



Arizona House of Representatives House Majority Research MEMORANDUM

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To: JOINT LEGISLATIVE AUDIT COMMITTEE
Representative Laura Knaperek, Co-Chair
Senator Robert Blendu, Co-Chair

RE: ARIZONA UNIFORM PLUMBING CODE COMMISSION – SUNSET REVIEW

Date: December 2006

Attached is the final report of the sunset review of the Arizona Uniform Plumbing Code Commission, which was conducted by the House of Representatives Commerce and the Senate Commerce and Economic Development Committee of Reference. This report has been distributed to the following individuals and agencies:

Governor of the State of Arizona

The Honorable Janet Napolitano

President of the Senate

Senator Ken Bennett

Speaker of the House of Representatives

Representative James P. Weiers

Senate Members

Senator Barbara Leff, Co-Chair
Senator Ken Chevront
Senator Richard Miranda
Senator Jay Tibshraeny
Senator Jim Waring

House Members

Representative John McComish, Co-Chair
Representative Bill Konopnicki
Representative Debbie McCune-Davis
Representative Robert Meza
Representative Michele Reagan

Miscellaneous

Arizona Uniform Plumbing Code Commission
Office of the Auditor General
Department of Library, Archives & Public Records
Office of the Chief Clerk and Secretary of the Senate

Senate Majority Staff
Senate Research Staff
Senate Democratic Staff

House Majority Staff
House Research Staff
House Democratic Staff

PURSUANT TO TITLE 41, CHAPTER 27
ARIZONA REVISED STATUTES

PERFORMANCE AUDIT

ARIZONA UNIFORM PLUMBING CODE COMMISSION

COMMITTEE OF REFERENCE

House of Representatives Committee on Commerce
Senate Committee on Commerce and Economic Development

DECEMBER
2006

COMMITTEE OF REFERENCE REPORT

*House of Representatives Committee on Commerce and
Senate Committee on Commerce and Economic Development*

ARIZONA UNIFORM PLUMBING CODE COMMISSION

To: JOINT LEGISLATIVE AUDIT COMMITTEE

Representative Laura Knaperek, Co-Chair

Senator Robert Blendu, Co-Chair

Date: November 28, 2006

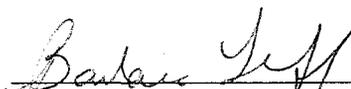
Pursuant to Title 41, Chapter 27, Arizona Revised Statutes, the Committee of Reference, after performing a sunset review and conducting a public hearing, recommends the following:

That the Arizona Uniform Plumbing Code Commission be allowed to Sunset and that the statewide plumbing code be eliminated, together with any technical and conforming changes as recommended by the Legislative Council.

COMMITTEE OF REFERENCE



Representative John McComish, Co-Chair



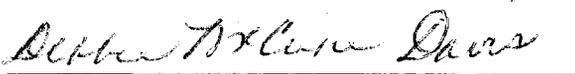
Senator Barbara Leff, Co-Chair



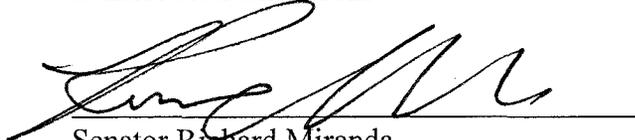
Representative Bill Konopnicki



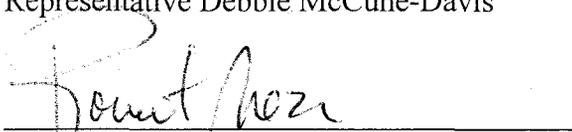
Senator Ken Chevront



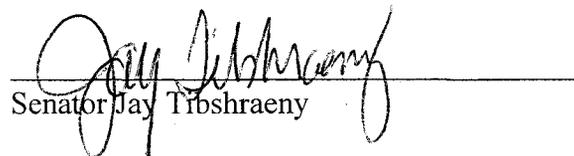
Representative Debbie McCune-Davis



Senator Richard Miranda



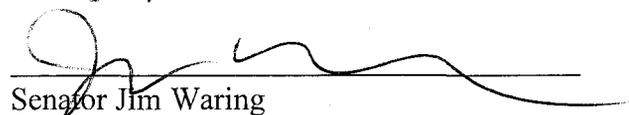
Representative Robert Meza



Senator Jay Tribshraeny



Representative Michele Reagan



Senator Jim Waring

COMMITTEE OF REFERENCE

*House of Representatives Committee on Commerce and
Senate Committee on Commerce and Economic Development*

ARIZONA UNIFORM PLUMBING CODE COMMISSION

Final Report

I. Background

Pursuant to §41-2953, Arizona Revised Statutes, the Joint Legislative Audit Committee (JLAC) assigned the sunset review of the Arizona Uniform Plumbing Code Commission (Commission) to the House of Representatives Commerce and the Senate Commerce and Economic Development *Committee of Reference (COR)*. [Attachment A]

Laws 1997, Chapter 112 created the Commission for the purpose of promoting statewide, uniform plumbing standards. The make-up of the Commission consists of the Arizona Registrar of Contractors (AROC) or his designee, and sixteen members appointed by the governor to three-year terms. AROC provides the meeting space and administrative services for the Commission. The Commission meets at least annually and additionally as determined by the chairman or a majority of the membership. Commissioners do not receive any compensation or reimbursement of expenses.

The enabling legislation required the Commission to adopt, through the Administrative Procedures Act, a code based on the 1994 Uniform Plumbing Code, its appendices and installation standards as promulgated by the International Association of Plumbing and Mechanical Officials. The legislation further directed all Arizona municipalities and counties to adopt the code by ordinance; however, the municipalities could grant variances on an individual project basis.

Title 41, Section 619, Arizona Revised Statutes, requires the code to be amended periodically, but specifically prohibits the plumbing code from containing any licensing requirements. Further, A.R.S. §9-805, prohibits municipalities from adopting a code other than the state plumbing code.

II. Committee of Reference Sunset Review Procedure

The COR held one public hearing on Tuesday, November 28, 2006, to review the performance audit of the Commission and to receive public testimony. [Attachment B]

At the public hearing, the COR heard testimony from the following individuals:

- **Diana O'Dell, Legislative Research Analyst, House Commerce Committee**

A.R.S. §41-2954 requires the COR to consider certain factors in deciding whether to recommend continuance, modification or termination of an agency, board or commission. By operation of law, Title 41, Section 3007.06, Arizona Revised Statutes, stipulates that the Arizona Uniform Plumbing Code Commission terminates on July 1, 2007, and its related statutes repeal on January 1, 2008 (Title 41, Chapter 3, Article 11). Any recommendation to Sunset or terminate the Commission requires legislation to repeal existing statutory cross-references.

- **James Palmer, Chairman, Arizona Uniform Plumbing Code Commission**

Mr. Palmer presented information regarding the Arizona Uniform Plumbing Code Commission, which was created by the Legislature in 1997 to promote statewide uniformity for plumbing standards. The Commission's 16 members represent the plumbing industry, regional and county government, and the general public. The Registrar of Contractors or his designee also serves on the Commission. Currently the Commission is adopting a 2006 plumbing code that must go through the administrative rules process, and although statute prohibits municipalities from adopting a code other than the state plumbing code, several cities have opted to adopt the International Plumbing Code.

Chairman Palmer outlined Commission concerns as follows: The Commission has no enforcement or investigative authority when cities, towns or counties adopt a plumbing code other than the state plumbing code; there is no fine or penalty for municipalities that do not adopt the state plumbing code, or fail to comply with the adopted rules; there is no funding for the Commission, nor monies to file pertinent documents with the Registrar of Contractors; there are expired and unfilled positions on the Commission, which presents problems obtaining a quorum. [Attachment C]

- **Interested Parties (verbal and written remarks)**

The COR requested input from interested parties. [Attachment D] Many individuals provided public testimony relative to the Sunset. (See List of Speakers and Attachment B)

III. Committee Recommendations

The Committee of Reference recommends the *Arizona Uniform Plumbing Code Commission* be allowed to sunset and the state plumbing code be eliminated, together with any technical and conforming changes as recommended by the Legislative Council.

