

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 8672

10346 HOUSE LABOR & COMMERCE

bottom line issues are perceived loss of control of codes by the labor unions, and loss of revenue from code sales.

The majority of architects, builders, civil, electrical, and mechanical engineers, building owners and managers, developers, general contractors, and local jurisdictions, support a single family of coordinated International Codes. Right now, the International Code series is the only collection that meets that need.

The codes should reflect what is best for the majority of the citizens of the State of Alaska in the long-term, not the desires of a special interest group. Many architects, engineers, and building owners want to use the new International Codes because they are safe, easy to use, and save money.

**Solution:**

The following steps need to be taken to avert problems caused by the aforementioned bills:

1. Reject House Bills 399, 436, and 437 and any companion Senate bills, in their present form.
2. Revise the proposed bills to allow codes that are adopted by the State of Alaska and local jurisdictions to be utilized by removing any proprietary names, editions, and/or publishers of the codes. This would allow present and future codes to be adopted without unnecessary statute, ordinance, or law changes, and would not lock one code or code edition into eternity. Codes and standards are changed and updated regularly.
3. Adopt the wording, or similar wording, in the attached substitute bill. This proposed draft substitute bill does not change any codes presently adopted in the state. What it does is not lock the state or local jurisdictions into an old code or any specific code for eternity. Again, codes and standards are changed and updated regularly.

**Attachments:**

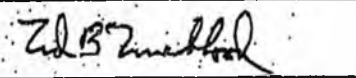
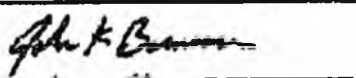
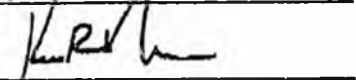
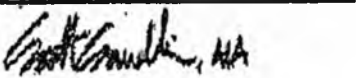
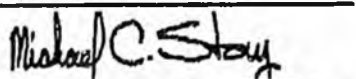
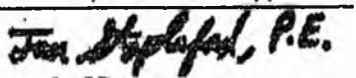
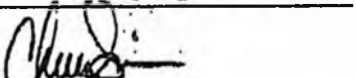
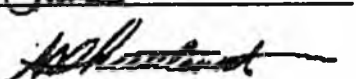
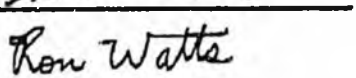
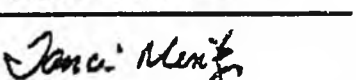
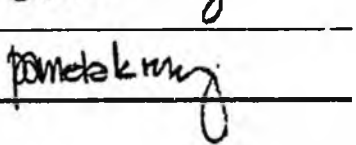
1. Suggested substitution for House Bills 399, 436, and 437 and Senate versions
2. Concurring signatures by representatives of the design and construction community

*Ron Watts*

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Ron Watts, Chief Building Official  
Municipality of Anchorage  
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Following signatures indicate concurrence with the foregoing position

Ted Trueblood	Alaska Professional Design Council	
John Bowman	Alaska Society of Professional Engineers	
Kurt Hulteen	Alaska Society of Professional Engineers, Anchorage Chapter	
Scott Sandlin	American Institute of Architects	
Mike Story	American Society of Civil Engineers	
Thomas Stapleford	American Society of Mechanical Engineers	
Chuck Spinelli	Anchorage Home Builders Assoc., President Spinelli Homes, President	
Steve Shuttleworth	Building Official, City of Fairbanks	
Ron Watts	Building Official, Municipality of Anchorage	
Tanci Mintz	Building Owners and Managers Association	
Pam Ronning	ICBO Alaska Central Chapter	

RECOMMENDED SUBSTITUTE FOR HOUSE BILL 399  
AND PROPOSED SENATE VERSION

HOUSE OR SENATE BILL NO. \_\_\_\_\_  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - SECOND SESSION  
BY THE HOUSE/SENATE RULES COMMITTEE BY REQUEST OF THE ADMINISTRATIVE  
REGULATION REVIEW COMMITTEE

Introduced:

Referred:

A BILL

FOR AN ACT ENTITLED

**"An Act relating to the Mechanical; Plumbing; Swimming Pool, Spa, and Hot Tub; and Solar Energy codes; updating certain regulations adopted by the Department of Community and Economic Development relating to the codes that apply to certain construction contractors and mechanical administrators; and providing for an effective date."**

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

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

(7) "mechanical contractor" means a contractor whose business operations involve plumbing, pipe fitting, sheet metal, heating, air conditioning, ventilating, or sprinkler and dry chemical fire protection trades in order to install or modify mechanical piping systems, devices, fixtures, and equipment or other mechanical materials subject to the Mechanical Code adopted under AS 18.70.080:

- (A) Plumbing Code;
- (B) Swimming Pool, Spa, and Hot Tub Code;
- (C) Solar Energy Code; and
- (D) Mechanical Code

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

- (a) Each applicant shall be examined to determine the applicant's
  - (1) ability to understand plans, design specifications, and engineering terms commonly used in the mechanical field;
  - (2) knowledge of mechanical installations and piping;
  - (3) familiarity with the requirements of the Plumbing Code, Swimming Pool, Spa, and Hot Tub Code, and Solar Energy Code- adopted under 8ACC 63.010 and the Mechanical Code adopted under AS 18.70.080
  - (4) personal skill and ability

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

- (3) "mechanical administrator" means a person who is responsible for
  - (A) installing or modifying mechanical piping and systems, devices, fixtures, equipment, or other mechanical materials subject to the Plumbing Code, Swimming Pool, Spa, and Hot Tub Code, Solar Energy Code adopted under 8ACC63.010 and the Mechanical Code adopted under AS 18.70.080; or
  - (B) certifying that an installation or modification described in (A) of this paragraph complies with the applicable codes;

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

- (3) "state building code" means
  - (A) for building standards, the standards set out in the version of the Building Code adopted by the Department of Public Safety under AS 18.70.080, including the provisions of that code applicable to buildings used for residential purposes containing fewer than four dwelling units, notwithstanding the exclusion of those buildings from the Department of Public Safety's jurisdiction made by AS 18.70.080(a)(2);
  - (B) for mechanical standards, the standards set out in the Mechanical Code adopted under AS 18.70.080, including the provisions of that code applicable to

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

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

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

\*Sec. 5. AS 18.70.080(a) is amended to read:

(a) Subject to this section, the Department of Public Safety shall adopt regulations for the purpose of protecting life and property from fire and explosion by establishing minimum standards for:

(1) fire detection and suppression equipment;

(2) fire and life safety criteria in commercial, industrial, business, institutional, or other public buildings, and buildings used for residential purposes containing four or more dwelling units;

(3) any activity in which combustible or explosive materials are stored or handled in commercial quantities;

(4) conditions or activities carried on outside a building described in (2) or (3) of this subsection likely to cause injury to persons or property.

\*Sec. 6. AS 18.70.080 is amended by adding a new subsection to read:

(c) As a subsequent version of the Mechanical Code is published from time to time, the Department of Public Safety shall adopt a subsequent version of the Mechanical Code when the Department of Public Safety determines that the subsequent version meets the state's needs better than the preceding adopted version.

\*Sec. 7 This act takes effect immediately under AS 01.10.070(c)



## PRINCIPALS

Leo von Scheben  
 Earl D. Korynta  
 James A. Huettl  
 Gary H. Pohl  
 Theodore R. Kruth  
 Kenneth D. Maynard  
 Gregory A. Ingham  
 Timothy J. Vig  
 D. Lance Mearig  
 D. Richard Wyatt  
 Daryl D. Sorenson  
 Zane W. Shanklin

February 21, 2002

The Honorable Lisa Murkowski  
 House of Representatives  
 State Capitol  
 Juneau, AK 99801

Subject: House Bill 399

## ASSOCIATES

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 Jeffrey N. Logan  
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 Daniel Hayhurst  
 Jeff Hogge  
 Michael N. Anderson  
 Gerald V. Neubert

Dear Representative Murkowski:

Practicing design professionals have for years been interested in streamlining and coordinating construction regulations to be consistent across the country. Architects and engineers in Alaska have fully supported this goal because we need it in our own state. Currently, the *International* family of codes is the only comprehensive set of codes available to the building and construction industry and, therefore, are the only codes whose adoption would create this desired goal.

The construction industry has been hampered by a large number of different standards which require different solutions on a state-by-state, or even city-by-city, basis. When a firm works in more than one state this can really create problems. Consolidation of model codes into a single set of comprehensive, contemporary and coordinated national codes will allow the construction industry to focus on improvements in products and services to better serve the public's interests.

Opponents of some parts of the *International* family of model codes have often raised the specter of lost jobs. An analysis by the American Institute of Architects (AIA) finds the opposite to be true. Greater flexibility within the codes and the use of modern methods of construction reflect significant savings by removing wasteful and unnecessary practices from the construction of buildings. In an analysis done by the AIA in the State of Washington, the estimated savings for state agencies alone were \$4,000,000 annually, with no impact on the health or safety of the occupants of the buildings. This amount does not factor in the savings from improvement in understanding of the codes, consistent interpretation of the codes, and streamlined review and approval processes. Monies frivolously wasted to satisfy arbitrary and capricious limitations can be better spent to improve the quality of the built environment.

The *International Codes* have been developed using input from the broadest range of interests at the national level, and incorporate thinking on the widest range of technical issues affecting construction today. The Alaska design professions, including the 150 members of this firm, urge your strong support for the adoption of a single set of coordinated, comprehensive, and contemporary codes.

## ADDRESS

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## OFFICE LOCATIONS

Anchorage, Alaska  
 Fairbanks, Alaska  
 Juneau, Alaska  
 Wasilla, Alaska  
 Lewiston, Idaho  
 Spokane, Washington  
 Ferndale, Washington

Sincerely,

James Huettl, AIA  
 Principal

**Subject:** [Fwd: HB 399 Objection]

**Date:** Thu, 21 Feb 2002 20:56:02 -0900

**From:** Lisa Murkowski <Representative\_Lisa\_Murkowski@legis.state.ak.us>

**To:** Amy Erickson <Amy\_Erickson@legis.state.ak.us>

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**Subject:** HB 399 Objection

**Date:** Sun, 17 Feb 2002 13:58:26 -0900

**From:** the Wizard Loft <marris@atuonline.net>

**To:** Representative\_Lisa\_Murkowski@legis.state.ak.us

I oppose HB 399, and will also oppose any corresponding Senate version, which seeks to nullify adoption of the "International Mechanical Code", and the other codes that have been reviewed and approved by the Department of Safety, Occupational Licensing in our State as well as the professional design community over the course of several years.

This bill has the potential to put the design and construction community, the banking, funding, and regulatory agencies that rely on code use and adoption, that our common goal is to protect the health and welfare of the public.

I support adoption of the International Mechanical Code as an integral part of the International Code family that has emerged from combining the three major code groups throughout the United States through the efforts of thousands of professionals over several years. We must remain in the forefront of the ICC code adoption process.

I also can support a simple solution to the perceived problem of currently conflicting statutory references that can be easily changed by our body to allow Occupational Licensing to test the mechanical administrators according to the "current edition of the code adopted by the State Fire Marshal"

Please act in concert to preserve the efforts to move forward and help drag those in the legal profession act responsibly and keep the adopted International Codes in place.

James Marris AIA, CSI, ICBO  
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Principal, Karluk Design.  
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**Consulting Engineers**  
Planning • Design • Construction

Formerly:

**FPE Roen**  
Civil, Structural, Environmental, Mechanical, Survey  
**ENGINEERS**

Mark W. Fryer, PE  
Ronald H. Gebhart, PE  
Steven M. Theno, PE  
James R. Pressley, PE  
Gary L. Rice, PE



**Loftus Engineering Associates, Inc.**  
project management • structural engineering

James J. Loftus,

**LAKE & BOSWELL**  
Consulting Electrical Engineers, Inc.

Robert B. Boswell,

February 18, 2002

Honorable Lisa Murkowski  
Chair; House Labor and Commerce Committee  
State of Alaska

Dear Representative Murkowski:

I would like to take this opportunity to express my opinion regarding pending legislation, specifically HB 399. It is my understanding HB 399 attempts to nullify the adoption of the International Mechanical Code and other International Codes which have been reviewed and approved by the Department of Commerce and Economic Development and the Department of Public Safety. I am not in favor of this action.

I am a registered professional mechanical engineer in the State of Alaska, and a practicing design professional. Adoption of an integrated series of building codes, all cross-referenced and coordinated, and adopted at both the State and Municipal level would significantly improve the understanding, successful application and uniform enforcement of important code provisions.

The International Mechanical Code is an integral part of the International Building Code family. Together they form a concise, coordinated, cross-referenced series of codes to guide the building industry and to protect the health, safety and welfare of the public. Within the Municipality of Anchorage, review and adoption of the International Building Codes was a process that involved contractors, building owners, industry representatives and design professionals. That process reached consensus approval in favor of adoption of the International Building Code series. I would encourage you to support this effort, in favor of the International Building Codes, and to reject HB 399.

Sincerely,

Steve Theno, PE  
President  
PDC, Inc. Consulting Engineers



**Subject:** [Fwd: HB 399, HB 436, HB 437]

**Date:** Fri, 22 Feb 2002 12:37:51 -0900

**From:** Lisa Murkowski <Representative\_Lisa\_Murkowski@legis.state.ak.us>

**To:** Amy Erickson <Amy\_Erickson@legis.state.ak.us>

---

**Subject:** HB 399, HB 436, HB 437

**Date:** Thu, 21 Feb 2002 14:15:40 -0900

**From:** "Dick Armstrong" <darmstrong@rsa-ak.com>

**To:** <Representative\_Andrew\_Halcro@legis.state.ak.us>, <Representative\_Harry\_Crawford@legis.state.ak.us>, <Representative\_Jeannette\_James@legis.state.ak.us>, <Representative\_Joe\_Hayes@legis.state.ak.us>, <Representative\_Kevin\_Meyer@legis.state.ak.us>, <Representative\_Lesil\_McGuire@legis.state.ak.us>, <Representative\_Lisa\_Murkowski@legis.state.ak.us>, <Representative\_Norman\_Rokeberg@legis.state.ak.us>, <Representative\_Pete\_Knott@legis.state.ak.us>, <Senator\_Alain\_Austerman@legis.state.ak.us>, <Senator\_Ben\_Stevens@legis.state.ak.us>, <Senator\_Bettye\_Davis@legis.state.ak.us>, <Senator\_Gene\_Therriault@legis.state.ak.us>, <Senator\_Georgianna\_Lincoln@legis.state.ak.us>, <Senator\_Johnny\_Ellis@legis.state.ak.us>, <Senator\_John\_Cowdery@legis.state.ak.us>, <Senator\_John\_Torgeson@legis.state.ak.us>, <Senator\_Loren\_Leman@legis.state.ak.us>, <Senator\_Lyda\_Green@legis.state.ak.us>, <Senator\_Randy\_Phillips@legis.state.ak.us>, <Senator\_Rick\_Halford@legis.state.ak.us>, <Senator\_Robin\_Taylor@legis.state.ak.us>

The referenced House Bills will create problems with design and construction in this state. The bills appear to serve only a small special interest group, and will certainly not serve the citizens of this state well. I am a Professional Engineer who has donated a lot of time studying the codes and working with the municipal code adoption committees. I have problems with these Bills for the following reasons:

1. The International code series is a coordinated code group that is inter-related, and prepared to work together. Taking the Mechanical and Plumbing codes out of the package will create interpretation problems, and will cause design conflicts.
2. The International code series allows more designer flexibility, which means that we will be able to design and build less expensive buildings.
3. The International code series deletes unnecessary construction expense without sacrificing safety.
4. The proposed bills only guarantee the International Association of Plumbing and Mechanical Officials (IAPMO) a perpetual revenue stream, without regard to adopting the best code for the State of Alaska.
5. The professional organizations, designers, and contractors I know are fully supportive of the International Code Series, and oppose the proposed bills.
6. The building permit process will be faster if we stick with the International Codes, because there would be less ambiguity or conflict between the codes.
7. I feel there will be fewer inspection problems with the International Codes, because there is less chance of separate interpretations by different inspectors.
8. The last time the Legislature got involved with the code adoption process, it took about 16 years to adopt a current edition of the Uniform Plumbing Code, with the industry forced to work with obsolete codes in the interim.

I do not typically get involved in political issues, but I do feel strongly that adoption of the subject bills would be to the detriment of the Alaskan design and construction community, and in the end, the residents of the state will pay for this in higher building costs.

In summary, I urge you to reject the subject bills.

Richard S. Armstrong, PE  
Principal Engineer  
RSA Engineering Inc

# FISCAL NOTE

**STATE OF ALASKA**  
**2002 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 399  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Law  
 Title "An Act relating to the Uniform Mechanical Code BRU Civil Division  
and other safety codes; annulling certain regulations . . ." Component Legislation/Regulations  
 Sponsor House Rules by Request of the ARRC  
 Requester House Labor and Commerce Committee Component No. 2209

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual	10.0					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>10.0</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>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	10.0					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>10.0</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 (FY2002) cost: 0.0  
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

HB 399 requires state agencies to use the Uniform Mechanical Code as the basis for building inspections and testing for occupational licensing. The state fire marshal currently uses the International Mechanical Code as its standard for safe construction, and HB 399 will supercede that standard.

Passage of this legislation will require a number of small, targeted changes to regulations of the Department of Community and Economic Development, and require voluminous and detailed changes to regulations of the Department of Public Safety. Though our legal review of regulations does not typically generate a fiscal note item, HB399 has an immediate effective date. In order to expedite the review of these regulations, the department will need to retain a contract attorney to stay within any accelerated review schedule. We estimate the cost of such contract counsel would be approximately \$10,000.

