

# Sponsor Statement

## SB 38

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

Sponsor: Senator Gene Therriault

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There are five primary safety codes dealing with construction in Alaska, which are under the jurisdiction of two different Departments. The Fire, Building, and Mechanical Codes are under the jurisdiction of the Fire Marshall at the Department of Public Safety. The Plumbing and Electrical Codes are governed by the Department of Labor. Each department is responsible for adopting a family of codes to bring uniformity and consistency to the construction industry. However, the current delegation of authority to the respective departments has caused a set of conflicts and discrepancies, which [Senate Bill 38](#) aims to address.

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

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

The proposed statutory change would do the following:

- Remove the Mechanical Code authority from the Department of Public Safety and authorize the Department of Labor to adopt and administer the Mechanical Code along with the Electrical and Plumbing codes. This is a logical step to put trade-associated codes together in a department that has knowledge and experience in administering those codes. To be a licensed Mechanical, Electrical or Plumbing commercial contractor, continuing education is required. It is logical to have the Mechanical Code administered

with other codes that require continuing education on specific construction related codes rather than with the Fire and Building Codes that require no ongoing training.

- In the future, require a three-year implementation period when a switch from one set of codes to another is proposed by the state. This would allow a period of time for the industry to become familiar with new codes before having to be tested and apply these codes in a work setting. This delay would not be required when a set of codes is simply being “updated.” An exemption from the three-year implementation period would be created for the initial adoption of a Mechanical Code by the department of Labor.
- Grandfather projects that are in the design or permit phase to allow usage of the code that was in place when the project was started.

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

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