

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 86/2

9362 HOUSE LABOR & COMMERCE

**SB**

**254**

Revision Date: February 18, 1998 Dept. Affected: Revenue  
 Title: Levy of Permanent Fund Dividends BRU: Revenue Operations  
 Component: Permanent Fund Dividend  
 Sponsor: S(L&C)  
 Requestor: (S) FIN COMPONENT SERIAL NO. 981

Expenditures/Revenues: (Thousands of Dollars)

	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
<b>OPERATING EXPENDITURES</b>						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CHANGE IN REVENUES ( )</b>						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1001 CBRF						
1048 University of AK receipts						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year cost \$ \_\_\_\_\_

POSITIONS:

FULL-TIME					
PART-TIME					
TEMPORARY					

ANALYSIS: (Attach a separate page if necessary)

This bill reduces the exemption allowed on an individual's Permanent Fund Dividend (PFD) that was protected from levy, execution, garnishment, attachment, or any other remedy for the collection of debt, from 45% to 30%. Cumbersome wording regarding the timing of payment is also eliminated.

This amended version of the bill will have no fiscal effects on the Permanent Fund Dividend program.

Prepared by: Nanci A. Jones, Director  
 Division: Permanent Fund Dividend  
 Approved by Commissioner: Wilson L. Condon  
 Agency: Revenue

Phone: (907) 465-2323  
 Date: February 18, 1998  
 Date: February 18, 1998

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# HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: March 23, 1998

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 4/29/98

The LABOR AND COMMERCE Committee considered:

CSSB 254(FIN)

CS FOR SENATE BILL NO. 254(FIN)

LEVY ON PERMANENT FUND DIVIDEND

"An Act relating to the exemption from levy, execution, garnishment, attachment, or other remedy for the collection of debt as applied to a permanent fund dividend."

recommends it be replaced with the following committee substitute \_\_\_\_\_  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) DOR

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>John C. ...</i>	✓			
<i>Gene ...</i>	✓			
<i>Joe ...</i>	✓			
<i>Bill ...</i>	✓			
<i>Nan ...</i>	✓			
<i>Don ...</i>			✓	

CHAIR'S SIGNATURE Nan Kotely

4-29-98



**National  
Bank of Alaska**04-29-98P04:17 RCVD Consumer Special Credit Services  
P.O. Box 102680  
Anchorage, AK 99510-2680

April 29, 1998

Re: Alaska Permanent Fund Dividend Senate Bill 254

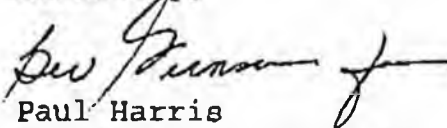
As a representative for National Bank of Alaska, I can't express enough the importance of receiving as much money as we can for unpaid loans that we have obtained a judgement on. At the present time we are only receiving 55% (garnishment) of Alaska's Permanent Fund Dividend, for the most part, this only allows us to pay the interest due on most of our loans instead of reducing the principal balance.

If we were able to garnish 100% of the Permanent Fund Dividend, we would be able to reduce the balance on these loans substantially and possibly pay most of them off. With individuals that are receiving the permanent fund dividend, we would not be taking anything away from them since this is "free money" that the State of Alaska is giving us. Nobody is above the law and our local business's should be treated the same as private citizens and benefit from this wonderful advantage of being able to attach the Permanent Fund Dividend for 100%.

I would also like to stress that if you have a judgement against you, you should not have the right to a portion of the money distributed by the State of Alaska Permanent Fund Dividend. I understand that child support and state agencies can garnish up to 100% of the Permanent Fund Dividend and we should be given that same opportunity.

We at National Bank of Alaska fully support this bill that you are trying to pass and any assistance that we can provide, please contact me at (907) 257-3256

Sincerely,



Paul Harris  
Senior Vice-President  
Consumer Lending  
CC



# ALASKA CREDIT UNION LEAGUE

SUITE 650, 4000 CREDIT UNION DRIVE  
ANCHORAGE, ALASKA 99503-6647  
(907) 562-1255 • Fax (907) 563-7676  
E-mail: [akleague@meteor.org](mailto:akleague@meteor.org)

April 29, 1998

Representative Norm Rokeberg  
House Labor & Commerce Committee  
Via Facsimile: 907-465-2040

04-29-1998 12:12 PM

Dear Representative Rokeberg:

The Alaska Credit Union League and its member credit unions are in support of SB 254 (PFD Garnishment) that passed the Senate on March 19, 1998. We are pleased that a hearing is scheduled for April 29 on SB 254. This bill, if adopted, will benefit the vast majority of Alaska's 300,000 credit union members. This legislation will enable credit unions to recover a greater portion of loan losses which will result in lower loan rates for the borrowers who voluntarily pay their loans.

The Alaska Credit Union League is a state trade association representing Alaska's 13 credit unions.

Sincerely,



Donna J. Rylander  
President

cc:	Representative John Cowdery	fax# 465-2069
	Representative Bill Hudson	fax# 465-2273
	Representative Joe Ryan	fax# 465-4588
	Representative Jerry Sanders	fax# 465-3476
	Representative Tom Brice	fax# 465-2937
	Representative Gene Kubina	fax# 465-3799

AFFILIATED WITH CREDIT UNION NATIONAL ASSOCIATION





# SENATOR LOREN LEMAN

Northwest Anchorage

716 W 4th Ave, Suite 520, Anchorage, AK 99501 (907) 258-8189  
Web Site: <http://www.akrepublicans.org/Lcman.htm>

Session: State Capitol, Juneau, AK 99801 (907) 465-2095  
Email: [Senator\\_Loren\\_Lcman@legis.state.ak.us](mailto:Senator_Loren_Lcman@legis.state.ak.us)

## Memorandum

TO: Representative Norman Rokeberg, Chairman  
House Labor & Commerce Committee

FROM: Senator Loren Leman, Chairman *Loren Leman*  
Senate Labor & Commerce Committee, Sponsor

DATE: March 27, 1998

RE: Hearing Request – Senate Bill 254, Levy On Permanent Fund Dividend

I respectfully request that you schedule SB 254 at your earliest convenience.

This legislation increases the percentage of a PFD check that private parties can garnish from persons who are in a state of financial default, from the 55% allowed under existing law to 80%.

SB 254 is supported by the Alaska State Chamber of Commerce, the Alaska Bankers Association, the Alaska Credit Union League, and many private businesses across the state.

Attached are a sponsor statement and a copy of the bill.

# Alaska State Legislature

## Senate



04-28-98P01:73 RCVB

Official Business

State Capitol  
Juneau, AK. 99801-1182

### Labor & Commerce Committee

## Sponsor Statement – CS for Senate Bill 254 (FIN)

“An Act relating to the exemption from levy, execution, garnishment, attachment, or other remedy for the collection of debt as applied to a permanent fund dividend.”

Senate Bill 254 amends Title 43, Chapter 23 regarding the use of permanent fund dividends to satisfy debts. Existing law at AS 43.23.065 provides that 45 percent of a person's permanent fund dividend is exempt from garnishment, attachment, or any other remedy to collect on financial obligations when the debtor is in a state of default. Therefore, debtors in Alaska can under most circumstances shield 45 percent of their dividend check from persons or businesses seeking to collect.

There currently are some exceptions to this general rule: the 45 percent exemption does not apply to child support obligations, court ordered fines, claims on defaulted Alaska student loans, or any debt owed to an agency of the state. Under these and a few other narrowly defined circumstances, the state requires that 100 percent of the dividend be made available to meet the debtor's obligation.

The existing PFD garnishment provisions are inequitable and contradictory. The state can seize the entire amount of a dividend to satisfy its claims, but private parties such as small businesses, credit unions, landlords, or car dealers are limited in the amount they can garnish. The message sent, whether intentional or not, is that when contractual obligations are violated, agencies of the state have a greater right than private parties to settle their outstanding claims.

As originally introduced, Senate Bill 254 completely eliminated the dividend exemption, allowing state agencies and private parties alike to collect 100 percent. However, an amendment approved by the Labor & Commerce Committee restored the exemption but lowered it from 45 percent to 30 percent. The Senate Finance Committee further amended the bill by lowering the exemption from 30 to 20 percent. Thus, the amended bill allows private parties to collect 80 percent of a dividend check, while state agencies will continue to collect 100 percent.

SB 254 narrows the gap between what state agencies and businesses are able to collect. When businesses are unable to recover monies lawfully owed them by persons in default, the losses are recovered by passing the costs on to honest, law-abiding consumers. The current 45 percent exemption for dividends is essentially a “hidden tax” on the majority of financially responsible consumers. Defaulters get to keep their dividend checks, while the majority of Alaskans end up providing an involuntary subsidy for their financial irresponsibility.

Prepared by Mike Pauley, Staff Aide to Senator Loren Leman (465-3841)  
Last updated: March 12, 1998

## **Supporters of Senate Bill 254**

**(Legislation reducing PFD garnishment exemption from 45% to 20%)**

- Affordable Loan Company
- Alaska Bankers Association
- Alaska Credit Union League
- Alaska State Chamber of Commerce
- Cal Worthington Ford
- Doctors' Collection Service
- Johnson Nissan/Jeep/Eagle (Anchorage)
- Ketchikan Credit Bureau, Inc.
- National Bank of Alaska
- Northland Credit
- Superior Financial Service Corporation



Headquarters:  
217 2nd Street, Suite 201  
Juneau, Alaska 99801  
(907) 586-2323 FAX 463-5515



MAR 18 1998

March 18, 1998

Senator Loren Leman  
Alaska State Capitol  
Juneau, Alaska 99801

Dear Senator Leman:

The Alaska State Chamber of Commerce urges your support of CS for Senate Bill 254 (Finance), reducing the percentage of the Permanent Fund Dividend that is exempt from levy by creditors from 45% to 20%, which is on the Senate Calendar today.

Under current law, the State can take 100% of an individual's Permanent Fund Dividend for debts owed the State, such as student loans, child support, and so forth. However, creditors in the private sector have little more than half of the Dividend available to them to satisfy their credit claims. This legislation would increase to 80% the amount private sector business could levy for debt collection.

Uncollectible debts hamper business growth, and the Alaska State Chamber believes CS for SB 254 (Finance) is a measure to improve Alaska's business environment. We would appreciate your support.

Sincerely,

*Pamela LaBolle*

Pamela La Bolle  
President

*It's a good bill -  
Thank you, Senator!*

March 10, 1998

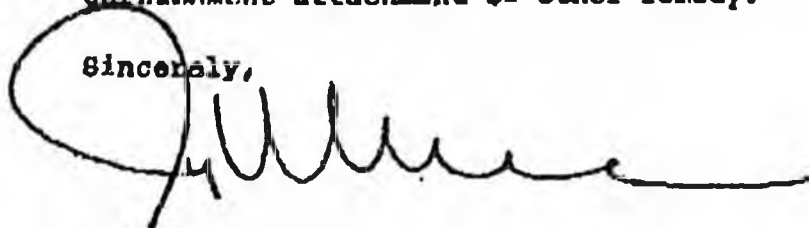
Senator Drue Pearce, Co-Chairman  
Senator Bert Sharp, Co-Chairman  
Senate Finance Committee  
Alaska State Legislature  
State Capitol, Mail Stop 3100  
Juneau, Alaska 99801-1182

RE: SB 254 - Garnishment, Attachment and Levy of  
Permanent Fund Dividends

Dear Co-Chairmen Pearce and Sharp

The Alaska Bankers Association supports and recommends passage of SB-254, an act increasing up to 100% the amount of an annual permanent fund dividend payable that may be taken through levy, execution, garnishment attachment or other remedy.

Sincerely,



Jerry K. Weaver  
Secretary/Treasurer

cc: Senators Donley, Parnell, Phillips, Torgerson, Adams

# National Bank of Alaska



Consumer Special Credit Services  
P.O. Box 102880  
Anchorage, AK 99510-2880

January 28, 1998

Senator Loren Leman's Office  
716 West 4th Avenue, Suite 520  
Anchorage, Alaska 99501

RE: Alaska Permanent Fund Dividend

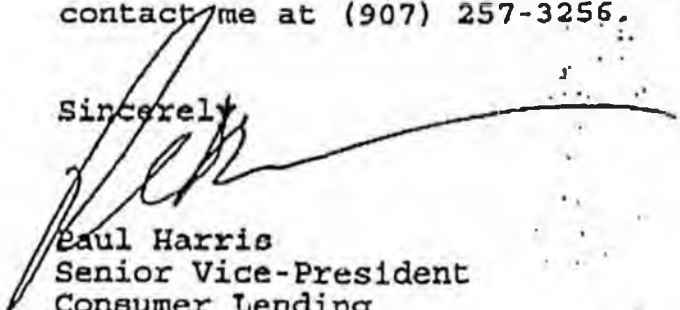
As a representative for National Bank of Alaska, I can't express enough the importance of receiving as much money as we can for unpaid loans that we have obtained a judgement on. At the present time we are only receiving 45% (garnishment) of Alaska's permanent fund dividend, for the most part, this only allows us to pay the interest due on most of our loans instead of reducing the principal balance.

If we were able to garnish 100% of the permanent fund dividend, we would be able to reduce the balance on these loans substantially and possibly pay most of them off. With individuals that are receiving the permanent fund dividend, we would not be taking anything away from them since this is "free money" that the state of Alaska is giving us. Nobody is above the law and our local business's should be treated the same as private citizens and benefit from this wonderful advantage of living or operating a business in the state of Alaska.

I feel that if you have a judgement against you, you should not have the right to a portion of the money distributed by the state of Alaska permanent fund dividend. I understand that child support and state agencies can garnish up to 100% of the permanent fund dividend and we should be given that same opportunity.

We at National Bank of Alaska fully support this bill that you are trying to pass and any assistance that we can provide, please contact me at (907) 257-3256.

Sincerely,



Paul Harris  
Senior Vice-President  
Consumer Lending



**NORTHLAND  
CREDIT**

JAN 29 1998

January 28, 1998

Senator Loren Leman  
716 West 4th Avenue Ste 520  
Anchorage, Alaska 99501

Dear Senator Leman,

Northland Credit Corporation proudly supports Senate Bill 254, which would allow other entities other than those prescribed Title 43, Chapter 23 to use the permanent fund to satisfy debts on a much larger scale.

If businesses and private citizens were allowed to garnish 100% of the permanent fund, it would certainly send a message to those who choose not to pay their debts. We understand that state and federal agencies should be entitled to enforce the collection of child support payments or other obligations owed, but to allow those who may not fall under that criteria not to be subject to the same penalties is biased.

As a Branch Manager for the largest wholly-owned Alaskan consumer finance company, I feel it is imperative that some adjustment be made to this statute.

Sincerely,



Troy R. Ferguson  
Branch Manager  
Northland Credit Corporation

*John E. Low*  
*Post Office Box 90608*  
*Anchorage, Alaska 99509-0608*

January 28, 1998

The Honorable Loren Leman  
Chairman, Senate Labor & Commerce Committee  
State Capitol, Room 115  
Juneau, Alaska 99801

Dear Senator Leman:

I am writing to express my support for Senate Bill 254. I strongly urge you and your colleagues to vote in favor of this legislation.

My reasons for supporting this bill go back to an unpleasant experience that began in 1995. I own a four-plex apartment in Anchorage with my mother. We had one tenant living there with her dog and cat when we purchased the property in 1993.

In September of 1995 I noticed several cats in the apartment and I had received complaints of smells coming from her unit. When I asked her about the cats, she stated she owned six of them. This prompted me to give her notice of my intent to terminate our rental agreement. All of this caught me by surprise. I had only entered the apartment on two occasions, and it seemed to have been well-maintained. I should have been suspicious as she generally wouldn't answer the door and all the curtains would be closed to keep her privacy. She also put wallpaper over her back sliding door, apparently to hide the mess. She was turning the apartment into a cat sanctuary.

When I reclaimed the unit on November 1, 1995, I found eight abandoned cats. The apartment was filled with pet waste. The kitchen window had been left open for the cats to come and go as they pleased. Other damage included shredded walls from cat claws, and urine-soaked carpets along with underlying wood floors. All carpets, vinyl, even the refrigerator and oven had to be replaced because of the cat waste.

The clean-up process was time consuming and discouraging. I tried to hire house cleaners, but when one potential cleaner entered the unit her eyes began to water from the urine smell. She ended up running out, saying she could not participate. Consequently I did most of the work myself with limited help from two others and a carpenter. I worked every day of November and most every day of December to prepare for a new tenant. I used three ozone machines to eliminate the smell, talked to every possible expert and analyzed every option. I could not resolve the problem -- the smell still returns each summer. It was the most frustrating job I ever undertook, and my time for repairs totaled more than two hundred hours.

The Honorable Loren Leman  
Senate Labor & Commerce Committee  
January 28, 1998  
Page 2

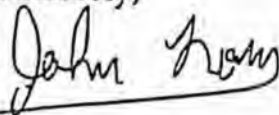
I tried to contact the former tenant responsible for the damage. She hung up on me, and I have never seen her again. Since she would not talk, I wrote a letter specifying the damage she caused. This was also ignored. Given that her security deposit had been only \$450, I began the long process of suing her. I filed a complaint and had her served. Once again, she did not respond. I estimated the damage at more than \$8,000. I asked for a judgment of \$5,000, which was the small claims limit at the time. The former tenant finally communicated via telephone at a default judgment hearing, and she admitted to the liability of \$5,000.