Prepared by: Joan M. Kasson Phone (907) 465-5370  
 Division: Attorney General's Office Date/Time 2/22/02 9:18 AM  
 Approved by: Kathryn Daughhettee for Bruce M. Botelho, Attorney General Date 2/22/2002  
 Agency: Department of Law

# Constructing building codes

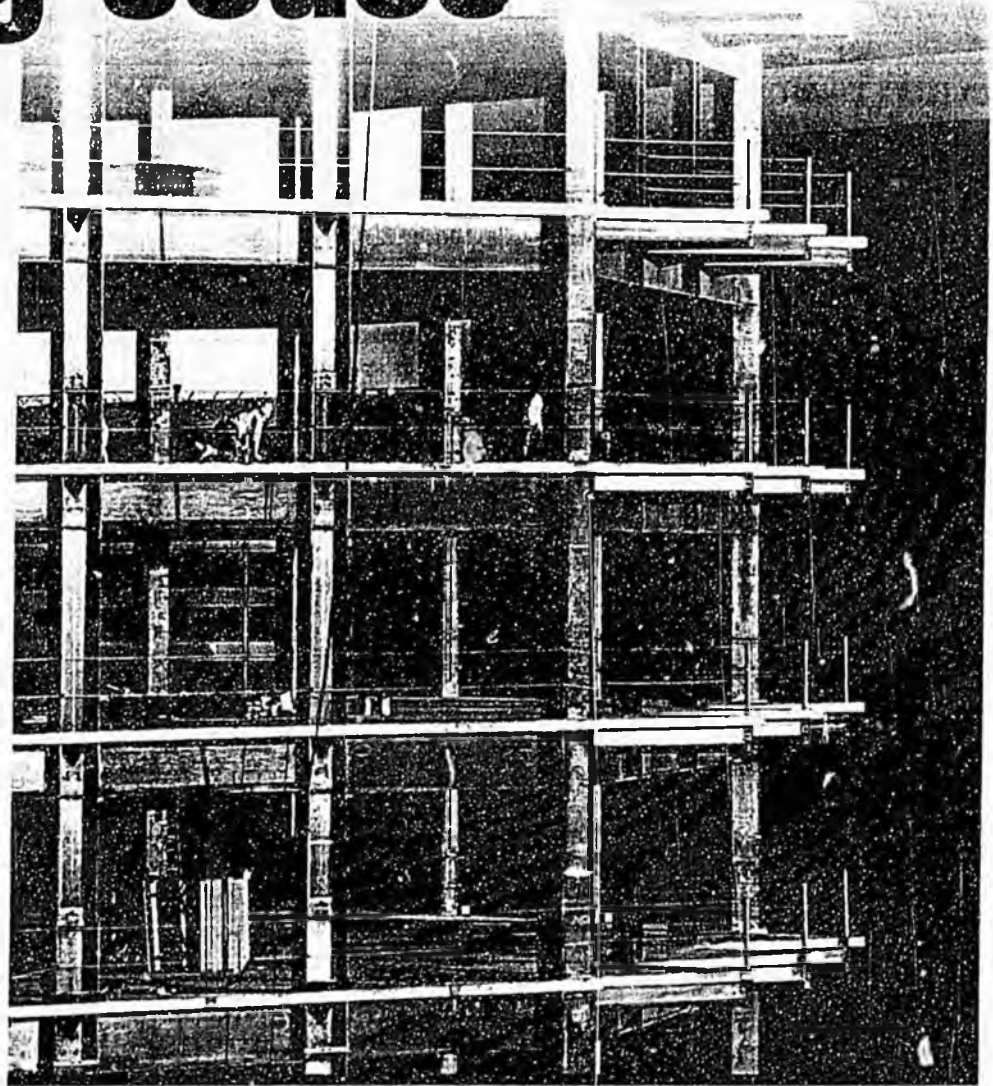
*A report offers options to governors and legislators facing decisions on construction codes that affect economic development and public safety.*

BY ROBERT WIBLE

**N**inety-five percent of all Americans live and work in states and localities that adopt or enforce building codes and standards regulating the design, construction and operation of buildings ranging from single-family residences to complex industrial structures.

Significant events have occurred regarding the development of construction codes and standards generated by the private sector that states and localities adopt. Those events have resulted in state legislatures and governors being aggressively lobbied by the building and fire services and construction trades to decide which new set of building, fire, electrical, mechanical, plumbing, residential, energy, life-safety and other construction codes and standards to adopt.

One set of codes is being generated by the nation's three model building-code organizations (Building Officials and Code Administrators International, International Conference of Building Officials and Southern Building Code Congress International) under their new umbrella group, the International Code Council, or ICC. The second set of codes is being generated by a consortium of organizations headed by the National Fire Protection Association, or NFPA, and the International Association of Plumbing and Mechanical Officials, or IAPMO.



*The National Conference of States on Building Codes and Standards presented its report to the National Governors' Association last year, outlining several approaches states are using to navigate the difficult technical and political issues surrounding building codes.*

## Much at stake

In the late 1990s the ICC and the NFPA were in negotiations to jointly produce a single set of coordinated comprehensive building codes and standards for use throughout the United States. Those negotiations later fell apart, and each group vowed to separately generate its own set of such codes and push for exclu-

sive adoption. The NFPA building code is currently under development and is projected to become available for adoption in 2002. The ICC building code has been available for adoption since mid-2000.

The lobbying efforts of the ICC and NFPA for their respective codes have become divisive, which may have a significant technical and political impact on

# Democrats win seats

*The political landscape shifted in states with off-year elections in November.*

BY ELAINE STUART

In off-year elections Nov. 6 only two states and one territory elected governors, while three states chose members of state legislatures. In addition, voters decided a smattering of statewide ballot issues.

Democrats captured the two open governorships in New Jersey and Virginia, ending eight years of Republican control of the top offices in those states. A Republican won again in the Commonwealth of the Northern Mariana Islands.

Democrats also won the New Jersey General Assembly and the House in Washington state, while Republicans held onto the Virginia House of Delegates. Redistricting this spring was credited in New Jersey and Virginia with influencing the results.

In New Jersey, Democrat Jim McGreevey, 44, easily captured the governorship over Republican Bret Schundler, 42. His victory, with the highest vote margin since 1989, led a sweep in legislative elections that ended a decade of Republican control in the statehouse.

McGreevey, former mayor of Woodbridge, N.J., gained statewide recognition in 1997 by coming within a few thousand votes of defeating then-incumbent Gov. Christine Todd Whitman. Buoyed by the support of teachers and police unions, he won by a wide margin.

McGreevey plans to focus on security, a budget shortfall and education. "During these four years we're going to change the way business is done in Trenton," he said in his victory speech. "The government we will build will be a government of Republicans, independents and, yes, Democrats, a government for all of the people, a government that is accountable to you and only to you."

Republican candidate Schundler was

hurt by his feud with fellow Republican Acting Governor and Senate President Donald DiFrancesco, who succeeded Whitman when she resigned early in 2001 to head the federal Environmental Protection Agency.

Democrats also won the New Jersey General Assembly and forced a 20-20 split in the state Senate. All 120 seats in the Legislature were up for election. Before the election, the Republicans controlled the Senate, 24-15, and the Assembly, 45-35. Republicans had held majorities since 1991.

Republican Senate Majority Leader John Bennett said the 20-20 split in the Senate challenges lawmakers of both parties to cooperate. Bennett was expected to compete with Minority Leader Richard J. Codey to preside as senate president. New Jersey has no lieutenant governor, and the senate president is the second most powerful official in the state.

In Virginia, Democrat Mark Warner, 46, took a centrist stand to win the Virginia governor's race over Republican Attorney General Mark Earley, 47. Democrat Timothy Kaine is the new lieutenant governor, and Republican Jerry Kilgore is the new attorney general.

Warner succeeds term-limited GOP Gov. James S. Gilmore. Warner, who raised a record \$20 million for his campaign, amassed a \$200 million personal fortune in the mobile-telephone industry and other investments. He called for a voter referendum in Northern Virginia on a plan to pay for transportation improvements in the region hit by traffic gridlock. Warner also had the support of teachers' unions opposed to Earley's call for vouchers.

Warner's pledge of bipartisanship may



Gov.  
Jim McGreevey,  
New Jersey



Gov.  
Mark Warner,  
Virginia

be tested in January by the Republican-held 100-member House, which increased its majority from 52 to 64 of the 100 seats. Legislative redistricting controlled by Republicans in the spring was credited with giving the GOP victory.

In Washington state, two Democrats won special legislative races, giving control of the House to that party. Democrats already control the Senate and governor's chair. In addition, voters approved an initiative that raised the cigarette tax by 60 cents a pack, giving Washington the highest cigarette tax in the nation at \$1.42 a pack starting Jan. 1.

In an election showdown in Texas, a Democrat and Republican have set the stage for a runoff that will decide who takes a seat in the Texas Senate. Gov. Rick Perry will soon set an election date, likely this winter.

Texas voters approved 19 constitutional amendments authorizing more than \$2.5 billion in state bonds to pave roads into border colonias, fund water projects and repair state buildings and parks.

In Colorado, voters rejected new bond issues across the board, including \$353 million for new schools and \$325 million for a new jail in Denver.

Voters in the Northern Mariana Islands on Nov. 3 elected Republicans Juan N. Babauta as governor and Diego T. Benavente as lieutenant governor.

As a result of the elections, the parties are in a dead heat in legislative control nationally, with 17 states controlled by Republicans, 17 states by Democrats and 15 split. ★

*Elaine Stuart is managing editor of State Government News.*

# CORRECTION

THE FOLLOWING DOCUMENT(S)  
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# Democrats win seats

*The political landscape shifted in states with off-year elections in November.*

BY ELAINE STUART

In off-year elections Nov. 6 only two states and one territory elected governors, while three states chose members of state legislatures. In addition, voters decided a smattering of statewide ballot issues.

Democrats captured the two open governorships in New Jersey and Virginia, ending eight years of Republican control of the top offices in those states. A Republican won again in the Commonwealth of the Northern Mariana Islands.

Democrats also won the New Jersey General Assembly and the House in Washington state, while Republicans held onto the Virginia House of Delegates. Redistricting this spring was credited in New Jersey and Virginia with influencing the results.

In New Jersey, Democrat Jim McGreevey, 44, easily captured the governorship over Republican Bret Schundler, 42. His victory, with the highest vote margin since 1989, led a sweep in legislative elections that ended a decade of Republican control in the statehouse.

McGreevey, former mayor of Woodbridge, N.J., gained statewide recognition in 1997 by coming within a few thousand votes of defeating then-incumbent Gov. Christine Todd Whitman. Buoyed by the support of teachers and police unions, he won by a wide margin.

McGreevey plans to focus on security, a budget shortfall and education. "During these four years we're going to change the way business is done in Trenton," he said in his victory speech. "The government we will build will be a government of Republicans, independents and, yes, Democrats, a government for all of the people, a government that is accountable to you and only to you."

Republican candidate Schundler was

hurt by his feud with fellow Republican Acting Governor and Senate President Donald DiFrancesco, who succeeded Whitman when she resigned early in 2001 to head the federal Environmental Protection Agency.

Democrats also won the New Jersey General Assembly and forced a 20-20 split in the state Senate. All 120 seats in the Legislature were up for election. Before the election, the Republicans controlled the Senate, 24-15, and the Assembly, 45-35. Republicans had held majorities since 1991.

Republican Senate Majority Leader John Bennett said the 20-20 split in the Senate challenges lawmakers of both parties to cooperate. Bennett was expected to compete with Minority Leader Richard J. Codey to preside as senate president. New Jersey has no lieutenant governor, and the senate president is the second most powerful official in the state.

In Virginia, Democrat Mark Warner, 46, took a centrist stand to win the Virginia governor's race over Republican Attorney General Mark Earley, 47. Democrat Timothy Kaine is the new lieutenant governor, and Republican Jerry Kilgore is the new attorney general.

Warner succeeds term-limited GOP Gov. James S. Gilmore. Warner, who raised a record \$20 million for his campaign, amassed a \$200 million personal fortune in the mobile-telephone industry and other investments. He called for a voter referendum in Northern Virginia on a plan to pay for transportation improvements in the region hit by traffic gridlock. Warner also had the support of teachers' unions opposed to Earley's call for vouchers.

Warner's pledge of bipartisanship may

be tested in January by the Republican-held 100-member House, which increased its majority from 52 to 64 of the 100 seats. Legislative redistricting controlled by Republicans in the spring was credited with giving the GOP victory.

In Washington state, two Democrats won special legislative races, giving control of the House to that party. Democrats already control the Senate and governor's chair. In addition, voters approved an initiative that raised the cigarette tax by 60 cents a pack, giving Washington the highest cigarette tax in the nation at \$1.42 a pack starting Jan. 1.

In an election showdown in Texas, a Democrat and Republican have set the stage for a runoff that will decide who takes a seat in the Texas Senate. Gov. Rick Perry will soon set an election date, likely this winter.

Texas voters approved 19 constitutional amendments authorizing more than \$2.5 billion in state bonds to pave roads into border colonias, fund water projects and repair state buildings and parks.

In Colorado, voters rejected new bond issues across the board, including \$353 million for new schools and \$325 million for a new jail in Denver.

Voters in the Northern Mariana Islands on Nov. 3 elected Republicans Juan N. Babauta as governor and Diego T. Benavente as lieutenant governor.

As a result of the elections, the parties are in a dead heat in legislative control nationally, with 17 states controlled by Republicans, 17 states by Democrats and 15 split. ★

*Elaine Stuart is managing editor of State Government News.*



Gov.  
Jim McGreevey,  
New Jersey



Gov.  
Mark Warner,  
Virginia

# Constructing building codes

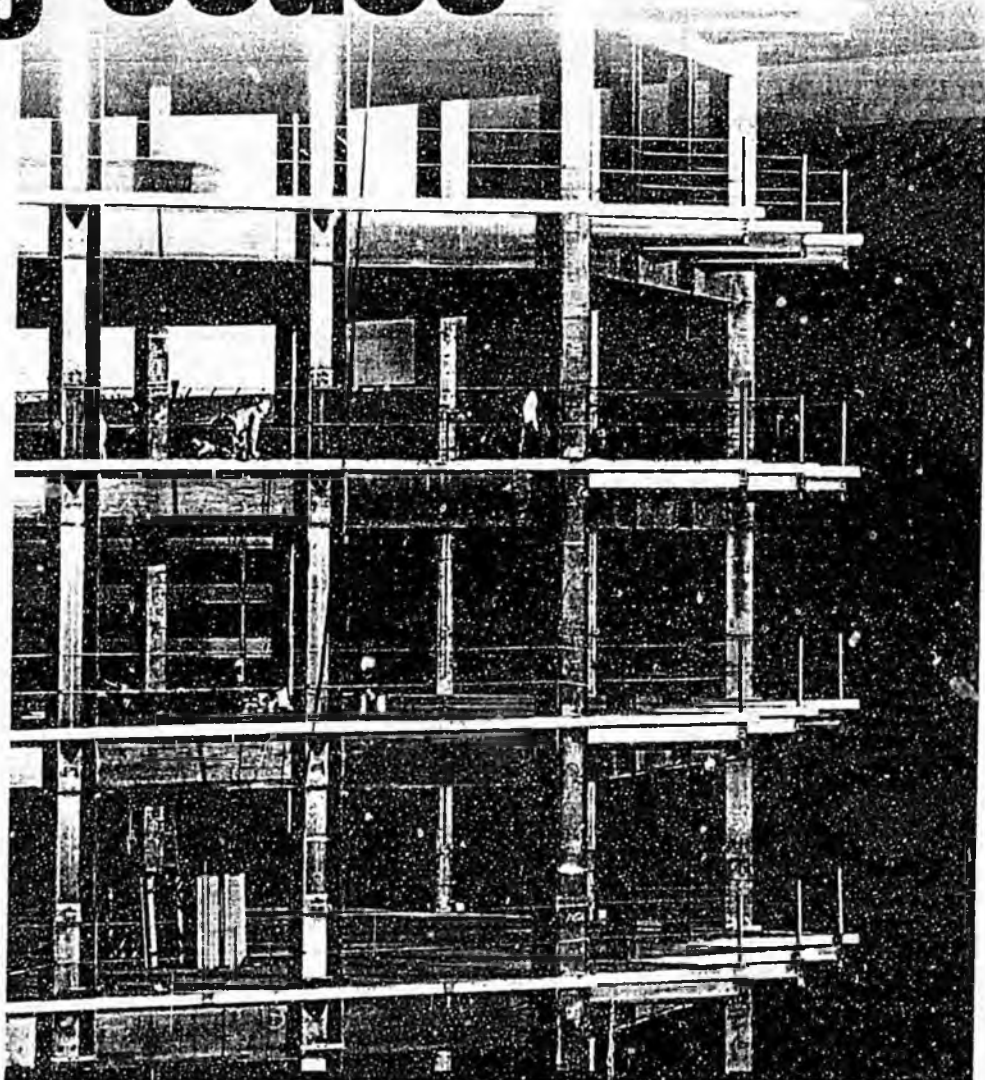
*A report offers options to governors and legislators facing decisions on construction codes that affect economic development and public safety.*

BY ROBERT WIBLE

**N**inety-five percent of all Americans live and work in states and localities that adopt or enforce building codes and standards regulating the design, construction and operation of buildings ranging from single-family residences to complex industrial structures.

Significant events have occurred regarding the development of construction codes and standards generated by the private sector that states and localities adopt. Those events have resulted in state legislatures and governors being aggressively lobbied by the building and fire services and construction trades to decide which new set of building, fire, electrical, mechanical, plumbing, residential, energy, life-safety and other construction codes and standards to adopt.

One set of codes is being generated by the nation's three model building-code organizations (Building Officials and Code Administrators International, International Conference of Building Officials and Southern Building Code Congress International) under their new umbrella group, the International Code Council, or ICC. The second set of codes is being generated by a consortium of organizations headed by the National Fire Protection Association, or NFPA, and the International Association of Plumbing and Mechanical Officials, or IAPMO.



*The National Conference of States on Building Codes and Standards presented its report to the National Governors' Association last year, outlining several approaches states are using to navigate the difficult technical and political issues surrounding building codes.*

## Much at stake

In the late 1990s the ICC and the NFPA were in negotiations to jointly produce a single set of coordinated comprehensive building codes and standards for use throughout the United States. Those negotiations later fell apart, and each group vowed to separately generate its own set of such codes and push for exclu-

sive adoption. The NFPA building code is currently under development and is projected to become available for adoption in 2002. The ICC building code has been available for adoption since mid-2000.

The lobbying efforts of the ICC and NFPA for their respective codes have become divisive, which may have a significant technical and political impact on

states and communities. At issue are the codes and standards that directly affect the future public safety and affordability of every building owned by state and local governments (including every school) and of every commercial structure, hospital, factory or residence built or rehabilitated within a state's borders.

The contents of construction codes and their effective enforcement also affects insurance premiums within communities and a state's ability to mitigate future man-made and natural disasters. Also at issue is the future cooperative working relationships between every state and locality's building, fire, labor and construction communities.

As the battle over which states and localities adopt which group's set of construction codes began to heat up, the National Governors' Association requested our organization, the National Conference of States on Building Codes and Standards, or NCSBCS, to research the apparent conflict and offer the governors a report sorting out the issues surrounding the competing codes. NGA also requested that the report offer state governors and legislatures several options for states to successfully adopt such codes. NCSBCS board members from different parts of the nation and diverse code backgrounds were on the reporting committee to assure a balanced perspective.

#### Report to the nation's governors

During the NGA Winter Meeting held in Washington, D.C., in late February, NCSBCS issued its report to the governors, *Enhancing Public Safety and the States' Role in the Global Economy Through Uniform Construction Codes and Standards — Issues Currently Before the Governors and State Legislatures*. The report includes four sections.

The first section highlights the code-adoption decisions being faced by the states. The second section includes reports prepared by ICC and NFPA in which both groups in their own words describe the set of construction codes they are writing and the benefits they think states and localities will derive from adopting their particular standards. The third section offers governors and state legislators several approaches that other

states are using to successfully navigate their way through the difficult technical and political issues surrounding the choice as to which set of construction codes to adopt. The report concludes with a special section written for states without a building code that describes the benefits of public safety and international economic competitiveness that such programs offer.

#### Options for states

Three of the four options contained in the NGA report are for states to adopt all the codes produced by one group or the other. A fourth option — and the one that many states and localities appear to be moving toward — is for jurisdictions to continue their practice of adopting and using a mix of ICC and NFPA codes and standards, taking from each party those codes that best fit the state's current code structure and needs.

