** 300mg - 13%*, **Total Carb** 11g - 4%* (**Fiber** 1g - 4%*, **Sugars** 6g), **Protein** 0g, **Vitamin A** 0%, **Vitamin C** 0%, **Calcium** 0%, **Iron** 0%.

*Percent Daily Values, based on a 2,000 calorie diet.

INGREDIENTS: WATER, CORN SYRUP, SUGAR, VINEGAR, TOMATO PASTE, CHOPPED PICKLE, CELLULOSE GEL, SALT, CONTAINS LESS THAN 2% OF XANTHAN GUM, WITH POTASSIUM SORBATE AND CALCIUM DISODIUM EDTA AS PRESERVATIVES, DRIED ONION, PROPYLENE GLYCOL, ALGINATE, NATURAL EGG FLAVOR, PHOSPHORIC ACID, MUSTARD FLOUR, SPICE, LEMON JUICE CONCENTRATE, ARTIFICIAL COLOR, YELLOW 6, NATURAL FLAVOR, RED 40, BLUE 1

PROOF OF PURCHASE



0 21000 64677 7

© KRAFT, INC. GLENVIEW, IL60025 USA (8002A)

HEALTHY CHOICE

Premium Low Fat Ice Cream

You'll be surprised an ice cream can taste so rich and creamy and have only 2 grams of fat per serving. Choose from such indulgent flavors as

Nutrition Facts

Serving Size 1/2 cup (71g)
Servings Per Container 16

Amount Per Serving

Calories 130 **Calories from Fat** 20

% Daily Value*

| | |
|----------------------------------|-----------|
| Total Fat 2g | 3% |
| Saturated Fat 0.5g | 4% |
| Polyunsaturated Fat 0g | |
| Monounsaturated Fat 1.5g | |
| Cholesterol less than 5mg | 1% |
| Sodium 70mg | 3% |
| Total Carbohydrate 25g | 8% |
| Dietary Fiber less than 1g | 3% |
| Sugars 24g | |

Protein 3g

Vitamin A 4% • Vitamin C 0%
Calcium 10% • Iron 0%

* Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs.

Calories 2,000 2,500

Praline & Caramel, Vanilla, Rocky Road, Fudge Brownie, Butter Pecan Crunch, Double Fudge Swirl, Cookies 'N Cream, Bordeaux Cherry Chocolate Chip, Peanut Butter Cookie Dough 'N Fudge...
and many more!

INGREDIENTS: CONDENSED SKIM MILK • WHOLE MILK • SUGAR • WATER • CARAMEL REVEL (SKIM MILK • HIGH FRUCTOSE CORN SYRUP • WATER • SUGAR • BROWN SUGAR • SALT • PECTIN) • CORN SYRUP • BUTTER PECAN CRUNCH (SUGAR • CORN SYRUP • PECANS • BUTTER • SALT • SODIUM BICARBONATE • NATURAL FLAVOR • CARAMEL COLOR • AND NATURAL COLOR) • CREAM • MALTODEXTRIN • STABILIZER (MONO AND DIGLYCERIDES • GUAR GUM • CELLULOSE GUM • XANTHAN GUM • CARRAGEENAN) • NATURAL AND ARTIFICIAL VANILLA FLAVORING (FLAVORING • ALCOHOL • WATER • PROPYLENE GLYCOL • AND CARAMEL COLOR) • VANILLA EXTRACT • VITAMIN A PALMITATE (CORN OIL • GLYCEROL MONOLEATE • POLYSORBATE 80 • AND VITAMIN A PALMITATE).



FROZEN FOODS
P.O. BOX 3768
OMAHA, NE 68103-0768

TOXICOLOGICAL INFORMATION AND CORROSION CHARACTERISTICS OF DOWFROST & DOWTHERM SR-1 HEAT TRANSFER FLUIDS

Toxicology of DOWFROST

Propylene glycol, the major component in DOWFROST, is low in acute oral toxicity. The single dose LD_{50} values for rats, rabbits and dogs have been found to be greater than or equal to 20 grams per kilogram of body weight. As much as one-fourth to one-half of propylene glycol ingested by humans appears unchanged in the urine in 24 hours.

Chronic oral toxicity is also very low. Rats receiving drinking water containing up to 10% of propylene glycol over a period of 140 days develop no ill effects as reflected by growth or kidney effects. Rats receiving 4% in their diet for 24 months were normal in their growth. They did sustain very slight liver, but no kidney, injury.

Propylene glycol causes no serious skin irritation. Very severe prolonged exposure may, however, produce slight irritation or softening of the skin comparable to that caused by glycerine under similar conditions. There is no evidence that propylene glycol is absorbed through the skin in significant amounts and it is not expected to cause irritation when in contact with the eyes.

Inhalation of atmospheres containing propylene glycol present no unreasonable hazard to health due to its low toxicity and low vapor pressure.

DOWFROST heat transfer fluid, containing dipotassium phosphate, presents no more hazard than pure propylene glycol. The dipotassium phosphate used in DOWFROST is food grade material.

Toxicology of DOWTHERM SR-1

DOWTHERM SR-1 heat transfer fluid has a moderate acute oral toxicity for humans, but should present no significant problem from ingestion incidental to industrial handling or general use.