IV. Statutory Report Pursuant to Section 41-2954, Arizona Revised Statutes

[Attachment C]

V. Attachments

- A. Meeting Notice
- B. Minutes of Committee of Reference Hearing
- C. Committee of Reference Report
- D. Written Responses from Interested Parties

Interim agendas can be obtained via the Internet at <http://www.azleg.state.az.us/InterimCommittees.asp>

ARIZONA STATE LEGISLATURE

INTERIM MEETING NOTICE OPEN TO THE PUBLIC

SENATE COMMERCE AND ECONOMIC DEVELOPMENT AND HOUSE OF REPRESENTATIVES COMMERCE COMMITTEE OF REFERENCE FOR THE SUNSET REVIEW OF ARIZONA UNIFORM PLUMBING CODE COMMISSION

Date: Tuesday, November 28, 2006

Time: 10:00 a.m.

→ Place: HHR 5

AGENDA

1. Call to Order
2. Opening Remarks
3. Explanation of the Statutory Charge of the Committee of Reference -- Diana Clay O'Dell, Research Analyst, House of Representatives Committee on Commerce
4. Presentation of Performance Audit of the Arizona Uniform Plumbing Code Commission -- James S. Palmer, Chairman of the Commission
5. Public Testimony
6. Discussion
7. Recommendations by the Committee of Reference
8. Adjourn

Members:

Senator Barbara Leff, Co-Chair
Senator Ken Chevront
Senator Richard Miranda
Senator Jay Tibshraeny
Senator Jim Waring

Representative John McComish, Co-Chair
Representative Bill Konopnicki
Representative Debbie McCune Davis
Representative Robert Meza
Representative Michele Reagan

11/16/06
11/17/06
jmb

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032, TDD (602) 926-3241.

ARIZONA STATE LEGISLATURE

SENATE COMMERCE AND ECONOMIC DEVELOPMENT AND HOUSE
OF REPRESENTATIVES COMMERCE COMMITTEE OF REFERENCE
FOR THE SUNSET REVIEW OF ARIZONA UNIFORM PLUMBING CODE
COMMISSION

Minutes of the Meeting
Tuesday, November 28, 2006
10:00 a.m., House Hearing Room 5

Members Present:

Senator Barbara Leff, Co-Chair
Senator Ken Chevront
Senator Richard Miranda
Senator Jay Tibshraeny
Senator Jim Waring

Representative John McComish, Co-Chair
Representative Bill Konopnicki
Representative Debbie McCune Davis
Representative Robert Meza
Representative Michele Reagan

Staff:

Diana Clay O'Dell, House Research Analyst
Leah Birk, Senate Research Analyst

Chairman McComish called the meeting to order at 10:05 a.m. and attendance was noted.

Explanation of the Statutory Charge of the Committee of Reference (COR)

Diana Clay O'Dell, Research Analyst, House of Representatives, informed the Committee that Laws 1997, Ch. 112, created the Arizona Uniform Plumbing Code Commission (AUPCC) and unless continued by the COR, will repeal on July 1, 2007 pursuant to Title 41, Section 41-3007.06. She stated that the COR conducted an audit that requested information from the Commission. The purpose of the COR was to determine the actual need of the agency and to what extent the Commission was meeting the statutory requirements, and receive public testimony and information from the Commission.

Senator Leff asked if legislation was required if the recommendation was made to sunset this commission. Ms. O'Dell responded that by statute, the Committee was required to make any recommendation to the full Legislature in the form of a bill, since other areas of statute are affected.

Presentation of Performance Audit of the Arizona Uniform Plumbing Code Commission

James S. Palmer, AUPCC, Chairman, submitted a handout entitled *Arizona Plumbing Code Commission's Response to Sunset Review Correspondence 2006* (Attachment A). He told the Committee that he would attempt to keep his opinions out of his presentation. He stated that the Commission was established in 1997 in an attempt to bring a level of consistency throughout the State with Phoenix being the main problem area. He stated that at present, the Commission was in the process of putting a 2006 plumbing code through the rules process. He remarked that a number of towns in the State have decided not to use the Arizona Plumbing Code in favor of the International Plumbing Code. The Commission asked the Attorney General's Office if there was any way to punish those who did not use the Arizona Plumbing Code to which they stated that the current legislation did not allow for any penalty. The Commission recommended a change in the quorum requirements, since current requirements have been a major stumbling block for their meetings.

Senator Leff asked what code was currently being used in the State, the outdated state code or the international code. Mr. Palmer responded that a large percentage of plumbers are using the international code.

Senator Leff suggested the Commission adopt the International Plumbing Code as the common State code since it was the most popular.

Senator Chevront stated that he was displeased with what the Commission has done. He explained that he is a general contractor with work in most municipalities in the Valley and it is extremely important to him that there is uniformity. He expressed concern over the lack of progress on a 12 year old code.

Mr. Palmer responded by saying that the face of the Commission has changed throughout the process causing votes against itself.

Discussion was held between Senator Chevront and Mr. Palmer regarding the lack of involvement of the Commission in the legislative process.

Representative Konopnicki remarked that there were a number of commissions in the State trying to get a lot of things accomplished with many obstacles along the way. He asked Mr. Palmer why the Commission should be extended. Mr. Palmer said the commission provides the State with an avenue to have a uniform code. He told the Committee that it was difficult to produce a quorum for something that is not required by the State to do, which is follow a uniform plumbing code. He expressed interest in legislation that would allow the commission to operate more efficiently.

Representative McComish asked Mr. Palmer who was responsible for the assigned seating on the Commission. Mr. Palmer responded that the special assigned seats were

appointed by the Governor. He added that there was an opportunity on the Governor's website for all Commission members to apply for an assigned seat.

Public Testimony

Courtney LeVinus, spoke in favor of the sunset of the Commission. She stated that the Commission has failed. In 1999 the Plumbing Code Commission was required by statute to adopt a plumbing code. Ms. LeVinus remarked that they did so by adopting the 1994 Uniform Plumbing Code by reference. She explained that the Commission excluded some controversial appendices, G, I and J which were later adopted. Additional amendments to the code were adopted between 2000 and 2003. She said there was concern in working from an outdated code such as this one. She remarked that during the last ten years, there were seven different plumbing code options that could have been adopted. Ms. LeVinus remarked that plumbing codes, like all building codes, were developed on a three year cycle and that due to advances in technology, it was important to stay current. Having a current plumbing code impacts the Insurance Service Organization rating for the cities. She said that it was her understanding that the 1994 Plumbing Code was no longer in print. She said the Commission did not meet at all in 2005. She explained that she was not discounting the time involvement of the Commission as she had attended some very long and difficult meetings. She told the Committee that cities and towns were able to adopt new plumbing codes much faster than the State Plumbing Code Commission.

Senator Leff remarked that the system in place seemed to be set up to fail.

Senator Chevront said that although the system is designed poorly, the Legislature should not "throw the baby out with the bathwater." He suggested changing the poor system to one that works fluidly towards gaining the objective of having a uniform system. He remarked that as a contractor, it is a cumbersome process.

Ms. LeVinus stated that a message was delivered in 1997 when the plumbing code was put into effect of the necessity of uniformity in the code throughout all the jurisdictions. In the past, she explained, there were three code making bodies throughout the United States and those three bodies have since merged into the International Building Code.

Senator Chevront said the problem is that each city chooses to use a different year of the building code.

Senator Tibshraeny asked if the city requirements were tougher than those placed by the State code. Ms. LeVinus replied that some cities have adopted a newer version of the plumbing code.

Robert Lee, Arizona Building Officials (AZBO), Chairman, stated that as a group, the AZBO has made great strides towards meeting the intent of the legislation that created the AUPCC. He said they conduct bi-annual educational institutes to train hundreds of local inspectors so they may learn the code. This training was for all of the

codes, which allowed for less likelihood for errors. They also supply a package of amendments to the most current codes. The AZBO also sends its members to the code hearings of the International Code.

Senator Chevront asked Mr. Lee how many cities were actually going to adopt the ABO proposal and how many are not. Mr. Lee responded that each jurisdiction operates independently. He said that very small percentages were not expected to adopt the 2006 edition of the international codes and these were all very small jurisdictions.