Then I proceeded to collect by hiring an investigator. I paid a process server the \$75 fee to seize any bank account in Anchorage held by the former tenant. She had no bank account. I then discovered I could not garnish her wages because of the generous exemptions that state law allows for debtors who have judgments against them.

It seemed my only hope was to seize her Permanent Fund dividend check, which I have done twice so far. It's a small help, but gains very little because of the exemptions that also apply to this area. Assuming that the amount of the annual dividend check remains reasonably stable, and assuming the debtor does not leave the state, it will take more than 13 years for me to collect this debt. If the Legislature eliminates the exemption on dividend checks, I could collect the debt in approximately 6 and 1/2 years.

This apartment is the only rental property my mother and I own. Because of what one irresponsible person did, we could not draw any income from it for eleven months. I trusted her not to ruin my property and she violated that trust. I urge the Legislature to change this law so that I can be justly compensated for my loss.

Sincerely,

A handwritten signature in cursive script that reads "John Low". The signature is written in dark ink and is positioned above a horizontal line.

John Low

Superior Financial Service Corporation

226 E. 7th Avenue

Anchorage, Alaska 99501

(907) 276-0444 • Fax (907) 258-9051

January 29, 1998

FEB 02 1998

Senator Loren Leman  
State Capitol Room #115  
Juneau, AK 99801

RE: Senate Bill #254

Dear Senator Lemman:

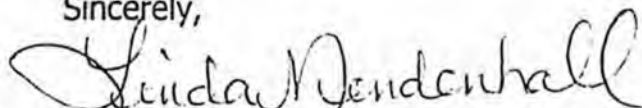
I would like to extend my appreciation, on behalf of Superior Financial Service, Corp., for your efforts regarding SB 254.

SB 254 will give us, and other creditors, an equitable way to collect a debt that is legally due.

Superior Financial Service, Corp. strongly supports SB 254 and would like to show our support. If we can assist in any way please let us know.

Once again, thank you Senator Lemman.

Sincerely,



Linda Mendenhall  
Account Representative  
Superior Financial Service, Corp.  
(907) 276-0444

# AFFORDABLE LOAN COMPANY

---

JAN 28 1998

Senator Loren Leman  
State Capital Room 115  
Juneau, Ak. 99801

Ref: Senate Bill number 254

Dear Senator Leman:

I would personally like to thank your office for the efforts you have put forth with this bill. This will give us, and any other creditor, the right to be equal in our efforts to collect a debit that is legally due and payable.

We strongly support this bill and will be trying to gather other support for this bill. Please let us know if there is any way we can be of assistance.

Again, thank you for your efforts, and mostly for your concern of fairness for everyone. The creditors in the State of Alaska will benefit from this bill greatly.

Sincerely,

*Jackie Brock*

Jackie Brock  
manager

# JOHNSON

EXPECT THE BEST

NISSAN

Jeep  
Eagle

JAN 28 1998

January 28, 1998

Senator Loren Loman  
State Capitol Room #115  
Juneau, AK 99801

RE: Senate Bill #254

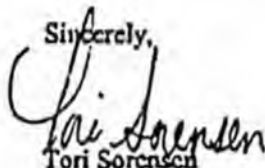
Dear Senator Loman:

I would like to extend my sincere appreciation to your office, for the effort you have put forward in regards to Senate Bill #254. This will help give us, and our fellow creditor's, the right to be equal in our efforts to collect a debt that is legally owed.

Johnson Nissan / Jeep / Eagle strongly supports Senate Bill #254. We are attempting, at this time, to rally as much support as we can for this bill. If there is any way we can be of assistance to you or your office, please call me at the number below.

Thank you for your efforts, and most of all your concern for everyone involved. We at Johnson Nissan / Jeep / Eagle promote fairness to everyone involved, including the debtor. All the creditor's in the State of Alaska will benefit greatly if it's passed. Again, if there's anything we can do, please let me know.

Sincerely,



Tori Sorensen  
Johnson Nissan / Jeep / Eagle  
Collections Manager  
(907) 762-5253

cc: Kim  
Juckie



Cal Worthington Ford

28 January 1998

Ref: Garnishment of PFD Checks

Dear Senator Lemmon,

I strongly support Senate Bill 254. Since the Alaska PFD is basically a gift, not earned money, I feel that a person or private business should be able to garnish 100% of the PFD. I believe a private party who has a judgment to collect a bad debt should have just as much right to the whole PFD as the State of Alaska or the Federal Government. In most cases the PFD is the only means of garnishment and with only 55% of the PFD a lot of debts stay at the same amount due to the accrued interest between payments. Being able to seize 100% would actually reduce some of the principal amounts of the bad debts and therefore also reduce the accrued interest.

Again, I very strongly support Senate Bill 254.

Sincerely,



Ulrike M. Ward

April 7, 1998

John Low  
Box 90608  
Anchorage, AK 99509  
PH.# 245-0176

Dear Representative Rokeberg,

I would like you to schedule a committee vote for SB 254. This is the legislation that reduces the exemption to 20% for PFD garnishments. With your experience in the real estate business I am sure you must experience the frustration landlords face when they try to collect on judgments from reckless tenants. That was how I got started in this as a property owner. Over a year ago I asked Senator Lemman to sponsor this legislation because of the excessive and frustrating difficulties the legislature established for me to collect on my one court judgment. I was wronged very badly by an individual and due to the laws my only chance of recouping the loss is garnishing their PFD check. Under the old law it will take me over eleven years to collect. This legislation comes down to one word "Justice". I do not understand why we have spent so much effort of time and money to establish a small claims process that a plaintiff can rarely collect on when they win. I can't imagine any single legislation that could do more to enhance the rights of civil law victims then SB 254. Although I would like to see a amendment added to the bill the reduces the exemption or better yet eliminates it the way Senator Lemman originally wrote it.

Sincerely,

John Low



## ALASKA CREDIT UNION LEAGUE

SUITE 650, 4000 CREDIT UNION DRIVE  
ANCHORAGE, ALASKA 99503-6647  
(907) 562-1255 • Fax (907) 563-7676  
E-mail: akleague@meteor.org

April 8, 1998

Representative Norm Rokeberg  
House Labor & Commerce Committee  
Via Facsimile: 907-465-2040

Dear Representative Rokeberg:

The Alaska Credit Union League and its member credit unions are in support of SB 254 (PFD Garnishment) that passed the Senate on March 19, 1998. We urge you to schedule SB 254 for a hearing as soon as possible. This bill, if adopted, will benefit the vast majority of Alaska's 300,000 credit union members. This legislation will enable credit unions to recover a greater portion of loan losses which will result in lower loan rates for the borrowers who voluntarily pay their loans.

The Alaska Credit Union League is a state trade association representing Alaska's 13 credit unions.

Sincerely,

Donna J. Rylander  
President

cc: Representative John Cowdery  
Representative Bill Hudson  
Representative Joe Ryan  
Representative Jerry Sanders  
Representative Tom Brice  
Representative Gene Kubina

AFFILIATED WITH CREDIT UNION NATIONAL ASSOCIATION



ALASKA DEPARTMENT OF REVENUE  
PERMANENT FUND DIVIDEND DIVISION

**SUMMARY OF INVOLUNTARY ATTACHMENTS FOR DIVIDEND YEARS 1997 AND 1996**

As of January 29, 1998

Agencies	1997			
	Total Claims Requested	Total Claims Paid	Amount of Claims Paid	Unpaid Claims
Bankruptcy	201	178	226,358	23
CSED	12,051	10,890	11,325,803	1,161
PSED	10,916	9,061	10,763,807	1,855
State Agencies	11,769	5,259	1,850,095	6,510
IRS*	20,206	1	713	*20205
Court Ordered Restitution	65	53	62,098	12
Court Ordered Fines	15,798	7,905	2,062,671	7,893
Other Writs & Certified Services	18,717	9,733	5,321,983	8,984
<b>Totals:</b>	<b><u>89,723</u></b>	<b><u>43,080</u></b>	<b><u>31,613,528</u></b>	<b><u>26,438</u></b>

1996			
Total Claims Requested	Total Claims Paid	Amount of Claims Paid	Unpaid Claims
136	114	126,965	22
11,751	10,804	9,948,642	947
8,952	7,443	7,836,429	1,509
10,257	5,033	1,643,122	5,224
21,418	16,452	13,874,801	4,966
46	32	31,521	14
12,281	5,348	1,270,722	6,933
15,543	7,210	3,558,836	8,333
<b><u>80,384</u></b>	<b><u>52,436</u></b>	<b><u>38,291,039</u></b>	<b><u>27,948</u></b>

\*In 1997, the IRS was experiencing difficulties with its computer system and, as a result, withdrew its attachments.

ALASKA DEPARTMENT OF REVENUE  
PERMANENT FUND DIVIDEND DIVISION  
SUMMARY OF VOLUNTARY AND INVOLUNTARY ATTACHMENTS FOR 1982 - 1997  
As of January 29, 1998

<u>YEAR</u>	<u>AMOUNT</u>
1982	27
1983	88
1984	50
1985	185
1986	17,422
1987	35,286
1988	44,990
1989	31,204
1990	38,056
1991	42,961
1992	52,499
1993	59,888
1994	69,863
1995	84,554
1996	85,059
1997	<u>94,386</u>
Total:	<u>656,518</u>

(4) assist residents of the state, particularly in rural areas, who because of language, disability, or inaccessibility to public transportation need assistance to establish eligibility and to apply for permanent fund dividends;

(5) use a list of individuals ineligible for a dividend under AS 43.23.005(d) provided annually by the Department of Corrections and the Department of Public Safety to determine the number and identity of those individuals;

(6) adopt regulations that are necessary to implement AS 43.23.005(d);

(7) adopt regulations that establish procedures for the parent, guardian, or other authorized representative of a disabled individual to apply for prior year permanent fund dividends not received by the disabled individual because no application was submitted on behalf of the individual;

(8) adopt regulations that establish procedures for an individual to apply to have a dividend warrant reissued if it is returned to the department as undeliverable or it is not paid within two years of the date of its issuance; however, the department may not establish a time limit within which an application to have a warrant reissued must be filed. (§ 1 ch 102 SLA 1982; am § 2 ch 55 SLA 1983; am § 3 ch 43 SLA 1984; am § 3 ch 54 SLA 1988; am § 5 ch 68 SLA 1990; am § 14 ch 4 SLA 1992; am § 1 ch 64 SLA 1993; am § 5 ch 46 SLA 1996)

*Revisor's notes.* — Section 11, ch. 99, SLA 1985, amends this section. The amendment is effective if § 1, ch. 99, SLA 1985 is repealed (see § 25, ch. 99, SLA 1985). If the amendment becomes law, the section will read: "The department shall

"(1) annually make payments to individuals who elect to receive cash under AS 43.23.005(d);

"(2) adopt regulations under the Administrative Procedure Act (AS 44.62) that establish procedures and time limits for claiming a permanent fund dividend or for electing an annuity credit; the department shall set the time limit for applications for permanent fund dividends so that the number of eligible applicants is determined by October 1 of the year for which the dividend is declared and permanent fund dividends for a year are paid before April 30 of the year following that year;

"(3) adopt regulations under the Administrative Procedure Act (AS 44.62) that establish procedures and time limits for an individual upon emancipation or upon reaching majority to apply for permanent fund dividends not credited or received during minority because the parent, guardian, or other authorized representative did not apply on behalf of the individual;

"(4) assist residents of the state, particularly in

rural areas, who because of language, disability, or inaccessibility to public transportation need assistance to establish eligibility and to apply for permanent fund dividends; and

"(5) provide the commissioner of administration with information necessary to maintain individual annuity account records and administer the annuity program."

Under § 5, ch. 64, SLA 1993, the optional longevity bonus program of former paragraph (9) was repealed effective July 1, 1995 because, as of June 30, 1995, fewer than 5,000 individuals had elected to participate in the program.

*Effect of amendments.* — The 1988 amendment deleted "and" at the end of paragraph (3), and added paragraphs (5) and (6).

The 1990 amendment, effective January 1, 1991, added paragraph (7).

The 1992 amendment, effective January 1, 1993, rewrote paragraph (2) and added paragraph (8).

The 1993 amendment, effective September 20, 1993, added former paragraph (9).

The 1996 amendment, effective August 27, 1996, rewrote paragraph (5) and made a minor stylistic change.

#### NOTES TO DECISIONS

Applied in *Handley v. State*, Dep't of Revenue, 838 P.2d 1231 (Alaska 1992); *State*, Dep't of Revenue v. *Cosio*, 858 P.2d 621 (Alaska 1993).

*Sec. 43.23.060. Duties of the department. [Repealed, § 22 ch 102 SLA 1982.]*

**Sec. 43.23.065. Exemption of and levy on permanent fund dividends.**

(a) Except as provided in (b) of this section, 45 percent of the annual permanent fund dividend payable to an individual is exempt from levy, execution, garnishment, attachment, or any other remedy for the collection of debt. This exemption applies to an eligible individual's permanent fund dividend both before and after payment is made to the individual. No other exemption applies to a dividend. Notwithstanding other laws, a writ of execution upon a dividend that has not been delivered to the debtor may be served on

the commissioner by certified mail, return receipt requested. Upon receipt of a writ by certified mail, return receipt requested, the commissioner shall deliver that portion of the dividend executed upon to the court along with the case name and number.

(b) An exemption is not available under this section for permanent fund dividends taken to satisfy

(1) child support obligations required by court order or decision of the child support enforcement agency under AS 25.27.140 — 25.27.220;

(2) court ordered restitution under AS 12.55.045 — 12.55.051, 12.55.100, or AS 47.12.120(b)(4);

(3) claims on defaulted scholarship loans under AS 43.23.067;

(4) court ordered fines;

(5) writs of execution under AS 09.35 of a judgment that is entered

(A) against a minor in a civil action to recover damages and court costs;

(B) under AS 34.50.020 against the parent, parents, or legal guardian of an unemancipated minor;

(6) a debt owed by an eligible individual to an agency of the state, unless the debt is contested and an appeal is pending, or the time limit for filing an appeal has not expired;

(7) a debt owed to a person for a program for the rehabilitation of perpetrators of domestic violence required under AS 12.55.101, AS 18.66.100(c)(15), AS 25.20.061(3), or AS 33.16.150(f)(2).

(c) Claims listed in (b) of this section have priority in the order listed over other claims on a permanent fund dividend whether payments are sought through legal actions for the collection of debts or through assignments from the debtor.

(d) An assignment of or levy, execution, garnishment, attachment, or other remedy for the collection of debt applied to a dividend for a year may not be accepted by the department before April 1 of that same year. AS 09.38.080(c) and 09.38.085 do not apply to a levy on a permanent fund dividend. The department shall include the case number with a dividend or portion of a dividend transmitted to the court in response to a writ of execution or other court order. At the time payment is made to the court, the department shall send to the individual at the address provided in the individual's dividend application and to the court that issued the writ or order a notice that contains

(1) notification that all or part of the individual's dividend has been seized under a writ of execution or court order;

(2) the name and address of the court that issued the writ or order;

(3) the case number for which the writ or order was issued;

(4) the amount seized under the writ or order; and

(5) notification that the individual has 30 days from the date the notice is mailed in which to file with the court an objection to the seizure if a mistake has been made. (§ 1 ch 102 SLA 1982; am § 1 ch 157 SLA 1984; am § 1 ch 57 SLA 1985; am § 67 ch 138 SLA 1986; am § 3 ch 26 SLA 1989; am § 3 ch 198 SLA 1990; am §§ 3, 4 ch 52 SLA 1992; am § 5 ch 113 SLA 1994; am § 3 ch 34 SLA 1995; am § 9 ch 59 SLA 1996; am § 63 ch 64 SLA 1996)

**Revisor's notes.** — Sections 12 and 13, ch. 99, SLA 1985, amend this section and add new (b) and (c). The amendments are effective if § 1, ch. 99, SLA 1985 is repealed (see § 25, ch. 99, SLA 1985). If the amendments become law, the section will read: "(a) Fifty percent of a cash permanent fund dividend payment is exempt from levy, execution, garnishment, attachment, or any other remedy for the collection of debt. This exemption applies to an eligible individual's permanent fund dividend both before and after payment is made to the individual. An exemption is not available under this section for cash permanent fund dividend payments taken to satisfy (1) child support obligations required by court order or decision of the

child support enforcement agency under AS 47.23.140 — 47.23.220; (2) a debt owed by an eligible individual to an agency of the state, unless the debt is contested and an appeal is pending, or the time limit for filing an appeal has not expired; or (3) court ordered restitution under AS 12.55.045 — 12.55.051 or 12.55.100. A child support obligation under (1) of this section has priority over a debt owed to an agency of the state, and a permanent fund dividend may not be taken to satisfy a debt under (2) of this section until any portion of the dividend necessary to satisfy a child support obligation has been taken.

"(b) The department shall require an individual to take 100 percent of the permanent fund dividend in

cash if the department receives a levy, execution, garnishment, attachment or other legal remedy for the collection of a past due debt described in (a)(1) or (2) of this section.