The single oral dose of ethylene glycol, the primary component of DOWTHERM SR-1, lethal for humans, has been estimated at 1.56 g/kg or about 100 ml. (111 g) per person. The undiluted material, other than causing slight pain, is essentially non-irritating to the eyes.

Special precautions should be unnecessary for industrial handling although direct contact of the liquid with food products should be avoided.

Undiluted DOWTHERM SR-1 heat transfer fluid is essentially harmless to exposed skin and is not likely to be absorbed through skin in toxic amounts. It may be slightly irritating, if confined to the skin, comparable to the irritation caused by glycerine under similar conditions. Generally speaking, ordinary care and cleanliness should be adequate to avoid skin irritation.

Inhalation of vapors or mists from hot solutions of ethylene glycol could cause throat or eye irritation and should be avoided.

The inhibitor for DOWTHERM SR-1 heat transfer fluid has low oral toxicity and should present no problem from ingestion incidental to industrial handling and use. Skin contact with this inhibitor should not cause significant irritation. Prolonged skin exposure may result in moderate irritation. The inhibitor for DOWTHERM SR-1 is not likely to be absorbed through the skin in toxic amounts. Reasonable care and personal cleanliness should be adequate to avoid skin difficulties.

Care to avoid eye contact is, of course, recommended. Eye contact may cause pain and slight transient irritation, but no corneal injury is likely.



Steve:
 "DOWFROST" is
 DOW Chemical Co
 Tradename for their
 "Premixed" ~~propylene~~ propylene
 glycol.

9-LS0740NO
Bannister
3/28/95

CS FOR HOUSE BILL NO. 224()
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES KOHRING, Green

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the state plumbing code; and providing for an effective
2 date."

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

4 * Section I. AS 18.56.300(e)(3) is amended to read:

5 (3) "state building code" means

6 (A) for building standards, the standards set out in the version
7 of the Uniform Building Code adopted by the Department of Public Safety
8 under AS 18.70.080, including the provisions of that code applicable to
9 buildings used for residential purposes containing fewer than four dwelling
10 units, notwithstanding the exclusion of those buildings from the Department of
11 Public Safety's jurisdiction made by AS 18.70.080(a)(2);

12 (B) for mechanical standards, the standards set out in the
13 version of the Uniform Mechanical Code adopted by the Department of Public
14 Safety under AS 18.70.080, including the provisions of that code applicable to

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

4 (C) for plumbing standards, the [PUBLICATIONS
5 IDENTIFIED AS THE] minimum plumbing code adopted for the state under
6 AS 18.60.705; and

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

9 * Sec. 2. AS 18.60.705 is amended to read:

10 Sec. 18.60.705. PLUMBING CODE. (a) Except as provided otherwise in
11 this section, the [THE] following publications are adopted as the minimum plumbing
12 code for the state:

13 (1) chapters 1 - 13 of Part II and the appendices of the 1991 edition of
14 the Uniform Plumbing Code, published by the International Association of Plumbing
15 and Mechanical Officials and adopted at the 61st annual conference, September 1990;

16 (2) the 1991 edition of the Uniform Swimming Pool, Spa, and Hot Tub
17 Code, published by the International Association of Plumbing and Mechanical Officials
18 and adopted at the 61st annual conference, September 1990, but excluding Part I,
19 Administration, pages xiii - xxi; and

20 (3) the 1991 edition of the Uniform Solar Energy Code, published by
21 the International Association of Plumbing and Mechanical Officials and adopted at the
22 September 1990 annual conference, but excluding Part I, Administration, pages xv -
23 xxii.

24 (b) Unless changed by the department under (d) - (e) of this section,
25 [NOTWITHSTANDING (a) OF THIS SECTION,] the use of a pipe or pipe fitting
26 containing more than 8.0 percent lead, or of solder or flux containing more than 0.2
27 percent lead, in the installation or repair of a public water system or in the installation
28 or repair of plumbing of a residential or nonresidential facility that provides water for
29 human consumption is prohibited. This subsection does not apply to the use of leaded
30 joints necessary to repair cast iron pipe.

31 * Sec. 3. AS 18.60.705 is amended by adding new subsections to read:

1 (c) Notwithstanding (a) of this section, heat exchangers may be of a single
2 wall construction if the

3 (1) heat transfer medium is water, propylene type glycol, or another
4 essential nontoxic fluid having a toxicity rating or class of one, as listed in Clinical
5 Toxicology of Commercial Products, Fifth Edition;

6 (2) pressure of the heat transfer medium is limited to a maximum of
7 30 pounds per square inch by an approved safety relief valve; and

8 (3) heat exchanger is prominently and permanently labeled with
9 instructions concerning (1) - (2) of this subsection.

10 (d) After the International Association of Plumbing and Mechanical Officials
11 approves a new, published edition of the Uniform Plumbing Code, the Uniform
12 Swimming Pool, Spa, and Hot Tub Code, or the Uniform Solar Energy Code, the
13 department may, by regulation, adopt one or more of these codes to constitute part or
14 all of the minimum plumbing code standards of the state, except that the adoption may
15 not change or delete the heat exchanger provisions in (c) of this section.

16 (e) The department may by regulation adopt amendments to the uniform codes
17 adopted under (a) or (d) of this section, if the amendments are in the best interests of
18 the state, but the amendments may not amend or delete the heat exchanger provisions
19 in (c) of this section.