Code-selection processes in three states (Minnesota, New Mexico and Virginia) offer governors and legislators possible guidelines for minimizing the politics surrounding the decision of which codes and which technical and administrative amendments are right for their state. Minnesota accomplishes that by appointing special code-review committees for each technical code it adopts, such as building, fire, plumbing and mechanical codes. Each committee includes a diverse group of stakeholders involved in that specific area, such as homebuilders, building officials and relevant trade groups. Minnesota requires its committees to come to a consensus before adopting a code, blend of codes and any technical amendments. New Mexico and Virginia rely on their state code-adoption agency to make the decision in consultation with the state's existing stakeholders' advisory body.

#### Progress to date

While the NFPA building code will not become available until sometime in 2002, the future availability of that document and the intense lobbying effort of its supporters has slowed down the speed with which some states have been adopting the ICC's building code, which became avail-

able in 2000. Through August 2001, seven states (Alaska, Maryland, Michigan, North Carolina, Pennsylvania, South Carolina and Utah) have adopted the ICC's building code, and the code was under active consideration in a dozen other states. Thus far, code-adoption trends support the NGA report's conclusion that most states appear to be continuing the practice of adopting a mix of codes and standards generated by the ICC and the NFPA.

The NCSBCS report to the NGA provides a list of which states have adopted which building, electrical and life-safety codes. An updated list of codes adopted by states and the full text of the report to the NGA can be found by logging onto the NCSBCS Web site, [www.ncsbcs.org](http://www.ncsbcs.org), and clicking the text that reads, "Report to the Nation's Governors and Legislatures on Codes." ★

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*Robert Wible is executive director of National Conference of States on Building Codes and Standards.*

#### Resources

NCSBCS was founded by the nation's governors in 1967 to promote the development of an efficient, cooperative system of building regulations to ensure the health, safety and welfare of the public within its built environment. NCSBCS provides technical support to the National Governors' Association under a 21 year-old executive-branch agreement, and has a cooperative agreement with The Council of State Governments that dates to 1971. CSG is a partner with NCSBCS in the Streamlining the Nation's Building Regulatory System Project (see SGN June/July 2000 issue, pages 29-30, "Building Faster for Less"), and in the recently created Institute for Building Technology and Safety, which also includes representatives from the National Governors' Association, the U.S. Conference of Mayors and National Association of Counties.

# Choosing a judiciary

*A scholar finds differences between electing and appointing judges.*

BY RICK BALES

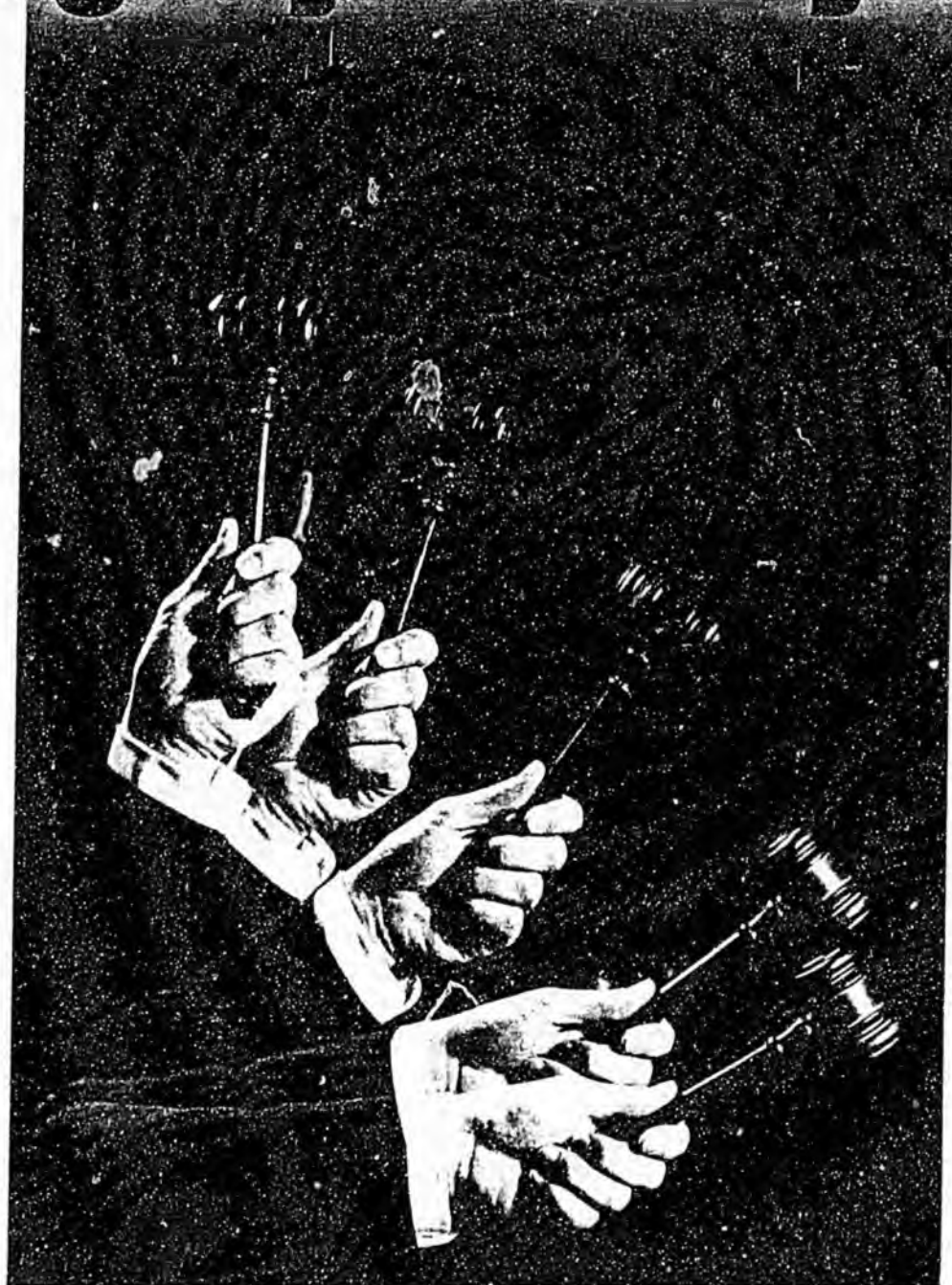
**R**esearch comparing the way states select their judges often is equivocal because states use a wide variety of methods, each state is politically unique and states have a limited number of judges to study. Nonetheless a review of the literature shows that whether judges are appointed or elected does make a difference in the ways they rule — although whether that's good or bad depends on whether it's more important that judges be accountable to the public or independent in their decision-making.

## The death penalty

In 1992, political scientist Melinda Gann Hall examined the prevalence of death-penalty dissents in four state supreme courts. Each state elected high-court justices, and in each state the voters strongly favored the death penalty. Hall, now of Michigan State University, found that election considerations affected the probability that liberal justices would side with a conservative majority to uphold the death penalty if: (1) the liberal justice had won by a narrow margin in the last election, (2) the liberal justice was in the last two years of his or her term, and (3) the liberal justice previously had campaigned for election.

Despite these conclusions, Hall's study does not prove that the different voting patterns would have resulted in different case outcomes. Instead, the liberal justices may simply have decided that the political cost of dissenting wasn't worth the trouble, since the defendant's appeal would have been denied regardless.

In 1993, Hall and Paul Brace of Rice University expanded Hall's original study



*Studies have found that elected and appointed judges tend to rule differently in death-penalty cases and cases involving government regulation.*

by adding four more states, two of which appointed justices. Hall and Brace found, first, that Democratic justices were more likely than Republican justices to vote to overturn a death penalty. Second, the professors found that elected Democratic justices were less likely to overturn a death penalty than appointed Democratic

justices. Third, the professors found that Democrats serving for shorter terms tended to vote more like Republicans.

These studies suggest that political factors affect elected judges more than appointed judges. But that does not necessarily mean that appointing judges is the ideal method of selection. Appointed

*A Report to the National Governors Association*

# **Enhancing Public Safety and the States' Role in the Global Economy Through Uniform Construction Codes and Standards**

Included in this issue -

[Attachment A: Code Issues Affecting Your State](#)

[Attachment B: The ICC and NFPA Reports](#)

[Attachment C: Processes to Evaluate which Codes to Adopt](#)

[Attachment D: Importance of Uniform Construction Codes](#)

## ISSUES CURRENTLY BEFORE THE GOVERNORS AND STATE LEGISLATURES

A Brief overview of Political and Technical Issues Impacting Your State's and Locality's Decisions Regarding Which Model Construction Codes and Standards to Adopt and Enforce

*A Report Prepared by the National Conference of States on Building Codes and Standards Under its Executive Branch Agreement with the National Governors Association*

February 24, 2001

***About This Report:***

For the past twenty years, under the terms of an Executive Branch Agreement, the National Conference of States on Building Codes and Standards, Inc. (NCSBCS), has been privileged to provide technical support to the National Governors Association (NGA) on a wide range of issues related to building codes and public safety. That support has included several white papers on the need for statewide building codes and standards to facilitate economic growth in the states.

NCSBCS has prepared these reports in response to NGA's requests for assistance in supporting the implementation of NGA policies. Currently, 10 NGA policies cover issues that are addressed by the building codes and standards, adopted and enforced by the states and over 40,000 localities throughout this nation. Among such current NGA policies are the NGA principles of state-federal relationship, affordable housing, disaster mitigation, energy conservation, and water resource management.

This report was prepared by NCSBCS in response to a request from NGA staff for assistance in understanding recent changes in model construction codes. The executive summary describes that situation and highlights information detailed in this report. This information will assist states dealing with challenging political and technical issues presented by the changes in these important life safety and economic development documents.

***NCSBCS Officers:***

Mike Unthank (NM), *President*

Tom Joachim (MN), *First Vice President*

Cynthia Wilk (NJ), *Treasurer*

Richard Gray (ND), *Secretary*

James Hanna (MD), *Past President*

## Executive Summary - Codes Issues Currently Before the Governors

Last year, significant events occurred regarding the development of the private sector generated model construction codes and standards, which states and their localities adopt and enforce. Those events have resulted in states now being aggressively lobbied by segments of their building and fire services and trade unions to make a decision as to which new set of building, fire, electrical, mechanical, plumbing, residential, life safety, and other construction-related codes and standards will be adopted.

This lobbying effort has become divisive and may have a significant technical and political impact on the states. At issue are the codes and standards that directly affect the future public safety and affordability of every public building owned by your state, and every school, commercial structure, factory, or residence built or rehabilitated within your borders. These decisions have significant potential impact on insurance premiums in your state and your state's ability to mitigate future man-made and natural disasters. Also at issue are the future cooperative working relationships between your building, fire, labor, and construction communities.

While no two states have the same rules, regulations, processes, or procedures governing the design and construction of buildings; states and their localities share a common reliance on model building and fire code organizations, which heretofore worked cooperatively to generate the technical provisions of the construction codes they adopt. Such codes today provide protection that covers 90% of the citizens of this nation.

The purpose of this report is to provide the nation's governors with background information regarding: the code adoption decisions facing your state (*Attachment A*); the parties involved in that process (*Attachment B*); and several suggested approaches that your colleagues in other states are using to successfully navigate their way through the difficult technical and political issues surrounding the choice of which sets of construction codes to adopt and enforce (*Attachment C*).

For those states currently without a statewide code, this report includes a summary of the public safety and international economic competitiveness benefits to states that chose to adopt such a program (*Attachment D*).

This report will help your state decide which of several possible actions to take regarding the current code dilemma before you, and will assist you in doing so with limited friction between the building, fire service, and construction communities.

Founded by the nation's governors in 1967 to provide the states a national forum through which they can collectively participate in building code and public safety issues at the national level, NCSBCS is pleased to provide this report to you and your colleagues. Additional information on NCSBCS and codes is available on the NCSBCS website, or by contacting the NCSBCS Executive Director, Robert Wible, at (703)481-2035 or [rwible@ncsbcs.org](mailto:rwible@ncsbcs.org).

### About NCSBCS

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# Attachment A

*A Report to the National Governors Association*

## **Enhancing Public Safety and The States' Role in the Global Economy Through**

### **Uniform Construction Codes and Standards**

#### **Codes Issues Affecting Your State**

Under the Tenth Amendment to the Constitution, states and their localities retain the authority to adopt and enforce laws that regulate the design and construction and use of buildings. As laboratories of democracy, no two states have chosen to regulate the built environment in exactly the same way. For example, while 43 states adopt codes and standards for state-owned construction, 25 states have chosen to adopt and enforce such regulations for all construction on a statewide basis; 49 states enforce only energy conservation requirements for buildings statewide, and 36 states regulate factory-built structures at the state level. The remainder of the states leave such structures to be covered by local laws, if at all.<sup>1</sup> In total, over 40,000 political jurisdictions in this nation either adopt or enforce the modern building codes and standards that provide for the public's safety.

Ninety percent of all Americans live and work in jurisdictions where their health and life safety are protected by buildings constructed or renovated based upon model building codes and standards. Diverse sets of codes and standards, covering such areas as structural, electrical, mechanical, plumbing, energy conservation, accessibility, and life safety are developed for states and localities to adopt by not-for-profit private sector associations using voluntary labor from the building, fire services, trade union, and construction community.

These codes and standards affect not only the health and life safety of the citizens of the communities that adopt and enforce them, but have technical and recommended administrative provisions that also affect the affordability of construction, the level of insurance premiums paid by the public, and the assistance that a state receives from the Federal Emergency Management Agency (FEMA) in reconstructing homes, businesses, and other structures after a man-made or natural disaster.

Throughout most of the twentieth century, such codes and standards lacked cohesiveness and technical uniformity. Multiple private sector groups produced diverse and often conflicting codes, leaving the states to blend the best provisions from these documents into a patchwork of construction codes. In the 1990's, the nation's model building and fire code writing bodies came together to write and publish (for state and local adoption) a uniform, cohesive, single set of codes and standards covering all of the above technical areas.

Initially, that effort showed great promise. This past summer, however, that cooperative effort fell apart. Instead of producing a single family of cohesive codes and standards, the parties separated into two deeply divided groups, each producing a distinctive and diverse family of construction codes and standards and committed to aggressively lobbying states and localities to adopt their own codes and standards.

These two groups — one representing the nation's building officials, the International Code Council (ICC)<sup>2</sup> and the other the nation's fire community, the National Fire Protection Association (NFPA), with their partners the International Association of Plumbing and Mechanical Officials (IAPMO) — have historically produced strong technical documents in their respective fields of expertise. Both parties have competent professional staffs and are supported by voting members from the building and fire services who believe strongly in the quality and accuracy of the codes and standards they produce and the support services that they provide the jurisdictions that adopt them. Both the ICC and the NFPA have publicly expressed the view that the public's interest would best be served if each state adopted and enforced their respective collection of codes and standards.

In the wake of the disintegration of their earlier cooperative efforts, both the ICC and the NFPA and their partners began to aggressively lobby governors' offices, mayors, state legislators, and city councils to set aside the codes developed by the other party and adopt instead their family of codes and standards. Joining the ICC and NFPA in this competition are a wide range of interest groups that are important to the political and economic scene in your state. These include: builders and contractors; licensed construction trades; unions; architects; engineers; and building and fire code personnel, including your state building codes personnel and state fire marshals.

As the current code dilemma runs its course, elected officials at all levels of government, in all 50 states and several territories, are finding it necessary to expend both taxpayer money and their own political capital

trying to sort out, with minimum disruption, which group's set of codes and standards are best for their community. The stakes involved here are more than just the sale of codes. They include the subsequent marketing to the state of ICC or NFPA products and services, including technical training on the codes themselves and the sale and use in the state of building products and materials allowed by these codes.

1 For a listing of states with statewide codes, please see page D 5-10.

2 The ICC is comprised of a 3 model building code organizations, Building Officials and Code Administrators International (BOCA), International conference of Building Officials (ICBO), and Southern Building Code Congress International (SBCCI)

## Helping Your State Make Its Decision - The Options That Are Available

In this atmosphere of growing competition between the ICC and NFPA and their supporters, how does a governor and his/her state's legislators go about choosing which codes to adopt without being swept up in the politics of competing interest groups? How do you determine in a thoughtful and fact-finding way which codes will work best for your citizens, businesses, and construction communities?

As the governors' national building code and public safety organization, NCSBCS believes that there are at least four possible code adoption options available to each state. These are:

1. Adopt all of the ICC family of codes (*See Attachment B*).
2. Adopt the NFPA family of codes being developed with IAPMO and other parties (*See Attachment B*).
3. Continue to adopt and use a mix of the ICC and NFPA family of codes — taking from the two parties those codes that best fit the state's current codes structure and needs.
4. Keep the existing state codes in place until such time that either the ICC or the NFPA family of codes emerges as the predominant family of codes being adopted across the nation.

Anyone of the above options will create problems for the states and localities involved, unless the process used to make these determinations is able to keep at arms length — and out of the political process, as much as possible — the multitude of construction organizations and associations who have lined up to support the two different model code-writing bodies.

These options also will require each state, under its existing administrative procedures acts, to extensively review and analyze its existing statewide codes (most of which already are a blend of NFPA and ICC codes) and the provisions of the new family of codes being offered by the ICC and NFPA. That comparison will also require an analysis and consideration of what amendments, to one or the other family of codes, will be needed to ensure their compatibility with other recognized standards mandated by the state or by federal programs (example Federal Energy Act, the HUD Fair Housing Program, etc.).

In undertaking this analysis, each state may well find that it reaches a totally different conclusion from its neighbors. Each state will have different views and levels of pressure from its stakeholders regarding building, fire, electrical, mechanical, plumbing, residential,

energy conservation, and accessibility issues. Also important will be factors such as what kind of services the ICC and the NFPA will offer to states and localities who adopt their codes. These services may include education, training, and technical assistance.

Whichever of the above options a state chooses, the intent of each state should be to implement a full set of compatible, coordinated codes that will not conflict with the regulations established by other state and federal programs. Such a set should meet the needs of both the public and private sectors, including the state construction industry.

## Understanding the ICC and NFPA Family of Codes and Successful Administrative Processes Being Used By States to Make Their Code Decisions

In Attachment A, we have briefly described the current code dilemma facing the states and highlighted four possible options that states might want to consider taking to resolve that dilemma.

- But who are the ICC and the NFPA, and what are the codes and standards they offer and the development processes they use?
- What successful approaches have other states taken toward deciding which codes to adopt and enforce?
- For those states without a statewide code, what are the benefits of having such a program?

These questions are addressed in the next three attachments, which comprise the remainder of our report.

Attachment B provides you transmittal letters and four-page reports that NCSBCS solicited from both the ICC and the NFPA. In these reports, these groups describe in their own words why they believe their codes and code development process will best, fit your state's needs.

Attachment C draws from the experience of three states as possible guides for minimizing the politics surrounding the process of deciding which codes and what technical and/or administrative amendments are right for a state. One of these states accomplishes that by appointing special code review committees for each technical code (building, fire, plumbing etc.). These committees are comprised of the diverse group of stakeholders themselves and require them to come to a consensus regarding which of the ICC or NFPA codes — or blend of those families — should be adopted in the state and with what technical amendments. The other two states rely upon the state code adoption agency itself to make that judgment in consultation with a single stakeholders advisory body already set by state statute.