Matt Lore, Staff, League of Arizona Cities and Towns, spoke in favor of the sunset of the Commission, and submitted a handout (Attachment B). He expressed concern for local control and flexibility. He stated that the current code has not been amended since 2003. He explained that cities and towns were responsible for the health and well-being of their citizens and the current outdated code poses a concern that cities and towns do not have the flexibility to work within their jurisdiction to amend and update a code to the latest protocols. Mr. Lore also expressed concern for the variation in geography throughout the State. He remarked that uniformity was happening naturally amongst cities and towns. He said that if a recommendation was made to sunset the AUPCC, there would still be plumbing codes in cities and towns.

Senator Leff asked how cities used the International Building Code. Mr. Lore said that each city and town amended their code separately.

Dan Demland, Architect, testified in support of the sunset of the Commission, and told the Committee that he was a 30 year veteran architect who has been registered and on his own for the last five years. He explained that the AUPCC has failed.

Senator Chevront told the Committee that as a general contractor who gets red tagged in one city and gets the okay in the next, interpretations in the code are very costly to his company.

Mr. Demland said that being part of the code development process, he was certain that the cities understood that if they didn't regulate the process, the State would regulate it.

Steve Brown, Pinal County, Building Official, spoke in favor of the sunset of the Commission, and told the Committee that he has been with Pinal County for about 19 years. He stated that the Commission was not responsive enough to the needs of his jurisdiction and overall very ineffective. He said the Commission was holding the jurisdictions back from doing a good job.

Rick Bright, American Institute of Architects (AIA) Arizona, spoke in support of the sunset of the Commission, and stated that the Institute has been very consistent in regards to codes over the last 20 years. The AIA wants a coordinated and consolidated set of codes. Mr. Bright told the Committee that as an architect, he deals with multiple codes in addition to the plumbing code. One of the biggest issues that architects have is coordinating all of the separate disciplines. For example, architects

have to make sure the plumbing system coordinates with the structural system, the fire system and all of the other systems that take place in the process of building a structure. Mr. Bright explained that water conservation was another problem presented by the outdated code currently in use.

Senator Chevront asked Mr. Bright what he would like to see in Arizona to ensure that things are easier from having one set of rules instead of the confusion created by multiple sets of rules. Mr. Bright replied that the State needed to get out of the code business completely or adopt a state-wide building code including all of the building codes.

Senator Chevront said that a code could be created allowing for the differences in geography while maintaining one state-wide code that applied to everyone.

Spencer Kamps, Home Builders Association of Central Arizona, spoke in favor of the sunset of the Commission, and stated that the Commission has been a failure due to lack of staff among other things and has failed to act. According to his research, about 64 percent of the communities in Maricopa County are under the Uniform Plumbing Code and 90 percent were on the international codes. The AUPCC has no inspectors to enforce the code. Mr. Kamps encouraged the Committee to sunset the AUPCC for the issues presented today such as reliability, failure to act and because of the safety of the citizens.

Bruce Dimmig, Architect, spoke in favor of the sunset of the Commission, and stated that the process to fill the Commission was broken. He said he applied in February of 2006 and never heard from anyone regarding his inquiry.

Dwight Perkins, International Association of Plumbing and Mechanical Officials, spoke against the sunset of the Commission, and stated that they were the proud developers, promulgators and publishers of the Uniform Plumbing Code and the Uniform Mechanical Code. He explained that he was a licensed plumber in the State of Alaska and that a large percentage of the Western United States have mandated state-wide plumbing codes. He noted that of everyone in attendance today favoring the sunset of the AUPCC, none were plumbing contractors or training coordinators. He said the Commission was very political, very large and this was a big factor in a lack of a quorum. Mr. Perkins said his organization has been in the business of writing the plumbing code for over 80 years. He suggested that rather than dismantling the AUPCC entirely, the Committee should take a look at who is on the Commission and consider reducing the amount of members to achieve better results.

Representative Konopnicki asked if the Uniform Plumbing Code was still in print and also remarked most of the cities and towns appear to be using a code other than the Uniform Plumbing Code. Mr. Perkins replied that the 1994 code was no longer in print but copies were available. He told the Committee that the Commission has had a total of three sub-committee meetings to review and amend the 2006 plumbing code.

Senator Chevront explained that if the commission were to continue, changes could be made so that the same scenario would not take place again.

Representative Konopnicki expressed concern over the great variations in codes being used across the State.

Mark Butler, representing himself, spoke against the sunset of the Commission, and told the Committee that he was a second generation Arizonan as well as a second generation plumber. He said that his father started the first registered apprenticeship plumber training in the State in 1956. He said the Uniform Plumbing Code was the most widely used code and was a prescriptive code that explains how to do things. He suggested the Commission be comprised of people who have experience in plumbing.

Dennis Correll, Metro Phoenix Plumbing Heating and Cooling Contractors Association, spoke against the sunset of the Commission, and told the Committee that he was a plumber. He explained that his association had an apprenticeship program based on the Uniform Plumbing Code.

James Tripp, representing himself, spoke against the sunset of the Commission, and explained that the Commission has failed, yet it was important for industry, business, and homeowners to know that there is oversight. He noted that the intent of the Commission was good and that fixing the problem would be a better choice than doing away with the Commission.

Carl Triphahn, Piping Industry Progress and Education, Executive Director, spoke against the sunset of the Commission, and explained that he was born and raised in the plumbing industry. He stated that plumbing was an engineered science and codes were very technical and took time to put together. He said that the Commission overcame many obstacles to get to this point and it had not been negative for Arizona.

Senator Waring questioned the difference between the Uniform Plumbing Code and the International Plumbing Code. Mr. Triphahn said the Uniform Plumbing Code is prescriptive and the International Plumbing Code is performance based.

Senator Leff moved the Committee of Reference recommend to the Legislature that the Arizona Uniform Plumbing Code Commission be allowed to sunset and that the state-wide plumbing code be eliminated together with any technical and conforming changes as recommended by the Legislative Council.

Senator Chevront stated that there were a few various groups who have different reasons for either supporting the Commission or opposing it. On one hand there was the Homebuilders Association whose main issue appears to be liability. There are the city officials who want to put a code together through their input without input from people within the industry and there are the people who are in the plumbing industry who want to have input and want uniformity. He said it would be a disservice to the

industry to sunset the Commission by allowing the cities to enact a code from any year they choose. He stated that the Commission should be continued with a new system in place.

Senator Leff said she supported a sunset of the Commission because it interfered with the ability to obtain a uniform code throughout the State. She said the Commission was set up poorly, preventing any positive progress in creating a new code.

The motion CARRIED with a roll call vote of 8-1-1 (Attachment 1).

There being no further business, the meeting was adjourned at 12:00 p.m.

Respectfully submitted,

Jeff Turner
Committee Secretary

(Tapes and attachments on file in the Secretary of the Senate's Office/Resource Center, Room 115.)

House Commerce Committee - COR (11/28/2006)

The following individuals signed up in support of the Sunset of the Uniform Plumbing Code Commission:

Robert Lee, Building Official, Arizona Building Officials;
Yves Khawam, Chief Building Official, Pima County;
Tina Litteral, Executive Director, AIA Arizona;
Ken Sowers, Chief Building Official, City of Avondale;
Bruce Dimmig, Associate/Senior Project Architect, representing myself;
Courtney Gilstrap Levinus, AMA, AZBOMA, and AZBO;
Ray Lahaye, Building Official, Town of Payson;
David Nichols, Regional Government Relations Manager, International Code Council;
Steve Brown, Building Official, Pinal County;
Rick Bright, Principal, AIA Arizona;
Matt Lore, League Staff, League of Arizona Cities and Towns;
Tom Haney, engineering manager, representing myself as voter;
Jessica Blazina, Communications & Government Relations, County Supervisors Association;
Spencer Kamps, Deputy Director, Home Builders Assoc of Central AZ;
Jonathan Lindsey, the Boeing Company; AIA Arizona;
Anne Hamilton, Senior Account Executive, City of Yuma;
Dan Demland, Architect, Personal;
Tom Farley, Lobbyist, Valley Partnership & N. AZ Homebuilders Association;
Mark Young, Sr. Management Assistant - Intergovernmental Liaison, Town of Queen Creek;
John Holden, Building Official, Town of Marana;
Stan Barnes, Southern Arizona Home Builders Association;
Stephanie Wilson, Intergovernmental Relations Liaison, City of Surprise
Daniel Romm, Lobbyist, Arizona Association of Industries;

The following individuals signed up in opposition to the Sunset of the Uniform Plumbing Code Commission:

Mark Minter, Executive Director, Arizona Builders' Alliance;
Mark Giebelhaus, Marlin Mechanical Corporation;
Mark Butler, business manager, u a local 469;
D Correll, director, metro phoenix phcc;
James Tripp, plumber, UA Local #741;
Dwight Perkins, western regional manager, iapmo;

The following individual was present but neutral:

Brian Livingston, executive director, Arizona Registrar of Contractors

All Comments:

Stan Barnes, Southern Arizona Home Builders Association : *Southern Arizona Home Builders Association supports a sunset recommendation for the Plumbing Commission*

Jessica Blazina, County Supervisors Association: *The County Supervisors Association supports a recommendation to "sunset" the Arizona Uniform Plumbing Code Commission.*

Rick Bright, AIA Arizona: *In support of sunseting the Plumbing Commission*

Steve Brown, Pinal County: *I would like to speak in favor of sunseting the Commission*

***Mark Butler, u a local 469:** *Retain Plumbing Commission*

***D Correll, metro phoenix phcc:** *Against sunset of code Commission.*

Dan Demland, Personal: *Plumbing Commission sunset*

Tom Farley, Valley Partnership & N. AZ Homebuilders Assoc.: *Support the sunset of the Uniform Plumbing Code Commission*

***Mark Giebelhaus, Marlin Mechanical Corporation:** *Against sunseting Plumbing Code Commission. Support Plumbing Code Commission.*

Courtney Gilstrap Levinus, AMA, AZBOMA, and AZBO: *Support sunset of the Plumbing Code Commission*

Anne Hamilton, City of Yuma: *City of Yuma supports Sunset of the Arizona Plumbing Code Commission.*

Tom Haney, self as voter: *Wishing to see Plumbing Commission sunset*

John Holden, Town of Marana: *Support sunseting Plumbing Commission*

Spencer Kamps, Home Builders Assoc of Central AZ: *Sunset of the Plumbing Code Commission*

Yves Khawam, Pima County: *Would like to see Commission sunset*

Jonathan Lindsey, the Boeing Company; AIA Arizona: *Support sunset of Plumbing Code Commission*

Matt Lore, League of Arizona Cities and Towns: *The League of Arizona Cities and Towns strongly supports the sunseting of the Arizona Uniform Plumbing Code Commission*

***Mark Minter, Arizona Builders' Alliance:** Please keep the Plumbing Code Commission. We need standardized codes to assure ease of movement for contractors and workers among the various municipalities. Further, a state-wide building code for all trades would be a great improvement.

David Nichols, International Code Council: The Arizona Plumbing Code Commission has failed in its statutory responsibilities. Within Arizona's framework of laws delegating authority to adopt building safety codes at the local level, the commission as envisioned, only succeeded in creating conflict within the state. There would be more uniformity and up-to-date codes in use if the commission were to sunset.

Dwight Perkins, iapmo: Continue Uniform Plumbing Code Commission

Daniel Romm, Arizona Association of Industries: AAI believes that the Arizona Uniform Plumbing Code Commission should sunset.

James Tripp, UA Local #741: Against sunseting the Code Commission

Stephanie Wilson, City of Surprise: The City of Surprise supports the sunseting of this commission as it has proven to be ineffective in achieving the originally intended goals.

Mark Young, Town of Queen Creek: In regards to the Plumbing Code, Queen Creek Building Officials recommended that we allow this bill to sunset. This code is now over ten years old and could be considered by some to be obsolete. Additionally, the consensus of the MAG building codes committee is that the ICC Plumbing Code be adopted in order to provide consistency with the other ICC codes being adopted by most of the jurisdictions in the valley.



Arizona House of Representatives House Majority Research MEMORANDUM

Diana Clay O'Dell
Legislative Research Analyst
COMMITTEE ON COMMERCE

1700 West Washington
Phoenix, AZ 85007-2848
Phone (602) 926-3745

TO: MEMBERS OF THE COMMITTEE OF REFERENCE

RE: SUNSET REVIEW – ARIZONA UNIFORM PLUMBING CODE COMMISSION
PUBLIC HEARING – NOVEMBER 28, 2006 AT 10:00 A.M. IN HHR 5

Date: OCTOBER 17, 2006

The *Arizona Uniform Plumbing Code Commission* (Commission) is scheduled to sunset July 1, 2007. The Joint Legislative Audit Committee assigned the sunset review to the Committee of Reference (COR) comprised of members of the House of Representatives Commerce and the Senate Commerce and Economic Development Committee.

Arizona statute (A.R.S. §41-2954) requires the COR to consider certain factors in deciding whether to recommend continuance, modification or termination of an agency, board or commission. A copy of the Commission's response to the statutory factors is attached for your review (Attachment B). Please note the following:

- ⇒ Laws 1997, Chapter 112, created the Commission for the purpose of promoting statewide uniform plumbing standards. The Commission has no full-time employees, but utilizes administrative services of the Office of the Registrar of Contractors.
- ⇒ The 16-member Commission appointed by the Governor has several expired membership positions, as well as two unfilled positions. Members receive no reimbursement.
- ⇒ Since the enabling legislation, the Arizona Attorney General (No. I00-011) issued a noteworthy opinion (available upon request) that states in pertinent part:
 - Variances – A city, town or county may grant variances to the State Plumbing Code on an individual project basis, and such variances must comply with all other applicable laws.
 - Enforcement – Although developed and adopted as a rule at the State level, the State Plumbing Code will be enforced at the local level as an ordinance.
- ⇒ The Commission did not meet in 2005, but the January, August and September 2006 meeting minutes are available on audiotape (available upon request).

There will be a public hearing to review the attached response to the statutorily required sunset questions, to hear public testimony and to adopt recommendations.

If you need additional assistance, or would like to obtain a copy of the Commission's meeting minutes or the Arizona Attorney General's opinion please contact me at 602.926.3745.

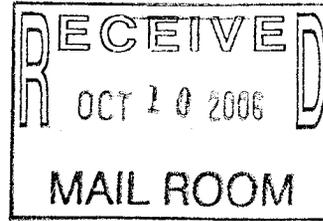
ARIZONA UNIFORM PLUMBING CODE COMMISSION

% Arizona Registrar of Contractors, 800 West Washington, 6th Floor, Phoenix, AZ 85007 (602) 542-1525 ext. 7652

James S. Palmer, Chairperson

Larry D. Stump, Vice Chairperson

sharon.kowalski@azroc.gov



October 4, 2006

Arizona House of Representatives
Representative John McComish, Co-Chair
% Diana Clay O'Dell
1700 West Washington Avenue
Phoenix, Arizona 85007

Re: Your letter dated August 22, 2006

Dear Representative McComish:

Pursuant to the sunset review process prescribed in Title 41, Chapter 27, Arizona Revised Statutes, the Arizona Uniform Plumbing Code Commission's response to your letter and the committee of reference review is attached. The responses were developed by consensus vote of each question at a September 28, 2006 meeting of the Arizona Uniform Plumbing Code Commission.

Should there be any other information you would require, you can reach me through the Commission's secretary, Sharon Kowalski at the Registrar of Contractor's office, 800 W. Washington St, Phoenix AZ 85007, 602 542 1525 x7652.

Sincerely,

A handwritten signature in black ink, appearing to read "J.S.P.", written in a cursive style.

James S. Palmer, Chairperson
Arizona Uniform Plumbing Code Commission

Arizona Plumbing Code Commission's Response to Sunset Review Correspondence 2006

1. THE OBJECTIVE AND PURPOSE IN ESTABLISHING THE AGENCY.

The Arizona State Legislature established the Arizona Plumbing Code Commission in 1997. The Legislatures intent of establishing the Commission was to promote a statewide, uniform plumbing standard for the safety, health and welfare of the public.

The Legislature recognized the plumbing industry's desire to have one statewide code for uniformity of enforcement by local jurisdictions through out the state.

Prior to the creation of the State Plumbing Code Commission, City's, Town's and Counties would have their own version of the plumbing code. This made it difficult in the greater Phoenix area for an Architect or Engineers to design a project and for the Plumbing Contactors to receive approval of the work. Often the building plans would be rejected for a building permit or the plumbers work rejected because it was impossible to be familiar with all the different variations of the plumbing code within the state.

The Commission was created to implement a comprehensive plumbing code that could be used uniformly through out the state.