20 * Sec. 4. AS 18.60.705(d) is repealed and reenacted to read:

21 (d) After the International Association of Plumbing and Mechanical Officials
22 approves a new, published edition of the Uniform Plumbing Code, the Uniform
23 Swimming Pool, Spa, and Hot Tub Code, or the Uniform Solar Energy Code, the
24 department may, by regulation, adopt one or more of these codes to constitute part or
25 all of the minimum plumbing code standards of the state.

26 * Sec. 5. AS 18.60.705(e) is repealed and reenacted to read:

27 (e) The department may by regulation adopt amendments to the uniform codes
28 adopted under (a) or (d) of this section, if the amendments are in the best interests of
29 the state.

30 * Sec. 6. AS 18.60.740(1) is amended to read:

31 (1) "code" means the code adopted under AS 18.60.705

1 [AS 18.60.705(a) AS AMENDED BY AS 18.60.705(b)];

2 * Sec. 7. AS 18.62.070 is amended to read:

3 Sec. 18.62.070. PERSONS REQUIRED TO OBTAIN CERTIFICATE. A
4 person engaged in one of the following trades shall first obtain from the department
5 the appropriate certificate of fitness in that trade:

6 (1) electrical wiring subject to the standards established in
7 AS 18.60.580; and

8 (2) plumbing subject to the uniform plumbing code; in this paragraph,
9 "uniform plumbing code" means the [PUBLICATIONS IDENTIFIED AS THE]
10 minimum plumbing code adopted for the state under AS 18.60.705.

11 * Sec. 8. AS 18.60.705(c), enacted by sec. 3 of this Act, is repealed two years after the
12 effective date of sec. 3 of this Act.

13 * Sec. 9. Sections 4 and 5 of this Act take effect two years after the effective date of sec. 3
14 of this Act.

03/22/95

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

LTN1150

15:34:09

PARTICIPANT LIST (ALL PARTICIPANTS)

BY:KOD

TCN:50469

SCHEDULED FOR:03/22/95 15:30 TO 17:00

FOR:KOD

PUBLIC HEARING

HOUSE LABOR & COMMERCE

LOCATION:KODIAK

HB 224

MR.

LEONARD

KIMBALL ✓

CITY OF KODIAK TESTIFY

HB 224

MR.

JOHN

BUTLER ✓

JOHNS HEATING TESTIFY

HB 224

MR.

TOM

STREIFEL ✓

TESTIFY

03/22/95

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

LTN1150

15:41:46

PARTICIPANT LIST (ALL PARTICIPANTS)

BY:ANC

TCN:50469

SCHEDULED FOR:03/22/95 15:30 TO 17:00

FOR:ANC

PUBLIC HEARING

HOUSE LABOR & COMMERCE

LOCATION:ANCHORAGE

HB 224

LEE

HOLMES

TESTIFY

CONFIRMATION H

RAY

SMITH

TESTIFY

03/22/95

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

LTN1150

15:36:31

PARTICIPANT LIST (ALL PARTICIPANTS)

BY:FBX

TCN:50469 SCHEDULED FOR:03/22/95 15:30 TO 17:00

FOR:FBX

PUBLIC HEARING

HOUSE LABOR & COMMERCE

LOCATION:FAIRBANKS

| | | | | |
|--------|-----|---------|-------------------------|---------|
| HB 224 | MR. | MARK | BLACKWELL ✓ | TESTIFY |
| HB 224 | MR. | DAN | PORTWINE ✓ | TESTIFY |
| HB 224 | MR. | MICHAEL | HIRT ✓ | TESTIFY |
| HB 224 | MR. | LEE | DESPAIN ✓ | TESTIFY |
| HB 224 | MR. | STEVE | SHUTTLEWORTH ✓ 459-6725 | TESTIFY |
| HB 224 | MR. | LARRY | LONG ✓ | TESTIFY |
| HB 224 | | BILL | SAGER ✓ | TESTIFY |

Alaska State Legislature



RECEIVED
MAR 21 1995

Official Business
Fax : (907) 465-3472

State Capitol
Juneau, Alaska 99801-1182
(907) 465-3720
(907) 465-2689

Speaker of the House of Representatives

March 20, 1995

Mr. Jerome M. Selby
Mayor, Kodiak Island Borough
710 Mill Bay Road
Kodiak, AK 99615-6398

Dear Mr. Selby:

Thank you for your recent letter requesting an amendment to House Bill 224 - Adoption of State Plumbing Code, which would allow continued use of single wall heat exchangers.

My office has reviewed your correspondence and concur with the rationale expressed. Thus, by way of copy, I am forwarding your letter to Representative Pete Kott, Chairman of the House Labor & Commerce Committee, for consideration.

Sincerely,

Gail Phillips
SPEAKER OF THE HOUSE

GP:elm

cc: Representative Pete Kott



Kodiak Island Borough

710 MILL BAY ROAD
KODIAK, ALASKA 99615-6398

March 16, 1995

Chairman Pete Kott
House Commerce and Labor Committee
Alaska State Legislature
State Capitol
Juneau, AK 99811-0001

RE: HB 224, Adoption of State Plumbing Code

Dear Chairman Kott:

We have received word that the Alaska State Legislature is considering the adoption of the 1994 Uniform Plumbing Code through House Bill 224. The Kodiak Island Borough would like to take this opportunity to request consideration of an amendment to the 1994 Uniform Plumbing Code.