"(c) The courts of this state may, as a condition of any civil judgment or restitution order under AS 12.55.045 — 12.55.051 or 12.55.100, require the defendant to take the defendant's permanent fund dividend in cash."

**Cross references.** — For property exempt from execution generally, see AS 09.38.

**Effect of amendments.** — The 1986 amendment rewrote this section.

The 1989 amendment repealed former paragraph (b)(3), relating to the court ordered probation fee, and redesignated former paragraph (b)(4) as present (b)(3).

The 1990 amendment, effective January 1, 1991, in subsection (a), substituted "45 percent" for "50 percent" in the first sentence.

The 1992 amendment, effective June 11, 1992 added the last three sentences in subsection (a); in subsection (b), added paragraphs (3) and (4), redesignated former paragraph (3) as paragraph (5) (now (6)), and made stylistic changes; added "whether payments are sought through legal actions for the collection of

debts or through assignments from the debtor" to subsection (c); and added subsection (d).

The 1994 amendment, effective September 1, 1994, in subsection (b), added a reference to AS 47.10.080(b)(4) at the end of paragraph (2) and made related stylistic changes, added present paragraph (5), and redesignated former paragraph (5) as paragraph (6).

The 1995 amendment, effective August 17, 1995, rewrote paragraph (b)(5).

The first 1996 amendment, effective September 10, 1996, made a section reference substitution in paragraph (b)(2).

The second 1996 amendment, effective July 1, 1996, added paragraph (b)(7) and made a related stylistic change.

**Editor's notes.** — Section 5, ch. 26, SLA 1989 provides that the amendments to (b) of this section by § 3, ch. 26, SLA 1989 "do not affect the collection of probation fee payments ordered by a court under AS 12.55.105, repealed by § 4 of this Act, after June 30, 1986, and before May 12, 1989."

Section 16(1), ch. 113, SLA 1994 provides that the amendments to (b) of this section by § 5, ch. 113 SLA 1994 apply "to civil actions accruing on or after September 1, 1994."

#### NOTES TO DECISIONS

Cited in *Lauber v. Alaska (In re Browne)*, 101 Bankr. 188 (Bankr. D. Alaska 1989); *Camacho v. United States*, 177 Bankr. 667 (Bankr. D. Alaska 1994).

**Sec. 43.23.066. Claims on reimbursement for court-ordered treatment.** (a) AS 09.38 does not apply to permanent fund dividends taken under AS 47.12.155(c). Notwithstanding AS 09.35, execution on a dividend claimed under AS 47.12.155(c) is accomplished by delivering a certified claim to the department containing the following information:

(1) the name and social security number of the individual whose dividend is being claimed;

(2) the amount the individual owes on the reimbursement claim; and

(3) a statement that

(A) the Department of Health and Social Services has notified the individual that future permanent fund dividends of the individual will be taken to satisfy the reimbursement claim;

(B) the individual was notified of the right to request a hearing and allowed 30 days after the date of the notice described in (A) of this paragraph to request the Department of Health and Social Services to hold a hearing on the reimbursement claim;

(C) the reimbursement claim has not been contested, or, if contested, that the issue has been resolved in favor of the Department of Health and Social Services; and

(D) if the reimbursement claim has been contested and resolved in favor of the Department of Health and Social Services, no appeal is pending, the time limit for filing an appeal has expired, or the appeal has been resolved in favor of the Department of Health and Social Services.

(b) The Department of Health and Social Services shall notify the individual if a dividend is claimed under (a) of this section. The notice shall be sent to the address provided in the individual's permanent fund dividend application and must provide the following information:

(1) the amount of the reimbursement claim;

(2) notice that the permanent fund dividend, or that portion of the permanent fund dividend that does not exceed the amount of the reimbursement claim, shall be paid to the Department of Health and Social Services; and

**S B**

**268**

# FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

No. 1  
Bill Version: SB 268  
(S) Publish Date: 2-25-98

Revision Date (Note if correction): \_\_\_\_\_  
Title: Wage Claim Assignments to the  
Department of Labor  
Sponsor: Senate Labor & Commerce  
Requestor: Senate Labor & Commerce

Department Affected: Labor  
BRU: Labor Standards & Safety  
Component: Wage & Hour Administration  
COMPONENT SERIAL NO. 345

**EXPENDITURES/REVENUES:**

(Thousands of Dollars)

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CAPITAL</b>						

CHANGE IN REVENUE						
FUND SOURCE #						

**FUNDING:**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other (Specify Type)						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY98) impact: \$ None

**ANALYSIS:** (Attach a separate page if necessary)

This bill increases the ability of the Department of Labor to assist employees with wage claims by tying the claim limit to AS 22.15.040 (small claims limit); the current limit of \$5,000 would be increased to \$7,500. This legislation will have no fiscal impact on Wage and Hour Administration.

Prepared by: Alan W. Dwyer, Director *Alan W. Dwyer* Phone: 465-4855  
Division: Labor Standards & Safety Date: 1/29/98  
Approved by Commissioner: Tom Cashen, Commissioner *Tom Cashen*  
Agency: Department of Labor Date: 1/29/98

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# HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: March 26, 1998

FURTHER REFERRALS:

Date of Committee Action: 4/8/98

The LABOR AND COMMERCE Committee considered:

*W. J. R. Chivikman*

SB 268

SENATE BILL NO. 268

~~EMERGENCY MED TECHS: AUTHORITY & WAGES~~

“An Act relating to the assignment to the Department of Labor of certain wage claims; and providing for an effective date.”

recommends it be replaced  the same title  
 with the following committee substitute \_\_\_\_\_  a new title

additional referral to \_\_\_\_\_ Committee

attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_

APPROVES PREVIOUS: (Dep/Date) \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

zero fiscal note(s) LABOR

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>John J. Caudrey</i>			✓	
<i>John Sander</i>	✓			
<i>Bob Bruce</i>	✓			
<i>Jim Ryan</i>			✓	
<i>Nancy Kotely</i>	✓			

CHAIR'S SIGNATURE *Nancy Kotely*

4-8-98

# STATE OF ALASKA

TONY KNOWLES, GOVERNOR

**DEPARTMENT OF LABOR**  
**OFFICE OF THE COMMISSIONER**

P.O. BOX 21149  
JUNEAU, ALASKA 99802-1149  
PHONE: (907) 465-2700  
FAX: (907) 465-2784

March 2, 1998

The Honorable Loren Leman, Chair  
Senate Labor & Commerce Committee  
Alaska State Legislature  
State Capitol, Room 113  
Juneau, AK 99801-11182

Dear Senator Leman:

During the Department of Labor's February 24th testimony on SB 268, Senator Kelly asked if the department charged a fee for collecting wages owed to employees. The answer is "no."

AS 23.05.060(4) specifically prohibits the Department of Labor from charging employees for instituting court proceedings against an employer, and there is no authority in Chapter 23 statutes to charge a fee to the employer.

Under AS 23.05.190, the Department is required to investigate possible violations and institute actions for penalties. In addition to the actual wages collected, all civil penalties are paid to the employee.

AS 23.05.210 states, "The attorney general may prosecute a civil case arising under this chapter that is referred to the attorney general by the department for that purpose." Both the Department of Labor and the Department of Law agree that rather than tie up the Attorney General's office, Small Claims Court should be utilized whenever possible. However, AS 23.05.220(c) limits acceptable claims to \$5,000 or less. The Small Claims Court's maximum is now \$7,500; hence, this bill would allow the Department of Labor to gain the maximum, and most-cost efficient use of Small Claims Court.

Sincerely,



Dwight Perkins  
Legislative Liaison

cc: Senator Robin Taylor, Chair  
Senate Judiciary Committee

Senator Tim Kelly  
Al Dwyer, Director, LS&S

# Alaska State Legislature

## Senate



Official Business

Senate Labor & Commerce Committee

State Capitol  
Juneau, AK. 99801-1182

### Sponsor Statement

### SB 268: Wage Claim Assignments to Dept. of Labor

Currently, under AS 23.05.220 (c), the Department of labor is authorized to accept claims for unpaid wages in amounts up to \$5,000.00. These are claims for unpaid last paychecks, failures to pay entirely, or failure to pay amounts due by contract. Such claims are often settled administratively, but when that is not possible the department files the matter in small claims court. Attorneys will not pursue wage claims involving such small amounts of money. There is not enough involved for them to collect anything for their clients and still make a profit on the case. Opinions differ, but most attorneys in the Employment Law Section of the Bar agree that the Department of Labor limit should be increased. The proposed increase to \$7,500 would coincide with last year's increase in the small claims limit to \$7,500 (ch. 33 SLA 1997).

Individuals with claims between the \$5,000 limit in AS 23.05.220(c) and the minimum profitable amount attorneys are willing to take, fall through the cracks and can get no representation. This increase will provide representation for some of those wage earners who presently exceed the State's ability to pursue, yet don't have a large enough case to attract an attorney.

The statutory bar in As 23.05.220 exists to keep the State from infringing in the private sector legal marketplace, taking potential clients away from the Bar. The limit has not been amended in 21 years. Members of the Bar will not be adversely affected by this proposal and the Alaskan wage earner will be afforded better protection than they currently have.

# ALASKA STATE LEGISLATURE

## House of Representatives

### COMMITTEE MEMBERS:

REPRESENTATIVE NORMAN ROKEBERG, CHAIRMAN  
REPRESENTATIVE JOHN COWDERY, VICE CHAIRMAN  
REPRESENTATIVE BILL HUDSON  
REPRESENTATIVE JOE RYAN  
REPRESENTATIVE JERRY SANDERS  
REPRESENTATIVE TOM BRICE  
REPRESENTATIVE GENE KUBINA  
COMMITTEE AIDE, SHIRLEY ARMSTRONG  
COMMITTEE SECRETARY, CATHY WOOD  
COMMITTEE HEARING ROOM 17 STATE CAPITOL



INTERIM:  
716 WEST 4TH AVENUE, SUITE 640  
ANCHORAGE, AK 99501  
PHONE: (907) 258-8191  
FAX: (907) 258-2916

SESSION:  
STATE CAPITOL ROOM 24  
JUNEAU, AK 99801-1182  
PHONE: (907) 465-4954  
FAX: (907) 465-2040

## Labor and Commerce Committee

### BACKGROUND/LEGISLATIVE INTENT

This bill would increase the authority of the Department of Labor to pursue wage claims in Small Claims up to the statutory limits for small claims actions, thereby filling a gap created by the increase in Small Claims jurisdiction passed during the last legislative session.

---

### ANALYSIS OF BILL/PROGRAM EFFECTS

This legislation would again allow the Department of Labor to accept and pursue wage claims for straight wage and hour violations in small claims court up to the maximum jurisdiction of the court. Until last year the Department prosecuted claims up to \$5,000 in small claims. When the Small Claims jurisdiction has increased to \$7,500 a gap was created between the statutory limits of small claims (\$7,500) and the statutory limits for claims assigned to the department (\$5,000). This bill will correct that deficiency now and will avoid similar problems in the future by tying the two jurisdictional limits together, setting the department's jurisdictional limit at the small claims limit.

**SB**

**269**

# FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

No. 1  
Bill Version: CSSB269(Lrc)  
(S) Publish Date: 3/4/98

Revision Date (Note if correction): \_\_\_\_\_  
Title: Plumbing Code  
Sponsor: Senate Labor & Commerce  
Requestor: Senate Labor & Commerce

Department Affected: Labor  
BRU: Labor Standards & Safety  
Component: Mechanical Inspection  
COMPONENT SERIAL NO. 346

**EXPENDITURES/REVENUES:**

(Thousands of Dollars)

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL</b>						
<b>CHANGE IN REVENUE</b>						
<b>FUND SOURCE #</b>						

**FUNDING:**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY98) impact: \$ None

**ANALYSIS:** (Attach a separate page if necessary)

This bill would establish that the most current editions of the Uniform Plumbing, Swimming Pool, Spa and Hot Tub, and the Solar Energy Codes are applicable unless the department establishes a different code by regulation. This legislation will have no fiscal impact on Mechanical Inspection.

Prepared by: Alan W. Dwyer, Director *Alan W. Dwyer* Phone: 465-4855  
Division: Labor Standards & Safety Date: 1/29/98  
Approved by Commissioner: Tom Cashen, Commissioner *Tom Cashen*  
Agency: Department of Labor Date: 1/29/98

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# HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: March 9, 1998

FURTHER REFERRALS:

Date of Committee Action: 3/25/98

The LABOR AND COMMERCE Committee considered:

CSSB 269(L&C)

CS FOR SENATE BILL NO. 269(L&C)

PLUMBING CODE

“An Act relating to the state plumbing code; and providing for an effective date.”

recommends it be replaced  the same title  
 with the following committee substitute \_\_\_\_\_  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) DOL

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>John Conduff</i>			✓	
<i>John Sanders</i>			✓	
<i>Gene Kubera</i>	✓			
<i>Jae Ryan</i>			✓	
<i>Bill Hudson</i>	✓			
<i>Ann Kelly</i>	✓			

CHAIR'S SIGNATURE

*Ann Kelly*

3/25/98



COMMITTEE:  
House Labor & Commerce Standing Committee

DATE: March 25, 1998

Subject of meeting:

SB 269 - PLUMBING CODE

# SIGN-IN

PLEASE PRINT!  
NAME

ADDRESS (MAILING / ZIP)

PHONE

REPRESENTING

DO YOU  
WANT TO  
TESTIFY?

Dwight Perkins			2700	DEPT OF LABOR	Yes
Russ Chaney	2001 Walnut Drive south Walnut, CA 91789		909- 595-8449	I. A. P. M. O.	yes!
Edward Saltzberg	14733 Oxnard St VAN NUYS, CA 91411		213 8734752	I. H. S. C. C.	Yes!
<del>Sharon Markin</del>	<del>At-Professional Design</del>				
					yes

3/25/98 - SB269 - Plumbing Code

Burville - No comments right now

Dwight Perkins - Dept - left out Section L  
single well/double well exchangers  
are already in statute

Statute already allows exemption  
in section 3 of Plumbing Code -

Cowden - do you have a problem with adoption  
the language of any <sup>existing</sup> reasonable code  
as the minimum standard -

Watts - Building Official - support the bill -  
ask the committee to consider -  
almost 25 years - Been a board since 1992

in the year 2000 the international code  
is coming out - coming from National & Southern  
Code

Uniform building code is very strict

do not have to adopt the code if you are  
a home rule municipality

Pete Jussac - supports SB269 -  
has been a state inspector for 5 years  
thinks it would be hard to have different  
codes - would be difficult

it is an amalgamation of national,  
uniform, and international -  
uniform code has an advantage -  
covers more areas of the plumbing  
field - more

Mr. Shuttleworth - Building Official. Fairbanks -  
sent letter March 11th - asking for an opinion  
for the code - not here to debate the  
the five points of the differences - if  
part language in will not -

do not want to eliminate an option  
if the uniform

subsection 2.2

Harry Roy - Plumbing inspector - agrees  
with Mr. Shuttleworth and Mr. Watts -  
that should not block much for other  
plumbing codes - as for appendix L, would  
leave open to innovative applications - is  
written and designed -

Sharon Wicklin - represents the AK Professional  
Design Council - support the bill - have the  
ability to adopt the option to adopt another  
building code -

Russ Chamy - Executive International  
Desecra of Mechanical

Headquater in CA 30 miles west of LA  
since 1972 - the State of AK has  
adopted the UPC - all the practitioners  
in AK are trained on this code -  
there is a transition

- about 3 years ago about 7 national  
codes were promulgated -

- Southern Building Code Officials -

- International Assn of Building Officials -

### IATMO

1994 Uniform Plumbing Code

1993 ASCE Code

1997 National Standard Code

everybody who is involved with the  
plumbing industry

IFPC - only building officials can vote  
usually develop the building code -

These three  
codes are  
the basis  
of the UPC

IATMO - full participation

Appendix L - provide provision in <sup>AK</sup> statute  
that addresses the contents of Appendix L

Section 301.2 - contains the provisions contained  
in Appendix L - it is the same -

Solysberg -  
Appendix L is already included in the

Kubira - simply trying to adopt the code by regulation -  
Repeal the more uniformly and the less discretion by building  
official -

03/25/98  
15:06:58

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM  
PARTICIPANT LIST (ALL PARTICIPANTS)  
TCN:80535 SCHEDULED FOR:03/25/98 15:15 TO 17:15  
PUBLIC HEARING HOUSE LABOR & COMMERCE

LTN1150  
BY:SIT  
FOR:SIT

LOCATION:SITKA

SB 269 PETE JURCZAK DEPT. OF LABOR TESTIFY

03/25/98  
15:08:34

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM  
PARTICIPANT LIST (ALL PARTICIPANTS)  
TCN:80535 SCHEDULED FOR:03/25/98 15:15 TO 17:15  
PUBLIC HEARING HOUSE LABOR & COMMERCE

LTN1150  
BY:FBX  
FOR:FBX

LOCATION:FAIRBANKS

SB 269 MR. STEVE SHUTTLEWORTH CITY OF FBX TESTIFY  
SB 269 MR. LARRY LONG CITY OF FBX TESTIFY

03/25/98  
15:12:55

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM  
PARTICIPANT LIST (ALL PARTICIPANTS)  
TCN:80535 SCHEDULED FOR:03/25/98 15:15 TO 17:15  
PUBLIC HEARING HOUSE LABOR & COMMERCE

LTN1150  
BY:ANC  
FOR:ANC

LOCATION:ANCHORAGE

SB 269 RON WATTS BLDG/MUNI OF ANCTESTIFY

03/25/98  
15:53:54

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM  
PARTICIPANT LIST (ALL PARTICIPANTS)  
TCN:80535 SCHEDULED FOR:03/25/98 15:15 TO 17:15  
PUBLIC HEARING HOUSE LABOR & COMMERCE

LTN1150  
BY:ANC  
FOR:ANC

LOCATION:ANCHORAGE

SB 269 RON WATTS BLDG/MUNI OF ANCTESTIFY  
HB 438 FLOYD DAMRON NAIC TESTIFY

# Municipality of Anchorage



P.O. Box 196650  
Anchorage, Alaska 99519-6650  
Telephone: (907) 343-4000  
Fax: (907) 343-4583  
<http://www.ci.anchorage.ak.us>

*Rick Mystrom, Mayor*

March 24, 1998

OPERATIONS MANAGER

Representative Norman Rokeberg, Chairman  
House Labor & Commerce Committee  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801

Re: Senate Bill 269, An Act relating to the state plumbing code

Dear Representative Rokeberg:

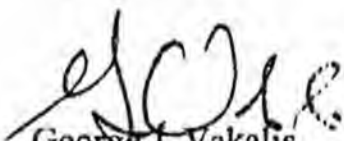
The Municipality of Anchorage supports revising the state plumbing code to reflect more current versions of the Uniform Plumbing Code. We also support allowing administrative latitude to adopt by regulation later editions of the Code.