Attachment D provides basic information regarding the safety and economic benefits of having such a program for states without a statewide building code.

### For More Information

States wishing to learn more about these three processes can contact:

**Robert C. Wible**, NCSBCS Executive Director  
[rwible@ncsbcs.org](mailto:rwible@ncsbcs.org)  
(703) 481-2035 Phone  
(703) 481-3596 Fax

In addition to the processes noted in this report, some states are considering pooling their resources to compare technical provisions of the ICC and NFPA codes to the codes and standards already in place in their state.

NCSBCS would be pleased to provide your office or state building regulatory agency with other background information about the Conference or the importance of statewide building codes and standards.

Among the other support materials available from the Conference is a publication called "*Introduction to Building Codes, 2000 - A Guide to Understanding the Codes and How They Work*". (A copy of that publication has been provided to each of the

governors along with this report.)

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## **Attachment B**

# **Enhancing Public Safety and The States' Role in the Global Economy Through Uniform Construction Codes and Standards**

*Issues Before the Governors and Legislatures*

## **The ICC and NFPA Reports**

For this report, NCSBCS invited both the International Code Council (ICC) and the National Fire Protection Association (NFPA) to submit a transmittal letter and four-page summary report regarding their respective families of codes and standards and the processes they used to develop them.

These reports are provided in alphabetical order, with the ICC transmittal letter and four-page report appearing first and the NFPA transmittal letter and four-page report appearing second.

NCSBCS does not endorse the statements made in either the ICC and NFPA submissions. These reports are printed here as they were delivered to NCSBCS.

[ICC transmittal letter](#)

[ICC four-page report](#)

[NFPA transmittal letter](#)

[NFPA four-page report](#)

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## Attachment C

### Enhancing Public Safety and The States' Role in the Global Economy Through Uniform Construction Codes and Standards

#### *Sample Processes Being Used by States to Evaluate Which Codes to Adopt*

Several states, such as Maryland and South Carolina, have already determined which family of codes – or blend of ICC and NFPA codes – they will adopt. In this attachment, we provide for your information sample processes that are currently being used by Minnesota, Virginia, and New Mexico to make that same determination.

[Minnesota Approach](#)

[Virginia Approach](#)

[New Mexico Approach](#)

#### Minnesota Approach

The Minnesota State Building Code was established in 1969 and pertained to state-owned buildings. In 1971, the State Building Code Division was established to promulgate and administer a statewide building code. Effective July 1, 1972, the code superseded all local codes and any municipality adopting construction regulations were required to adopt and administer the State Building Code. Any amendment to the State Code could only be accomplished at the state level. The State Building Code is based on model codes and certain state specialty codes. The base model code is the Uniform Building Code published by the International Conference of Building Officials (ICBO). In the past, when the latest edition of the UBC became available, it was adopted with necessary state amendments with the current edition of other model codes, i.e., National Electrical Code, ANSI Elevator Code. The state is currently reviewing the 2000 International Building Code for adoption.

The state of Minnesota is in the process of updating its state building code from some of the ICBO uniform codes and some homegrown codes (ICBO is one of the component organizations of the ICC).

In order to maximize the input from all involved parties the states established special code advisory committees to review the present codes, the new ICC and NFPA codes and any state amendments, and then make recommendations to the agency as to which sets of codes would best serve the state of Minnesota.

The advisory committees that are being established on each individual code must:

- Be balanced between government and industry and represent all areas of the affected industry.
- Review all proposals.
- Be thorough and thoughtful relative to the impact on the regulated industry, especially when additional costs may be

incurred.

- Utilize a "collective opinion" approach when making recommendations about which code or amendments to the code.
- Provide a recommendation to the agency, and not to make policy for the agency.

As each advisory committee was developed, each member received:

- A timetable.
- The process of code adoption.
- How to submit code changes.
- Existing codes.
- Proposed codes.

After the codes and any amendments have been evaluated each committee makes recommendations for adoption. The state agency then must choose which code and amendments are needed to fit the need of the state or local jurisdiction.

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## Virginia Approach

The Virginia General Assembly in 1973 empowered and directed the Virginia Board of Housing and Community Development (BHCD) to adopt statewide building regulations, which supercedes all building regulations (construction methods and materials) in Virginia. This first vision of the Virginia Uniform Statewide Building Code (USBC) system has sustained and grown into one of the most respected and copied construction regulatory systems in the nation.

The USBC prescribes mandatory building regulations to be compiled with when constructing, repairing and changing the use of buildings and structures and the equipment therein-including provisions for administration and enforcement.

Where practical, the code provisions have been stated in terms of required level of performance, so as to facilitate the prompt acceptance of new building materials and methods. Also, the USBC provisions allow construction at the least possible cost consistent with nationally recognized standards for health, safety, welfare, accessibility, energy and water conservation, in order to ensure the appropriate affordability of housing in the Commonwealth.

Enforcement of the construction provisions of the USBC is the responsibility of each local government's building department. The USBC also protects occupants of existing buildings and structures from health and safety hazards arising from the improper maintenance or use of buildings and structures. All local governments may enforce any or all of the maintenance provisions of the USBC and may assign the responsibility to a local agency of its choice. The local governing body may also charge a fee to defray the cost of enforcement and appeals arising from application of the USBC.

The BHCD bases the technical requirements of the USBC on nationally accepted model codes and standards and makes as few amendments as possible. The current Virginia codes are a mix of ICC members (BOCA) and NFPA model codes and standards. Local government has not been given authority to amend the provisions of the USBC. The purpose is to benefit the citizens of Virginia by promoting efficiency in the construction industry, many aspects of which are interstate in nature. For this reason, the BHCD encourages anyone who believes that a technical amendment is needed to submit his or her proposal directly to the model code or standard writing organization. Amendments made by such organizations will then be considered for inclusion in future editions of the USBC. State law requires the BHCD to properly maintain the USBC. The BHCD has historically done this by updating the USBC in accordance with the Virginia Administrative Process Act when new editions of the model codes become publicly available.

Through this process the BHCD must follow its "Public Participation Guidelines" and the Governor's Executive Orders which requires the BHCD to inform interest groups for their review and input on proposed changes and to also hold public hearings. Then prior to final adoption, all changes are reviewed and analyzed for physical and economic impacts, which must be addressed by the BHCD. Following are some of the principles used to guide the BHCD in adoption of the USBC:

- The adoption activity will be undertaken with the least possible interference in private sector enterprise and in the lives of Virginia's citizens.

- Unless otherwise mandated by statute, only USBC requirements that are essential to protect the health, safety and welfare of citizens will be promulgated.
- The USBC will be clearly written and easily understandable by the individuals and entities affected.
- As the USBC is being promulgated, citizens will have the opportunity to participate fully in the regulatory process and have reasonable access and opportunity to present their comments and concerns.
- No USBC requirement will be promulgated if there are less burdensome or less intrusive alternatives available that will satisfy applicable state or federal legal requirements and achieve the essential mandated purpose.

Virginia will resolve the "code dilemma" by following the above statutory requirements. This will require each of the proposed ICC and NFPA codes to a detailed technical review and analysis against the above principals. That technical review will be developed by the state agency charged with oversight of the state code and presented to a codes advisory body for their final recommendation to the Governor for adoption.

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## New Mexico Approach

The New Mexico Construction Industries Commission adopted the New Mexico Building Code on August 17, 1968. The New Mexico code requirements are mandatory minimum standards and local jurisdictions may amend them to make their provisions more stringent. The state building code is based on the Uniform Building Code published by the International Conference of Building Officials (ICBO).

New Mexico state law requires the adoption of nationally recognized codes used throughout the country with amendments to address local conditions. Currently, New Mexico like most other states, specifies a mix of ICBO and NFPA documents. These include the use of the Uniform Building Code, National Electric Code and the Uniform Plumbing and Mechanical codes and all other codes adopted by the "commission."

A nine-member commission appointed by the Governor and confirmed by the State Senate, oversees the process with the concurrence of the Construction Industries Division (CID). Members of the public and industry, present recommendations to the division and to separate Technical Advisory Councils (Electrical, Mechanical [Plumbing and HVAC] and General Construction [Commercial, Modular, Industrial and Residential]) (TACs). Building Officials from local government also have a voice in the process. The draft recommendations are then reviewed by the Commission.

Final Draft recommendations are presented in a series of statewide public hearings. Subsequent to the hearing process, the net product is presented to the Commission during an open meeting. The Commission either denies or approves the proposed rule (code). After Commission approval, the Division (CID) publishes the code (rule) and files the item with the State Records Center. During a 30-day filing period anyone may challenge the rule in district court. Barring any objection, after 30 days the rule has the force of law. The average turn-a-round time from inception to filing can be as short as 6 months.

New Mexico is currently using this process to determine which family or continued blending of families of the new ICC and NFPA codes will work best for their citizens and industry.

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[\(back to report\)](#)

## Attachment D

# Enhancing Public Safety and The States' Role in the Global Economy Through Uniform Construction Codes and Standards

*Issues Before the Governors and Legislatures*

## The Importance of Uniform Construction Codes to the States' Role in the New Economy

Under two recent NGA reports on the New Economy ("Governance in the New Economy" and "State Strategies for the New Economy"), the governors have been reviewing the forces affecting their states' role in the global economy and considering actions they should take to sustain economic growth. Towards that end, the NGA report on "State Strategies for the New Economy" identifies policies and programs that include four approaches directly relevant to the building codes and standards that their state and communities adopt and enforce:

1. Address the quality of life concerns to attract new businesses and workers (e.g. housing, schools, and infrastructure)
2. Support entrepreneurs by streamlining business regulations, providing timely decisions, and assisting firms in their search for venture capital
3. Develop more uniform regulatory and tax systems to reduce complexity, eliminate market distortions, and better protect consumers
4. Reengineer government to deliver services more efficiently using technology, privatization, and partnerships with the private sector

The above four approaches are relevant to codes and standards in a number of ways. Building codes and standards help elected officials fulfill two important basic functions of government: protecting the public's health and life safety; and enhancing economic development both within the state and, in the new economy, enhancing the state's role in the global economy.

Having seen such things as the loss of life in Florida caused by Hurricane Andrew, most Americans readily understand the life safety aspect of building regulations. The need to protect the public from substandard housing, poor sanitation, unnecessary risk of fire or loss of life from natural (or man-made) disasters, has helped elected officials see the wisdom of adopting and enforcing model building and fire safety codes. Life safety also is enhanced where states and localities have adopted the same codes and standards, thus reducing the complexity and confusion to the construction industry caused by trying to comply with divergent construction provisions within the same state.

Less easily understood, however, has been the significant positive impact that uniform model codes and standards and efficient codes administration has on the economic viability of a state and its localities. All four

of the above recommended NGA policies for states to succeed in the new economy relate directly to how well a state regulates construction within its borders. A look at the past three decades explains how.

The U.S. Department of Commerce estimates that over 12% of our annual gross domestic product is generated by the nation's construction and renovation of buildings, and nearly half of our national wealth is tied up in buildings constructed and used by the public and private sectors. But beyond the number of jobs and national wealth that the construction industry represents, effective and efficient building codes and codes enforcement has had a major impact on the economic viability of states and their localities.

Through the mid-1960's, only four states had uniform, statewide building codes. Noticing the wide variety of social and economic problems that codes effectively address, 20 states in the early 1970's adopted statewide building regulatory programs with varying degrees of local control. Some states provided localities the right to freely amend the minimum state code. Other states, like New Jersey and Virginia, adopted model codes that precluded local amendments. Most recently, states like New Jersey and Maryland are improving the economic revitalization of previously depressed portions of their states through the statewide application of uniform building rehabilitation codes (the New Jersey Building Rehabilitation Code and Maryland's "Smart Code" initiative).

Effective statewide codes are critical to state economic development. The 1970's and '80's, are replete with cases where state economic growth was curtailed as in Massachusetts, for example, where the code enforcement system contributed to a lack of affordable housing, which kept high-tech firms from locating in that state. During that same time period, effective uniform statewide code systems in Kentucky and South Carolina helped those states beat out their neighbors in the competition to locate major foreign automobile production facilities in their states.

Codes and codes enforcement can either facilitate or restrict the introduction and use of safe, durable, and innovative building products, technologies, and processes. In that regard, codes and codes enforcement also can either enable or make it virtually impossible for building products manufacturers to aggregate their markets, which could reduce the cost of their products through volume production. Market aggregation thus enables product manufacturers to more readily compete in the international marketplace. Aggregation has been especially successful where states and their localities have adopted the same model building codes with few (if any) technical amendments.

Taken together, a uniform statewide building code administered at the local level meets the above four NGA-recommended policies for succeeding in the new economy by providing a coordinated approach toward:

- addressing quality of life concerns
- attracting and retaining new and existing businesses
- supporting uniform regulatory systems
- facilitating more efficient uses of technology

Over the past four years, in response to the need for states to restructure their regulatory systems to effectively participate in the new economy, legislators in several states have either held hearings or adopted legislation establishing uniform statewide building regulatory systems. In the mid-1990's, Florida adopted legislation establishing a single statewide code and Missouri held several public hearings on the need for statewide uniformity.

In 1999, the Commonwealth of Pennsylvania became the 33rd state to adopt and sign into law legislation establishing a uniform statewide building regulatory system. A state commission to study the benefits of such a statewide program is currently working in Illinois as well.

Listed in the following tables are the states that currently have different types of mandatory statewide building regulatory programs:

[States With Mandatory Statewide Building Codes](#)

[Map of Building Code Influence as of January 2001](#)

[States Adopting NFPA Codes](#)

If your state is not among them and you would like more information on such programs, additional information regarding the benefits of statewide building codes and copies of sample state enabling legislation is available by contacting NCSBCS Technical Services Center staff member [Carolyn Fitch](#) at (703) 437-0100.



# Klebs Mechanical, Inc.

An Independent Lumber Dealer

2261 Cinnabar Loop · Anchorage, Alaska 99507 · Phone (907) 344-1128 · Fax: (907) 344-3935  
www.klebsheating.com Residential · Commercial · Industrial E-mail: klebs@gci.net

February 25, 2002

Representative Lisa Murkowski  
Alaska State Capitol  
Jeneau, AK 99801-1182

RE: House Bills 399, 436, and 437

Dear Ms. Murkowski,

Date	2/25	# of pages	5
To	Senator/Rep.		From Gary Klebs
Co./Dept.			Co. Klebs Mech.
Phone #			Phone # 907-344-1128
Fax #			Fax # 907-344-3935

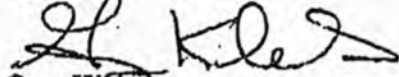
I have been a Mechanical Contractor working thr I served two terms for a total of six years on the Building Regulation Examiners and Appeals, two years as the chairman. February of 2002 was my termination date as a board member due to the term limits. I was also on the committee that reviewed and helped adapt the 1994 and 1997 Uniform Mechanical Code, and the 2000 International Mechanical Code.

I am in full support of the new international set of codes. They allow homeowners, contractors, and engineers to install and design systems that save labor and allow new listed products that the previous uniform codes have restricted. These are safe and easy to use and save the consumer money. As a contractor, the cost of construction does not matter to me. It is in my bid and the higher the cost the more money I make. I am a special interest group, and the Labor Unions are also a special interest group. It is these special interest groups that sometimes look at what is best for themselves and not the people of Alaska. The international set of Building Codes is the best choice for the State of Alaska.

I oppose house bills 399, 436, and 437 and any corresponding Senate versions, which seek to nullify adoption of the International Mechanical Code and the other codes that have been reviewed and approved by the Department of Commerce and Economic Development and the Department of public Safety. This bill will put the design and construction community into turmoil. I support the adoption of the International Mechanical Code as an integral part of the International Building Code family. I also support a simple solution to the perceived problem: Any conflicting statutory references

can be easily changed by your body to allow Occupational Licensing to test the mechanical administrators according to the code adopted by the State Fire Marshal. This can be done by adopting a bill that removes specific references to codes, editions, and publishers, and replaces with general references only to the building, electrical, fire, mechanical, etc. codes. Please act in the best interest of the majority of the citizens of Alaska, and keep the adopted International Codes in place.

Sincerely,



Gary Klebs

President

Klebs Mechanical, Inc.

Attachments: Suggested substitution for House Bills 399, 436, and 437, and Senate versions.

cc: Associated Builders and Contractors

**HOUSE OR SENATE BILL NO. \_\_\_\_\_**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SECOND LEGISLATURE - SECOND SESSION**  
**BY THE HOUSE/SENATE RULES COMMITTEE BY REQUEST OF THE ADMINISTRATIVE**  
**REGULATION REVIEW COMMITTEE**

Introduced:  
Referred:

**A BILL**

**FOR AN ACT ENTITLED**

**"An Act relating to the Mechanical; Plumbing; Swimming Pool, Spa, and Hot Tub; and Solar Energy codes; updating certain regulations adopted by the Department of Community and Economic Development relating to the codes that apply to certain construction contractors and mechanical administrators; and providing for an effective date."**

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

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

**(7) "mechanical contractor" means a contractor whose business operations involve plumbing, pipe fitting, sheet metal, heating, air conditioning, ventilating, or sprinkler and dry chemical fire protection trades in order to install or modify mechanical piping systems, devices, fixtures, and equipment or other mechanical materials subject to the Mechanical Code adopted under AS 18.70.080:**

- (A) Plumbing Code;**
- (B) Swimming Pool, Spa, and Hot Tub Code;**
- (C) Solar Energy Code; and**
- (D) Mechanical Code**

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

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

- (1) ability to understand plans, design specifications, and engineering terms commonly used in the mechanical field;
- (2) knowledge of mechanical installations and piping;
- (3) familiarity with the requirements of the Plumbing Code, Swimming Pool, Spa, and Hot Tub Code, and Solar Energy Code- adopted under 8ACC 63.010 and the Mechanical Code adopted under AS 18.70.080
- (4) personal skill and ability

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

- (3) "mechanical administrator" means a person who is responsible for
  - (A) installing or modifying mechanical piping and systems, devices, fixtures, equipment, or other mechanical materials subject to the Plumbing Code, Swimming Pool, Spa, and Hot Tub Code, Solar Energy Code adopted under 8ACC63.010 and the Mechanical Code adopted under AS 18.70.080; or
  - (B) certifying that an installation or modification described in (A) of this paragraph complies with the applicable codes;

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

- (3) "state building code" means
  - (A) for building standards, the standards set out in the version of the Building Code adopted by the Department of Public Safety under AS 18.70.080, including the provisions of that code applicable to buildings used for residential purposes containing fewer than four dwelling units, notwithstanding the exclusion of those buildings from the Department of Public Safety's jurisdiction made by AS 18.70.080(a)(2);
  - (B) for mechanical standards, the standards set out in the Mechanical Code adopted under AS 18.70.080, including the provisions of that code applicable to buildings used for residential purposes containing fewer than four dwelling units,

notwithstanding the exclusion of those buildings from the Department of Public Safety's jurisdiction made by AS 18.70.080(a)(2);

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

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

\*Sec. 5. AS 18.70.080(a) is amended to read:

(a) Subject to this section, the Department of Public Safety shall adopt regulations for the purpose of protecting life and property from fire and explosion by establishing minimum standards for:

(1) fire detection and suppression equipment;

(2) fire and life safety criteria in commercial, industrial, business, institutional, or other public buildings, and buildings used for residential purposes containing four or more dwelling units;

(3) any activity in which combustible or explosive materials are stored or handled in commercial quantities;

(4) conditions or activities carried on outside a building described in (2) or (3) of this subsection likely to cause injury to persons or property.