The 1991 Edition of the Uniform Plumbing Code was the first edition to require double wall heat exchangers. Single wall heat exchangers have been in use for many years in Kodiak without problem or incident. The local Building Code Review Committee recommended an amendment to the Kodiak Island Borough Assembly to continue to allow the installation of single wall heat exchangers at the time the 1991 Uniform Codes were adopted. The KIB included this amendment when it adopted the 1991 Code. This amendment was modeled after existing code requirements found in the National Plumbing Code.

Since natural gas is not available in Kodiak, oil is the primary fuel used for heating. Single wall heat exchangers have proven to be an efficient and practical water heating system. Double wall heat exchangers for oil fired boilers lack the efficiency of the single wall models and do not generally merit preference over single wall. It is an unnecessary burden on the citizens of Kodiak to summarily dismiss a system that has worked well for the community for years.

It has come to our attention that the Department of Labor is enforcing Section 1003 (K) of the Uniform Plumbing Code in the City of Fairbanks, which has adopted an almost identical

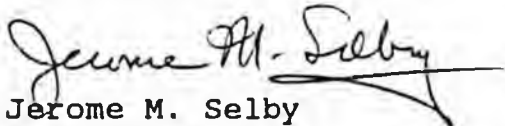
exception to allow the continued use of single wall heat exchangers. This dual enforcement is causing confusion and consternation among the building community in Fairbanks. The prospect of Department of Labor inspectors citing Kodiak builders for single wall heat exchangers after receiving approval from Borough inspectors is disheartening at best. The cost involved in this unnecessary replacement of mechanical equipment and the loss in confidence in government regulation will be substantial. We therefore, recommend the following amendment to HB224, which has been submitted by the City of Fairbanks to allow the installation of single wall heat exchangers:

Heat Exchangers. Add an Exception. Heat exchangers may be of a single wall construction provided that: (A) The heat transfer medium is water, propylene type glycol or other essential non-toxic fluid having a toxicity rating or class of (1), as listed in Clinical Toxicology of Commercial Products, 5th Edition; and (B) 30 PSI by an approved safety relief valve; and (C) The heat exchanger is prominently and permanently labeled with instructions concerning items (A) and (B) above.

Without this amendment, we respectfully request that you oppose this legislation. Thank you for your thoughtful consideration of this amendment.

Sincerely,

KODIAK ISLAND BOROUGH



Jerome M. Selby
Borough Mayor

cc: Representative Gail Phillips
Representative Vic Kohring
Representative Alan Austerman
Senator Drue Pearce
Senator Fred Zharoff
Governor Tony Knowles



CITY OF

FAIRBANKS

March 13, 1995

Re: House Bill 224, Adoption of the State Plumbing Code

Dear Legislative Delegation:

It has come to our attention that the Alaska State Legislature is considering the adoption of the 1994 Uniform Plumbing Code through House Bill #224. During this review process, we believe that it is essential to establish the City of Fairbanks' position regarding a specific code provision which has created significant problems within our community.

The current 1991 Uniform Plumbing Code as well as the proposed 1994 plumbing code as published by the International Association of Plumbing and Mechanical officials, prohibits single wall coils in heat exchangers (the particular code sections are 1003(K) and 603.3.4 respectively).

The City of Fairbanks amended section 1003(K) of the plumbing code on December 27, 1993 wherein single wall coils are permitted provided that three specific criteria are met.

Our local amendment was based on existing code language as published by the National Plumbing Code and the International Plumbing Code. These nationally recognized model codes allow single wall coils within heat exchangers provided that non-toxic transfer fluids are utilized.

Presently our contractors and builders are complying with our local plumbing code as adopted by the City Council and enforced by our building department. Unfortunately, when construction projects are completed and approved, the state inspector cites the owner for non-compliance with the State Plumbing Code. This dual enforcement has created additional costs and unnecessary frustration for our community.

We are satisfied that our local amendment addresses the intent of the State Plumbing Code and provides equivalent protection for our citizens as recognized by existing national model code language.

the GOLDEN HEART CITY ... "extremely Alaska"

410 Cushman Street Fairbanks, Alaska 99701

Re: House Bill 224, Adoption of the State Plumbing Code
March 13, 1995

Our local codes and amendments must be reviewed and evaluated by our Code Review Commission. This commission conducts numerous public hearings and formulates recommendations for City Council consideration. Additional public hearings are conducted by the City Council during final council action. We have confidence in the public review process as it relates to code adoption.

We therefore respectfully request that the Department of Labor favorably amend the State Plumbing Code with respect to single wall coils in heat exchangers and further request that the Department recognize and permit flexibility for prudent code enforcement within Home Rule Cities.

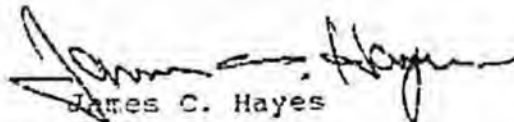
We further recommend the following amendment to HB224.

Heat Exchangers. Add an Exception. Heat exchangers may be of a single wall construction provided that: (A) The heat transfer medium is water, propylene type glycol or other essential non-toxic fluid having a toxicity rating or class of (1), as listed in Clinical Toxicology of Commercial Products, 5th Edition; and (B) The pressure of the heat transfer medium is limited to a maximum of 100 PSI by an approved safety relief valve; and (C) The heat exchanger is prominently and permanently labeled with instructions concerning items (A) and (B) above.