There is, however, a national effort underway to produce a complete family of building codes by the year 2000. These codes will be coordinated so a jurisdiction may adopt the complete family of codes as a package. The coordinated codes will be under the International Code format and could not be adopted as a complete package under current statutes.

We recommend a language change in Section 1, Paragraph (a) or in another appropriate place in the bill, to add: "other nationally recognized codes". This language will give flexibility to adopt the new codes in the future.

If you wish additional information, please feel free to contact Ron Watts, Building Official at 907/343-3301 or email at [WattsRK@ci.anchorage.ak.us](mailto:WattsRK@ci.anchorage.ak.us).

Sincerely,

  
George J. Vakalis  
Operations Manager



7800 KING STREET ♦ Suite B  
ANCHORAGE ♦ ALASKA 99518  
☎ 907-522-6699 ♦ Fax 907-522-6700  
E-Mail: sirianni@alaska.net

4-2-98

FAX TRANSMITTAL

Representative **NORMAN ROKEBERG**  
JUNEAU, AK

Subject: HB269

It has just come to my attention that Senate Bill 269 has been forwarded to the House and referred to the House labor and Commerce Committee.

The passage of this Bill is a not in the best interest to the plumbing and heating industry, and is prejudicial towards the PEX (cross-linked polyethylene) products. As the Technical Associate, manufacturers representative for REHAU (pronounced Ray-How) I have a vested interest in PEX plumbing and heating products. My first instinct is to squash passage of this bill, and leave the adoption of the UPC or other codes to each municipality or borough. Failing that, I object to the wording of Section 1 lines 5 and 6. This bill if passed will lock all home rule cities into adoption of only the Uniform Plumbing Code. I believe that the State of Alaska should be able to have an option to adopt any nationally recognized model code.

There is a national effort underway to produce, by the year 2000, a national or international code(s). These codes are referred to as a family of codes. Senate Bill 269 would create fragmentation contrary to the goal of a national or international code structure. Regardless, the State of Alaska should have an option to adopt the most appropriate code.

I also strongly object to Section 1, line 10, which excludes adoption of appendix L, Alternate Plumbing Systems. If the State is to adopt the UPC then it should adopt all of it, the good and the bad or not at all, and allow the various municipalities, and home rule cities the option of amending the code as they have done in the past. The deletion of appendix L, which recognizes alternate methods, materials and products, will be costly to the State, and in particular bush communities, which can benefit from new technologies. I see no compelling reason not to adopt appendix L.

Sincerely,

Dennis F. Sirianni  
cc: Eric Mingo, Rehau Inc. - Leesburg, VA

# F A X T R A N S M I T T A L S H E E T

( P l e a s e D e l i v e r a t O n c e )

DATE: 24 March, 1998 FAX NO. (907) 465-2040  
COMPANY: House of Representative L&C Committee  
ATTN: Representative Norm Rokeberg  
REFER.: CSSB269 Plumbing Code  
SUBJECT: Amendments  
FROM: Doug Green, AIA

## REP. ROKEBERG

I am writing you as a member of the Alaska Professional Design Council (APDC) and the American Institute of Architects, Alaska Chapter, Government Affairs Chair. We have provided input on SB269 and would like to add additional language at this time. We support the CS for SB 269. We also support the concept of allowing the State of Alaska the choice in the future of other "national codes" that might be acceptable in the future. To lock the state into UPC may not be prudent in the future when there will be an international code established. Therefore we would like to propose the following amendment (add the underlined text):

BILL ID: CSSB 269(L&C)

00 CS FOR SENATE BILL NO. 269(L&C)

01 "An Act relating to the state plumbing code, and providing for an effective  
02 date."

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

04 \* Section 1. AS 18.60.705(a) is amended to read:

05 (a) Except as provided otherwise in this section, and unless the department  
06 adopts by regulation a later edition of the following publications or another nationally recognized code,  
07 the following

07 publications are adopted as the minimum plumbing code for the state.

08 (1) paragraphs 101.3 - 101.5.6, 103.5.1.1 - 103.5.1.4, 103.5.3.5 [103.5.3

09 - 103.5.3.7], 103.5.4.2, 103.5.5.1 - 103.5.5.2, 103.5.6.1 - 103.5.6.3, and 103.8 - 103.8.2

10 of chapter 1, chapters 2 - 14, and the appendices A through K of the 1997 [1994]

11 edition of the Uniform Plumbing Code published by the International Association of  
12 Plumbing and Mechanical Officials and adopted at the 67th [64th] annual conference,

13 September 1996, excluding Table 4.1, "Minimum Plumbing Facilities," and adding

14 Appendix Chapter 29, Table A - 29 - A, "Minimum Plumbing Fixtures," of the

01 1997 edition of the Uniform Building Code published in April 1997 by the

02 International Council of Building Officials [1993],

03 (2) the 1997 [1994] edition of the Uniform Swimming Pool, Spa, and

04 Hot Tub Code published by the International Association of Plumbing and Mechanical

05 Officials and adopted at the 67th [64th] annual conference, September 1996 [1993].

06 excluding pages 1 - 8 of Part I, Administration; and  
07 (3) the 1997 [1994] edition of the Uniform Solar Energy Code  
08 published by the International Association of Plumbing and Mechanical Officials and  
09 adopted at the 67th [64th] annual conference, September 1996 [1993], excluding pages  
10 1 - 7 of Part I, Administration.

11 \* Sec. 2. REGULATIONS. The Department of Labor may adopt regulations to implement  
12 the provisions of this Act. The regulations take effect under AS 44.62 (Administrative  
13 Procedure Act), but not before the effective date of sec 1 of this Act.

14 \* Sec. 3. Section 2 of this Act takes effect immediately under AS 01.10.070(c).

15 \* Sec. 4. Except as provided in sec. 3 of this Act, this Act takes effect January 1, 1999

Thank you for your consideration of this amendment at the hearing on 25 March 1998. I will be available tomorrow at this number if you have questions - (907)563-8474. FAX (907)563-4572

Sincerely,

Doug Green, ALA

IF YOU HAVE ANY QUESTIONS PLEASE CALL.

PAGE 2 OF 2

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M C C O O L                      C A R L S O N                      G R E E N  
901 West 29th Avenue Anchorage, Alaska 99503/ 907-563-8474



CITY OF

FAIRBANKS

March 24, 1998

Representative Norman Rokeberg  
Chairman, Labor & Commerce Committee  
State Capitol, Room 24  
Alaska House of Representatives  
Juneau, AK 99801-1182

RE: Senate Bill No. 269

Dear Representative Rokeberg:

You have received a letter from the City of Fairbanks' Building Official stating the City of Fairbanks does not support Senate Bill No. 269 in its present form. This statement is not correct. To the best of my knowledge, the City of Fairbanks Code Review Commission has not discussed this issue nor does Mr. Shuttleworth have the authority to make this statement. The Fairbanks City Council certainly has not taken any position or action on this issue and to the contrary of the earlier statement, would support the present form of this bill.

Giving local municipalities a full range of options, if and when they become available, is not good public policy when life/safety issues involve something as important as the State Plumbing Code. Until such time as the unknown is stated and can be reviewed, it is my opinion, the Uniform Plumbing Code has served the City of Fairbanks well.

Thank you for your time. If you have further questions, please feel free to call me at (907) 452-3608.

Best Regards,

A handwritten signature in cursive script, appearing to read "Romar E. Swarner".

Romar E. Swarner  
Fairbanks City Council, Seat B  
City of Fairbanks

RES/ps

cc: Mayor James C. Hayes  
Councilman Boko  
Councilman Allen  
Councilman Whitaker  
Councilman Cleworth  
Councilman Immel  
Interior Delegation

*the GOLDEN HEART CITY .... "extremely Alaska"*  
410 Cushman Street Fairbanks, Alaska 99701

TO: Governor Tony Knowles  
 COMPANY: STATE OF ALASKA  
 LOCATION: JUNEAU AK  
 REF: HB 269  
 FROM: David Lumley  
 DATE: 4-2-98  
 COVER SHEET PLUS Ø PAGE(S)

a.c.  
 Senator Phillips  
 Rep. KOTT  
 Rep. Rokeberg  
 Senator Lemon  
 Senator Mackie  
 Rep. Kelly

**FRONTIER PLUMBING SUPPLY INC.**



PLUMBING  
 &  
 HEATING  
 SUPPLIES  
 David Lumley  
 MANAGER

Ph (907) 452-4321  
 Fax (907) 451-0889

2120 Van Horn Road  
 Fairbanks, Alaska 99701

Dear Sir,

The passing of House Bill 269 is NOT in the best interest of our plumbing and heating industry nor in the best interest of the various outlying communities. The adoption of the LPA should be in its entirety and NOT Exclude Appendix L (section 1 line 1c). Deletion of this would be a great burden to the communities that need this option to new technologies. I would like to see this Bill Voted if it does pass!

Thank You  
 David Lumley  
 Manager

STATE OF ALASKA  
JUNE 13 1998

TONY KNOWLES, GOVERNOR

**DEPARTMENT OF LABOR**

**LABOR STANDARDS AND SAFETY DIVISION**

P.O. BOX 21149  
JUNEAU, ALASKA 99802-1149  
PHONE: (907) 465-4855  
FAX: (907) 465-3584

04-18-98P12:23 RCVD

April 13, 1998

David Lumley, Manager  
Frontier Plumbing Supply Inc.  
2120 Van Horn Road  
Fairbanks, AK 99701

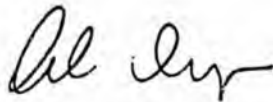
Dear Mr. Lumley:

The Governor's Office has asked me to respond to your letter concerning SB 269 which proposes the adoption of the Uniform Plumbing Code (UPC). Your concern regarding the omission of the UPC's Appendix L has been addressed. The Department of Labor (DOL) has asked that Appendix L be included in the bill.

Appendix L was deleted from the bill in the first draft because it was thought to be redundant to the existing waiver process in 8 AAC 63.025. Also addressed in Appendix L is the single walled heat exchanger exception which is already specifically addressed in AS 18.60.705. Since the DOL has no objection to the inclusion of Appendix L and that the clarification it brings to the approval process is beneficial to the state and the industry, I see no reason why the bill should not include it.

Mr. Dwight Perkins, DOL Legislative Liaison, has informed the Legislators of our position on this matter. We appreciate your concern and thank you for taking the time to write.

Sincerely,



Al Dwyer  
Director

cc: Senator Leman  
Senator Mackie  
Senator Philips  
Representative Kelly  
Representative Kott  
Representative Rokeberg



ahba

Affiliated with NAHB

Honorable Norm Rokeberg, Chairman  
Labor and Commerce Committee  
Alaska House of Representatives, State Capitol  
Juneau, AK 99801-1182

March 24, 98

RE: CS for Senate Bill No 269 (L&C)

Dear Representative Rokeberg:

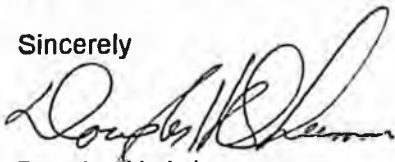
The Anchorage Home Builders Association supports the passage of Senate Bill No. 269. We have only one concern and that is with the wording concerning recognized codes.

The National Home Builders Association, with representative members from Anchorage, has been involved in the development of the new International Building Codes and its associated International Residential Codes. The first draft of these codes is out and is anticipated to be in effect by late next year.

The Anchorage Home Builders Association is concerned that the present language will prevent the adoption of these codes. Therefore we request the following language change. Section 1, Paragraph (a). We recommend a language change to add the words "other nationally recognized codes"; this will provide the flexibility for future code adoptions.

Please feel free to contact either myself (907) 522-3506 or Bill Taylor (907) 244-6233 if you have any additional questions.

Sincerely



Douglas H. Askerman  
Executive Officer



**ANCHORAGE HOME BUILDERS ASSOCIATION, INC.**

8301 Schoon Street, Suite 200 • Anchorage, AK 99518 • (907) 522-3605 • Fax (907) 522-3757

**ALASKA PIPE  
& SUPPLY**35030 K BEACH RD.  
P.O. BOX 4168  
SOLDOTNA, AK 99689(907) 262-5990  
Fax: (907) 262-1935

April 9, 1998

To: Norman Rokenberg  
Fax # 1-907-465-2040

RE: Senate Bill 269 "An act relating to the state plumbing code; and providing for an effective date"

It has come to our attention that Senate Bill 269 has been forwarded to the State House and referred to the House Labor & Commerce Committee.

This bill, at current will lock all home rule cities into the adoption of ONLY the Uniform Plumbing Code. We feel that Alaska home rule cities should be allowed to choose and enforce any nationally recognized code and not be limited to UPC

Appendix L, which recognizes alternate methods, materials, and products has been deleted from the code. Not incorporating Appendix L prevents Alaskan contractors from using the latest technology and less labor intensive plumbing systems.

There is a national effort underway to produce a complete family of building codes by the year 2000. These codes will be coordinated so a jurisdiction may adopt the complete family of codes as a package. The coordinated codes will be under the International Code format and could not be adopted as a complete package under current statutes.

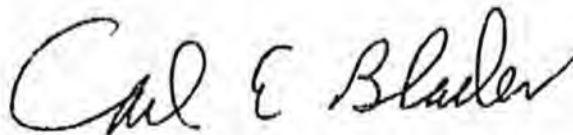
We recommend that Section 1 Paragraph (a) be revised as follows:

- (A) Except as provided otherwise in this section, and unless the department adopts by regulation other nationally recognized codes, (a later edition of the following publications), the following publications are adopted as the minimum plumbing code for the state:

We also recommend that Appendix L be adopted. Appendix L is entitled Alternate Plumbing Systems. This appendix would recognize professionally engineered systems. There is no compelling reason not to adopt this appendix.

We join with the City of Anchorage and the City of Fairbanks in the support of the revised language. Thank you for your time.

Sincerely,



**ALASKA PIPE  
& SUPPLY**

a division of Familian NW

3105 INDUSTRIAL AVE.  
FAIRBANKS, AK 99701(907) 456-1234  
Fax: (907) 451-6244

April 8, 1998

Representative Norman Rokeberg  
House of Representatives  
Juneau, AK 99801

Dear Representative Norman Rokeberg:

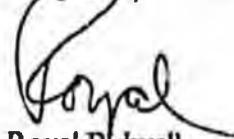
Senate Bill 269 needs to be radically altered before it is voted on if it is to render the greatest possible benefit to all Alaskans.

If it is passed in its present form it will make products like Wirsbo Aquapex unavailable to Alaska construction projects. Wirsbo Aquapex is a very high quality, durable, inexpensive, and labor saving plumbing material being widely used in the lower 48 states, along with similar products by other manufacturers. All of these are excluded from the UPC.

Another product that is excluded in the UPC is stainless steel flexible gas tubing. It has been widely used in the lower 48 states for years very successfully. Again, it is a high quality, durable, inexpensive, and labor saving product. The alternative is to use black steel pipe, which has to be cut to length piece by piece, threaded, and screwed together. With the materials and methods available today, that is archaic.

Clearly someone has an agenda here, but I hope you do not allow it to override common sense and your responsibility to all Alaskans. I encourage you to adopt the language submitted by the City of Fairbanks Building Department.