2. THE EFFECTIVENESS WITH WHICH THE AGENCY HAS MET ITS OBJECTIVES AND PURPOSE AND THE EFFICIENCY WITH WHICH IT HAS OPERATED.

The Commission met its overall objective and purpose by establishing a Uniform Plumbing Code with amendments that met additional concerns raised by ADEQ.

However, the current Arizona Uniform Plumbing Code is based upon the 1994 Uniform Plumbing Code with Arizona State Amendments. The 1994 Uniform Plumbing Code has gone through 4 upgrades with the latest publication being the 2006 Uniform Plumbing Code. The Arizona Plumbing Code Commission attempted to adopt the 2000 International Plumbing Code, the 2000 Uniform Plumbing Code, and the 2003 Uniform Plumbing Code. For various reasons, these three attempts did not make it into Rule. The Commission is currently working on the 2006 Uniform Plumbing Code and plans to submit a Rule amendment in the Fall of 2006.

3. THE EXTENT TO WHICH THE AGENCY HAS OPERATED WITHIN THE PUBLIC INTEREST.

The Arizona Plumbing Code Commission has operated in the public interest by ensuring that amendments to the Uniform Plumbing Code are reasonable and prudent standards for the safety and health of the public.

4. THE EXTENT TO WHICH RULES ADOPTED BY THE AGENCY ARE CONSISTENT WITH THE LEGISLATIVE MANDATE.

The Arizona Plumbing Code Commission has initiated the rulemaking process to provide for the governance of the Commission. Like the Legislature, the Commission members represent regions from around the state providing equal representation to the public.

- 5. THE EXTENT TO WHICH THE AGENCY HAS ENCOURAGED INPUT FROM THE PUBLIC BEFORE ADOPTING ITS RULES AND THE EXTENT TO WHICH IT HAS INFORMED THE PUBLIC AS TO ITS ACTIONS AND THEIR EXPECTED IMPACT ON THE PUBLIC.**

In an effort to gain public involvement in the rulemaking process, all drafts of the proposed rulemaking will be discussed during public meetings of the Commission. The Commission encourages the public to attend and to serve on sub-committees. Information will also be made available to the public on the ROC web site and the public can communicate with Commission members through email.

- 6. THE EXTENT TO WHICH THE AGENCY HAS BEEN ABLE TO INVESTIGATE AND RESOLVE COMPLAINTS THAT IS WITHIN ITS JURISDICTION.**

The Plumbing Commission has a necessary, yet limited jurisdiction relating to the adoption and promotion of the State Plumbing Code. As it is not a regulatory agency, the Towns, Cities or Counties have the responsibility to enforce codes..

- 7. THE EXTENT TO WHICH THE ATTORNEY GENERAL OR ANY OTHER APPLICABLE AGENCY OF STATE GOVERNMENT HAS THE AUTHORITY TO PROSECUTE ACTIONS UNDER THE ENABLING LEGISLATION.**

It is unclear to the Commission if the Attorney General has the authority to prosecute action under the enabling legislation. The Commission has not, however, tested its jurisdiction relating to civil penalties and prosecution of those jurisdictions that do not comply with the State Plumbing Code. The Legislature stipulated, "A municipality shall not adopt a plumbing code other than the State Plumbing Code", however, there was no penalty or fine for failure to comply. The Attorney General's office has indicated to the Commission that there are "no teeth" in the Bill which created the Arizona Uniform Plumbing Code to require Towns, Cities and Counties to adopt the Arizona Uniform Plumbing Code.

- 8. THE EXTENT TO WHICH THE AGENCY HAS ADDRESSED DEFICIENCIES IN ITS ENABLING STATUTES, WHICH PREVENT IT FROM FULFILLING ITS STATUTORY MANDATE.**

The Arizona Plumbing Code Commission has worked well with the statues and has found deficiencies in its enabling statutes as stated in number seven. As stated above, the statute did not create a penalty, fine, or enforcement authority, nor did the statue provide funding for the Commission.

- 9. THE EXTENT TO WHICH CHANGES ARE NECESSARY IN THE LAWS OF THE AGENCY TO ADEQUATELY COMPLY WITH THE FACTORS LISTED IN THIS SUBSECTION.**

The Commission believes that there are deficiencies in the statues with regards to local jurisdictions in the state using another plumbing code other than the State Plumbing Code.

The statutes do not assign responsibility for enforcement by a government agency and does not provide for fines, penalties or prosecution of a city or county for failure to adopt the State Plumbing Code. The Commission does not have compliance investigative personnel assigned to it from the Registrar of Contractors Office or from any other State agency.

The Arizona Uniform Plumbing Code is required to have on file all the documents referenced in the Uniform Plumbing Code. The cost to assemble and maintain this library is unclear but may be \$15,000 to \$30,000. There is no funding for the Uniform Plumbing Code Commission to comply with this requirement.

The Uniform Plumbing Code Commission could operate better if a quorum was based upon a percentage of the total number of members presently holding positions on the Commission.

10. THE EXTENT TO WHICH TERMINATION OF THE AGENCY WOULD SIGNIFICANTLY HARM THE PUBLIC HEALTH, SAFETY OR WELFARE.

The Commission is useful for the profession of Architecture, Engineering, Plumbing Contractors and Plumbing Inspectors in the designing, installations and inspections of plumbing systems.

The worst consequences would be the potential harm to the public if the practicing professionals were not required to meet minimum standards as found in the State Uniform Plumbing Code. It is also unknown if other state agencies may be negatively affected if the Commission were terminated. (for example ADEQ)

Towns, Cities and Counties are already using a plumbing code other than the current Arizona Uniform Plumbing Code.

11. THE EXTENT TO WHICH THE LEVEL OF REGULATION EXERCISED BY THE AGENCY IS APPROPRIATE AND WHETHER LESS OR MORE STRINGENT LEVELS OF REGULATION WOULD BE APPROPRIATE.

The current level of regulation carried out by the Commission is appropriate. Additional regulation may be needed to force some jurisdiction (through penalties or fines) to administer and enforce the State Uniform Plumbing Code.

12. THE EXTENT TO WHICH THE AGENCY HAS USED PRIVATE CONTRACTORS IN THE PERFORMANCE OF ITS DUTIES AND HOW EFFECTIVE USE OF PRIVATE CONTRACTORS COULD BE ACCOMPLISHED.

The Commission presently is receiving administrative services from the Registrar of Contractors Office. The Commission has not had a need to procure administrative services or goods from outside contractors in the past as a result of its arrangement with the Registrar of Contractors.

ADDITIONALLY, PLEASE PROVIDE WRITTEN RESPONSES TO THE FOLLOWING:

1. AN IDENTIFICATION OF THE PROBLEM OR NEEDS THAT THE AGENCY IS INTENDED TO ADDRESS.

The Commission is intended to address a very limited, yet vital need covered by no other state agency: To provide a forum to advance the development of a State Uniform Plumbing Code. The Legislature recognized this need by creating the Commission comprised of representatives from around the state with plumbing code knowledge.

2. A STATEMENT, TO THE EXTENT PRACTICABLE, IN QUANTITATIVE AND QUALITATIVE TERMS, THE OBJECTIVES OF SUCH AGENCY AND ITS ANTICIPATED ACCOMPLISHMENTS.

The purpose of the Commission is to provide a concerted method by which a uniform plumbing code can be adopted and used by the plumbing industry for both the construction of new buildings and the remodel of existing buildings.

The Commission was successful in this endeavor and is at present updating the State Uniform Plumbing Code to the new 2006 Uniform Plumbing Code.

3. AN IDENTIFICATION OF ANY OTHER AGENCIES HAVING SIMILAR, CONFLICTING OR DUPLICATE OBJECTIVES, AND AN EXPLANATION OF THE MANNER IN WHICH THE AGENCY AVOIDS DUPLICATION OR CONFLICT WITH OTHER SUCH AGENCIES.

The Commission is not aware of any other federal, state or local agency that has the specific authority to promote a State Uniform Plumbing Code.

4. AN ASSESSMENT OF THE CONSEQUENCES OF ELIMINATING THE AGENCY OR CONSOLIDATING IT WITH ANOTHER AGENCY.

Termination of the Commission could place the health and safety of the public at risk and jeopardize the quality of construction in Arizona. Consolidating with another agency is not feasible because no other state agency possesses a similar mission.