Without this amendment we respectfully request that you oppose this legislation.

Sincerely,

CITY OF FAIRBANKS


James C. Hayes
Mayor

Enclosures

cc: City Council Members
Patrick S. Cole, City Manager
Herbert P. Kuss, City Attorney
Steve Shurtleworth, Building Official

(b) No person shall apply for a second permit under this exception within a 24 month period for purposes of new construction. (Ord. 722 §10, 1984; Ord. 662 (part), 1983; Ord. 650 (part), 1982)

14.12.050 Permit application. Application for permit shall be made on suitable forms provided by the building official. The application shall be accompanied by any required fees established by resolution or motion of the city council. (Ord. 938 §5, 1992; Ord. 650 (part), 1982)

14.12.060 Permit fees. Repealed by Ordinance Number 938, effective July 1, 1992. Repealed §14.12.060 derived from Ordinances 722 and 650.

14.12.070 Inspections. All plumbing and drainage systems shall be inspected by the building official to ensure compliance with all requirements of this code. (Ord. 650 (part), 1982)

14.12.080 Code--exception. Subsection 1003(k) is amended to read:

(k) Heat Exchangers and other assemblies or methods of construction using potable water shall be of listed construction and materials. Potable water shall be separated from the fluids or gasses by a minimum of two separate walls, with a positive, vented leak detection path. The sections in contact with potable water shall be of material and weights suitable for potable water as set forth in this chapter.

Exception: Heat exchangers may be of a single wall construction provided that (1) the heat transfer medium is water or other practically nontoxic fluid having a toxicity rating or class of 1, as listed in Clinical Toxicology of Commercial Products, 5th Edition; (2) the pressure of the heat transfer medium is limited to a maximum of 30 psig by an approved safety or relief valve; and (3) the heat exchanger is prominently and permanently labeled with instructions concerning items (1) and (2) above.

(Ord. 914 §2, 1991)

(10) inches (254mm) above the roof, or as required by the Administrative Authority.

Section 1003(k). Heat Exchangers. Amend by adding Exception 1 as follows:

→ **Exception 1.** Heat exchangers for potable water systems may use single wall construction provided all of the following conditions are met.

- A. The heat transfer medium is water or propylene type glycol.
- B. The pressure of the heat transfer medium is limited to a maximum of 30 psi by an approved safety relief valve.
- C. The heat exchanger is prominently and permanently labeled with instructions concerning Items (A) and (B) above.

Section 1004. Materials. Delete this section in its entirety and replace with the following:

(a) Water pipe and fittings shall be brass, copper, cast iron, and PB, ductile iron or other approved materials. Asbestos cement, CPVC, PE, or PVC water pipe manufactured to recognized standards may be used for cold water distribution systems outside a building. CPVC and PB water pipe and tubing may be used for hot and cold water distribution systems within a building. PB fittings and joints shall be of the brass insert type with crimped ring joint or poly-lock system. 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) Piping and tubing which has previously been used for any purpose other than for potable water piping shall not be used.

(c) 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.

(d) Galvanized water piping is prohibited.

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 1007(e). Pressure Relief Valve. Delete this section in its entirety and replace with the following:

(c) Relief valves located inside a building shall be provided with a drain not smaller than the relief valve outlet, of galvanized steel or hard-drawn copper piping and fittings and shall extend from the valve to the inside of the building with the end of the pipe not more than two (2) feet (.6m) nor less than six (6) inches (152.4mm) above the floor and pointing downward. Such drain may terminate at other approved locations. No part of such drain pipe shall be trapped and the terminal end of the drain pipe shall not be threaded.

Section 1008(a). Installation, Inspection, and Testing. Delete the last two (?) sentences of subsection (a).

Section 1008(b). Delete this section in its entirety and replace with the following:

All underground water service piping shall comply with current MUS Standards.

Section 1101(d). Sewer Required. Amend this section as follows:

(d) The public sewer may be considered as not being available when such public sewer or

1994 UNIFORM PLUMBING CODE

WATER SUPPLY AND DISTRIBUTION

603.2 - 603.3

2
er Distribution^d

| affected wall ¹ (mm) | When affected by side walls ² Inches (mm) |
|---------------------------------------|--|
| (25) | 1-1/2 (38) |
| (38) | 2-1/4 (57) |
| (51) | 3 (76) |
| 3 times diameter of opening | Three (3) times diameter of effective opening |

ect airgaps when spaced from the
r than three times the diameter of the
water than four times the effective

ng from the water surface to or
er than specified in Note 1 above.
s has not been determined. In such
l the wall.

s-sectional area at the seat of the
as the device or outlet. If two or
shall be the sum of the
or the area of the single outlet.

be approved as a permanent part of
backflow conditions with vacuums

rim of such trapped fixture, so that at no time will any such device be subjected to any back-pressure.

603.2.5 Backflow preventers for hot water over 110°F (43.3°C) shall be a listed type designed to operate at temperatures of 110°F (43.3°C) or more without rendering any portion of the assembly inoperative.

603.2.6 Fixtures, appliances or appurtenances with integral backflow preventers or integral airgaps manufactured as a unit shall be installed in accordance with their listing requirements.