Very Truly Yours,

  
Royal Bidwell

**ALASKA PIPE  
& SUPPLY**

a division of Familian NW

3105 INDUSTRIAL AVE.  
FAIRBANKS, AK 99701(907) 456-1234  
Fax: (907) 451-6244

April 2, 1998

Representative Norman Rokeberg  
House of Representatives  
Juneau, AK 99801

Dear Representative Norman Rokeberg:

Senate Bill 269 is seriously flawed in that it excludes forever all other codes. The UPC today is by far the most conservative and expensive code in the country. It would be a terrible mistake to put the people of our state at a disadvantage by forcing them to put a greater portion of their resources into new construction than anyone else in the country. It would be a terrible mistake to deny the people of Alaska access to new, better, less expensive materials by adopting the most conservative code in the U. S.

At the very least I encourage you to accept the language suggested by the Municipality of Anchorage and City of Fairbanks.

Very Truly Yours,

  
Royal Bidwell

**AIA Alaska**  
A Chapter of the American Institute of Architects



9 March, 1998

1998 Alaska State Legislature

RE: SB 269 Plumbing Code

Dear Legislators:

The American Institute of Architects Alaska Chapter (AIA) is very concerned about this bill. It binds the State of Alaska to the Uniform Plumbing Code now and into the future. We would like to see the underlined words inserted into the bill as follows:

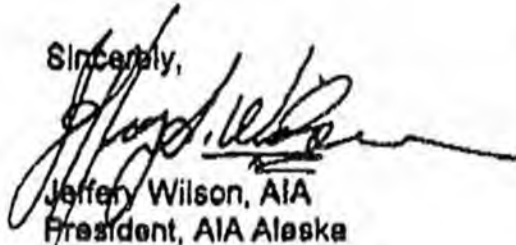
(a) Except as provided otherwise in this section, and unless the department adopts by regulation a later edition of the following publications, or another nationally recognize code the following publications are adopted as the minimum plumbing code for the state:

This would allow the State of Alaska to choose which code it would best be served by in the future. There is a move afoot nationally that would unify the codes into a family of codes by the year 2000. Included in this body of codes is a new plumbing code that Alaska could not even consider if this bill were to pass in its current state.

We urge you to consider amending this bill to give Alaska the freedom to choose.

Please let us know if there is any further information that we can provide you. Thank you for your consideration and support of this issue.

Sincerely,



Jeffrey Wilson, AIA  
President, AIA Alaska



Douglas Green, AIA  
Chair, Government Affairs

P.O. Box 103563  
Anchorage, Alaska 99510 3563  
907-276-2834

\*\*\*ENC\*\*\*



## ALASKA STATE HOME BUILDERS ASSOCIATION

### **RE: CS for Senate Bill No 269**

Dear Representative:

The Alaska State Home Builders Association supports the passage of Senate Bill No. 269. We have only one concern and that is with the wording concerning recognized codes.

The National Home Builders Association, with representative members from Alaska, has been involved in the development of the new International Building Codes and its associated International Residential Codes. The first draft of these codes is out and is anticipated to be in effect by late next year.

We believe that the UPC is the most costly, onerous, and restrictive of all the plumbing codes used throughout the United States. The adoption of this statute, without amendments, will strictly limit the ability of individuals to finance new homes. It will restrict communities from adopting alternative codes more suited for their environment and seriously hinder the adoption of the new International Building Codes and the International Residential Codes prior to the year 2000. The adoption of this statute, as written, will not assist Alaskan citizens' one single bit.

The Alaska State Home Builders Association is concerned that the present language will prevent the adoption of the new International codes. Therefore we request the following language change. Section 1, Paragraph (a). We recommend a language change to add the words "other nationally recognized codes"; this will provide the flexibility for future code adoptions.

Please feel free to contact either myself (907) 522-3506, Bill Taylor (907) 244-6233, Steve Shuttlesworth (907)459-6725 or Ron Watts (907) 343-8301 if you have any additional questions.

Sincerely  
Douglas H Askerman  
Executive Officer

**PSi****PROCTOR  
SALES INC.**5401 Cordova Street  
Unit #303  
Anchorage, AK  
98518-1273  
FAX (907) 562-0503  
(907) 562-2608

April 9, 1998

To: Norman Rokenberg  
PO Box 221721  
Anchorage, AK 99502-1721  
907-465-2040 fax

RE: Senate Bill 269 "An act relating to the state plumbing code; and providing for an effective date."

It has come to our attention that Senate Bill 269 has been forwarded to the State House and referred to the House Labor & Commerce Committee.

This bill, at current, will lock all home rule cities into the adoption of ONLY the Uniform Plumbing Code. We feel that Alaska home rule cities should be allowed to choose and enforce any nationally recognized code and not be limited to UPC.

Appendix L, which recognizes alternate methods, materials, and products, has been deleted from the code. Not incorporating Appendix L prevents Alaskan contractors from using the latest technology and less labor intensive plumbing systems.

There is a national effort underway to produce a complete family of building codes by the year 2000. These codes will be coordinated so a jurisdiction may adopt the complete family of codes as a package. The coordinated codes will be under the International Code format and could not be adopted as a complete package under current statutes.

We recommend that Section 1 Paragraph (a) be revised as follows:

- (A) Except as provided otherwise in this section, and unless the department adopts by regulation other nationally recognized codes, (a later edition of the following publications), the following publications are adopted as the minimum plumbing code for the state:

We also recommend that Appendix L be adopted. Appendix L is entitled Alternate Plumbing Systems. This appendix would recognize professionally engineered systems. There is no compelling reason not to adopt this appendix.

We join with the City of Anchorage and the City of Fairbanks in support of the revised language. Thank you for your time.

Sincerely,



Tay Epperson  
Sales Representative

# Council blasts councilman over letter to Legislature

By DOUGLAS FISCHER  
Staff Writer

Two weeks ago, City Councilman Romar Swarner sent a letter to the Legislature that said prior testimony from Fairbanks' building official was unauthorized and incorrect. The council, he said, would support a measure establishing one plumbing code for the state.

But the council never voted on the matter, and the building official could indeed speak on the city's behalf. The council, in a uproar, passed a hastily crafted resolution late Monday to undo the damage, and now Swarner faces a possible censure.

"Not only did he speak for the council, he overrode those who are authorized to speak for the city," said Councilman Jim Whitaker. "Romar Swarner is not authorized to speak on behalf of the city. He's authorized to speak as Romar Swarner, city council person."

Whitaker has given Swarner two weeks to publicly apologize to the mayor, the city council and building official Steve Shuttleworth for his March 24 letter. "If he doesn't," Whitaker said, "it will be up to the council to decide if this is an activity that should be censured."

Councilman Jerry Cleworth was particularly irked that Swarner never consulted with other council members either before or after sending the letter. The letter indicated the council received carbon copies, but none were sent. Shuttleworth learned of the letter Friday after a senator forwarded a copy.

"To undermine the mayor and a building official—that's pretty bad," Cleworth said. "I have no right to speak for the council, and neither does he."

Swarner admits that he "probably misspoke" in offering the council's support. "I would apologize that that may not have been a proper statement," he said Tuesday. But he stands by the

See COUNCIL, Page B-2

FAIRBANKS  
Daily News - Miner

## LOCAL

### COUNCIL

Continued from Page B-1  
rest of his letter and maintains that Senate Bill 269 would harm the city.

The measure, currently awaiting a House vote, would limit the state to one standard for plumbing—the Uniform Plumbing Code, known as the UPC.

Shuttleworth and a majority on the council oppose the measure, saying the code neither recognizes materials—such as various plastic pipes—nor methods that save labor and reduce building costs.

In two letters written in mid-March, Shuttleworth said the city of Fairbanks objected to current wording and urged lawmakers to amend the bill to allow the state Department of Labor to adopt "other nationally recognized codes."

But Swarner's letter said Shuttleworth was incorrect. "To the best of my knowledge, the city of Fairbanks Code Review Commission has not discussed this issue nor does Mr. Shuttleworth have the authority to make this statement," Swarner wrote.

"The Fairbanks City Council certainly has not taken any position or action on this issue and, to the contrary of the earlier statement, would support the present form of the bill."

Monday night, the council took a position. After fiery debate that centered largely on Swarner's letter, the council passed a "resolution of strong objection" to SB 269's current language. It was faxed Tuesday to House Speaker Gail Phillips.

The uniform code, said Cleworth, "is a good-ol'-boy's code. It's very labor-intensive."

Shuttleworth points to a study that shows how methods prohibited by the UPC but allowed under another code can reduce plumbing costs for a typical single-family house by as much as 50 percent.

The Labor Department—where Swarner works as an investigator—supports SB 269's current language, said special assistant Dwight Perkins, because no other code is as complete and every plumber in Alaska already knows the UPC—the state standard.

"Plumbing code isn't about using the cheapest materials and the shortest way," Perkins said. "It's about public health and safety."

# Alaska State Legislature

## Senate



Official Business

State Capitol  
Juneau, AK. 99801-1182

### Senate Labor & Commerce Committee

#### Sponsor Statement SB 269: Plumbing Code

SB 269 simplifies the process for adopting the Uniform Plumbing Code for Commercial , Industrial and Residential plumbing systems and its related codes dealing with swimming pools, spas, hot tubs, and solar energy. The International Association of Plumbing and Mechanical Officials (IAPMO) is responsible for publishing these codes. **They publish an update every three years. Alaska is presently working on the 1994 code. A new 1997 code is forthcoming and legislative action is required before the new codes may be used by contractors in Alaska.**

This legislation adopts the 1997 code and will hereafter, allow the Department of Labor to automatically adopt through the regulatory process the latest published version of the national code as provided by the IAPMO as the minimum state plumbing code. This is efficient government. The Department of Labor currently adopts other codes it is responsible to enforce such as the electrical, elevator, and boiler/pressure vessel codes in this manner.



**INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS**

20001 Walnut Drive South • Walnut, California 91789-2825 • Phone 909-595-8449 • Fax 909-594-3690

From the Desk of:  
*Donald Laughlin*

March 2, 1998

State of Alaska  
Senator Loren Leman, Chairman  
Senate Labor and Commerce Committee  
Juneau, Alaska 99801

Dear Chairman and Committee Members:

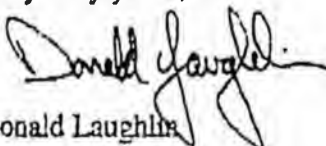
My name is Donald Laughlin and I am the Director of Administration of the **International Association of Plumbing and Mechanical Officials (IAPMO)**. It is my pleasure to submit comments in support of Senate Bill 269 which provides for the adoption of the *1997 Uniform Plumbing Code (UPC)*.

IAPMO has continuously published the UPC since the early 1950's. For many years, the State of Alaska has adopted the UPC. The Code is also adopted in more than thirty (30) States and in thousands of municipalities throughout the United States. The Code is also adopted in foreign countries as the basis for sanitary provisions. The 1997 edition is the most technologically advanced plumbing code ever published.

IAPMO and its co-sponsors, the National Association of Plumbing, Heating, Cooling Contractors (NAPHCC), and the Mechanical Contractors Association of America (MCAA) utilize a industry consensus process to develop and maintain the provisions contained in the UPC. Thus, all effected parties have the opportunity to vote on amendments made to the code. The code is updated annually and published every three (3) years.

I would be pleased to provide additional information should the committee see the need.

Very truly yours,

  
Donald Laughlin



CITY OF

FAIRBANKS

March 11, 1998

Norm Rokeberg, Chairman  
Labor and Commerce Committee  
Alaska House of Representatives, State Capital  
Juneau, Alaska 99801-1182

Re: Senate Bill 269/ Adoption of the Uniform Plumbing Code

Dear Representative Rokeberg:

The City of Fairbanks does not support Senate Bill No. 269 in its present form. Specifically we object to the wording in line 5 and 6 of Section 1. The proposed bill seeks to establish and recognize only the Uniform Plumbing Code as the State Plumbing Code. This bill would prohibit home rule cities from adopting any other nationally recognized model code.

During the year 2000 most codes will be under an international or national format. This bill if adopted would create a fragmented code package which is contrary to the adoption of a family of codes that are internally coordinated. We believe that it is in the States best interest to have an option to adopt any nationally recognized model code. Eliminating options as proposed by Senate Bill 269 is not prudent public policy.

The City of Fairbanks is also curious as to the reason why Appendix L was deleted from adoption, reference line 10 Section 1. Appendix L is entitled Alternate Plumbing Systems and was added to the code to allow professionally engineered designed systems. Why is The State of Alaska adverse to recognizing a plumbing system designed by a professional licensed Mechanical engineer?

We recommend that Section 1, Paragraph (a) be revised to read as follows:

(a) Except as provided otherwise in this section, and unless the department adopts by regulation other nationally recognized codes a later edition of the following publications] the following publications are adopted as the minimum plumbing code for the state:

We also recommend that Appendix L be adopted as there is no compelling reason not to adopt.

If you have any questions or require further clarification please give me a call at 459-6725.

Sincerely,

Steve Shuttleworth, Building Official  
City of Fairbanks Building Department

SJS/jm

cc: Mayor James Hayes  
Code Review Commission  
Ron Watts, Building Official, Municipality of Anchorage  
Interior Delegation

c:\bd\corresp\letter\sjs0311rokberg

the GOLDEN HEART CITY ... "extremely Alaska"

440 Cushman Street Fairbanks, Alaska 99701  
800



**WESTERN  
MECHANICAL, INC.**

Shop: 2225 Van Horn Road  
Telephone: 452-1831  
Fax: 456-3493  
Contractor License #  
AA333

P.O. BOX 60067

FAIRBANKS, ALASKA 99706-0067

March 12, 1998

Representative Norman Rokeberg, Chairman  
Labor & Commerce Committee  
House of Representatives  
State Capitol, Room 13  
Juneau, AK 99801-1182

Re: CS for Senate Bill No. 269 (L&C)

Dear Representative Rokeberg:

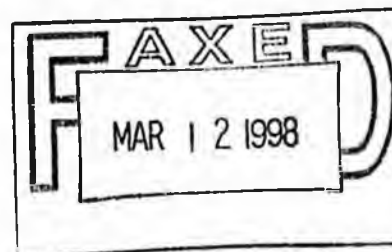
We support passage of SB269 without objection. However, we would prefer to include Appendix L of the 1997 edition of the Uniform Plumbing Code; we see no reason not to include this Appendix.

The City of Fairbanks and the Municipality of Anchorage have objected to the revised verbage at lines 5 and 6, and we understand their concerns. Therefore, we propose that their suggested wording be added without deleting the verbage submitted by the Department of Labor. Section 1, paragraph (a) would then read:

(a) Except as provided otherwise in this section, **and unless the department adopts by regulation a later edition of the following publications or other nationally recognized codes**, the following publications are adopted as the minimum plumbing code for the state:

Yours truly,  
WESTERN MECHANICAL, INC.

Michael C. Desmond  
President





**UNITED ASSOCIATION**

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

Founded 1889

Letters should  
be confined to  
one subject

UA Local Union: **375**  
**3568 Geraghty Street, Fairbanks, Alaska 99709**

Subject: **CS for Senate Bill No. 269 (L&C)**

Martin J. Maddaloni  
*General President*

Michael A. Collins  
*General Secretary-Treasurer*

C. Randal Gardner  
*Assistant General President*

March 13 1998

**The Honorable Norman Rokeberg, Chairman  
Labor and Commerce Committee  
Alaska House of Representatives, State Capitol  
Juneau, Alaska 99801**

**Dear Representative Rokeberg:**

**The Fairbanks Local Union #375 of the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada strongly supports Senate Bill 269. U.A. Local Union #375 concurs with Alaska Department of Labor in its efforts to maintain the authority to adopt the 1997 Uniform Plumbing Code (UPC).**

**I have been the Agent or Business Manager of Local 375 for 25 years. During my 35 years in the trade, the UPC has been the adopted plumbing code in the State of Alaska. If the state adopted a code other than the UPC, it would have significant fiscal impact to the state and to the industry because of the cost of retraining contractors, plumbers, engineers and mechanical administrators. Our journeyman and apprentice training program has certified hundreds of workers to the UPC, and they have received the State of Alaska Certificate of Fitness card, which certifies understanding of the UPC code. This is a valuable certificate because the UPC code is currently used in over thirty states as their accepted plumbing code. It means that an Alaskan certified worker can travel throughout the United States and work when the construction industry is slow in Alaska without having to study and learn a new code in each state.**

**U. A. Local Union #375 supports the Uniform Plumbing Code adoption in the State of Alaska because it is the most widely accepted code in our country.**

**Sincerely,**

**J.C. Wingfield  
Business Manager  
Financial Secretary-Treasurer**



**UNITED ASSOCIATION**  
of Journeymen and Apprentices of the  
Plumbing and Pipe Fitting Industry of  
the United States and Canada

Founded 1889

Letters should  
be confined to  
one subject

UA Local Union:

**367**

**610 W 54<sup>th</sup>**

Subject:

**Anchorage, AK 99518-1197**

Martin J. Maddaloni  
*General President*

Michael A. Collins  
*General Secretary-Treasurer*

C. Randal Gardner  
*Assistant General President*

**March 23, 1998**

Representative Norm Rokeberg, Chairman  
Labor & Commerce Committee  
Alaska House of Representatives  
State Capital  
Juneau, AK 99801-1182

**SUBJECT: SB 269**


Dear Representative Rokeberg:

On behalf of the Anchorage Plumbers Union, U.A. Local 367, I want to encourage your committee's support for passage of Senate Bill 269.