Other states have a state plumbing code and termination of the Commission will result in a disappointing loss to the people of Arizona and to construction companies and designers located out of state. Out of state businesses willing to relocate and build in our state contribute to the states economy and termination of the Commission could be a negative influence to future development.

Arizona Plumbing Code Commission			
Revenues and Expenditures Statement			
Fiscal Year 2005			
Revenues	\$00.00		
Administrative fee		\$3,751.44	
Supplies and Postage		\$ 125.00	
Total Revenue	\$00.00		
Total Expenditures		\$3,876.44	

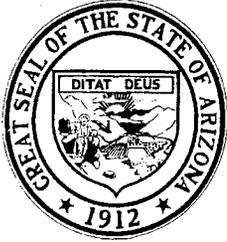
* Information provided by the Arizona Registrar of Contractors Office

The Commission presently is receiving as needed administrative services from the Registrar of Contractors Office. Sharon Kowalski, Administrative Secretary, is assigned part time by the Registrar of Contractors Office to provide administration services to the Arizona Uniform Plumbing Code Commission. The "Administrative fee" listed above reflects the cost associated with the administration services for the year 2005. The Arizona Uniform Plumbing Code Commission has no full time employees.

Composition of Arizona Uniform Plumbing Code Commission as of September 2006. Members are appointed by the Governor of the State of Arizona.

NAME	REPRESENTING	TERM EXPIRES
	Public Member	1/15/2007
James D. Chavez	Plumbing Contractors-Com'l & Res Licenses	1-15-2007
Harvey Delgado	Utility and Sewer Workers Rep.	1/16/2006
Alan Felber, Chief Licensing Dept.	Arizona Registrar of Contractors	
Michael Picallo	General Public with experience in natural gas	1/16/2006
	Certified Plumbing Inspector, North Region	
Ron Henrichsen	Plumbing Contractors Com'l & Res	1/15/2007
Steven R. Brown	Certified Plumbing Inspector/County	1/21/2008
David C Vargulic	Registered Mechanical Engineer/practice in plumbing)	1/15/2007
Cal Lewallen	Plumbing Contractor Com'l & Res	1/16/2006
	Piping Industry Progress and Education Trust	
James S. Palmer	Registered Mechanical Engineer/practice in plumbing	1/17/2005
Daniel A. Ortega, Sr.	Plumbing Contractors-Res	1/16/2006
Larry D Stump	Certified Plumbing Inspector, Central Region	1/21/2008
Joel Svoboda	Registered Architect	1/17/2005
	General Public	
	Certified Plumbing Inspector, Southern Region	1/21/2008

7-2006



Arizona House of Representatives
House Majority Research Staff
MEMORANDUM

DIANA CLAY O'DELL
LEGISLATIVE RESEARCH ANALYST
COMMITTEE ON COMMERCE
dodell@azleg.state.az.us

1700 West Washington
Phoenix, Arizona 85007
Telephone (602) 926-3745
Facsimile (602) 417-3097

To: INTERESTED PARTIES
Re: ARIZONA UNIFORM PLUMBING CODE COMMISSION
Date: October 3, 2006

The *Arizona Uniform Plumbing Code Commission* is scheduled for Sunset Review this year. The Joint Legislative Audit Committee has assigned the Sunset Review to the Committee of Reference (COR) comprised of the House of Representatives *Committee on Commerce* and the Senate *Committee on Commerce and Economic Development*. A public hearing will be held to review the performance of the Commission and receive testimony from agency officials, interested parties and the public. The COR will make a recommendation on whether to continue, revise, consolidate or terminate the Commission. As part of this review process, the *Committee of Reference* is seeking feedback from you regarding the performance of the Commission. Please send me any comments, suggestions, or concerns that would be helpful regarding the Sunset Review. Your response will be part of the permanent record, as well as an attachment to the minutes of the official COR meeting.

For your reference, Title 41, Section 2954, Arizona Revised Statutes, contains the statutory sunset factors and required agency factors the COR is required to consider when making their final recommendation.

Please submit any comments you may have to the *Committee of Reference* by October 31, 2006. Thank you for your time and assistance in this matter.



Arizona House of Representatives Majority Research Staff MEMORANDUM

Diana Clay O'Dell
Legislative Research Analyst
Committee on Commerce
Phoenix, Arizona

1700 West Washington
Phoenix, AZ 85007-2848
Phone (602) 926-3745
Facsimile (602) 417-3097

To: Members of the Committee of Reference
House of Representatives Committee on Commerce
Senate Committee on Commerce and Economic Development

Re: SUNSET REVIEW - Arizona Uniform Plumbing Code Commission
Date: November 2, 2006

As part of the Sunset Review process, the Committee of Reference (COR) seeks public input by requesting written comments from interested parties who are directly impacted by the performance of the state agency, board or commission that is under review. The COR received written comments and supporting rationale from several individuals and groups. All were unanimous in their belief that the Uniform Plumbing Code Commission should sunset.

This packet contains copies of the specific comments, concerns, suggestions and recommendations as submitted by the interested parties. These documents will be part of the permanent record, as well as an attachment to the minutes of the official COR meeting. Interested parties that submitted written comments include:

- *League of Arizona Cities and Towns
- *City of Tucson
- *Town of Payson
- *County Supervisors Association
- *Home Builders Association of Central Arizona
- *Southern Arizona Home Builders Association
- *Arizona Multihousing Association
- *Arizona Building Owners & Managers Association
- *Arizona Building Officials
- *Mr. Mike Picallo, Commissioner, writing on behalf of himself (
- *Mr. Steve Brown, Commissioner, writing on behalf of himself (director of Pinal County Building Safety Department)

October 30, 2006

The Honorable John McComish and
The Honorable Barbara Leff
Co-Chairs
Committee of Reference
1700 West Washington Street
Phoenix, AZ 85007

Dear Representative McComish and Senator Leff:

The League of Arizona Cities and Towns urges the Committee of Reference to recommend to the Legislature that Arizona Uniform Plumbing Code Commission (AUPCC) sunset for the following reasons:

1. The current plumbing code is outdated and difficult to amend or update

Currently, the state plumbing code is a 1994 version of the Uniform Plumbing Code (UPC). Standard codes in the trades are generally updated every three years (the current versions are the 2006 codes). Due to lack of quorum, the AUPCC has not made any changes or amendments to the statewide plumbing code since May of 2003. In addition, the AUPCC did not meet at all during 2005 and met only once in 2006 until its August meeting.

A body that oversees the implementation of a mandated code must meet regularly and continually to amend the code. Not only is the current plumbing code outdated and incompatible with the other codes cities and towns have adopted (building, mechanical, electrical, etc.) but can also present a safety concern if the code stipulates outmoded technologies and practices.

As the sunset date approaches, the AUPCC is now in discussion to amend the code to the 2006 version of the UPC. We feel that even if the plumbing code is updated to the 2006 version, the underlying difficulty of keeping the code current and amended will continue to persist as it has since the inception of the AUPCC in 1997.

2. Uniformity in codes is happening at the local level

To alleviate the concerns that had prompted the original bill's passage in 1997, cities and towns, through the Arizona Building Officials (AZBO), have established processes to

promote consistency in code adoption and interpretation. They have done this through a variety of means including:

- Participation in the national code change process. Through the Code Development and Review Committee, AZBO members propose changes to codes on the national stage, ensuring that their proposals are sound and have universal applicability.
- Preparing companion code amendments to aid cities and towns in the adoption of code amendments to comply with state laws and to address local climatic issues.
- Hosting educational institutes to teach jurisdictional employees, private sector designers and builders alike about the code and technological principles of the latest international codes.
- Hosting regional chapter meetings of Arizona building officials at the local level to train in the latest codes on subjects of construction technology in a further attempt to promote consistency and currency of code application.

This process represents local problem solving at its best and fulfills the primary goal of providing consistency and safe practices for homeowners and contractors alike.

For these reasons, the League of Arizona Cities and Towns asks that the Committee of Reference recommend to the Legislature that the Arizona Uniform Plumbing Code Commission sunset.

Thank you for your time. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ken Strobeck".