\*Sec. 6. AS 18.70.080 is amended by adding a new subsection to read:

(c) As a subsequent version of the Mechanical Code is published from time to time, the Department of Public Safety shall adopt a subsequent version of the Mechanical Code when the Department of Public Safety determines that the subsequent version meets the state's needs better than the preceding adopted version.

\*Sec. 7 This act takes effect immediately under AS 01.10.070(c)



# Klebs Mechanical, Inc.

An Independent Lennox Dealer

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 www.klebsheating.com Residential • Commercial • Industrial E-mail: klebs@gci.net

February 25, 2002

To: Denny Bowden  
 Asst. Chief, Labor Standards  
 PO Box 107020  
 Anchorage, AK 99510

Date 2/25	# of pages 47
To Senator/Rep.	From Gary Klebs
Co./Dept.	Co. Klebs Mech.
Phone #	Phone # 907-344-1128
Fax #	Fax # 907-344-3935

Subject: Department of Labor proposed regulation changes. See enclosure for specific information on, 8-AAC 90.140 and 8 AAC 90.165,

CC: Associated Builders and Contractors  
 Representative Lisa Murkowski House Labor and Commerce  
 Senator Brn Stevens Senate Labor and Commerce

Dear Asst. Chief, Labor Standards:

I have reviewed the proposed changes and have the following response:

I am not anti training, but I am against the proposed changes. We started our company in 1986 and as our manpower requirement changed we started our own in-house apprentices program in 1992. The Bureau of Apprenticeship and the Training Department of the Federal Government approved this program. When Associated Building and Contractors came to Alaska we joined with them and have since used their training program. We currently have approximately 47 employees, ten of which are registered apprentices. It has always been my belief that workforce development requires a training program, but there are a few areas of this proposal that need a closer look.

- Again, I want to stress that I am not against training, but what I am against is increased government spending. This proposed program will cost more, and the Department of Labor does not enforce the existing programs all ready in place because they do not have the resources. Why add regulations that the Department of Labor cannot afford or enforce?
- Currently there are no pattern standards set up for the residential construction market by the Federal Apprenticeship program. If there isn't any existing residential program, how can this proposal work?
- There is a shortage of workers at the present time. The building trades are not being marketed in our high schools and the restricting nature of the apprenticeship program

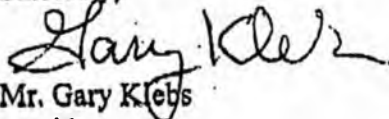
makes young people turn to other vocations. Let's establish ways to make construction more attractive rather than additional restrictions that will turn more people away.

- If this proposal is enforced it is going to cause the prices to go up due to a restricted labor market. There is a limited capacity for training of apprentices, Labor Unions and Associated Builders and Contractors (ABC) do not have enough capacity, and the Federal Government cannot handle the increase in registration. Restricted labor equates to increased labor rates.
- Organized labor has continued to suppress the labor market by not allowing enough apprentices into the labor market. This action protected their journeymen and reduced the number of apprentices, which has helped create the shortage of journeymen today. The proposal indicated the Union will become a major part of training, so how will this work given their past?
- Our housing markets will suffer. At the present time there is very little enforcement of journeymen to apprentice ratios. It is no secret that there are more apprentices on a residential job site than journeymen, a possible four apprentices to every one journeyman. If you take away 75% of the residential workforce how are the builders going to get there houses done on time?
- It is hard enough for these trades to get people to work as it is, and some young potentially good craftsmen do not want a structured training program. Why should the state force them into a program they don't want and it is questioned weather they even need the program.

Due to better product availability to consumers, better codes, safer material and methods, the State of Alaska should be reducing the requirements that allow tradesmen to go to work, rather than adding additional restrictions.

It is my opinion that a special interest group is presenting this issue to the Department of Labor with no regard to the increase of costs that consumers and taxpayers will have to bear. The system, even as it is, with little or no monitoring by the Sate of Alaska is working. However, there is always room for improvement but not with this proposal. If you have any questions please feel free to contact me at 907-344-1128 extension 205.

Sincerely,



Mr. Gary Klebs  
President  
Klebs Mechanical, Inc.

Enclosure

NOTICE OF PROPOSED CHANGES  
IN THE REGULATIONS OF THE  
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

The Department of Labor and Workforce Development proposes to adopt regulation changes in Title 8 of the Alaska Administrative Code dealing with amusement rides, the National Electrical Code, the National Electrical Safety Code, Elevator Safety Standards, Boiler and Pressure Vessel Construction Code and Certificate of Fitness requirements including the following:

8 AAC 63.010 is proposed to be amended to allow the use of corrugated stainless steel tubing as a material for gas piping under specified conditions.

8 AAC 70.025(a) is proposed to be amended to adopt the latest edition of the National Electrical Code (2002 replacing 1999), and deleting the option to Article 555-6 of the 1999 National Electrical Code.

8 AAC 70.025(b) is proposed to be amended to adopt the latest edition of the National Electrical Safety Code (2002 replacing 1997).

8 AAC 77.005 is proposed to be amended to extend the requirements of Part XXIV of the Safety Code for Elevators and Escalators to all types of passenger elevators, except private residential elevators.

A new section 8 AAC 78.255 is proposed to be added to designate a person as a tramway specialist, and establish the length of time the certification is effective.

8 AAC 78.280 is proposed to be amended to require the annual inspection be conducted prior to access by the public.

8 AAC 78.900 is proposed to be amended to clarify the definition of an amusement ride.

8 AAC 80.010 is proposed to be amended to adopt the latest edition of the Boiler and Pressure Vessel Construction Code (2001 replacing 1998).

8 AAC 80.010(e) is proposed to be amended by specifying that boilers and pressure vessels fabricated for installation in this state must bear a National Board of Boiler and Pressure Vessel Inspectors registration number.

8 AAC 80.900 is proposed to be amended by clarifying the definition of "automatic utility hot water heater", adding definitions of "inside diameter not exceeding six inches," "unfired pressure vessels" as used in AS 18.60.210(a)(2), and "Owner/User Inspector," and deleting a redundant definition of "psi."

8 AAC 90.140, dealing with plumbing trainee certificates of fitness, is proposed to be amended to require initial applicants for trainee certificates of fitness after a specified date to be registered in an accredited apprenticeship program.

8 AAC 90.160 is proposed to be amended to allow up to 1000 hours experience as a power lineman to count towards qualifying as an electrician journeyman.

8 AAC 90.162 is proposed to be amended to allow up to 1000 hours experience as an electrician to count towards qualifying as power lineman journeyman.

8 AAC 90.165, dealing with electrician trainee certificates of fitness, is proposed to be amended to include power linemen trainees, and to require initial applicants for trainee

certificates of fitness after a specified date to be registered in an accredited apprenticeship program.

8 AAC 90.192 dealing with continuing education requirements for electrician journeyman certificates of fitness, is proposed to be amended to provide the type of proof that the Department requires that the electrician has taken the required courses; allow a certain amount of electrical courses other than code updates to be used to meet the continuing education requirements of a certificate of fitness; allow an authorized provider of a course of instruction to use that course for credit towards renewal of the provider's certificate if the course was presented within the appropriate time frame; and to require applicants to submit completion certificates on a form provided by the department for continuing education credits.

8 AAC 90.194, dealing with approved electrician workshops, is proposed to be amended to specify which edition of the National Electrical Code will be used for a workshop, and to require applicants and approved providers to submit completion certificates on a form provided by the department for continuing education credits.

8 AAC 90.900 is proposed to be amended by adding a new paragraph (18) to add a definition of "industry related" as pertains to continuing education courses.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed action, by submitting written comments to Denny Bowden, Department of Labor and Workforce Development, P.O. Box 107020, Anchorage, AK 99510, so that they are received no later than 5:00 p.m., February 26, 2002.

For a copy of the proposed regulation changes, contact Denny Bowden, Department of Labor and Workforce Development at P.O. Box 107020, Anchorage, AK 99510, (907) 269-4928, by email at [Dennis.Bowden@labor.state.ak.us](mailto:Dennis.Bowden@labor.state.ak.us), or go to <http://www.labor.state.ak.us/commish/>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Denny Bowden at (907) 269-4928 before February 19, 2002, to ensure that any necessary accommodations can be provided.

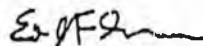
After the public comment period ends, the Department of Labor and Workforce Development will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may vary from that of the proposed regulations. **YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.**

Statutory Authority: AS 05.20.070; AS 18.60.180; AS 18.60.600; AS 18.60.705; AS 18.60.710; AS 18.60.800; AS 18.62.060

Statutes Being Implemented: AS 05.20.070; AS 18.60.180; AS 18.60.705; AS 18.60.800; AS 18.62.010-.070

Fiscal Information: This action is not expected to require an increased appropriation.

1/16/02  
Date

  
Ed Flanagan  
Commissioner

# FISCAL NOTE

**STATE OF ALASKA**  
**2002 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 399  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Revenue  
 Title Uniform Mechanical Code BRU Alaska Housing Finance Corp.  
 Component Operations  
 Sponsor House Rules  
 Requester House Labor and Commerce Component No. 110

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
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>
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<b>CHANGE IN REVENUES ( )</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>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<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 (FY2002) cost: 0.0  
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** *(Attach a separate page if necessary)*  
 Section 4 amends AHFC's "state building code" definition for construction standards on housing eligible for mortgage purchases.

With an immediate effective date, there may be some confusion among inspectors and builders in the middle of the upcoming construction season regarding which code is required. There will have to be an effort on the part of AHFC and others to get out the word regarding the changes proposed in the bill. This will include changing workshop curriculum, mail-outs, newspaper ads, bulletins and other such notices.

These costs are anticipated to be minimal, and can be assumed with existing budgetary authority.

Prepared by: John Bitney, Legislative Liaison Phone 330-8445  
 Division Alaska Housing Finance Corporation Date/Time 2/25/02 5:18 PM  
 Approved by: Larry Persily, Deputy Commissioner Date 02/25/2002  
 Agency Department of Revenue

# FISCAL NOTE

**STATE OF ALASKA**  
**2002 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 399  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DCED  
 Title An act relating to the Uniform Mechanical Code BRU: Occupational Licensing (117)  
and other safety codes Component Occupational Licensing  
 Sponsor House Rules by Request  
 Requester House Labor & Commerce Component No. 2360

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual	40.0					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>40.0</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>						
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<b>CHANGE IN REVENUES ( )</b>	<b>40.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (1007 Interagency Receipts)	40.0					
<b>TOTAL</b>	<b>40.0</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 (FY2002) cost: 0.0  
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

The effect of this bill requires a change from the International Code to the Uniform Code; and therefore, the licensing tests will need to be rewritten. The testing contractor has advised that rewriting the tests will cost \$40.0 which can be completed within approximately 4 months. The interagency funding source is the Department of Public Safety.

Prepared by: Jennifer Strickler, Administrative Manager Phone (907) 465-2144  
 Division Occupational Licensing Date/Time 2/28/02 5:23 PM  
 Approved by: Deborah B. Sedwick, Commissioner Date 2/28/2002  
 Agency Department of Community & Economic Development

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

MECHANICAL CONTRACTORS OF, )  
ALASKA, Inc., )

Plaintiff, )

vs. )

STATE OF ALASKA, )  
DEPARTMENT OF PUBLIC SAFETY, )  
et al., )

Defendants. )

Case No. 3AN-01-10347 CI

TRANSCRIPT OF DECISION BY JUDGE ANDREWS  
ON APPLICATION FOR PRELIMINARY INJUNCTION

On: December 17, 2001  
At: Anchorage, Alaska  
Pages 1 - 5, Inclusive

To: Amy Erickson  
From: Ed Evans  
2/1/02

FEB-28-2002 THU 04:28 PM FIRE PREVENTION

FAX NO. 1 907 338 4375

P. 03

Judge Andrews: I'm on record in the matter of:

*Mechanical Contractors v. State, DPS*  
Case No. 3AN-01-10347 CI

This is a time set to put a decision on record and the record should reflect that the court heard argument and testimony this morning regarding the plaintiff's motion for a preliminary injunction. It appears to me that Mechanical Contractors of Alaska is seeking to enjoin the Department of Public Safety and the State of Alaska officials from using certain recently adopted regulations, specifically the International Mechanical Code which they claim was improperly adopted under the APA. MCA is also seeking to enjoin the DCED from adopting regulations pursuant to the International Code.

If the court granted MCA's injunction, the court would be setting aside the regulation implementing the International Mechanical Code and would issue a mandatory injunction reinstating the Uniform Mechanical Code. The licensing department, the DCED would then be stayed from implementing its regulations. And essentially what MCA is asking the court is to reverse a whole administrative process authorized by legislation that effectuated the IMC.

In order to grant that relief, the court would have to determine that the plaintiff has met their burden in seeking this preliminary injunction. First plaintiff must prove that the plaintiff is faced with irreparable harm. It appears to me that the plaintiff is really claiming an almost procedural inadequacy in the way in which the IMC was adopted and is seeking to be implemented. I have not heard any argument from the plaintiff that there is something fundamentally flawed with the IMC, that there is

FEB-28-2002 THU 04:28 PM FIRE PREVENTION

FAX NO. 1 907 338 4375

P. 04

something that is contrary to public health safety or welfare in the code such that neither the Department of Public Safety nor the legislature itself, if given an opportunity, should adopt the code, merely that it should not be adopted in the way it was adopted and so what the court really sees is that the plaintiff is not facing irreparable harm, but the harm that is likely to be incurred by any professional organization when faced with new standards and new requirements. There would be certainly something of a learning curve. New books, manuals would need to be purchased, but that's the case in any profession that's an evolving profession and it's clear that the code changes from time to time in some ways perhaps small ways. In other manners there are significant changes and these come usually after perhaps there has been a significant failure or significant catastrophic event, people go back and look at the fire and safety facts that are learned and then they update the code and this is something that is simply in the nature of the business of builders. So while there is some burden that is assumed in this case by the industry when a code is changed, the court can not conclude that that is the irreparable harm necessary to meet the test.

That perhaps would end the analysis, but let me also suggest that in looking at the nature of the entire test whether the opposing party would be adequately protected, it's not clear to me that the State would be adequately protected here. What specifically in the proposed preliminary injunction order provided to the court, it appears to me that the court implement, during the course of this preliminary injunction, two separate mechanical codes; the International Mechanical Code for those projects that are underway and would be governed by it and the Uniform Mechanical Code, the validity of

FEB-28-2002 THU 04:23 PM FIRE PREVENTION

FAX NO. 1 907 338 4375

P. 05

which is in question, and there would be incredible confusion, different standards, the safety of the citizens would not be protected under such a confusing arrangement. I don't see how the state can be adequately protected if I grant the preliminary injunction.

And further, the plaintiff must raise serious and substantial questions going to the merits of the case. While I've made it clear to the parties that I am only doing the preliminary injunction, I actually feel fairly free then to comment on the merits of the case because I'm not going to be deciding it, but in my review of the matters that have been submitted, it appears to me that while the case is not frivolous, the Mechanical Contractors of Alaska has not shown to me probable success on the merits and what it appears is that the state has substantially complied with both the public process required to implement the code and any deviation from the necessary procedural requirements has been either insignificant or insubstantial.

So the court denies the preliminary injunction finding really, essentially that the plaintiff has failed to establish their burden of proof on the three things that need to be met by the plaintiff. That is: irreparable harm, protecting the opposing party, and the plaintiff raising serious and substantial questions going to the merits of the case. So the court denies the preliminary injunction.

This matter remains assigned to Judge Joannides for all further processing except, I think you're, pretty sure, aware that she will be moving to a different case load and so by administrative word the parties will receive a reassignment to the case at the appropriate time.

AF&amp;PA



## American Forest and Paper Association

Northwest Regional Office  
218 Main Street # 208  
Kirkland, Washington 98033  
Phone: (425) 201-4060  
Fax: (425) 880-9820  
Email: Jim\_Bowman@afandpa.org

Honorable Lisa Murkowski  
Alaska State Representative  
State Capitol, Room 408  
Juneau, AK 99801-1182

March 5, 2002

RE: HB 436 & 437: Forest Products Industry Testimony

Dear Senator Murkowski:

AF&PA is the national trade association of the forest, paper, and wood products industry representing member companies engaged in growing, harvesting, and processing wood and wood fiber, manufacturing pulp, paper, and paperboard products from both virgin and recycled fiber, and producing engineered and traditional wood products. AF&PA member companies come in all shapes and sizes, and employ thousands of workers in the northwest United States with a payroll in the billions. Our mission is to assure acceptance of wood and wood-based products through the development of technically justified standards and regulations. Because of its technical merits, we ask that HB 436 and HB 437 not be passed and that the International Building Code (IBC), International Residential Code (IRC) and International Fire Code (IFC) be maintained as the Alaska state building codes in force.

Our primary goal in the code development arena is to assure that model codes do not discriminate against the use wood and wood-based products. Model code provisions must be based on the latest scientific research and most current methods of building design and construction. We work closely with and contribute to the process of many model codes and standards groups, including NFPA, ICC, ASHRAE, ISO, and ASTM. We support refined and comprehensive building codes and standards that help ensure property, fire and life safety protection in the built environment.

NFPA is a credible standards development organization with a proven history of standards development. However, the NFPA 5000 Building Code is a document under development. Alaska should not delay adoption of the IBC while waiting for a finished NFPA 5000 nor pass laws that preclude their adoption. Postponing the ICC adoption process to wait for the NFPA 5000 building code, would adversely impact the forest products industry in Alaska and other states with which you do commerce.

Though I am not sure that this is a factor, any suggestions by proponents of HB 436 and 437 that Alaska retain the 1997 UBC as the interim building code are ill advised. The 1997 UBC is out of date because it adopts by reference the now out-dated *AF&PA 1991 National Design Standard for Wood Structures* (NDS). The state code should include all of the updates for earthquake and wind provisions – provisions that are included in the 1997 NDS – which have been adopted in the ICC codes. To not reference these newer provisions puts design professionals in a very difficult position.

A common mantra of HB 1555 opponents is the notion that the ICC process is flawed and unfair because it doesn't conform to the ANSI consensus process. While we support the ANSI development process, it is not the sole means by which a good code can be developed. The ICC system has been in place for decades and has been impartial, technically adept and has responded extremely well to the legitimate code change proposals of all interested parties.

We are happy with a system of government that acknowledges the counterpoints of any legislative issue but we ask that you respond resoundingly to the overwhelming majority of opponents to HB 436 and HB 437, and support legislation that adopts, at minimum, the IBC, IRC and IFC. Thank you.