Those of us working in the plumbing industry recognize the importance of codes such as the Uniform Plumbing Code (UPC). Adoption of this code is a fulfillment by the authorities of the state to uphold the faith of its citizens that they will continue to enjoy the protections afforded by adoption of the Uniform Plumbing Code.

Twenty nine other states and many foreign countries have likewise seen the wisdom of adopting this code. The contractors, installers and inspectors of plumbing systems are already trained in and familiar with the provisions of the UPC. It is a proven code. It's continued adoption is strongly recommended.

Sincerely,

  
Larry Gallagher  
Business Manager  
U.A. Local 367

03-25-98A10:05 RC10



# Municipality of Anchorage

*Rick Mystrom, Mayor*



## Building Safety Division

P.O. Box 196880 • 3300 East Tudor Road  
Anchorage, Alaska 99519-0680  
(907) 343-8301

February 19, 1998

**TO:** Municipality of Anchorage Board of Building Regulation Examiners and Appeals

**FROM:** Building and Fire Code Review Committee

This letter is in response to the letter dated February 4, 1998 from the Uniform Plumbing Code Review Committee. Our committee recommends that Chapter 29, Plumbing Systems, and Appendix Chapter 29 Minimum Plumbing Fixtures, be adopted in the 1997 Uniform Building Code. Section 2901 refers to the Plumbing Code as follows: "Plumbing systems shall comply with the Plumbing Code." Table 4-1 Minimum Plumbing Facilities should be deleted from the 1997 Uniform Plumbing Code.

Our recommendation is based on the following (please refer to the attached Plumbing Fixture Count comparison):

1. Prior to the 1981 Uniform Plumbing Code, Appendix C: Minimum Plumbing Facilities did not have a required methodology for determining the number of persons for which fixtures needed to be provided. It was assumed to be actual occupants of the building. The revised 1991 UPC Appendix C tied the occupant load into Table 33A of the UBC, "The number of occupants shall be determined by minimum exiting requirements." Footnote 3 of Table 33A states, "This table shall not be used to determine working space requirements per person."

This revision in the 1991 UPC created large increases in fixture counts in many facilities. The Anchorage School District commissioned a study of their own schools in 1994 which resulted in a Building Board approval for the ASD to determine their own fixture count.

2. The 1994 UBC wrote a new Appendix Chapter 29 for determining fixture counts that has been in use and is providing realistic fixture counts based on occupant counts separate from exiting requirements.
3. There are inconsistencies within the 1997 UPC table. See attached plumbing fixture count comparison. The 1997 UPC Table states that a warehouse is required to have 10 lavs and 6 water closets, while an assembly area is required to have 2 lavs and 6 water closets. A warehouse should not require more lavs than an assembly area.
4. The architects and designers who calculate and plan the fixture layouts are using the UBC. It will simplify the process to keep all design requirements within one manual.

We believe this is the best approach to simplify what has become a complicated problem and will still provide adequate facilities for public health and safety.

Respectfully submitted,

M. David Cole, Architect  
Chairman, Uniform Building and Fire Code Review Committee

c: Ron Warts, Building Official, Department of Public Works

277-2554

# PLUMBING FIXTURE COUNT COMPARISON

UBC - UNIFORM BUILDING CODE  
 UPC - UNIFORM PLUMBING CODE  
 ASD - ANCHORAGE SCHOOL DISTRICT

BUILDING TYPE	AREA	UBC OCCUPANT EGRESS		MALE/FEMALE OCC. LOAD			FIXTURE REQUIREMENTS									TOTAL FIXTURES UBC UPC				
		FACTORY	LOAD	UBC	UPC	ASD	MALE			FEMALE			LAVS							
							UBC	UPC	ASD	UBC	UPC	ASD	UBC	UPC	ASD					
ASSEMBLY AREAS	2500	15	187	42	83		2	2		0	1	0	2	3		4	2	8	8	
SCHOOL 1-6	5000	20	250	50	125	66	2	5	3	0	2	1	2	7	4	4	8	2	8	22
SCHOOL 7-12	5000	20	250	50	125	66	2	4	2	0	4	2	2	8	4	4	8	2	8	24
OFFICE BUILDING	10000	100	100	25	50		2	1		0	1	0	2	3		2	2		6	7
SCHOOL GYM (ASSEMBLY AREA)	6000	7	714	83	357		3	11	0	0	7	0	3	18		8	18		12	54
MULDON ELEMENTARY	18000	20	900	180	450	475	6	13	7	0	8	4	12	21	11	12	28	14	30	63

	AREA	UBC	UPC	ASD	MALE		FEMALE		LAVS		TOTAL FIX.		
					UBC	UPC	UBC	UPC	UBC	UPC	UBC	UPC	
RETAIL STORE	14,500	50	466	70	233	1	3	1	11	2	4	4	21
WAREHOUSE	70,000	500	100	10	50	1	3	1	3	1	10	3	16
* WORKSHOPS	20,246	—	—	14	14	2	4	2	4	2	9	6	17

MALE  
 WC  
 UPC UPC  
 1 3  
 1 3  
 2 4

UP/MALES  
 UPC UPC  
 0 3  
 / /  
 / /

ROW THOMPSON  
 12/6/94  
 FEMALE WC  
 UPC UPC  
 1 11  
 1 3  
 2 4

LAVS  
 UPC UPC  
 2 4  
 1 10  
 2 9

TOTAL FIX.  
 UPC UPC  
 4 21  
 3 16  
 6 17

\* MIXED OCCUPANCY

1997 UNIFORM PLUMBING CODE	BUILDING TYPE	AREA	97 UBC OCC. EGRESS FACTOR LOAD		50% MALE/FEMALE OCC. LOAD	MALE WC TT UPC		FEMALE WC TT UPC		LAVS TT UPC		TOTAL FIX TT UPC	
			FACTORY	LOAD		UBC	UPC	UBC	UPC	UBC	UPC	UBC	UPC
	RETAIL STORE	14,000 SF.	30	466	233	3		3		4		4	21
	WAREHOUSE	50,000 SF.	500	100	50	3			3	10		3	16
	WORKSHOPS (MANUFACTURING AREAS)	20,246 SF.	200	141	71	4			4	13		4	21
	ASSEMBLY AREAS (PUBLIC USE)	2500 SF.	15	167	83	1		1		2		1	8
	SCHOOL 1-6	5,000 SF.	20	250	125	5		2		8		5	20
	SCHOOL 7-12	5,000 SF.	20	250	125	4		4		8		5	21
	OFFICE BUILDING	10,000 SF.	100	100	50	3		1		4		4	12
	MULDON ELEMENTARY	18,000 SF.	20	900	450	15		6		26		18	65

**R & L PLUMBING  
P.O. BOX 2684  
VALDEZ, ALASKA 99686**

HOUSE LABOR AND  
COMMERCE COMMITTEE  
STATE CAPITOL (MS 3100)  
JUNEAU, AK.  
99801-1182

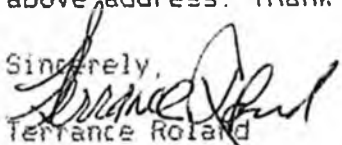
March 25, 1998

To whom it may concern,

I understand that you had a Bill regarding new Plumbing Codes that was heard today (S.B. 269). I was also told that several other plumbers testified on this bill.

I would be very interested in getting a copy of the audio-tape on your Committee today to in order to acquaint myself with the concerns of other plumbers on this bill S.B. 269. One of my friends is providing me with the Bill itself. Please send a copy of this tape to the above address. Thank you

Sincerely,

  
Terrance Roland

04-01-98 11:24 RC R

1997 U.P.C.

PLUMBING FIXTURES AND FIXTURE FITTINGS

Table 4-1

TABLE 4-1  
Minimum Plumbing Facilities<sup>1</sup>

Each building shall be provided with sanitary facilities, including provisions for the physically handicapped as prescribed by the Department having jurisdiction. For requirements for the handicapped, ANSI A117.1-1992, Accessible and Usable Buildings and Facilities, may be used.

The total occupant load shall be determined by minimum existing requirements. The minimum number of fixtures shall be calculated at fifty (50) percent male and fifty (50) percent female based on the total occupant load.

Type of Building or Occupancy <sup>2</sup>	Water Closets <sup>14</sup> (Fixtures per Person)		Urinals <sup>15</sup> (Fixtures per Person)	Lavatories (Fixtures per Person)		Bathubs or Showers (Fixtures per Person)	Drinking Fountains <sup>13</sup> (Fixtures per Person)
	Male	Female	Male	Male	Female		
Assembly Places - Theatres, Auditoriums, Convention Halls, etc. - for permanent employee use	1: 1-15	1: 1-15	0: 1-0	1 per 40	1 per 40		
	2: 16-35	3: 16-35	1: 10-50				
	3: 36-55	4: 36-55	Add one fixture for each additional 50 males.				
	Over 55, add 1 fixture for each additional 40 persons.						
Assembly Places - Theatres, Auditoriums, Convention Halls, etc. - for public use	1: 1-100	3: 1-50	1: 1-100	1: 1-200	1: 1-200		1: 1-150
	2: 101-200	4: 51-100	2: 101-200	2: 201-400	2: 201-400		2: 151-400
	3: 201-400	8: 101-200	3: 201-400	3: 401-750	3: 401-750		3: 401-750
	11: 201-400		4: 401-800	Over 750, add one fixture for each additional 500 persons.			Over 750, add one fixture for each additional 500 persons.
Dormitories <sup>6</sup> School or Labor	Male 1 per 10	Female 1 per 8	Male 1 per 25	Male 1 per 12	Female 1 per 12	1 per 8	1 per 150 <sup>12</sup>
	Add 1 fixture for each additional 25 males (over 10) and 1 for each additional 20 females (over 8).		Over 150, add 1 fixture for each additional 50 males.	Over 12 add one fixture for each additional 20 males and 1 for each 15 additional females.		For females, add 1 bathtub per 30. Over 150, add 1 per 20.	
Dormitories - for staff use	Male 1: 1-15	Female 1: 1-15	Male 1 per 50	Male 1 per 40	Female 1 per 40	1 per 8	
	2: 16-35	3: 16-35					
	3: 36-55	4: 36-55					
	Over 55, add 1 fixture for each additional 40 persons.						
Dwellings <sup>4</sup> Single Dwelling	1 per dwelling			1 per dwelling		1 per dwelling	
	Multiple Dwelling or Apartment House			1 per dwelling or apartment unit		1 per dwelling or apartment unit	
Hospital Waiting rooms	1 per room			1 per room		1 per 150 <sup>12</sup>	
Hospitals - for employee use	Male 1: 1-15	Female 1: 1-15	Male 0: 1-0	Male 1 per 40	Female 1 per 40		
	2: 16-35	3: 16-35	1: 10-50				
	3: 36-55	4: 36-55	Add one fixture for each additional 50 males.				
	Over 55, add 1 fixture for each additional 40 persons.						
Hospitals Individual Room	1 per room			1 per room		1 per room	
	Ward Room			1 per 10 patients		1 per 20 patients	
Industrial <sup>8</sup> Warehouses Workshops, Foundries and similar establishments - for employee use	Male 1: 1-10	Female 1: 1-10		Up to 100, 1 per 10 persons		1 shower for each 15 persons exposed to excessive heat or to skin contami- nation with poison- ous, infectious, or irritating material	
	2: 11-25	2: 11-25					
	3: 26-50	3: 26-50		Over 100, 1 per 15 persons <sup>7, 8</sup>			
	4: 51-75	4: 51-75					
	6: 76-100	8: 76-100					
	Over 100, add 1 fixture for each additional 30 persons						
Institutional - Other than Hospitals or Penal Institutions (on each occupied floor)	Male 1 per 25	Female 1 per 20	Male 0: 1-0 1: 10-50	Male 1 per 10	Female 1 per 10	1 per 8	1 per 150 <sup>12</sup>
			Add one fixture for each additional 50 males.				

Table 4-1

## UNIFORM PLUMBING CODE

Type of Building or Occupancy <sup>1</sup>	Water Closets <sup>14</sup> (Fixtures per Person)		Urinals <sup>15</sup> (Fixtures per Person)	Lavatories <sup>16</sup> (Fixtures per Person)		Bathrooms or Showers (Fixtures per Person)	Drinking Fountains <sup>17</sup> (Fixtures per Person)
	Male	Female	Male	Male	Female		
Institutional - Other than Hospitals or Penal Institutions (on each occupied floor) - for employee use	Male 1: 1-15 2: 16-35 3: 36-55 Over 55, add 1 fixture for each additional 40 persons.	Female 1: 1-15 2: 16-35 3: 36-55 4: 56-84 Over 84, add 1 fixture for each additional 40 persons.	Male 0: 1-9 1: 10-50 Add one fixture for each additional 50 males.	Male 1 per 40	Female 1 per 40	1 per 6	1 per 150 <sup>12</sup>
Office or Public Buildings	Male 1: 1-100 2: 101-200 3: 201-400 Over 400, add one fixture for each additional 300 males and 1 for each additional 150 females.	Female 3: 1-60 4: 61-100 8: 101-200 11: 201-400	Male 1: 1-100 2: 101-200 3: 201-400 4: 401-600 Over 600 add 1 fixture for each additional 300 males.	Male 1: 1-200 2: 201-400 3: 401-750 Over 750, add one fixture for each additional 500 persons	Female 1: 1-200 2: 201-400 3: 401-750		1 per 150 <sup>12</sup>
Office or Public Buildings - for employee use	Male 1: 1-15 2: 16-35 3: 36-55 Over 55, add 1 fixture for each additional 40 persons.	Female 1: 1-15 2: 16-35 3: 36-55 4: 56-84 Over 84, add 1 fixture for each additional 40 persons.	Male 0: 1-9 1: 10-50 Add one fixture for each additional 50 males.	Male 1 per 40	Female 1 per 40		
Penal Institutions - for employee use	Male 1: 1-15 2: 16-35 3: 36-55 Over 55, add 1 fixture for each additional 40 persons.	Female 1: 1-15 2: 16-35 3: 36-55 4: 56-84 Over 84, add 1 fixture for each additional 40 persons.	Male 0: 1-9 1: 10-50 Add one fixture for each additional 50 males.	Male 1 per 40	Female 1 per 40		1 per 150 <sup>12</sup>
Penal Institutions - for prison use Cell Exercise Room	1 per cell 1 per exercise room		Male 1 per exercise room	1 per cell 1 per exercise room			1 per cell block floor 1 per exercise room
Restaurants, Pubs and Lounges <sup>11</sup>	Male 1: 1-50 2: 51-150 3: 151-300 Over 300, add 1 fixture for each additional 200 persons	Female 1: 1-50 2: 51-150 3: 151-300 4: 301-400 Over 400, add 1 fixture for each additional 400 persons	Male 1: 1-150 Over 150, add 1 fixture for each additional 150 males	Male 1: 1-150 2: 151-200 3: 201-400 Over 400, add 1 fixture for each additional 400 persons	Female 1: 1-150 2: 151-200 3: 201-400		
Schools - for staff use All schools	Male 1: 1-15 2: 16-35 3: 36-55 Over 55, add 1 fixture for each additional 40 persons	Female 1: 1-15 2: 16-35 3: 36-55	Male 1 per 50	Male 1 per 40	Female 1 per 40		
Schools - for student use Nursery	Male 1: 1-20 2: 21-50 Over 50, add 1 fixture for each additional 30 persons	Female 1: 1-20 2: 21-50		Male 1: 1-25 2: 26-50 Over 50, add 1 fixture for each additional 50 persons	Female 1: 1-25 2: 26-50		1 per 150 <sup>12</sup>
Elementary	Male 1 per 30	Female 1 per 35	Male 1 per 75	Male 1 per 35	Female 1 per 35		1 per 150 <sup>12</sup>
Secondary	Male 1 per 40	Female 1 per 30	Male 1 per 35	Male 1 per 40	Female 1 per 40		1 per 150 <sup>12</sup>
Others (Colleges, Universities, Adult Centers, etc.)	Male 1 per 40	Female 1 per 30	Male 1 per 35	Male 1 per 40	Female 1 per 40		1 per 150 <sup>12</sup>
Worship Places Educational and Activities Unit	Male 1 per 150	Female 1 per 75	Male 1 per 150	1 per 2 water closets			1 per 150 <sup>12</sup>
Worship Places Principal Assembly Place	Male 1 per 150	Female 1 per 75	Male 1 per 150	1 per 2 water closets			1 per 150 <sup>12</sup>

## PLUMBING FIXTURES AND FIXTURE FITTINGS

Table 4-1

1. The figures shown are based upon one (1) fixture being the minimum required for the number of persons indicated or any fraction thereof.
2. Building categories not shown on this table shall be considered separately by the Administrative Authority.
3. Drinking fountains shall not be installed in toilet rooms.
4. Laundry trays. One (1) laundry tray or one (1) automatic washer standpipe for each dwelling unit or one (1) laundry tray or one (1) automatic washer standpipe, or combination thereof, for each twelve (12) apartments. Kitchen sinks, one (1) for each dwelling or apartment unit.
5. For each urinal added in excess of the minimum required, one water closet may be deducted. The number of water closets shall not be reduced to less than two-thirds (2/3) of the minimum requirement.
6. As required by ANSI Z4.1-1946, Sanitation in Places of Employment.
7. Where there is exposure to skin contamination with poisonous, infectious, or irritating materials, provide one (1) lavatory for each five (5) persons.
8. Twenty-four (24) linear inches (610 mm) of wash sink or eighteen (18) inches (457 mm) of a circular basin, when provided with water outlets for such space, shall be considered equivalent to one (1) lavatory.
9. Laundry trays, one (1) for each fifty (50) persons. Slop sinks, one (1) for each hundred (100) persons.
10. General. In applying this schedule of facilities, consideration must be given to the accessibility of the fixtures. Conformity purely on a numerical basis may not result in an installation suited to the need of the individual establishment. For example, schools should be provided with toilet facilities on each floor having classrooms.
  - a. Surrounding materials, wall and floor space to a point two (2) feet (610 mm) in front of urinal up and four (4) feet (1219 mm) above the floor, and at least two (2) feet (610 mm) to each side of the urinal shall be lined with non-absorbent materials.
  - b. Trough urinals are prohibited.
11. A restaurant is defined as a business which sells food to be consumed on the premises.
  - a. The number of occupants for a drive-in restaurant shall be considered as equal to the number of parking stalls.
  - b. Employee toilet facilities are not to be included in the above restaurant requirements. Hand washing facilities must be available in the kitchen for employees.
12. Where food is consumed indoors, water stations may be substituted for drinking fountains. Offices or public buildings for use by more than six (6) persons shall have one (1) drinking fountain for the first one hundred fifty (150) persons and one (1) additional fountain for each three hundred (300) persons thereafter.
13. There shall be a minimum of one (1) drinking fountain per occupied floor in schools, theatres, auditoriums, dormitories, offices or public building.
14. The total number of water closets for females shall be at least equal to the total number of water closets and urinals required for males.