Ken Strobeck
Executive Director



October 31, 2006

CITY OF
TUCSON

DEVELOPMENT SERVICES
DEPARTMENT

The Honorable John McComish and
The Honorable Barbara Leff
Co-Chairs
Committee of Reference
1700 W Washington Street
Phoenix, Arizona 85007

SUBJECT: Sunset review of the Arizona Uniform Plumbing Code Commission

Dear Representative McComish and Senator Leff:

The City of Tucson would like to address the sunseting of the Arizona Uniform Plumbing Code Commission per A.R.S§41-2954 D.

1. THE OBJECTIVE AND PURPOSE IN ESTABLISHING THE AGENCY.

The Arizona Legislature established the Arizona Uniform Plumbing Code Commission (hereafter referred to as the "Commission") in 1997 to create a statewide plumbing standard to promote uniformity among Arizona Cities and Towns.

2. THE EFFECTIVENESS WITH WHICH THE COMMISSION HAS MET ITS OBJECTIVES AND PURPOSE AND THE EFFICIENCY WITH WHICH IT HAS OPERATED.

The Commission has failed at meeting its objectives. Many local jurisdictions have adopted alternative and more current plumbing codes due to the understanding that the commission has recognized an allowance that permits exceptions to code provisions. The Commission has not operated with efficiency.



The Honorable John McComish and
The Honorable Barbara Leff, Co-Chairs
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3. THE EXTENT TO WHICH THE AGENCY HAS OPERATED WITHIN THE PUBLIC INTEREST.

The Commission has hindered the contractors, developers, and consumers of the State of Arizona by perpetuating a version of the 1994 Uniform Plumbing Code, which is no longer in print and does not recognize improvements in plumbing techniques and material technology that have been developed since that time. The Commission has not effectively served the public. It does not meet on a regular basis, has failed to keep current with technological advances in the field, is not respectful of the interests of the citizens of the state and has not accomplished its stated goals in a timely manner.

4. The extent to which rules adopted by the agency are consistent with the legislative mandate.

The Commission has initiated a rulemaking process that is cumbersome to the public including Cities and Towns and ignored by some of its members. The City of Tucson proposed a set of amendments that took an inordinate amount of staff time both for the City and the Arizona Registrar of Contractors office to produce. In the end the Commission took no formal action on the proposal.

The amendment process adopted by the Commission is naïve as the Commission cannot match the expertise or resources of organizations like the International Code Council (ICC) or the International Association of Plumbing and Mechanical Officials (IAPMO) with their thousands of members.

5. The extent to which the agency has encouraged input from the public before adopting its rules and the extent to which it has informed the public as to its actions and their expected impact on the public.

The Commission has not fostered a cooperative relationship with the building safety departments in the jurisdictions where enforcement of the plumbing code actually takes place. Nor has the Commission established a relationship with the design professionals as is evidenced by the limited number of participants at their meetings.

Attendance by the public at Commission meetings has been limited because so many of the meetings get cancelled due to the Commission's inability to establish a quorum. The perception of the actions of this commission is that they are in conflict with the public good.

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The Honorable Barbara Leff, Co-Chairs
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6. THE EXTENT TO WHICH THE AGENCY HAS BEEN ABLE TO INVESTIGATE AND RESOLVE COMPLAINTS THAT ARE WITHIN ITS JURISDICTION.

The Commission does not investigate and has not resolved any of the complaints that have been expressed to them since the commission was created almost a decade ago.

7. THE EXTENT TO WHICH THE ATTORNEY GENERAL OR ANY OTHER APPLICABLE AGENCY OF STATE GOVERNMENT HAS THE AUTHORITY TO PROSECUTE ACTIONS UNDER THE ENABLING LEGISLATION.

This would seem to provide an unfortunate set of enforcement circumstances for the State Attorney General's office in prosecuting local jurisdictions for enforcing a technical document that is superior to the outdated plumbing code the Commission perpetuates.

The other jurisdictions that have decided to abide by the intent of the Commission's mandate for adoption of the 1994 Uniform Plumbing Code with the plethora of Commission amendments have suffered in the evaluations of these Building Safety Departments by the Insurance Services Organization (ISO) because of the ISO requirement that each jurisdiction adopt the most current code available.

8. THE EXTENT TO WHICH THE AGENCY HAS ADDRESSED DEFICIENCIES IN ITS ENABLING STATUTES, WHICH PREVENT IT FROM FULFILLING ITS STATUTORY MANDATE.

The Commission appears to have done little, if anything, to address any deficiencies in its enabling statutes. This can be verified by simply viewing the meeting schedules and agendas.

9. THE EXTENT TO WHICH CHANGES ARE NECESSARY IN THE LAWS OF THE AGENCY TO ADEQUATELY COMPLY WITH THE FACTORS LISTED IN THIS SUBSECTION.

Other groups such as the Arizona Building Officials have met the original objective and purpose of the Commission in other ways. This organization has established a Code Review and Development Committee that has met regularly throughout the state and has provided an Arizona contingent that has been present during national code deliberations. This AZBO Committee has offered valuable input into the development of the most widely accepted, current and comprehensive family of building codes available today.

The Honorable John McComish and
The Honorable Barbara Leff, Co-Chairs
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AZBO has also met the challenge of attempting to ensure state-wide uniformity in the enforcement of building codes by providing two, week-long inspector training institutes each year. These institutes are specifically intended for inspection professionals within the state to increase their code knowledge and learn common inspection practices. Hundreds of these code professionals attend these institutes each session.

10. THE EXTENT TO WHICH TERMINATION OF THE AGENCY WOULD SIGNIFICANTLY HARM THE PUBLIC HEALTH, SAFETY OR WELFARE.

Termination of the Commission would have no negative effect on the health, safety and welfare of the citizens of the state. Conversely, it would permit local jurisdictions to adopt a more current and available, nationally recognized standard as is currently done with all other construction codes.

11. THE EXTENT TO WHICH THE LEVEL OF REGULATION EXERCISED BY THE AGENCY IS APPROPRIATE AND WHETHER LESS OR MORE STRINGENT LEVELS OF REGULATION WOULD BE APPROPRIATE.

When local jurisdictions have control of a national recognized plumbing code, the local building official can respond to immediate needs of the craftsmen. When control is in the hands of a Commission that rarely meets, there is no one available to interpret the language of the code in a timely and uniform manner.

12. THE EXTENT TO WHICH THE AGENCY HAS USED PRIVATE CONTRACTORS IN THE PERFORMANCE OF ITS DUTIES AND HOW EFFECTIVE USE OF PRIVATE CONTRACTORS COULD BE ACCOMPLISHED.

The Commission does not use private contractors.

ADDITIONALLY:

1. AN IDENTIFICATION OF THE PROBLEM OR NEEDS THAT THE AGENCY IS INTENDED TO ADDRESS.

Others have resolved the problem that the Commission was created to address. In addition to the Code Development Committee and Education Institutes that AZBO has initiated and has been previously mentioned others have also stepped forward. A collaborative effort of local jurisdictions has resulted in the formation of a Regional Plan Review group that has been recognized by the Maricopa Association of Governments (MAG) with their Desert Leaks Award for Regional Partnership. This group of local governments has resolved to not only use the same codes but to recognize a common interpretation of those codes. It is this kind of cooperation that the Legislature had in mind in adopting the original legislation.

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The Honorable Barbara Leff, Co-Chairs
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2. A STATEMENT, TO THE EXTENT PRACTICABLE IN QUANTITATIVE AND QUALITATIVE TERMS, THE OBJECTIVES OF SUCH AGENCY AND ITS ANTICIPATED ACCOMPLISHMENTS.

The Commission has been unable to present any quantifiable numbers of accomplishments because little has been accomplished. Due to the Commission's ineffectiveness, many jurisdictions have recognized that the best way to serve the citizens of their towns and cities has been to adopt a more current, nationally recognized plumbing code that is compatible with existing, building codes that serve them well.

3. AN IDENTIFICATION OF ANY OTHER AGENCIES HAVING SIMILAR, CONFLICTING OR DUPLICATE OBJECTIVES, AND AN EXPLANATION OF THE MANNER IN WHICH THE AGENCY AVOIDS DUPLICATION OR CONFLICT WITH OTHER SUCH AGENCIES.