Sincerely,

  
James D. Bowman

Northwest Regional Manager  
American Forest & Paper Association

# AIA Alaska

A Chapter of the American Institute of Architects



March 1, 2002

The Honorable Lisa Murkowski  
House of Representatives  
Alaska State Capitol  
Juneau, Alaska 99801-1182

Subj: Mechanical Code Issues; HB 399, et al

Dear Representative Murkowski:

AIA Alaska represents the majority of architects practicing in the State of Alaska. We vigorously oppose House Bills 399, 436, and 437, and any corresponding Senate versions, which seek to nullify adoption of the International Mechanical Code and the other codes that have been reviewed and approved by the Department of Economic Development and the Department of Public Safety. This is poor legislation and will put the design and construction community into turmoil. We support the adoption of the International Mechanical Code as an integral part of the International Code series. Having a unified series of codes in place that is specifically constructed to work together is of paramount importance in our ability to design projects that are in the best interest of public safety.

We also support the simple solution to the perceived problem: conflicting statutory references can be easily modified through legislation to permit Occupational Licensing to test mechanical administrators according to the code adopted by the State Fire Marshall. This could be done by passing a bill that removes specific references to codes, editions, and publishers, replacing them with general reference to the codes in effect.

Please act in the best interest of the health, safety and welfare of the citizens of Alaska, and keep the adopted International Code series intact and in place.

Sincerely,

A handwritten signature in black ink that reads "Scott Sandlin".

Scott Sandlin, AIA  
2002 President  
AIA Alaska



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

March 25, 2002

MEMBER SOCIETIES

Alaska Society of Professional Engineers

Representative Lisa Murkowski  
Chair, House Labor & Commerce Committee  
Capitol Room 406  
Juneau, AK 99811

Alaska Society of Professional Land Surveyors

Re: HB 399, HB 436 and HB 437

American Congress on Surveying & Mapping Alaska Section

Dear Representative Murkowski,

Alaska Professional Design Council (APDC) is an organization composed of design professional associations representing over 5,000 licensed and registered professionals in Alaska. As Chair of the Legislative Liaison Committee for APDC, I would like to offer some comments on HB 399, HB 436, and HB 437.

American Institute of Architects Alaska Chapter

APDC is concerned that legislation adopting, by statute, a specific set of codes does not give agencies the ability to determine the best code for their individual needs. In our opinion, this "broad brush" approach has the potential to create havoc in the design and construction community.

American Society of Civil Engineers Alaska Section

Providing the authority and guidelines to the State to adopt specific code by Regulation in a coordinated fashion, would be a much more appropriate mechanism for consideration of single code adoption

American Society of Landscape Architects Alaska Chapter

APDC does not object to House Bill 399 as written in the current committee working draft which only repeals the regulations adopted by DCED.

Architecture/Engineering Marketing Association of Alaska

Thank you for your attention in this matter.

Consulting Engineers Council of Alaska

---

Sam Kito III  
Chair  
Legislative Liaison Committee

---

Paul Whipple  
President  
Alaska Professional Design Council

Professional Engineers in Private Practice Alaska Chapter

Cc: Representative Norman Rokeberg

American Society of Interior Designers

# ALASKA STATE LEGISLATURE

Rep. Lesil McGuire, Chair  
Sen. Robin Taylor, Vice-Chair  
Sen. Lyda Green  
Sen. Georgianna Lincoln  
Rep. Jeannette James  
Rep. Joe Hayes



State Capitol, Room 116  
Juneau, AK 99801-1182  
(907) 465-5446 fax: 465-6592  
Interim  
716 W. 4<sup>th</sup> Ave. Suite 430  
Anchorage, AK 99501  
(907) 269-0250 fax: 269-0249

## Administrative Regulation Review Committee

### Sponsor Statement HB 399

**“An act relating to the Uniform Mechanical Code and other safety codes; annulling certain regulations adopted by the Department of Community and Economic Development relating to the mechanical code that applies to certain construction contractors and the mechanical administrators; and providing for an effective date.”**

Since passage of the Administrative Procedures Act, the Legislature has delegated its authority to implement statute to the Departments. The regulation process allows full time employees of the State to work with stakeholders in determining the best way to apply the intent of the legislature.

For the most part the system works fairly well, with state employees reading the statute and bringing forward ideas on how government and the public should work together in the particular area being regulated. That is not the case with 12 AAC 21.990 (7) and 12 AAC 39.992(b).

HB 399 has been introduced by the Administrative Regulation Review Committee to repeal regulations implemented by the Department of Commerce and Economic Development, Division of Occupational Licensing. The regulations in this case clearly contradict statute.

Alaska Statutes, require the division to test and issue licenses for Mechanical Contractor Administrators under the “Uniform Mechanical Code” (UMC) a trademarked and copyrighted document. This past fall the Division decided that the UMC would no longer be the standard for testing. This decision was based on regulations implemented by the Department of Public Safety, State Fire Marshall to use the “International Mechanical Code” for its inspections.

Regardless of what Public Safety did, that did not give the authority to another Department to ignore the statutes governing its own operation. In response to the Department’s decision, the Committee felt an obligation to send a clear message that Legislative Intent and Language is the law and policy of state government.

**HB**

**409**

# Alaska State Legislature

**SESSION ADDRESS:**  
State Capitol  
Juneau, Alaska 99801-1182  
Phone (907) 465-2693  
Toll Free 800-463-2693  
Fax 907-465-3835



**INTERIM ADDRESS:**  
35477 Suite 101-B Spur Hwy  
Soldotna, Alaska 99669  
Phone 907-260-5236  
Fax 907-260-3044

## Representative Ken Lancaster District 8

### Sponsor Statement For HOUSE BILL 409

"An act relating to the use of daylight saving time"

Alaska is one of the few places in the world that has its own distinct time zone. When HB 409 passes, it will place us 1-hour closer to being on time with the rest of the Pacific Rim. Since it is this area Alaska has the most opportunity to develop strategic economic partnerships with, it is only logical that we are more on time with them.

The great American Statesman-Inventor-Philosopher, Benjamin Franklin, first proposed the idea of daylight saving time as a health measure. At that time, a great deal of people developed lung related health problems due to the use of kerosene lamps at night. Then in WWII daylight savings was used to conserve energy and resources for the war effort. Large amounts of oil and coal were saved by decreasing the need for electricity in the evening hours.

Because of our high latitudinal location, the extremities in times for sunrise and sunset are more exaggerated for Alaska than anywhere else in the country. This places Alaska in the unique position to be less affected by any type of savings from daylight saving time.

The modern world is a world of 24/7 business, gas stations, quick marts, grocery stores, department stores and online midnight shopping. Moreover, the states largest revenue producing industry, the oil and gas industry works around the clock irrespective of daylight saving time. The world of the 21<sup>st</sup> century does not stop nor go to sleep at any type of regular hours. We are a 24/7 globally interactive society, which keeps erratic and irregular hours. The actual benefit attributed to Alaska from daylight saving time is essentially nonexistent.

Alaskans are and have always been independent. We as a people disdain being told what to do by the rest of the country. HB 409 will get rid of one more, unnecessary shackle placed on Alaskans by the Federal Government.

# *Correspondence*

**Subject: HB 409**

**Date: Tue, 26 Feb 2002 13:31:54 -0800**

**From: "Ruth Eresman" <eresman@gci.net>**

**To: <Representative\_Ken\_Lancaster@legis.state.ak.us>**

Dear Rep. Lancaster,

I can not thank you enough for introducing this bill to reverse daylight saving time. This has been a particular pet peeve of mine. Everyone is effected by this change to their systems. I have watched, with interest, the effect daylight savings has on the human body. It takes up to three weeks for the body to acclimate. It is a waste of time in the work place, and schools.

I would also ask you to go further and go back to Alaska Standard Time which is two hours off the sun time in the summer and one hour in the winter.

When you look out the window at 7A.M. on a beautiful sunny day and decide to take your coffee and paper outside to enjoy the morning it's to cold the air temperature is 5 A.M., on the flip side you have to go to work at 6 A.M. and retire at 10 P.M. on a hot sunny day the air time is 8 P.M., and the house is to hot to lock up and go to bed.

Please help us to get back to our normal time. Hawaii does just fine being 5 hours from the east coast. With modern communication technology (computers), and telephone rates being so cheap there is NO reason why Alaska needs to be 2 hours off it's SUN TIME.

Ruth Eresman  
7636 Dover Ave.  
Anchorage, Ak. 99504  
cc: Mulder

# Alaska State Legislature

## House of Representatives

RULES COMMITTEE, CHAIR  
COMMITTEE ON COMMITTEES  
LABOR & COMMERCE COMMITTEE  
MILITARY & VETERANS AFFAIRS  
LEGISLATIVE COUNCIL



INTERIM:  
10928 EAGLE RIVER RD., SUITE 141  
EAGLE RIVER, AK 99577

SESSION:  
ALASKA STATE CAPITOL  
JUNEAU, AK 99801

# Fax

To: Helen From: Linda  
Fax: 3835 Date: 2/15  
Phone: \_\_\_\_\_ Pages: \_\_\_\_\_  
Re: \_\_\_\_\_ CC: \_\_\_\_\_

Urgent  For Review  Please Comment  Please Reply

•Comments:

Lynn's letter  
He's very interested in this  
legislation.

Attached is the opposing P.O.V.

Thank you, from the bottom of  
my grateful little heart!

Linda

Representative Pete Kott

JUNEAU OFFICE (907) 465-3777 TOLL FREE 1-800-861-KOTT(5888) FAX (907) 465-2819  
EAGLE RIVER OFFICE (907) 694-8844 FAX (907) 694-8945 E-MAIL: representative\_pete\_kott@legis.state.ak.us  
<http://www.akRepublicans.org/Kott.htm>



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ATTN: REP. KOTT'S OFFICE

JANUARY 16, 2002

REASONS TO REPEAL DAYLIGHT SAVING TIME IN ALASKA

1. CHANGING CLOCKS TWICE A YEAR UPSETS PEOPLE'S NATURAL SLEEP CYCLE, CAUSES APPOINTMENTS TO BE MISSED, AND REQUIRES EXTRA ADJUSTMENT OF TIME KEEPING DEVICES AND SCHEDULES.
2. MOST ALASKANS CANNOT EARN A LIVING AND CONDUCT THEIR AFFAIRS WITHOUT CHANGING THEIR CLOCKS TWICE A YEAR. *Business | Govt | travel | families*
3. IN 1983 ALASKA COMBINED THE YUKON, ALASKA AND BERING TIME ZONES INTO A SINGLE TIME ZONE. MOST AREAS ADVANCED THEIR CLOCKS TO YUKON TIME, WHICH IN EFFECT GAVE MOST OF ALASKA PERMANENT DAYLIGHT SAVING TIME. MOST OF ALASKA ACTUALLY RECEIVES DOUBLE DAYLIGHT SAVING DURING THE SUMMER. (NOTE 1) *all rely on daylight savings to stay in sync w US*
4. IN MOST OF ALASKA, THE HIGHEST POSITION OF THE SUN DURING THE DAY IS NOT AT 12:00 NOON. DURING DAYLIGHT SAVING TIME, THE SUN IS HIGHEST AT 2:00 P.M. IN ANCHORAGE AND FAIRBANKS AND 3:00 PM IN NOME. (NOTE 1)
5. THE ARCTIC/SUB-ARCTIC REGIONAL VARIANCE IN DAY LENGTH PROVIDES UP TO 24 HOURS OF DAYLIGHT REGARDLESS OF WHAT TIME IT IS.
6. ALASKA IS GOING TO BE IN A DIFFERENT TIME ZONE REGARDLESS OF HOW MANY HOURS WE DIFFER FROM THE LOWER 48 STATES. TRAVELERS AND THOSE CONTACTING OTHER TIME ZONES WILL HAVE TO MAKE ADJUSTMENTS IN ANY CASE.
7. ALASKA PARTICIPATES IN A GLOBAL ECONOMY. WHEN WE ADVANCE OUR CLOCKS WE INCREASE THE TIME DIFFERENCE BETWEEN ALASKA AND THE FAR EAST. SOME BUSINESSES BENEFIT BY HAVING THEIR CORE BUSINESS HOURS IN ALASKA DIFFERENT FROM OTHER AREAS. *Put most deal w the US more wld be inconvenienced by isolation*
8. THE ORIGINAL PURPOSE OF DAYLIGHT SAVINGS TIME WAS TO ALLOW INCREASED PRODUCTION DURING TIME OF WAR BY SAVING ENERGY USED FOR LIGHTING. THIS ARGUMENT IS NOT VIABLE IN ALASKA. *2 hrs / sea 5 hrs / east*
9. THE STATE GOVERNMENT DOES NOT BECOME MORE EFFECTIVE NOR SAVE ANY MONEY BECAUSE THE STATE PARTICIPATES IN DAYLIGHT SAVING TIME.

*W H I E T  
I S L I G H T  
A S L I G H T  
T I M E A R E A*

FOR REASONS STATED ABOVE, THE USE OF DAYLIGHT SAVING TIME IN ALASKA DOES NOT PROVIDE A CLEAR BENEFIT TO THE ALASKA PUBLIC. I BELIEVE THAT IN THE ABSENCE OF A CLEAR REASON TO ADVANCE THE PUBLIC WELFARE, GOVERNMENT SHOULD NOT INVOKE LAWS THAT HAVE MAXIMUM IMPACT WITH ARGUABLE BENEFIT.

MR. LYNN C. WILLIS  
EAGLE RIVER, AK  
606-8112

*L. 696-8707  
696-8707*

NOTE 1: FROM "ALASKANS DOUBLE THEIR DAYLIGHT SAVINGS" BY NED ROZELL ARTICLE #1278 ALASKA SCIENCE FORUM MARCH 28, 1978

**Subject:** Re: HB 439

**Date:** Tue, 26 Feb 2002 13:48:48 -0900

**From:** "Beemun's Variety" <vwbeemun@alaska.net>

**To:** Representative Ken Lancaster <Representative\_Ken\_Lancaster@legis.state.ak.us>

Hi again, Ken,

Wow!! Quick reply. I also support your daylight savings bill. I have thought for years of a statewide petition effort to get rid of that pesky transition each year. Go get'em.

Steve

Representative Ken Lancaster wrote:

>Hi Steve,  
>Good to hear from you!  
>You are right and we will watch this closely.  
>I hope business is good and say hi to Earl,I have the daylight savings time  
>bill introduced!  
>Stay in touch,Ken  
>

Day light savings time

**Subject: Day light savings time**

**Date:** Tue, 26 Feb 2002 07:22:11 -0900

**From:** "eileen kuki" <eileenjo29@hotmail.com>

**To:** <Representative\_Ken\_Lancaster@legis.state.ak.us>

Dear Mr. Lancaster, I believe I briefly heard on an Anchorage radio station early this morning that you have or will be introducing a bill to discontinue daylight savings time in Alaska. I can't express enough how much I am behind you on this. I won't go into all the reasons because they are numerous. Good luck! Wish there was a way I could help.  
Sincerely, Eileen

Hi Eileen,  
Thx for the note and please do go into the issue's we need to get the info out!  
So send me some info and do stay in touch.  
Thx again, Ken

eileen kuki wrote:

Dear Mr. Lancaster, I believe I briefly heard on an Anchorage radio station early this morning that you have or will be introducing a bill to discontinue daylight savings time in Alaska. I can't express enough how much I am behind you on this. I won't go into all the reasons because they are numerous. Good luck! Wish there was a way I could help. Sincerely, Eileen

**Subject: Daylight Savings Time Change Data Vehicle Crashes**

**Date:** Tue, 26 Feb 2002 11:17:17 -0900

**From:** Jack Stickel <Jack\_Stickel@dot.state.ak.us>

**To:** Justin\_Carro@legis.state.ak.us

**CC:** Dennis R Poshard <dennis\_poshard@dot.state.ak.us>

For CY 1998, there were 121 vehicle crashes where law enforcement indicated falling asleep was a contributing factor in the accident. The 121 crashes break down as follows: 6 fatal, 15 major injury, 50 minor injury, and 50 property damage only. For CY 1999, there were 100 vehicle crashes where falling asleep was indicated as a human contributing factor in the accident. The 100 crashes break down as follows: 2 fatal, 10 major injury, 54 minor injury, and 34 property damage only. Based on these numbers for a complete year, there would probably be only a very small number (several or none at all) of vehicle crashes on the daylight savings time change date.

Table C.6.1 in the CY1998 and CY1999 Alaska Traffic Accidents publications contain the complete list of Human Contributing Factors to vehicle crashes. Let me know if you need any additional information. Here is the web link for the 1998 and 1999 publications:

<http://www.dot.state.ak.us/stwdplng/highwaydata/hwydata.html>

Jack Stickel <Jack\_Stickel@dot.state.ak.us>  
Highway Database Management Supervisor  
Alaska Dept of Transportation & Public Facilities  
Statewide Planning

*Backup*

# Alaska Science Forum

March 28, 1996

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## Alaskans Double Their Daylight Savings Article #1278

*by Ned Rozell*

---

This column is provided as a public service by the Geophysical Institute, University of Alaska Fairbanks, in cooperation with the UAF research community. Ned Rozell, is a science writer at the institute.

---

On April 7th, it's time to "spring forward" again. Time to pull the clock off the wall and watch a precious hour slip away as fast as you can turn the minute hand. We all know the ritual as daylight savings time, but in the most populated parts of Alaska it would be more appropriate to say we're going on "double daylight savings time."

That's what researchers such as Carl Benson, a Geophysical Institute professor emeritus, call it. At lower latitudes, daylight savings time brightens evenings by taking an hour of morning light and pasting it on the end of the day. This knocks Lower 48 communities an hour out of tune with the sun; the sun is highest in the sky at 1 p.m., instead of noon.

Most of Alaska gets a double dose of daylight savings. When we push our clocks ahead for the daylight savings time period---the first Sunday in April until the last Sunday in October---the sun reaches its zenith at about 2 p.m. in Fairbanks and Anchorage. Many scientists refer to this in summer field notes as double daylight savings time because noon is two hours from where it should be. The root of the sun-sync problem was a successful lobbying job by the Alaska delegation to Congress in 1983. That's the year when three of Alaska's four time zones--Yukon, Alaska, and Bering--were combined into one. About 99 percent of Alaska's population is now synchronized to Alaska time, except for those on the westernmost string of Aleutians west of Umnak Island; clocks there are set to Hawaii-Aleutian time.

With the time-zone trimming, Juneau time became Anchorage and Fairbanks time. Before 1983, when it was 5 p.m. in Fairbanks and Anchorage, it was 7 p.m. in Juneau (Southeast Alaska was put on Pacific Time during World War II to synchronize the state capital with San Francisco and Seattle).

While the time-zone adjustment made it less complicated to call a state senator, it defeated the historic purpose of time zones--to make noon as close as possible to when the sun is at its high point in the sky.

Before time zones were established in 1883, different U.S. cities adjusted their clocks to the sun, with chaotic results. When it was noon in Boston, for example, clocks in Atlanta displayed 11:06 a.m.

Expanding railroads magnified the problem. Travelers heading for a short trip west could arrive at a destination earlier than they departed, or so it seemed.