## Appendix Chapter 29 MINIMUM PLUMBING FIXTURES

### SECTION 2906 — GENERAL

Each building shall be provided with sanitary facilities, including provisions for accessibility in accordance with Chapter 11. Plumbing fixtures shall be provided for the type of building occupancy with the minimum numbers as shown in Table A-29-A. The

number of fixtures are the minimum required as shown in Table A-29-A and are assumed to be based on 50 percent male and 50 percent female. The occupant load factors shall be as shown in Table A-29-A.

**EXCEPTION:** Where circumstances dictate that a different ratio is needed, the adjustment shall be approved by the building official.

*See  
83 1:1:1  
1:3:1*

**TABLE A-29-A—MINIMUM PLUMBING FIXTURES<sup>1,2,3</sup>**

TYPE OF BUILDING OR OCCUPANCY <sup>4</sup>	WATER CLOSETS <sup>5</sup> (fixtures per person)		LAVATORIES <sup>6</sup> (fixtures per person)		BATHTUB OR SHOWER (fixtures per person)
	MALE	FEMALE	MALE	FEMALE	
For the occupancies listed below, use 30 square feet (2.78 m <sup>2</sup> ) per occupant for the minimum number of plumbing fixtures.					
<b>Group A</b> Conference rooms, dining rooms, drinking establishments, exhibit rooms, gymnasiums, lounges, stages and similar uses including restaurants classified as Group B Occupancies	1:1-25 2:26-75 3:76-125 4:126-200 5:201-300 6:301-400 Over 400, add one fixture for each additional 200 males or 150 females.	1:1-25 2:26-75 3:76-125 4:126-200 5:201-300 6:301-400 Over 400, add one fixture for each additional 200 males or 150 females.	one for each water closet up to four; then one for each two additional water closets		
For the assembly occupancies listed below, use the number of fixed seating or, where no fixed seating is provided, use 15 square feet (1.39 m <sup>2</sup> ) per occupant for the minimum number of plumbing fixtures.					
<b>Assembly places—</b> Auditoriums, convention halls, dance floors, lodge rooms, stadiums and casinos	1:1-50 2:51-100 3:101-150 4:151-300 Over 300 males, add one fixture for each additional 200, and over 400 females add one for each 125.	3:1-50 4:51-100 6:101-200 8:201-400	1:1-200 2:201-400 3:401-750 Over 750, add one fixture for each additional 500 persons.	1:1-200 2:201-400 3:401-750	
For the assembly occupancies listed below, use the number of fixed seating or, where no fixed seating is provided, use 30 square feet (2.29 m <sup>2</sup> ) per occupant for the minimum number of plumbing fixtures.					
<b>Worship places</b> Principal assembly area Worship places Educational and activity unit	one per 150  one per 125	one per 75  one per 75	one per two water closets  one per two water closets		
For the occupancies listed below, use 200 square feet (18.58 m <sup>2</sup> ) per occupant for the minimum number of plumbing fixtures.					
<b>Group B</b> Offices or public buildings	1:1-15 2:16-35 3:36-55 Over 55, add one for each 50 persons.	1:1-15 2:16-35 3:36-55	one per two water closets		
For the occupancies listed below, use 50 square feet (4.65 m <sup>2</sup> ) per occupant for the minimum number of plumbing fixtures.					
<b>Group E</b> Schools— for staff use All schools	1:1-15 2:16-35 3:36-55 Over 55, add one fixture for each additional 40 persons.	1:1-15 2:16-35 3:36-55	one per 40	one per 40	
Schools— for student use Day care	1:1-20 2:21-50 Over 50, add one fixture for each additional 50 persons.	1:1-20 2:21-50	1:1-25 2:26-50 Over 50, add one fixture for each additional 50 persons.	1:1-25 2:26-50	
Elementary Secondary	one per 30 one per 40	one per 25 one per 30	one per 35 one per 40	one per 35 one per 40	
For the occupancies listed below, use 50 square feet (4.65 m <sup>2</sup> ) per occupant for the minimum number of plumbing fixtures.					
<b>Education Facilities other than Group E</b> Others (colleges, universities, adult centers, etc.)	one per 40	one per 30	one per 40	one per 40	

(Continued)

TABLE A-29-A—MINIMUM PLUMBING FIXTURES<sup>1,2,3</sup>—(Continued)

TYPE OF BUILDING OR OCCUPANCY <sup>4</sup>	WATER CLOSETS <sup>5</sup> (fixtures per person)		LAVATORIES <sup>6</sup> (fixtures per person)		BATHTUB OR SHOWER (fixtures per person)
	MALE	FEMALE	MALE	FEMALE	
For the occupancies listed below, use 2,000 square feet (185.8 m <sup>2</sup> ) per occupant for the minimum number of plumbing fixtures.					
Group F Workshop, foundries and similar establishments, and Group F1 Occupancies	1:1-10 2:11-25 3:26-50 4:51-75 5:76-100 Over 100, add one fixture for each additional 300 persons.	1:1-10 2:11-25 3:26-50 4:51-75 5:76-100	one for each two water closets		one shower for each 15 persons exposed to excessive heat or to skin contamination with irritating materials
For the occupancies listed below, use the designated application and 200 square feet (18.58 m <sup>2</sup> ) per occupant of the general use area for the minimum number of plumbing fixtures:					
Group I Hospital waiting rooms Hospital general use areas	one per room (usable by either sex) 1:1-15 2:16-35 3:36-55 Over 55, add one fixture for each additional 40 persons.		one per room one per each two water closets		
Hospitals Patient room Ward room	one per room one per eight patients		one per room one per 10 patients		one per room one per 20 patients
Jails and reformatories Cell Exercise room	one per cell one per exercise room		one per cell one per exercise room		
Other Institutions (on each occupied floor)	one per 25	one per 25	one per 10	one per 10	one per eight
For the occupancies listed below, use 200 square feet (18.58 m <sup>2</sup> ) per occupant for the minimum number of plumbing fixtures.					
Group M Retail or wholesale stores	1:1-50 2:51-100 3:101-400 Over 400, add one fixture for each additional 500 males and one for each 150 females.	1:1-50 2:51-100 3:101-200 4:201-300 5:301-400	one for each two water closets		
For Group R Occupancies, dwelling units and hotel guest rooms, use the chart. For Congregate residences, use 200 square feet (18.58 m <sup>2</sup> ) for Group R, Division 1 Occupancies and 300 square feet (27.87 m <sup>2</sup> ) for Group R, Division 3 Occupancies for the minimum plumbing fixtures.					
Group R Dwelling units Hotel guest rooms	one per dwelling unit one per guest room		one per dwelling unit one per guest room		one per dwelling unit one per guest room
Congregate residences	one per 10 Add one fixture for each additional 25 males and one for each additional 20 females.	one per 8 Add one fixture for each additional 25 males and one for each additional 20 females.	one per 12 Over 12, add one fixture for each additional 20 males and one for each additional 15 females	one per 12 Add one fixture for each additional 20 males and one for each additional 15 females	one per eight For females, add one bathtub per 30. Over 150, add one per 20.
For the occupancies listed below, use 5,000 square feet (464.5 m <sup>2</sup> ) per occupant for the minimum number of plumbing fixtures.					
Group S Warehouses	1:1-10 2:11-25 3:26-50 4:51-75 5:76-100 Over 100, add one for each 300 males and females.	1:1-10 2:11-25 3:26-50 4:51-75 5:76-100	one per 40 occupants of each sex		one shower for each 15 persons exposed to excessive heat or to skin contamination with poisonous, infectious or irritating materials

NOTE: Occupant loads over 30 shall have one drinking fountain for each 150 occupants.

<sup>1</sup>The figures shown are based on one fixture being the minimum required for the number of persons indicated or any fraction thereof.

<sup>2</sup>Drinking fountains shall not be installed in toilet rooms.

<sup>3</sup>When the design occupant load is less than 10 persons, a facility usable by either sex may be approved by the building official.

<sup>4</sup>Any category not mentioned specifically or about which there are any questions shall be classified by the building official and included in the category which it most nearly resembles, based on the expected use of the plumbing facilities.

<sup>5</sup>Where urinals are provided, one water closet less than the number specified may be provided for each urinal installed, except the number of water closets in such cases shall not be reduced to less than one half of the minimum specified.

<sup>6</sup>Twenty-four inches (610 mm) of wash sink or 18 inches (457 mm) of a circular basin, when provided with water outlets for such space, shall be considered equivalent to one lavatory.

# APPENDIX L

## ALTERNATE PLUMBING SYSTEMS

### L 1.0 Scope

L 1.1 The intent of this Appendix is to provide clarification of procedures for the design and approval of engineered plumbing systems and alternate materials and equipment not specifically covered in other parts of the Code.

L 1.2 The provisions of this Appendix apply to the design, installation and inspection of an engineered plumbing systems and alternate materials and equipment.

L 1.3 The Administrative Authority has the right to require descriptive details of an engineered plumbing system, alternate material, or equipment including pertinent technical data to be filed.

L 1.4 Components, materials and equipment must conform to standards and specifications listed in Table 14-1 of this Code and other national consensus standards applicable to plumbing systems and materials.

L 1.5 Where such standards and specifications are not available, alternate materials and equipment must be approved per the provisions of Section 301.2 of this Code.

### L 2.0 Engineered Plumbing Systems

L 2.1 Definition. Engineered Plumbing System: A system designed for a specific building project with drawings and specifications indicating plumbing materials to be installed, all as prepared by a person registered or licensed to perform plumbing design work.

L 2.2 Inspection and Installation. In other than one- and two-family dwellings, the designer of the system is to provide periodic inspection of the installation on a schedule found suitable to the Administrative Authority. Prior to the final approval, the designer must verify to the Administrative Authority that the installation is in compliance with the approved plans, specifications and data and such amendments thereto. The designer must also certify to the Administrative Authority that the installation is in compliance with the applicable engineered design criteria.

L 2.3 Owner Information. The designer of the system must provide the Building Owner information concerning the system, considerations applicable for any subsequent modifications to the system, and maintenance requirements as applicable.

### L 3.0 Water Heat Exchangers

L 3.1 Heat exchangers used for heat transfer, heat recovery, or solar heating shall protect the potable water system from being contaminated by the heat transfer medium.

L 3.2 Single-wall heat exchangers shall be permitted if they satisfy all of the following requirements:

1. The heat transfer medium is either potable water or contains only substances which are recognized as safe by the U.S. Food and Drug Administration.
2. The pressure of the heat transfer medium is maintained less than the normal minimum operating pressure of the potable water system.

Exception: Steam complying with Section L 3.2 #1 above.

3. The equipment is permanently labeled to indicate that only additives recognized as safe by the FDA shall be used in the heat transfer medium.

L 3.3 Other heat exchanger designs may be permitted where approved by the Administrative Authority.

### L 4.0 Fixture Unit Values for Bathroom Groups

L 4.1 Tables L-1 and L-2 reflect the fixture unit loads for the fixtures in bathrooms as groups, rather than as individual fixtures. Such fixtures include water closets, lavatories and bathtubs or showers. The tables reflects diversity in the use of fixtures within a bathroom and between multiple bathrooms.

L 4.2 The listed water supply fixture unit values in Table L-1 reflect the load of entire bathroom groups on the cold water service. Individual hot and cold water branch piping to the fixtures should be sized according to Chapter 6 and Appendix A.

L 4.3 The listed drainage fixture unit values in Table L-2 reflect the load of entire bathroom groups on the sanitary drainage system. Where fixtures within bathrooms connect to different branches of the drainage system, the fixture unit values for the individual fixtures shall be used, as listed in Table 7-3.

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## Appendix L

## UNIFORM PLUMBING CODE

**TABLE L-1**  
**Water Supply Fixture Units (WSFU) for Bathroom Groups**

	Individual Dwelling Units	Serving 3 or more Dwelling Units
<b>Bathroom Groups having 1.6 GPF Gravity-Tank Water Closets</b>		
Half-bath or Powder Room	3.5	2.5
1 Bathroom Group	5.0	3.5
1-1/2 Bathrooms	6.0	
2 Bathrooms	7.0	
2-1/2 Bathrooms	8.0	
3 Bathrooms	9.0	
Each Additional 1/2 Bath	0.5	
Each Additional Bathroom Group	1.0	
<b>Bathroom Groups having 1.6 GPF Pressure-Tank Water Closets</b>		
Half-bath or Powder Room	3.5	2.5
1 Bathroom Group	5.0	3.5
1-1/2 Bathrooms	6.0	
2 Bathrooms	7.0	
2-1/2 Bathrooms	8.0	
3 Bathrooms	9.0	
Each Additional 1/2 Bath	0.5	
Each Additional Bathroom Group	1.0	
<b>Bathroom Groups having 3.5 GPF Gravity-Tank Water Closets</b>		
Half-bath or Powder Room	4.0	3.0
1 Bathroom Group	6.0	3.0
1-1/2 Bathrooms	8.0	
2 Bathrooms	10.0	
2-1/2 Bathrooms	11.0	
3 Bathrooms	12.0	
Each Additional 1/2 Bath	0.5	
Each Additional Bathroom Group	1.0	
Bath Group (1.6 GPF Flushometer Valve)	6.0	4.0
Bath Group (3.5 GPF Flushometer Valve)	8.0	6.0
Kitchen Group (Sink and Dishwasher)	2.0	1.5
Laundry Group (Sink and Clothes Washer)	5.0	3.0

**Notes:**

1. A bathroom group, for the purposes of this table, consists of one water closet, up to two lavatories, and either one bathtub or one shower.
2. A half-bath or powder room, for the purposes of this table, consists of one water closet and one lavatory.

## ALTERNATE PLUMBING SYSTEMS

Appendix L

**TABLE L-2**  
**Drainage Fixture Unit Values (DFU) for Bathroom Groups**

	Individual Dwelling Units	Serving 3 or more Dwelling Units
<b>Bathroom Groups having 1.6 GPF Gravity-Tank Water Closets</b>		
Half-bath or Powder Room	3.0	2.0
1 Bathroom Group	5.0	3.0
1-1/2 Bathrooms	6.0	
2 Bathrooms	7.0	
2-1/2 Bathrooms	8.0	
3 Bathrooms	9.0	
Each Additional 1/2 Bath	0.5	
Each Additional Bathroom Group	1.0	
<b>Bathroom Groups having 1.6 GPF Pressure-Tank Water Closets</b>		
Half-bath or Powder Room	3.5	2.5
1 Bathroom Group	5.5	3.5
1-1/2 Bathrooms	6.5	
2 Bathrooms	7.5	
2-1/2 Bathrooms	8.5	
3 Bathrooms	9.5	
Each Additional 1/2 Bath	0.5	
Each Additional Bathroom Group	1.0	
<b>Bathroom Groups having 3.5 GPF Gravity-Tank Water Closets</b>		
Half-bath or Powder Room	3.0	2.0
1 Bathroom Group	6.0	4.0
1-1/2 Bathrooms	8.0	
2 Bathrooms	10.0	
2-1/2 Bathroom	11.0	
3 Bathrooms	12.0	
Each Additional 1/2 Bath	0.5	
Each Additional Bathroom	1.0	
Bath Group (1.6 GPF Flushometer Valve)	5.0	3.0
Bath Group (3.5 GPF Flushometer Valve)	6.0	4.0

**Notes:**

1. A bathroom group, for the purposes of this table, consists of not more than one water closet, up to two lavatories, and either one bathtub or one shower.
2. A half-bath or powder room, for the purposes of this table, consists of one water closet and one lavatory.