603.2.7 In cold climate areas, backflow assemblies and devices shall be protected from freezing by a method acceptable to the Administrative Authority.

603.3 Specific Requirements

603.3.1 Water Closet and Urinal Flushometer Valves shall be equipped with a listed atmospheric vacuum breaker. The vacuum breaker shall be installed on the discharge side of the flushometer valve with the critical level at least six (6) inches (152.4 mm) or the distance according to its listing above the overflow rim of a water closet bowl or the highest part of a urinal.

603.3.2 Water Closet and Urinal Tanks shall be equipped with a listed ballcock. The ballcock shall be installed with the critical level at least one (1) inch (25.4 mm) above the full opening of the overflow pipe. In cases where the ballcock has no hush tube, the bottom of the water supply inlet shall be installed one (1) inch (25.4 mm) above the full opening of the overflow pipe. Water closets having the flush valve seat less than one (1) inch (25.4 mm) above the flood level rim of the closet bowl shall have the ballcock installed in a separate and isolated compartment of the tank, or shall be provided with a sheathed ballcock, or other equivalent protection.

603.3.3 Water Closet Flushometer Tanks shall be protected against backflow by an approved backflow prevention assembly, device or method.

603.3.4 Heat Exchangers and other assemblies or methods of construction using potable water shall be of listed construction and materials. Potable water shall be separated from the fluids or gasses by a minimum of two separate walls, with a positive, vented leak detection path. The sections in contact with potable water shall be of material and weights suitable for potable water as set forth in this chapter.

603.3.5 Inlets to Tanks, Vats, Sumps, Swimming Pools and other receptors when protected by a listed atmospheric vacuum breaker shall have such atmospheric vacuum breaker installed on the discharge side of the last valve with the critical level not less than six (6) inches (152.4 mm) or in accordance with its listing above the flood level rim of such equipment, and all downstream piping. Water supply inlets not protected by atmospheric vacuum breakers shall be protected by an approved airgap. Where atmospheric vacuum breakers or airgaps are not installed other backflow preventers suitable for the possible

levated more than five (5) feet
be provided with a permanent
or maintenance person.

otable water piping and sewer
any condition with or without
er is discharged to the drainage
roved airgap of two (2) pipe
case shall the gap be less than
be made to the inlet side of a
ospheric vacuum breaker is
52.4 mm) above the flood level

CURRENT 1991 UPC language

...code addressing the ... performance. The ... to this ... to meet these needs through model code ... that safeguard the public health and safety in all communities, large and small.

... regulations for plumbing systems using ... related regulations. It is founded on broad-based principles that make possible the use of new materials and new plumbing designs. In addition, ... is designed to be compatible with the BOCA NATIONAL CODES published by Building Officials and Code Administrators International (BOCA), the STANDARDS codes published by the Building Code Congress International (SBCCI) and the Uniform Code published by the International Conference of Building Officials (ICBO).

The *International Plumbing Code* provides many benefits, among which is the model code development process. This process provides an international forum for plumbing professionals to discuss performance and prescriptive code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

Development

The first draft of the *International Plumbing Code* was prepared in 1994 by a development committee appointed by and consisting of representatives of BOCA, ICBO and SBCCI. The intent was to draft a comprehensive set of regulations for plumbing systems consistent with and inclusive of the scope and content of the existing model plumbing codes which incorporates the common plumbing code format established by the Council of American Building Officials. This format establishes the title, scope and sequence of the chapters and does not involve the order or content of the provisions within the chapter.

Technical content of the latest plumbing codes promulgated by BOCA, ICBO and SBCCI was utilized as the basis for the development of this document. While there were a great many similarities among the three codes, careful consideration was given to identified differences. The development committee followed certain principles as guidance in the resolution of technical differences. The principles were based on the intent to establish provisions consistent with the scope of a plumbing code that adequately protect public health, safety and welfare; provisions that do not unnecessarily increase construction costs; provisions that do not restrict the use of new materials, products or methods of construction; and provisions that do not give preferential treatment to particular types or classes of materials, products or methods of construction.

Public Hearing

In order to gain views of plumbing code users, industries and all other interested parties, a public hearing at two sites was conducted. Comments on the full content of the first draft were accepted at both sites. The Hearing Committee was also appointed by and consisted of representatives of BOCA, ICBO and SBCCI. The Hearing Committee determined the content of the final draft by considering all views and comments presented at the hearing and those submitted in advance by persons unable to attend the hearing. In addition to the changes made at the hearings, other editorial changes have been made for consistency and correlation purposes.

Acceptance

The final draft of this code was accepted by the BOCA and ICBO memberships at their respective annual conferences, and the *International Plumbing Code* is supported and maintained jointly by BOCA and ICBO for use with each organization's family of codes.

Adoption

The *International Plumbing Code* is available for adoption and use by jurisdictions internationally. Its use within a governmental jurisdiction is intended to be accomplished through adoption by reference in accordance with proceedings establishing the jurisdiction's laws. At the time of adoption, jurisdictions should insert the appropriate information in provisions requiring specific local information, such as the name of the adopting jurisdiction. These locations are shown in bracketed words in small capital letters in the code and in the sample adoption ordinance. The sample adoption ordinance on page v addresses several key elements of a code adoption ordinance, including the information required for insertion into the code text.