As a solution, the U.S. and Canada adopted an idea by Canadian engineer Sandford Fleming. Fleming divided the globe lengthwise into wedges, like a peeled orange. The 24 wedges each represented one hour and 15 degrees of longitude because it takes 24 hours for the earth to complete a 360-degree spin on its axis.

The wedges became time zones. To avoid population centers, planners drew boundaries as crooked as the path of a wandering ant.

Because of Alaska's size, the state straddled four time zones: Bering, Alaska, Yukon and an unnamed zone in the far western Aleutians. Alaska covers 57.5 degrees of longitude, almost exactly the same as the 57.6 degrees spanned between Maine and Washington.

When four Alaska time zones were transformed to two, noon didn't fit its definition in most of Alaska anymore. Daylight savings time puts the system further out of whack. In western Alaska towns such as Nome, solar noon comes at about 3 pm. after daylight savings time kicks in.

Daylight savings time was first used by the Germans in World War I to save energy. Brighter nights meant less coal was burned to light homes and businesses. The U.S., including Alaska, adopted daylight savings time in 1967. In 1972, Arizona, Hawaii, Puerto Rico and part of Indiana opted not to recognize it.

It's somewhat surprising that independent-minded Alaska hasn't followed suit. After all, we won't be burning much coal to power our lights on the sunny summer nights ahead.

---

[Living in the North Index](#)[Main Index](#)



CONTACT: Gary Luczak  
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FOR IMMEDIATE RELEASE:  
March 29, 2000

### NATIONAL SLEEP AWARENESS WEEK

by Rep. John J. LaFalce (D-29, NY)

Daylight savings time begins on April 4 when we set clocks ahead one hour. Most people note the increased daylight they receive but forget they will also lose an hour of sleep! That is why we observe National Sleep Awareness Week from March 29 to April 4, with a National Sleep Day on March 30.

A good night's sleep is important, but the average American gets less than seven hours of sleep per work night. Even on weekends, the average is just over seven and one half hours. More than 63 million American adults suffer sleep deprivation, and an estimated 40 million people suffer from a chronic sleep disorder and don't even know it. They get far, far less than seven hours.

This is a serious problem. The economic impact alone of untreated sleep disorders and chronic sleepiness -- an estimated \$100 billion -- affects productivity, medical expenses, and sick leave, and causes property and environmental damage. Each year 100,000 automobile crashes are caused by drowsy drivers, resulting in more than 1,500 fatalities, and there are probably tens of millions whose personality, disposition, energy and relationships are seriously affected.

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Even though nearly all adults agree that sleep is as important to their health as nutrition and exercise, the majority of Americans are severely sleep deprived. The symptoms of a sleep disorder are easy to recognize: getting up too frequently during the night, having a hard time falling back to sleep, often feeling groggy or inattentive during the day, and not feeling rested when you wake up the morning.

Unfortunately, many people take these symptoms for granted, assuming that their condition is "normal." Even some physicians do not take these symptoms seriously enough, prescribing sleeping pills when other diagnoses, therapy, devices, or treatment might cure or better cope with an individual's sleep disorder. But there is good help available.

Sleep disorder centers have sprung up across America, including many in Western New York. Physicians specializing in sleep disorders can analyze your sleeping patterns, discover your particular disorder, and prescribe the correct treatment -- treatment that could literally change your life by allowing you to regain a good night's sleep.

Sleep apnea is the most serious, potentially life-threatening condition. It's actually a breathing disorder, in which certain structural problems in the breathing passages prevent oxygen from

getting to the lungs and the bloodstream, causing the body to wake up briefly in order to resume normal breathing. These brief sleeping interruptions during the night can come as often as 20 to 100 or more per hour, destroying the possibility and benefits of a good night's sleep.

An estimated 18 million people have sleep apnea. It occurs in all age groups, but is more common in men than in women. In many cases, sleep apnea can be relieved by behavior changes or use of devices such as a mask that allows air to travel freely through the nose and windpipe. More serious apnea may require surgery. And the Food and Drug Administration is constantly reviewing and approving new techniques and medical procedures that may better alleviate this condition and other sleep disorders.

But treatment for sleep disorders cannot begin without a thorough examination of your particular condition. Several tests are available to evaluate your sleep pattern, including polysomnography, a recording of various body functions during sleep, and the Multiple Sleep Latency Test, which measures the speed of falling asleep during normal daytime hours.

Many things in life are valuable -- family, career, home -- but a good night's sleep is priceless, and can make everything else in life so much more enjoyable.

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## **SUNDAY, APRIL 2 MIGHT BE HAZARDOUS TO YOUR HEALTH!**

### **Sleepy Americans at Risk for Crashes, Accidents When Daylight Saving Time Begins.**

**EMBARGOED FOR RELEASE    FOR MORE INFORMATION:  
UNTIL:**

9 AM EST, March 28, 2000

NSF Communications Manager  
Phone: (202) 347-3471, ext. 205  
Fax: (202) 347-3472  
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WASHINGTON, DC - Daylight Saving Time begins in the U.S. on Sunday morning, April 2, at 2:00 am, when clocks are moved forward by one hour. For the many Americans who are already sleep deprived, this could be a "nightmare." According to a poll just released by the National Sleep Foundation (NSF), 43% of Americans report they are so sleepy during the day that it interferes with their daily activities a few days a month or more. Losing an additional hour of sleep over Saturday night can cause people to be more sleepy than they already are and make driving very dangerous.

Americans already get too little sleep. NSF's 2000 Sleep in America poll found that adults average fewer than 7 hours of sleep during the work week and a full third (33%) of people get less than 6.5 hours. This is far less than the 8 hours of sleep recommended for most adults by sleep experts. Although losing an hour might not seem like a lot, they add up, creating a sleep debt that jeopardizes our health and well-being.

"Most people will admit they don't feel as good when they get too little sleep, but research shows that the consequences of sleep deprivation are far more severe than most people realize," says Richard Gelula, Executive Director of NSF. "Memory, mood, reaction time, and alertness are diminished when we are sleep deprived, and recent research has also found that our metabolism and endocrine functions are dramatically affected as well."

The risk of danger increases when sleepy people have a critical task to perform, like driving. In NSF's poll, half of Americans (51%) reported driving while drowsy during the past year and nearly one out of five (17%) say they have actually dozed off behind the wheel. According to the National Highway Traffic Safety Administration, 100,000 auto accidents occur each year because of fall-asleep crashes.

For health and safety, and just to feel good and function well, NSF recommends that Americans plan ahead and take steps to prevent sleep loss. "Daylight Saving Time is a good time to acknowledge our biological need for sleep and to make it a priority in our lives to get enough sleep," Gelula says.

To not lose an hour of sleep over Saturday night and to feel as rested as possible by Monday morning, NSF recommends the following plan to help cope with the time change:

- Plan to get at least 8 hours of sleep Saturday night □ or more if you are already feeling tired.
- To adjust your sleep pattern to the time change, go to bed 1/2 hour earlier than your normal weekday bedtime on Saturday night and sleep at least 1/2 hour later on Sunday morning.
- If you need more sleep, plan to take a nap in the middle of the afternoon, but not after 4 pm, as this is too close to bedtime and can disrupt your nighttime sleep.
- Avoid caffeinated beverages and foods after the morning.
- Avoid eating a heavy meal or drinking alcohol too close to bedtime.
- On Sunday night, make sure to go to bed early enough to get at least 8 hours of sleep.

For people who find they are sleepy while driving, NSF recommends they quickly find a safe place to get off the road and either switch drivers or take a nap. Drinking a caffeinated beverage can help some people to overcome drowsiness temporarily, but it may require 30 minutes to take effect.

To help people obtain an objective measure of just how sleepy they really are, NSF also offers a toll-free telephone screening for daytime sleepiness. By calling 1-877-BE-AWAKE, callers take a private, interactive test that gives them a validated sleepiness score. This information can be used to begin a personal commitment to getting more sleep or to talk about the problem with their doctor.

National Sleep Awareness Week® 2000 (March 27-April 2, 2000) is a public education and awareness campaign of NSF and its Cooperative Co-sponsors, including the American Academy of Sleep Medicine, American Sleep Apnea Association, Association of Polysomnographic Technologists, Narcolepsy Network, NIH/NHLBI/NCSDR, Restless Legs Syndrome Foundation, Sleep Disorders Dental Society, Sleep Research

Society.

*The National Sleep Foundation is a nonprofit organization dedicated to improving public health and safety by promoting public understanding of sleep and sleep disorders, and by supporting sleep and fatigue-related education, research and advocacy. For a copy of the poll and information on National Sleep Awareness Week 2000 activities, visit [www.sleepfoundation.org](http://www.sleepfoundation.org) or call (202) 347-3471.*

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**Subject:** From standardtime.com  
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**Date:** Jun 12 2001 10:37 PM

While Standardtime.com is extremely gratified that Slate is referring its readers to our Web site, the quote which was included, while an accurate statement of our position, is taken somewhat out of context.

We at Standardtime.com oppose the annual switch back and forth between daylight-saving time and standard time, not because we have any beef against having an extra hour of daylight in the evening, but because the switch itself is needlessly disruptive to people's lives. Each switch from daylight-saving time to standard time, or vice-versa, is a major cause of traffic accidents and sleep deprivation, which while most intense on the day of the switch, can be observed for days and weeks afterwards. However, without regard to energy issues, Standardtime.com is fairly indifferent as to whether we settle upon year-round daylight-saving time or year-round standard time.

Accordingly, Standardtime.com whole-heartedly endorses Slate's proposal for year-round daylight-saving time.

By contrast, however, Standardtime.com could not possibly be more opposed to adopting "double-daylight-saving time", in which clocks would be moved two hours instead of one, unless, I suppose, we were forced to choose between double-daylight-saving time and triple-daylight-saving time.

While energy issues are important, especially right now in California, we should also always remember the human cost of forcing hundreds of millions of Americans to adjust their



sleeping, eating, working, and social schedules for six months at a time, many of whom take weeks to fully adjust. If ending that toll is aligned with energy conservation, then so much the better.

Very sincerely,

David Danzig  
Co-founder, Standardtime.com

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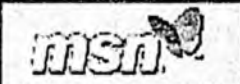
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# The Sun

Sunnyvale's Newspaper



## April--a month ahead of its time

**There's the hope in Easter and the promise of Earth Day conflicting with the tomfoolery on April 1st and April 15th.**

By INGRID MCCLEARY

I don't know about you, but I'm still recovering from the double whammy of Easter Sunday/Daylight Savings Time change. Seems to me that if we can shift time-as-we-know-it by springing forward or falling back one hour, we should also be able to move the date so that it doesn't fall on a major holiday involving chocolate and kids.

In fact, if I had my druthers, I'd save the time jumps for important days, like springing forward the one hour between 11 p.m. and midnight on New Year's Eve so we can break our New Year's resolutions that much sooner. And I'd save the falling back one hour for April 15, giving procrastinators that extra hour to finish those #!@\$ income taxes.

Okay, so those months don't reflect the true nature of our earth-sun cycle, but we didn't start Daylight Savings Time to keep in tune with nature in the first place.

Benjamin Franklin first proposed it back in 1874 for economic reasons: candles were expensive. William Willet fought for it from 1908 to 1916, but Congress didn't listen until World War I struck and coal became so expensive.

However, the farmers raised a royal ruckus; seems their milk cows weren't cooperating with the new schedule. I can relate to that: My cats congregate in the kitchen at 6 p.m., waiting for their chow. Every October I tell them, "It's only 5 p.m. now. Come back in an hour."

Of course, they simply sit placidly on the counters till I give in (the arrogant things). I think it underscores the point that humans may change time, but it doesn't change our natural biorhythms.

Back to the farmers: Have you ever tried harvesting dew-dampened crops? Not fun. So America went back to Standard Time till World War II, where fuel conservation came back into play.

Now, daylight savings' main purpose is to give us more recreational daylight, with energy conservation as its sidekick.

But if given the choice (each state can claim exemption from DST), I'd abolish the whole time jump thing altogether. It's hard enough regulating my children's time schedules without having to listen to "If you think I'm safe outside at 8:30 in the summer, why wouldn't I be safe at 8:30 in the winter?"

The whole business confuses me. In October, it's dark by 5 p.m. (which means kids are running through shadowed streets on Halloween). Each ensuing month adds another 20 minutes before nightfall descends, and by the time April rolls around we're back at a comfortable 7 p.m. But instead of leaving well enough alone, we jump forward, confusing kids, pets, roosters and air-traffic controllers.

If we left time alone, Dark would plod along, adding 20 minutes to its name every month from February till August and then would naturally downshift 20 minutes per month till the following January. Night would fall between 6 and 8 p.m., a reasonable, consistent two-hour shift. Now it boomerangs between 5 and 9 p.m.

April already has a hard life. It's a month of contradictory emotions. There's the hope in Easter and the promise of Earth Day conflicting with the tomfoolery on April 1st *and* April 15th.

Poor April. "April showers bring May flowers." All the glory goes to May. April should revel in its own glory.

I suppose you could argue that the 22nd is April's glory day. Earth Day, when we pause, reflect, learn, and respect Mother Earth. I'd like to thank whoever designated April 22 as Earth Day. A good choice.

In fact, I'd like to talk with that person to see if we can have Standard Time installed on April 22. If there's ever a day when people need more time to reflect, it's Earth Day.

This article appeared in the Sunnyvale Sun, April 17, 1996.  
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Sleep Medicine 2 (2001) 31-36

## SLEEP MEDICINE

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Original article

# Fatal accidents following changes in daylight savings time: the American experience

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Received 15 October 1999; received in revised form 28 March 2000; accepted 28 March 2000

### Abstract

**Objective:** This study examines specific hypotheses that both sleep loss and behavioral changes occurring with the time shifts for Daylight Savings Time (DST) significantly effect the number of fatal traffic accidents in the United States of America.

**Background:** It has been reported that there is a significant increase in the number of automobile accidents in the spring shift to DST due to the loss of 1 h of sleep. But the extra hour gained at night with the shift from DST in the fall has been variably reported to be associated with increases and decreases in the number of automobile accidents which may reflect either behavioral anticipation with an extended late night prior to the change or the benefit of extra sleep after the change.

**Methods:** Data from 21 years of United States' fatal automobile accidents were gathered. The mean number of accidents on the days at the time of the shifts (Saturday, Sunday and Monday) was compared to the average of the corresponding mean number of accidents on the matching day of the weeks preceding and following the shift. This was repeated for each DST shift. The number of accidents for a particular shift was also correlated with the year of the accidents.

**Results:** There was a significant increase in accidents for the Monday immediately following the spring shift to DST ( $t = 1.92, P = 0.034$ ). There was also a significant increase in number of accidents on the Sunday of the fall shift from DST ( $P < 0.002$ ). No significant changes were observed for the other days. A significant negative correlation with the year was found between the number of accidents on the Saturdays and Sundays but not Mondays.

**Conclusions:** The sleep deprivation on the Monday following shift to DST in the spring results in a small increase in fatal accidents. The behavioral adaptation anticipating the longer day on Sunday of the shift from DST in the fall leads to an increased number of accidents suggesting an increase in late night (early Sunday morning) driving when traffic related fatalities are high possibly related to alcohol consumption and driving while sleepy. Public health educators should probably consider issuing warnings both about the effects of sleep loss in the spring shift and possible behaviors such as staying out later, particularly when consuming alcohol in the fall shift. Sleep clinicians should be aware that health consequences from forced changes in the circadian patterns resulting from DST come not only from physiological adjustments but also from behavioral responses to forced circadian changes. © 2001 Elsevier Science B.V. All rights reserved.

**Keywords:** Traffic accidents; Daylight Savings Time; Sleep loss; Alcohol consumption; Circadian; Behavioral changes

### 1. Introduction

The 1-h adjustments required for Daylight Savings Time (DST) can be seen as producing two very differ-

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ent effects: (1) physiological adjustment to an obligatory 1-h phase advance or delay of the circadian rhythm of sleep and (2) behavioral adjustments anticipating the changes in time available on Saturday night into early Sunday morning. In relation to the first effect, it has been shown that significant disruption in sleep patterns occurs due to DST and persists up to 5 days after a change to or from DST [1]. The resulting change in sleepiness seems likely to alter the risk of automobile accidents. On one hand, the loss of 1 h with the change to DST in the spring leads to a loss of sleep while the body's circadian system adjusts to the phase advance with a possible increase in risk of accidents. The effects will be more pronounced on Monday after the shift when, unlike Sunday, most people cannot 'sleep-in' late and must rely upon a successful 1-h phase advance to ensure adequate sleep. On the other hand, the gain of 1 h with the change from DST in the fall permits a 1-h gain in sleep time while the body adjusts to the sleep delay, but this should occur mainly for people who are normally sleep deprived by forced awakenings on workday. This might, for these sleep deprived individuals, reduce sleepiness and therefore somewhat reduce the risk of accidents particularly on Monday after the shift from DST. Physiological adjustment is also generally considered easier for phase delay than for phase advance. Thus the physiological effects expected from DST changes would primarily be decreased sleep time and possible increased accidents principally on the Monday after the spring change to DST.

Sleep related behaviors may, however, also be altered on the night of the DST changes. In particular, in the fall the addition of an hour in the early morning may encourage those who normally stay out late into Sunday morning to stay out even later. They would then drive home 1-h later and presumably less alert than usual thereby increasing risks of accidents on the Sunday morning of the change, particularly if alcohol is involved [2]. The loss of an hour in the spring might encourage some to come home earlier than usual thereby reducing the risk of accidents on Saturday night and Sunday morning. Given the problems of adjusting to an earlier sleep time, it, however, seems unlikely that this behavioral strategy would be either successful or particularly attractive for the spring. In contrast, given the ease of adjusting to a longer day

the behavioral strategy of staying out later may be a successful adaptation to the change in the fall. This behavioral adaptation may be particularly appealing to those who already prefer to stay out late that night.

Thus these two hypothesized effects lead to somewhat opposite predicted effects on accident rates but mostly on different days. For the spring change to DST, physiological effects could lead to an increased risk of accidents principally on Monday and less so on Sunday, while, in contrast, behavioral adaptation may lead to some minor decreased risk only on Sunday with no effect on Monday. For the fall change from DST, physiological effects might produce some small decreased accident risk mainly on the Monday after the change and less so on Sunday, while, in contrast, behavioral adaptation may significantly increase risk of accidents only on Sunday with no effect on Monday. No changes in accident risk should occur for the Saturday before either DST change.

In fact, Coren has reported for Canadian traffic accidents over a two year period, that the Monday after the changes showed both a significant increase following the spring change to DST, and a significant decrease following the fall change from DST [3]. Monk similarly reported an increase in traffic accidents after the spring change to DST when changes in level of lighting were controlled by excluding accidents occurring at dawn or dusk [4]. But the fall accident rates for the Monday after the fall change from DST show in various studies both increases, no change and decreases. These prior studies covered only a few years, with one exception did not use data from the United States, and failed to examine all 3 days around the change: Saturday, Sunday and Monday. Thus they could not test for the hypothesized sleep-related behavioral changes on Saturday night and Sunday morning also leading to changes in accidents. An update on this issue using a larger database and more complete analyses of the relevant days to tests for effects of both physiological and behavioral changes is needed.