### Article 8. Plumbing Code.

**Section**  
 705. Plumbing code  
 710. Duties of the department  
 715. Administration  
 720. Cost of permits

**Section**  
 725. Enforcement; reinspection  
 730. Penalty for violations  
 735. Borough or city regulation  
 740. Definitions

**Collateral references.** — 13 Am. Jur. 2d, Buildings, § 29.  
 39A C.J.S., Health and Environment, §§ 28-32.

**Sec. 18.60.705. Plumbing code.** (a) Except as provided otherwise in this section, the following publications are adopted as the minimum plumbing code for the state:

(1) paragraphs 101.3 — 101.5.6, 103.5.1.1 — 103.5.1.4, 103.5.3 — 103.5.3.7, 103.5.4.2, 103.5.5.1 — 103.5.5.2, 103.5.6.1 — 103.5.6.3, and 103.8 — 103.8.2 of chapter 1, chapters 2 — 14, and the appendices of the 1994 edition of the Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials and adopted at the 64th annual conference, September 1993;

(2) the 1994 edition of the Uniform Swimming Pool, Spa, and Hot Tub Code published by the International Association of Plumbing and Mechanical Officials and adopted at the 64th annual conference, September 1993, excluding pages 1 — 8 of Part I, Administration; and

(3) the 1994 edition of the Uniform Solar Energy Code published by the International Association of Plumbing and Mechanical Officials and adopted at the 64th annual conference, September 1993, excluding pages 1 — 7 of Part I, Administration.

(b) Notwithstanding (a) of this section, the use of a pipe or pipe fitting containing more than 8.0 percent lead, or of solder or flux containing more than 0.2 percent lead in the installation or repair of a public water system or in the installation or repair of plumbing of a residential or nonresidential facility that provides water for human consumption is prohibited. This subsection does not apply to the use of leaded joints necessary to repair cast iron pipe.

(c) Notwithstanding (a) of this section, a single-wall heat exchanger may be used if

(1) the heat transfer medium is water type or propylene type glycol;

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

(3) the heat exchanger is prominently and permanently labeled with instructions concerning (1) and (2) of this subsection. (§ 1 ch 15 SLA 1972; am § 1 ch 88 SLA 1980; am § 1 ch 101 SLA 1988; am § 3 ch 29 SLA 1991; am §§ 2, 3 ch 2 SLA 1996)

**Revisor's notes.** — Enacted as AS 18.60.680. Renumbered in 1972.

**Cross references.** — For certificates of fitness required to perform work subject to this section, see AS 18.62.010.

**Effect of amendments.** — The 1991 amendment, effective June 12, 1991, rewrote subsection (a).

The 1996 amendment, effective May 30, 1996, rewrote subsection (a) and added subsection (c).

**Editor's notes.** — Section 3, ch. 101, SLA 1988 provides that (b) of this section "applies to the installation or repair of a water system or plumbing begun on or after June 5, 1988."

**Sec. 18.60.710. Duties of the department.** The department is responsible for the administration of the code. The department may adopt regulations designed for maximum practical implementation of the code, and may grant exceptions from specific code provisions, where distance or other factors make implementation impractical. Specific consideration shall be given to outlying villages and sparsely populated areas to ensure that AS 18.60.705 — 18.60.740 will not impose an undue financial burden. The department may by regulation designate appropriate inspection to a public or

*Not in the plumbing code*

*Appendix of Lohman*

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**ENGINEERING COMPARISON  
OF  
THE 1997 INTERNATIONAL PLUMBING CODE  
AND  
THE 1997 UNIFORM PLUMBING CODE**

## **TABLE OF CONTENTS:**

**I. Code Comparison**

**II. Curriculum Vitae**

A) Edward W. Saltzberg

B) J. Richard Wagner

BY  
**J. RICHARD WAGNER, PE, CIPE**  
AND  
**EDWARD W. SALTZBERG, PE, CEM, CIPE**

JANUARY 7, 1998

**DATE:** January 7, 1998

**TO:** Code Enforcement Officials, Members of Plumbing Code Adoption Boards,  
and Interested Members of the Plumbing Community

**FROM:** Edward Saltzberg,\* PE, CEM, CIPE  
J. Richard Wagner,\* PE, CIPE

**RE:** International Plumbing Code/Uniform Plumbing Code Review

The following is a general review of the 1997 versions of both the International Plumbing Code and the Uniform Plumbing Code prepared by Edward Saltzberg, P.E., CEM, CIPE, and J. Richard Wagner, PE, CIPE. The review was undertaken with the health and safety of the consumer as the prime concern. However, other factors considered in our review were the life cycle cost of systems, the ease of enforcement, clarity of the code, plumbing engineering criteria, and any other reservations that the writers may have had concerning the respective provisions of the two codes. This review is not intended as a paragraph by paragraph comparison of the two code documents, but merely a comparison of the significant variations between the two documents.

## A. CHAPTER 1 - ADMINISTRATION

- 1-1. **IPC PREFACE.** The section Maintenance contains a significant disclaimer which reads, "While the development procedure of the *International Plumbing Code* assures the highest degree of care, BOCA, ICBO, SBCCI, their members and those participating in the development of this code do not accept any liability resulting from compliance or noncompliance with the provisions given herein, for any restrictions imposed on materials or processes, or for the completeness of the text. BOCA, ICBO and SBCCI do not have power or authority to police or enforce compliance with the contents of this code. Only the governmental body that enacts the code into law has such authority."

The UPC does not contain such a disclaimer

- 1-2. **IPC Section 102.8, Referenced codes and standards.** The code indicates that those codes listed in Chapter 14 are considered part of the requirement of this code and, therefore, an enforcement agent must have copies of all of those codes and become thoroughly familiar with them.

\* A brief bio on each writer is included at the end of this report. A complete Curriculum Vitae on each writer is available upon request.

The UPC attempts to have as much as possible within the body of this code and not refer to or incorporate other codes as part of this code.

- 1-3. **IPC Section 103.4, Restriction of employees.** This section has restrictions on work that employees of a plumbing inspection department may perform and this section may be in conflict with the administration sections of the local code and, therefore, it is normally not included as part of a plumbing code.

The UPC does not include this item.

- 1-4. **IPC Section 103.5, Liability.** This section removes any liability from employees. However, from a legalistic standpoint, this section may not be valid and may be in conflict with city attorneys' rules and regulations or state interpretations.

The UPC does not include this item.

- 1-5. **IPC Section 104.2, Rule-making authority.** This section gives the code official the authority to adopt and promulgate rules and regulations regarding the Code.

The UPC does not address rule making by the Administrative Authority. Such authority is normally included in the ordinance that created the Administrative Authority and/or in the adopting ordinance for the plumbing code.

- 1-6. **IPC Section 105.1, Modifications, and 105.2, Alternative materials, methods and equipment.** This section is essentially the same as what is included under UPC Section 301.2, Alternate Materials and Methods.

- 1-7. **IPC Section 105.4, Alternative engineered design.** This section is not included in the Uniform Plumbing Code and in a sense contradicts Section 105.2, Alternative materials, methods and equipment, which allows an easier approval method for engineers. (See comment under Chapter 2, Definitions, for Alternative engineered design.) In the UPC, provisions for the approval of alternate materials and methods are in Chapter 3 under Section 301.2, Alternate Materials and Methods.

- 1-8. **IPC Section 109, MEANS OF APPEAL.** This section provides means of appealing the decision of the code official. It includes the appeal board, board membership, qualification of members, board officers, meetings, and open hearings.

The UPC does not address the filing of appeals and the administration of an appeal board. Such authority is normally included in the ordinance that created the Administrative Authority and/or in the adopting ordinance for the plumbing code.

- 1-9. On other matters of administration, the IPC and UPC have similar requirements and address those issues that need to be in the Administrative chapter of a plumbing code.

## B. CHAPTER 2 - DEFINITIONS

- 2-1. **IPC Section 202, GENERAL DEFINITIONS - ALTERNATIVE ENGINEERED DESIGN.** The last sentence of the IPC definition indicates "The system design is not specifically regulated by Chapters 3 through 13". Therefore, as part of any new design, an engineer would have to include all of the appropriate sections of the codes that were to still be enforced as part of his/her submission to give the code official something with which to inspect and approve the alternative engineered design, as the entire body of the IPC has been deleted by this definition.

The UPC includes alternative engineering methods under Section 301.2, Alternate Material and Methods which still requires compliance with the remaining provisions of the UPC.

- 2-2. **IPC Section 202, GENERAL DEFINITIONS - FLOOD ZONES.** The IPC defines two different flood zones, flood hazard zone, A Zone, and high hazard zone, V Zone. While the definition seems clear, there are many areas, such as mountain areas, where locations are not normally subject to flooding but could be during heavy rainstorms where runoffs could have high velocity water. Therefore, from an engineering standpoint it would be somewhat hard to define which zone a specific building is located in.

The UPC does not contain this confusing item.

## C. CHAPTER 3 - GENERAL REGULATIONS

- 3-1. **IPC Section 303.2, Installation of materials.** The material manufacturer's installation instructions are superseded by the installation provisions of the standard for that particular material. This could prevent a manufacturer from dictating the installation requirements for a specific material or product for which it is responsible.

UPC Section 310.4 requires that material be installed according to the code and the manufacturers recommendations. If there are conflicts, the more stringent is used.

- 3-2. The IPC does not have any method to determine the size of the hangers supporting pipe.

Table 3-1 of the UPC indicates the size of the pipe and the minimum rod size for hanging various size piping.

- 3-3. **IPC Table 308.5, HANGER SPACING.** The maximum vertical support spacing for PVC and ABS drainage pipe is four feet. The IPC provides no specific criteria for the required expansion allowance.

UPC Table 3-2 requires vertical support at the base and every floor with mid-story guides. The UPC also requires provisions for expansion every 30 feet vertically and horizontally. Furthermore, the installation standards (IS 5-92 and IS 9-95) provide the expansion factors needed to determine the amount of expansion that can occur.

- 3-4. **IPC Table 308.5, HANGER SPACING.** This section lists support spacing for aluminum tubing, but aluminum tubing is not an approved material for any IPC piping systems.

The UPC does not list this material.

- 3-5. **IPC Table 308.5, HANGER SPACING.** Lists maximum vertical support spacing but does not refer to the base of risers or support at floor levels. (Section 308.9 addresses base of stacks only.) In the listing for CPVC, it is not clear whether the five-foot and six-foot spacings are for the mid-story guides or are in addition to the mid-story guides.

UPC Table 3-2 is generally more detailed. It specifically calls for vertical support at the base of risers and at floor levels.

- 3-6. **IPC Table 308.5, HANGER SPACING.** Footnote "a" requires that hangers shall be increased to 10-foot spacing where 10-foot lengths of cast iron pipe are used. (Emphasis added.) Furthermore, industry standards call for the supports to be within 18 inches of the joints in cast iron soil pipe. The IPC does not require this.

UPC Table 3-2 says "may be increased." (Emphasis added.) There is no reason to prohibit support spacings of less than 10 feet in 10-foot lengths of pipe. Also, the UPC requires that the supports be within 18 inches of the joints.

- 3-7. **IPC Section 308.6, Sway bracing.** Requires rigid-support sway bracing for all pipe 4" and larger at turns greater than 45 degrees. (Emphasis added.)

UPC Table 3-2 requires sway braces only for cast iron soil pipe and only at 40-foot intervals.

- 3-8. **IPC Section 308.7, Anchorage.** Calls for restraining anchors on all drain pipe 4" and larger at changes in direction and where the pipe size changes by two (2) pipe

sizes. This appears to be based on no-hub cast iron soil pipe, but the IPC does not say so.

UPC Table 3-2 requires bracing on cast iron pipe at 40-foot intervals to prevent horizontal movement.

- 3-9. **IPC Section 309, FLOODPROOFING.** The subjective classification of flood hazard zones is addressed, however, the means by which floodproofing is to be achieved are not described.

The UPC does not specifically address floodproofing of plumbing installations.

- 3-10. **IPC Section 312, TESTS AND INSPECTIONS.** Includes tests for drain and vent piping, water supply pipe, sewers, and backflow preventers. These requirements are not included in the individual chapters.

The UPC includes individual test requirements of drain and vent, water supply, sewers, and backflow preventer assemblies, etc., in the specific individual chapters.

- 3-11. **IPC Section 312.9, Inspection and testing of backflow prevention assemblies.** The 1997 IPC currently requires at least annual testing but still does not require that the backflow assemblies be tested at the time of installation or repair.

UPC Section 603.3.2 calls for testing of backflow protection devices at time of installation, repair, or relocation, and at least annually thereafter. This assures that the devices are functioning properly before being put into service. Such testing is in accordance with the recommendations of device manufacturers and national backflow prevention organizations.

- 3-12. The IPC does not specifically address plumbing in food handling establishments except for indirect waste, Section 802.1.1.

The UPC addresses special plumbing requirements for food handling establishments in Sections 318.0 and 412.3.

#### **D. CHAPTER 4 - FIXTURES, FAUCETS, AND FIXTURE FITTINGS**

- 4-1. **IPC Table 403.1, MINIMUM NUMBER OF PLUMBING FACILITIES.** This table generally requires fewer plumbing fixtures than UPC Table 4-1.

The current trend in the plumbing industry is to increase the minimum number of required fixtures due to complaints of inadequate "potty party".

- 4-2. **IPC Section 404, ACCESSIBLE PLUMBING FACILITIES.** The difference between Type A and Type B Dwelling Units is not indicated. IPC Section 404.1 requires that accessible plumbing fixtures comply with IPC Section 404 and CABO/ANSI A117.1. There are several references to CABO/ANSI A117.1 within Section 404, but it is not clear whether or not Section 404 complies with CABO/ANSI A117.1.

UPC Section 408.7 defers to the building regulation for accessibility requirements for plumbing fixtures. In addition, UPC Section 414 refers to Table 14-1, **MANDATORY REFERENCED STANDARDS**, and CABO/ANSI A117.1 is listed there.

- 4-3. **IPC Section 406, AUTOMATIC CLOTHES WASHERS.** The IPC requires the installation of either an integral air gap or an external backflow preventer for a domestic clothes washer. The IPC fails to recognize that the industry standard for domestic clothes washers requires that they have an internal air gap. The mention of a possible external backflow preventer creates confusion in the field and frequently results in the installation of unnecessary devices by uninformed persons.

The UPC recognizes that domestic clothes washers have internal backflow protection. UPC Section 603.4.7 specifically excludes clothes washer hose connections from required backflow protection.

- 4-4. **IPC Section 409, DISHWASHING MACHINES.** The IPC requires either an air gap or a backflow preventer for domestic and commercial dishwashers. The IPC fails to recognize that the industry standards for dishwashing machines require that they have an internal air gap. The mention of a possible external backflow preventer creates confusion in the field and frequently results in the installation of unnecessary devices by uninformed persons.

The UPC recognizes that dishwashing machines have built-in backflow protection and does not mention the possible need for external devices.

- 4-5. **IPC Section 412.4, Floor drains - required location and construction.** The section does not require floor drains in public toilet rooms.

UPC Section 412.2 requires floor drains in public toilet rooms having two (2) or more water closets or a combination of one (1) water closet and one (1) urinal.

- 4-6. **IPC Section 422, HEALTH CARE FIXTURES AND EQUIPMENT.** This is a brief section addressing some of the plumbing requirements for this type of facility.

The UPC does not specifically address the plumbing uniqueness of health care plumbing, but does address required backflow protection of medical

equipment in Section 603, indirect waste in Chapter 8, and medical gas systems in medical facilities in Chapter 13.

## E. CHAPTER 5 - WATER HEATERS

- 5-1. **IPC Chapter 5, WATER HEATERS.** Does not contain any requirements for venting gas-fired water heaters or providing combustion air to gas-fired water heaters.

UPC Chapter 5 provides this required data.

- 5-2. **IPC Section 504.7.1, Discharge.** Includes requirement that the discharge from a water heater relief valve shall be "installed in a manner that does not cause personal injury or property damage . . ."

UPC does not include this specific wording but does include requirements in Section 608.5 that achieve the same results.

- 5-3. **IPC Section 504.8.1, Pan size and drain.** This section allows the relief valve to discharge into the drain pan and allows the pan drain to be a minimum of 1" or the same size as the relief valve piping, whichever is larger. However, the gravity pan drain line will not carry as much water as the pressurized relief valve discharge line. Subsequently, flooding can occur which defeats the purpose of the installation of the pan and running the drain to outside the building or other suitable location.

The UPC does not allow this condition. The relief valve must discharge outside or to an approved location, which does not include the pan.

- 5-4. **IPC Section 505.1, Unfired vessel insulation.** This section requires specific insulation on unfired vessels.

The UPC does not contain this requirement. It would be regulated by the local energy conservation code.

## F. CHAPTER 6 - WATER SUPPLY AND DISTRIBUTION

- 6-1. **IPC Chapter 6, WATER SUPPLY AND DISTRIBUTION.** This section does not contain a water pipe sizing procedure. IPC Section 604.1 requires that piping be sized per "acceptable engineering practice". It also requires that methods used to determine pipe sizes shall be approved, but it does not say how or by whom. Furthermore, it does not refer to Appendix E, which is supposedly an acceptable method.