Campbell Plumbing & Heating

551 3rd Street • Fairbanks, Alaska 99701 • Phone (907)456-7500

FAX COVER LETTER

From: Calvin Campbell

Date: 3/22/95 Time: 7:30 AM

To: PIETE KOTT

Company: ALASKA STATE HOUSE

RE: House Bill 224

No. of Pages 2

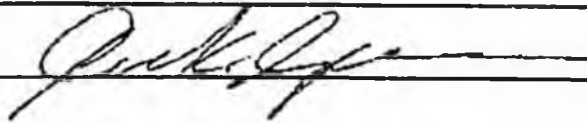
**Any problems with this transmission,
please call us at (907)456-7500**

Message: PLEASE OPPOSE HOUSE BILL #224.

CITY OF FAIRBANKS SHOULD BE THE
AUTHORITY TO AMEND OR SUPPLEMENT SECTIONS OF
UPC THAT IS OF CONCERN TO CITIZENS
OF FAIRBANKS. CERTAINLY OUR MASTER
PLUMBERS AND BUILDING OFFICIALS ARE AS
CAPABLE AS STATE EMPLOYEES & EXPERTS
IN THE DEPARTMENT OF LABOR.

MOONEY IS TIGHT. WE CAN'T AFFORD
THE EXPANSION OF STATE GOVERNMENT. IT IS
NOT NECESSARY.

THANK YOU.

Enc 

18.60.730

HEALTH, SAFETY, AND HOUSING

Sec. 18.60.730. Penalty for violations. A person who violates a provision of the code, and who, after receiving the notification required by AS 18.60.725, refuses to correct the violation, after proof of the violation, is subject to a fine of not more than \$1,000. (§ 1 ch 15 SLA 1972)

Sec. 18.60.735. Borough or city regulation. AS 18.60.705 — 18.60.740 do not affect the authority of a municipality to prescribe by ordinance, rule, or order, standards for their respective areas of jurisdiction no less stringent than those established under AS 18.60.705. AS 18.60.705 — 18.60.740 are not intended to duplicate or preempt code administration or enforcement by municipalities. An organized municipality or unorganized village having less than 2,500 population is exempt from the provisions of AS 18.60.705 — 18.60.740. (§ 1 ch 15 SLA 1972; am § 27 ch 80 SLA 1992)

Reviser's notes. — Enacted as AS 18.60.740. Renumbered in 1972. Effect of amendments. — The 1992 amendment, effective May 16, 1992, made a section reference substitution in the second sentence and made a stylistic change.

Sec. 18.60.740. Definitions. In AS 18.60.705 — 18.60.740 (1) "code" means the code adopted under AS 18.60.705(a) as amended by AS 18.60.706(b);

What is objected to above?

Comfort Mechanical
P.O. Box 81863
Fairbanks, Ak 99708
(907) 479-3771/ FAX (907) 479-7775

March 22, 1995

RE: HB224

To Teleconference Participants,

On February 24, 1995 at 11:50 a.m. I received a long distance phone call from Mr. Jerry Mankel in Anchorage, the chief boiler inspector for the state of Alaska. He referred to a boiler with a single wall coil, that I had previously installed at the Alaska Veterinary Clinic at 410 Trainer Gate Rd. Fairbanks, Ak., and asked if I intended to change the system to comply with the 1991 UPC Section 1003 (K). I informed him that at the time the job was bid and designed, the 1979 UPC was in force with the state and the 1988 UPC with the city and had no such language referring to a single wall coil. The project was built within the City of Fairbanks, and was subject to the Administration Authority of the City Building Department. They, during construction of the project, had adopted the 1991 UPC at approximately the same time as the state had, however, had chosen through the application of logic and reason, to amend and clarify the code language through city ordinance, to be consistent with the UPC intent.

I had in good faith paid for a permit with the city and expected them to be the Administrative Authority to follow. I told Mr. Mankel that I had no intention of changing anything at the present time. We also talked about other interpretations of the ASME code, that because of recent misinterpretation by state officials, had caused thousands of dollars of expense, to interior owners, only to find that the officials had misinterpreted the code intent. I asked if he agreed with the city ordinance allowing single wall coils, in cases where potable water was on both sides of the coil, and he said, "I only enforce the state statutes... I don't try to interpret them." Mr. Mankel's and my conversation was pleasantly toned and ended at that point.

I would like to see HB224 amended as follows:

1. Heat exchangers. Add an Exception. Heat exchangers may be of a single wall construction provided that: (A) The heat transfer medium is water, propylene type glycol or other essential non-toxic fluid having a toxicity rating or class of (I), as listed in Clinical Toxicology of Commercial Products, 5th Edition; and (B) The pressure of the heat transfer medium is limited to a maximum of 30 PSI by an approved safety relief valve; and (C) The heat exchanger is prominently and permanently labeled with instructions concerning items (A) and (B) above.

2. Administrative Authority. Add an Exception. Will be defined as the most local entity (Political subdivision such as a city would be more local than a borough) that has an official on it's payroll to Administrator the UPC, part or full time according to the building demand within it's defined boundaries.

Without these amendments I would respectfully not support passage of HB224

Sincerely,

Michael J. Hirt
Owner Comfort Mechanical

cc: Interior Delegation, Fairbanks City Building Dept.