## 2. Methods

### 2.1. Database

The United States National Highway Transporta-

tion Safety Administration maintains records of all fatal automobile accidents for each day of the year, dating back to 1975. Data for a 21-year period from 1975 to 1995 were obtained for the Sunday corresponding to the change, the preceding Saturday, and the following Monday. Since accidents vary considerably for each day of the week, comparison data were obtained from the corresponding Saturdays, Sundays and Mondays in the week before and also the week after the DST changes.

## 2.2. Statistical analysis

We hypothesized, based on the consistent findings from prior studies, that accidents would increase on Monday in the spring following the change to DST. No change was expected for Sunday or Saturday in the spring. Given the inconsistent results for effects from the fall change from DST and the somewhat conflicting predictions from the physiological and behavioral effects we hypothesized only that the change from DST in the fall would affect accident rates on Sunday and Monday but not the Saturday of the DST change.

To correct for any possible seasonal trends the data for each year from the weeks preceding and following change to DST were averaged for Saturdays, Sundays and Monday, respectively. This average was compared for each year to the data from the respective day of the week that the change to or from DST was made. For the Monday after the spring DST change our hypothesis was directional and analysis used a one-tailed paired *t*-test based on the consistent findings in previous studies [3,4]. All other hypotheses were for changes in either direction and the analyses used a two-tailed paired *t*-test.

Since for this long time period there may have been substantial changes in driving characteristics, the accident rates for both the Sunday and Monday of the changes and for the averages of the preceding and following matching days were correlated with the year of the study.

## 3. Results

For the spring change to DST, the number of fatal accidents on Monday showed a significant increase from an average of 78.2 from the weeks before and after to an average of 83.5 on the day of the shift

( $t = 1.92$ ,  $P = 0.034$ ) (See Fig. 1), but there was no significant change for fatal accidents on Sunday (means: weeks before and after = 113.4, week of change = 118.1,  $t = 1.49$ ,  $P = 0.14$ ) or Saturday (means: weeks before and after = 145.3, week of change = 141.9,  $t = 0.813$ ,  $P = 0.21$ ).

For the fall change from DST, the number of fatal accidents showed a significant increase for Sunday from an average of 126.4 from the weeks before and after to an average of 139.5 on the day of the shift ( $t = 4.03$ ,  $P < 0.001$ ). The accidents on Monday showed a non-significant decrease from an average of 89.5 from the weeks before and after to an average of 86.1 on the day of the shift ( $t = -1.02$ ,  $P = 0.32$ ) (see Fig. 2). The number of accidents on Saturdays was about the same for the week of the change as it was for the weeks before and after the change (means: 168 and 167, respectively,  $t = 0.207$ ,  $P = 0.84$ ).

Analyses of the effects of years since start of the study showed significant negative correlation between number of fatal accidents and years since start of the study period for most of the Sunday periods (Sunday of and average of preceding and following Sundays: spring,  $r = -0.45$ ,  $P = 0.04$ ,  $r = -0.30$ ,  $P = 0.19$ , respectively; fall,  $r = -0.53$ ,  $P = 0.01$ ,  $r = -0.45$ ,  $P = 0.04$ , respectively). The Saturdays showed similar significant negative correlations between number of accidents and years (see Table 1). This is not the

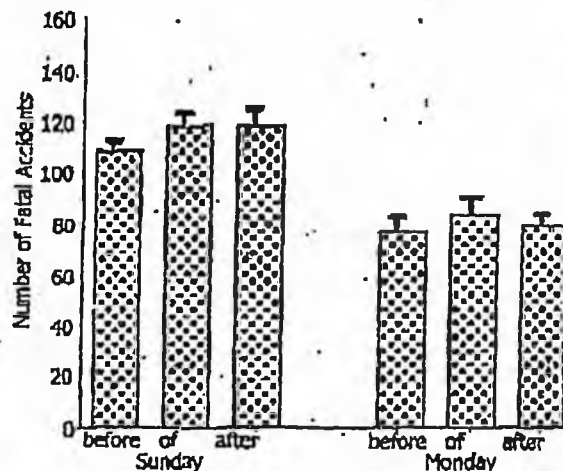


Fig. 1. Average number of accidents per year in the spring shift to DST for the Sunday and Monday of the shift and for the Sundays and Monday before and after the shift. Bars give the standard error of the mean.

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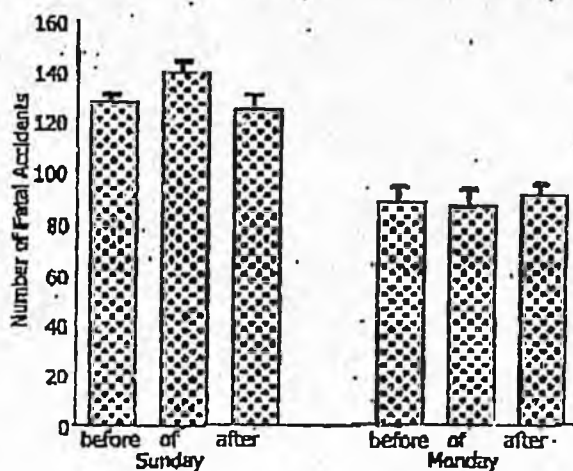


Fig. 2. Average number of accidents per year in the fall shift from DST for the Sunday and Monday of the shift and for the Sundays and Monday before and after the shift. Bars indicate standard error of the mean.

case for any of the corresponding Monday periods (spring,  $r = 0.07$ ,  $P = 0.76$ ,  $r = 0.12$ ,  $P = 0.60$ ; respectively; fall,  $r = 0.12$ ,  $P = 0.60$ ,  $r = 0.07$ ,  $P = 0.78$ ; respectively).

The significant effect of years on the accident rates for Saturdays and Sundays did not have any effect on the magnitude of the increases seen in the fatal accidents. Fig. 3 shows the decreasing number of fatal accidents on Sunday, in the fall both for the weekends with the time shift and for the average of those before and after the time shift. The weekend with the time shift showed consistently greater number of fatal accidents for all but years 2, 4, 13, 20 and 21. None of the differences between the week of time-change and the mean of the preceding and following weeks showed significant change over the years in this study. In particular, for the significant effects, the amount of increases in accidents seen in the spring on Monday of the change and in the fall on the Sunday of the change did not correlate significantly with years since the start of the study period ( $r = 0.18$ ,  $P = 0.06$ ;  $r = 0.17$ ,  $P = 0.61$ , respectively).

#### 4. Discussion

This is the largest data set ever used to address the issue of the effects of DST changes on accidents and

the only data set to look at the Sunday data when sleep-wake behavioral changes may also effect alertness and accidents and to use Saturday as a comparison control. Like the preceding studies, a small significant effect was found for increased accidents in the spring, when the change to DST in the spring tends to shorten sleep times. As expected for this physiological change, the effect was significant for the first working day (Monday) after the change but not for the day of the change (Sunday) when sleeping in late may occur. It should be noted that the effect was small and only significant with a directional hypothesis. Nonetheless, there are now three separate studies all with essentially the same results indicating a small increase in accidents immediately after the spring change to DST. Coren showed this for all accidents in a 2-year sample in Canada [3]. Monk showed this for a similar sample from the United Kingdom

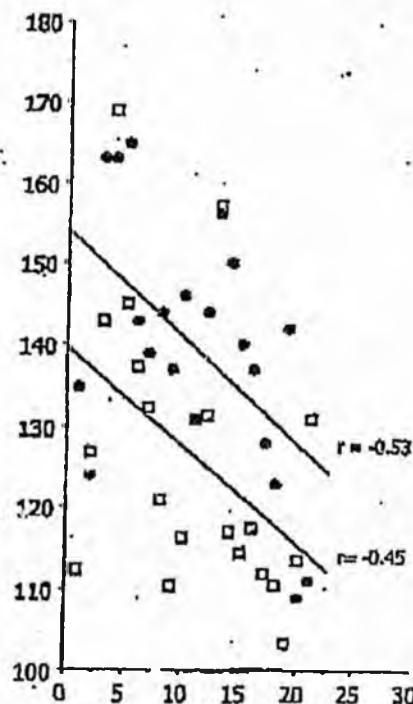


Fig. 3. Number of fatal accidents by year in the fall for the Sunday of the time change (●) and for the averages of the Sundays before and after the time change (□). The top regression line is for the Sunday of the time change and the bottom for the averages of the Sundays on the weekends before and after the change. Note the consistent effect despite the overall decrease in fatal accidents with years.

[4]. Coren also reported it for all accidental deaths reported to the National Center for Health Statistics from 1986 to 1988 [5]. The small magnitude (about 6%) increase is the same for all of these studies contributing to differences in the degrees of statistical significance of the findings. The hypothesized behavioral effects decreasing the risks of accidents by driving earlier on Saturday night were not found in any of the Saturday or Sunday data in the spring. These behavioral effects in the spring were, however, expected to be very small if present at all.

The data from the fall were expected to reflect behavioral adaptation more than physiological effects from the obligatory sleep phase delay. Indeed, we found significant increases in Sunday of the shift but no significant changes in Saturday or Monday. Coren demonstrated for Mondays a decrease after the fall shift from DST in his initial study of Canadian traffic accidents [3], but in a subsequent study reported a significant increase in accidents in the fall after shifting from DST [6].

Our study also allowed us to examine effects of changes occurring over the full 21-year time span. There was an interesting consistent decrease in the number of accidents as the years progressed for most Saturdays and Sundays, but not for Mondays. This clearly reflects some social changes in driving habits which may be related to late night (early Saturday and Sunday morning) driving and drinking habits with decreased alcohol related fatalities at these times. It has, indeed, been shown that during years covered in this study there has been a decrease in alcohol related fatalities from accidents [7].

The increase in Sunday accidents after the change from DST supports our hypothesis of a behavioral adaptation anticipating the change giving drivers an extra hour of sleep the next day. In particular, this may translate into staying out and driving later with increasing sleepiness and possibly more alcohol consumption leading to more fatal accidents on early Sunday morning. This is particularly significant since a small amount of alcohol significantly increases sleepiness experienced with sleep deprivation and the combination has particularly disastrous effects for driving skills [2]. The decrease in number of accidents over the years for Saturdays and Sundays also provides further support for possible alcohol involvement in these data. While there may be several

reasons for the decrease in fatal accidents on these particular days of the week, the results match those showing a similar decrease in alcohol-related accident fatalities [7]. This provides further support for the view that the increase with the fall change to DST may relate to the combined use of alcohol with increased fatigue from staying out late at night. It deserves note that the magnitude of the increase for Sunday in the fall is greater (10.3%) than that observed in the spring for either Sunday or Monday (6.4%).

From a public health standpoint, the effects of sleep loss associated with DST in the spring appear to be fairly minimal with only about a 6% rate of increase, which is approximately the same as that reported by Coren [3]. But even this small increase is not insignificant and probably justifies public health education to help people adjust schedules to ensure they have adequate sleep during the time of the change in the spring. The public may be unaware that even this small change of 1 h may cause some minor adjustment problems obtaining adequate sleep. The change in the fall may, however, deserve even more attention, at least for the United States. Public health education about the behavioral adjustment to the extra hour during the fall should probably include warnings about alcohol consumption and driving under drowsy conditions later in the morning. The public may, again, not be aware that even a small increase in sleepiness when combined with alcohol consumption can have significant adverse effects on driving skills. While it is unclear that the observed effect is related to alcohol consumption and later driving on early Sunday morning, nonetheless we feel that this is a likely hypothesis for the findings that should be examined in future studies. It is often not recognized that changes in sleep/wake patterns not only effect sleep times, but also social behaviors. Either of these, physiological or behavioral adaptation to forced changes in the circadian cycle of life, can adversely effect health and increase the risk of accidents.

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# Daylight Saving Time



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## When we change our clocks

Daylight Saving Time begins for most of the **United States** at 2 a.m. on the first Sunday of April. Time reverts to standard time at 2 a.m. on the last Sunday of October. In the **European Union**, it starts at 1 am the last Sunday in March, and ends the last Sunday in October.



Daylight Saving Time, for the U.S. and its territories, is **NOT** observed in Hawaii, American Samoa, Guam, Puerto Rico, the Virgin Islands, the Eastern Time Zone portion of the State of Indiana, and the state of Arizona (not the Navajo Indian Reservation, which does observe). Navajo Nation participates in the Daylight Saving Time policy, due to its large size and location in three states. See more information about [elsewhere in the world](#).

## Spring forward, Fall back

During DST, clocks are turned forward an hour, effectively moving an hour of daylight from the morning to the evening.

Year	United States		European Union	
	DST Begins at 2 a.m.	DST Ends at 2 a.m.	Summertime period begins at 1h U.T.	Summertime period ends at 1h U.T.
1998	April 5	October 25	March 29	October 25
1999	April 4	October 31	March 28	October 31
2000	April 2	October 29	March 26	October 29
2001	April 1	October 28	March 25	October 28
2002	April 7	October 27	March 31	October 27
2003	April 6	October 26	March 30	October 26
2004	April 4	October 31	March 28	October 31
2005	April 3	October 30	March 27	October 30
2006	April 2	October 29	March 26	October 29
2007	April 1	October 28	March 25	October 28

Note: US calculator valid 1900-2099; EU 1996-2099.

## Spelling

Note that it is Daylight Saving (singular) Time, NOT Daylight Savings Time. We are saving daylight, so it is singular and not plural.

## When in the morning?

In the U.S., clocks change at 2 am. In Spring, clocks spring forward to 3 am; in Fall, clocks fall back to 1 am. In the EU, clocks change at 1 am. In Spring, clocks spring forward to 2 am; in Fall, clocks fall back to midnight.

Nationwide, restaurants and bars have varied closing policies. In many states, liquor cannot be served after 2 a.m. But at 2 a.m. in the Fall, the time switches back one hour. So, can they serve for that additional hour in October? The official answer is that the bars do not close at 2 a.m. but actually at 1:59 a.m. So, they are already closed when the time changes from Daylight Saving Time into Standard Time. In practice however, many establishments stay open an extra hour in the Fall.

In the U.S., the changeover time was arbitrarily chosen to be 2 am, when most people are at home. This is practical and minimizes disruption. It is late enough to minimally affect bars and restaurants, and prevent the day from switching to yesterday (which would be confusing). It is early enough

that the entire continental U.S. has switched by daybreak, and the changeover occurs before most early shift workers and early church-goers (particularly on Easter).

## A safety reminder

Many fire departments encourage people to change the battery in the smoke detector when they change their clocks, because it can be so easy to forget otherwise. "A working smoke detector more than doubles a person's chances of surviving a home fire," says William McNabb of the Troy Fire Department in Michigan. More than 90 percent of homes in the United States have smoke detectors, but one-third are estimated to have worn-out or missing batteries.

> For information about world calendars, see [Calendars through the Ages](#).

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## Rationale & original idea

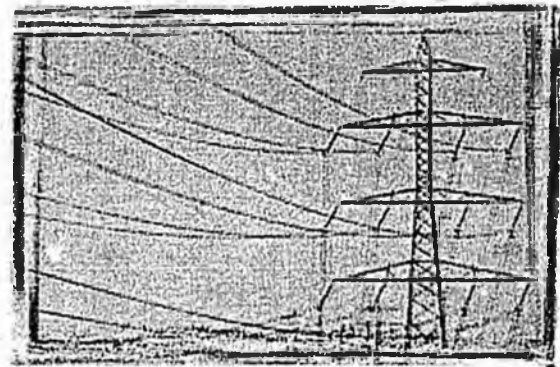
The main purpose of Daylight Saving Time (called "Summer Time" many places in the world) is to make better use of daylight. A poll done by the U.S. Department of Transportation indicated that Americans liked Daylight Saving Time because "there is more light in the evenings / can do more in the evenings."



Daylight Saving Time also saves energy. Studies done by the U.S. Department of Transportation show that Daylight Saving Time trims the entire country's electricity usage by a significant, but small amount, of less than one percent each day with Daylight Saving Time. We save energy in both the evening and the morning because we use less electricity for lighting and appliances.

Energy use and the demand for electricity for lighting our homes is directly connected to when we go to bed and when we get up. Bedtime for most of us is late evening through the year. When we go to bed, we turn off the lights and TV. In the average home, 25 percent of all the electricity we use is for lighting and small appliances, such as TVs, VCRs and stereos. A good percentage of energy consumed by lighting and appliances occurs in the evening when families are home. By moving the clock ahead one hour, we can cut the amount of electricity we consume each day.

Daylight Saving Time also saves a small amount of energy in the morning when we rise. Studies show that 70 percent of all Americans rise prior to 7 a.m. during the workweek. During the summer months, sunrise is very early in the morning, so most people will wake after the sun rises. Because the sun is up, we will turn on fewer lights in our homes. Thus, we actually use less energy in the morning.



In the winter, the afternoon Daylight Saving Time advantage is offset by

the morning's need for more lighting. In spring and fall, the advantage is less than one hour. So, Daylight Saving Time saves energy for lighting in all seasons of the year except for the four darkest months of winter (November, December, January and February) when the afternoon advantage is offset by the need for lighting because of late sunrise.

Daylight Saving Time "makes" the sun "set" one hour later and therefore reduces the period between sunset and bedtime by one hour. This means that less electricity would be used for lighting and appliances late in the day.

We also use less electricity because we are home fewer hours during the "longer" days of spring and summer. Most people plan outdoor activities in the extra daylight hours. When we are not at home, we don't turn on the appliances and lights.

There is a small public health benefit to Daylight Saving time. Several studies in the U.S. and Britain have found that daylight, almost certainly because of improved visibility, substantially decreases (by four times) the likelihood of pedestrians being killed on the roads.

## Opposition to Daylight Saving

Occasionally people complain about daylight saving time. A frequent complaint is the inconvenience of changing many clocks, and adjusting to a new sleep schedule. For most people, this is a mere nuisance, but some people with sleep disorders find this transition very difficult. Another complaint is sometimes put forth by people who wake at dawn. Farmers often dislike the clocks changing mid year. In Israel, ultra-Orthodox Sephardic Jews have campaigned against daylight saving time because they recite Slikhot penitential prayers in the early morning hours during the Jewish month of Elul.

*A writer in 1947 wrote, "I don't really care how time is reckoned so long as there is some agreement about it, but I object to being told that I am saving daylight when my reason tells me that I am doing nothing of the kind. I even object to the implication that I am wasting something valuable if I stay in bed after the sun has risen. As an admirer of moonlight I resent the bossy insistence of those who want to reduce my time for enjoying it. At the back of the Daylight Saving scheme I detect the bony, blue-fingered hand of Puritanism, eager to push people into bed earlier, and get them up earlier, to make them healthy, wealthy and wise in spite of themselves."*  
(Robertson Davies, The Diary of Samuel Marchbanks, 1947, XIX, Sunday.)

Sometimes people recommend a "compromise" wherein we would set out clocks 1/2 hour forward year round. While this may sound appealing at first, it is not a good solution. In the winter months, when daylight saving is not occurring, our clock is divided such that noon should be the middle of the day (although since time zones are so wide, this does not always happen). In the summer, when the daylight is so long, we *want* to shift a