Campbell Plumbing & Heating

551 3rd Street • Fairbanks, Alaska 99701 • Phone (907)456-7500

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Date: 3/22/95 Time: 7:20 AM

To: PETE KOTT

Company: ALASKA STATE HOUSE

RE: House Bill 224

No. of Pages 2

**Any problems with this transmission,
please call us at (907)456-7500**

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IN THE DEPARTMENT OF LABOR.

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THANK YOU.

Calvin Campbell

ENC

18.60.780

HEALTH, SAFETY, AND HOUSING

10.00.100

NO. 1001 P. 111

Sec. 18.60.780. Penalty for violations. A person who violates a provision of the code, and who, after receiving the notification required by AS 18.60.725, refuses to correct the violation, after proof of the violation, is subject to a fine of not more than \$1,000. (§ 1 ch 16 SLA 1972)

Sec. 18.60.735. Borough or city regulation. AS 18.60.705 - 18.60.740 do not affect the authority of a municipality to prescribe by ordinance, rule, or order, standards for their respective areas of jurisdiction no less stringent than those established under AS 18.60.705. AS 18.60.705 - 18.60.740 are not intended to duplicate or preempt code administration or enforcement by municipalities. An organized municipality or unorganized village having less than 2,500 population is exempt from the provisions of AS 18.60.705 - 18.60.740. (§ 1 ch 16 SLA 1972; am § 27 ch 80 SLA 1992)

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Sec. 18.60.740. Definitions. In AS 18.60.705 - 18.60.740 (1) "code" means the code adopted under AS 18.60.705(a) as amended by AS 18.60.705(b);

What is objection to above?

COMFORT MECHANICAL**Owner: Michael J. Hirt****P.O. Box 81883****Fairbanks, Alaska 99706****907-479-3771****Fax-479-7775****August 4, 1994****Re: Double vs. single wall heat exchangers****To Whom It May Concern:**

The recent clamor concerning the safety of heat exchangers seems to be contradictory to our society; and if everyone knew the full cost of double wall exchangers, it would never be considered as an option.

The possibility of suffering harm, or risk, as we would call it, is always offset by the price we pay to eliminate it vs. the benefit it offers. For example, the risk of lead poisoning with lead solder is relatively low except over a long period of time, which is usually the case with most such toxins. It however is relatively easy to just use non-lead solder and the risk is gone. It makes sense then to not use lead solder on domestic water pipes. Why take any risk in this instance? On the other hand electricity use, in our society, is so basic, that only a handful of people in America would even consider not having it in our homes. Though people are injured and even die almost daily from encounters with it, we permit it, and embrace it as a part of our lives. We only become more and more dependent on it.

Why do we allow this risk to be in such close proximity to our children and loved ones? It is because of risk being divided into two basic categories, *Perilous Risk* and *Hypothetical Risk*. If all could have their way, I'm sure we would opt to eliminate all risk no matter how it is defined, but we live in a real world that won't allow that. Hypothetically, we will all die tomorrow from electric shock. The possibilities are endless as to how each of us can be electrocuted. We have learned however, that if we construct our electrical systems in certain ways, by following codes and etc., that we can eliminate almost all perilous situations and thus the risk becomes acceptable.

COMFORT MECHANICAL**Double vs. single wall heat exchangers continued****page 2**

The same can be true of driving a car. If the car is built to a certain standard, and we obey reasonable laws, even though hypothetically we would die any day from an automobile, the risk becomes acceptable. Could you imagine someone working on your home leaving bare, energized wires sticking out of the wall plug? That would be considered perilous and is not an acceptable risk. Hypothetically a mere strike with an everyday toy could break a cover to a receptacle and do just that. We know this, and still the risk is acceptable.

What then is the risk of a single wall exchanger? In my opinion, it is merely a hypothetical risk and carries great cost to eliminate, or should I say lessen the risk with a double wall exchanger as the alternative. Single wall exchangers have been the method of transferring heat from a boiler water or fluid to clean domestic water for decades. I have been involved in the heating and plumbing industry for over 15 years and have never witnessed perilous danger from a single wall coil. I'm sure that somewhere, someone, has a documented tragedy to tell, that supposedly justifies a single wall coil being labeled as a "cross connection" (leak from a potentially toxic or toxic fluid to a domestic water pipe).

Here in the Fairbanks, Alaska area, probably 95% of domestic hot water is generated by the method of heat exchangers. Just residential situations alone, assuming there is room to install a new system with a double wall exchanger, would cost on the average about \$2500.00, and solve the alleged problem. Then you have the expense of exchange efficiency that the system would always be burdened with. I would predict that a person will spend a minimum of \$5000.00 to \$10,000.00 to minimize the risk of cross-connection with a single wall coil. That is a potential in Fairbanks of approximately \$150,000,000.00. I can think of many more worthwhile things to spend that kind of money on.

COMFORT MECHANICAL**Double vs. single wall heat exchangers continued****page 3**

Are you willing to have only wind-up clocks in your home? A wood cook stove, oil lamps, etc. etc....? Are you now going to only walk, to all your destinations? The testimony of our societies lifestyle containing countless hypothetical risks, is proof to me that a single wall coil is an acceptable risk. After all, the alternative is not only expensive, but doesn't really eliminate all of the risk.

Sincerely,

Michael J. Hirt