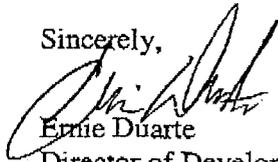
In many jurisdictions in the State, in order to keep current with the ever-changing construction industry, a more current plumbing standard document has been adopted. Due to the outdated nature of the code promoted by the Commission, non-compliance is becoming commonplace and thus further damaging the initial intent for statewide consistency.

4. AN ASSESSMENT OF THE CONSEQUENCES OF ELIMINATING THE AGENCY OR CONSOLIDATING IT WITH ANOTHER AGENCY.

Termination of the Commission would benefit each citizen of the state by giving the local jurisdictions the right to adopt a more widely accepted, nationally recognized plumbing code as is currently done for all other building codes.

By eliminating the Commission and the AZUPC, Arizona would eliminate the competitive disadvantage it currently operates under by having this totally unique and outdated code that designers and architects in other parts of the country are unfamiliar with.

Sincerely,



Ernie Duarte
Director of Development Services

c: Jo Grant, Tucson Legislative Office
Karen Masbruch, Assistant City Manager
Mary Okoye, Intergovernmental Relations Director
Megan Pellman, Intergovernmental Programs Liaison

October 6, 2006

Committee of Reference
Attn; Ms Diana O'Dell
House of Representatives
1700 W Washington Avenue
Phoenix, Arizona 85007

Re: Sunset review of the Arizona Uniform Plumbing Code Commission

Dear Representative John McComish (Co-Chair), Senator Barbara Leff and
Committee Members;

The Town of Payson would like to address the sun setting of the Arizona Uniform
Plumbing Code Commission per A.R.S§41-2954 D.

1. THE OBJECTIVE AND PURPOSE IN ESTABLISHING THE AGENCY.

The Arizona Legislature established the Arizona Uniform Plumbing Code Commission (hereafter referred to as the "Commission") in 1997 in an attempt to promote a statewide, plumbing standard.

From the day that this commission was created the subject of plumbing code requirements has been the cause of much controversy and confusion not just within the local jurisdictions charged to enforce the heavily amended 1994 document, but also to the plumbers in the field charged to follow these requirements.

Uniformity without education is very difficult to accomplish and in fact, due to a number of reasons, there is more enforcement disparity within the State at this time than was the case when the commission was first chartered.

2. THE EFFECTIVENESS WITH WHICH THE COMMISSION HAS MET ITS OBJECTIVES AND PURPOSE AND THE EFFICIENCY WITH WHICH IT HAS OPERATED.

The Plumbing Code Commission has done nothing to effectively promote uniformity, establish standards for the industry, or to maintain the health and welfare of the public. In fact the Commission, as a result of recent changes in the development of construction codes throughout the nation since May of 2000, with uniformity as a guiding force for these changes, has hindered the cooperative effort of local jurisdictions within the State of Arizona to seek to adopt the most current plumbing code standards available leaving Local Government to be forced to adopt an outdated code. A result of which, jurisdictions suffer lower grading scores when evaluated by the Insurance Services Organization's (ISO) Effectiveness Grading Schedule evaluation process for building departments.

3. THE EXTENT TO WHICH THE AGENCY HAS OPERATED WITHIN THE PUBLIC INTEREST.

We cannot determine a single benefit that the Commission has developed that could be considered "in the public's interest". Other than to incite confusion on the part of the local jurisdictions and plumbers that has spawned an interest to try and be more standardized in our enforcement of plumbing codes as can be witnessed by the formation of a multi-city plan review program.

4. THE EXTENT TO WHICH RULES ADOPTED BY THE AGENCY ARE CONSISTENT WITH THE LEGISLATIVE MANDATE.

The Commission has initiated a rulemaking process that has accomplished next to nothing in almost a decade of existence.

5. THE EXTENT TO WHICH THE AGENCY HAS ENCOURAGED INPUT FROM THE PUBLIC BEFORE ADOPTING ITS RULES AND THE EXTENT TO WHICH IT HAS INFORMED THE PUBLIC AS TO ITS ACTIONS AND THEIR EXPECTED IMPACT ON THE PUBLIC.

The public has been all but excluded from this process. Meetings are routinely scheduled at the last minute only to be cancelled due to the lack of a quorum. Comments by representatives from local jurisdictions have been restricted and in fact rudely discounted during meetings.

6. THE EXTENT TO WHICH THE AGENCY HAS BEEN ABLE TO INVESTIGATE AND RESOLVE COMPLAINTS THAT ARE WITHIN ITS JURISDICTION.

The Commission does not investigate and has done nothing to resolve the many complaints that have been expressed to the Commission for years.

7. THE EXTENT TO WHICH THE ATTORNEY GENERAL OR ANY OTHER APPLICABLE AGENCY OF STATE GOVERNMENT HAS THE AUTHORITY TO PROSECUTE ACTIONS UNDER THE ENABLING LEGISLATION.

There are many jurisdictions that have opted to adopt an alternative code, rather than to adopt the Commission's much altered version.

There are those of us, however, that have been directed to abide by the intent of the Commission's mandate for adoption of the 1994 Uniform Plumbing Code with the plethora of Commission amendments. This truly would be an enforcement nightmare for the State Attorney General's office if actions were deemed necessary. To our knowledge, there has been no involvement by the Attorney General to any local jurisdiction that has sought to adopt an alternate code.

8. THE EXTENT TO WHICH THE AGENCY HAS ADDRESSED DEFICIENCIES IN ITS ENABLING STATUTES, WHICH PREVENT IT FROM FULFILLING ITS STATUTORY MANDATE.

The Commission has done nothing to address any deficiencies in its enabling statutes. One can verify this fact simply by viewing the meeting schedules and agendas.

9. THE EXTENT TO WHICH CHANGES ARE NECESSARY IN THE LAWS OF THE AGENCY TO ADEQUATELY COMPLY WITH THE FACTORS LISTED IN THIS SUBSECTION.

Other groups such as the Arizona Building Officials (AZBO), (a group of Building Officials representing most all of the jurisdictions throughout the State) have met the original objective and purpose in other ways. This organization has instituted well-attended bi-annual training events that are intended to provide the training to inspection staff within the local jurisdictions that will result in more uniformity during inspections.

This organization is also very active in the Code Review and Development Process of Nationally Adopted Codes in an effort to promote the use of a common, current plumbing code that all of the jurisdictions throughout the state can be proud to use and enforce.

10. THE EXTENT TO WHICH TERMINATION OF THE AGENCY WOULD SIGNIFICANTLY HARM THE PUBLIC HEALTH, SAFETY OR WELFARE.

Termination of this agency would have no harmful effect on the public health, safety or welfare.

11. THE EXTENT TO WHICH THE LEVEL OF REGULATION EXERCISED BY THE AGENCY IS APPROPRIATE AND WHETHER LESS OR MORE STRINGENT LEVELS OF REGULATION WOULD BE APPROPRIATE.

The current level of regulation is cumbersome and onerous. When local jurisdictions have control of a national recognized plumbing code, the building official can respond to immediate needs of the craftsmen. When control is in the hands of a Commission that rarely meets, there is no one to interpret the language of the code

12. THE EXTENT TO WHICH THE AGENCY HAS USED PRIVATE CONTRACTORS IN THE PERFORMANCE OF ITS DUTIES AND HOW EFFECTIVE USE OF PRIVATE CONTRACTORS COULD BE ACCOMPLISHED.

We do not believe that this agency uses any private contractors to perform any tasks.

ADDITIONALLY:

1. AN IDENTIFICATION OF THE PROBLEM OR NEEDS THAT THE AGENCY IS INTENDED TO ADDRESS.

As was stated earlier, the initiation of this program has helped those in the field of construction review and inspection to recognize how important consistent enforcement practices are to those that work in the many jurisdictions throughout the State.

Through collaborative efforts such as; The Regional Plan Review group that has been recognized by the Maricopa Association of Governments (MAG) with their Desert Peaks Award for Regional Partnership. This group of local governments has resolved to not only use the same codes but to recognize a common interpretation of those codes. It is this kind of cooperation that the Legislature had in mind in adopting the original legislation.

In addition, it is groups like AZBO that promotes Statewide education and Code Development elements within the organization that also help to promote uniformity in the enforcement of building codes which was the major reason that this legislative action was initiated in the first place. It is now time to sunset this Commission.

2. A STATEMENT, TO THE EXTENT PRACTICABLE, IN QUANTITATIVE AND QUALITATIVE TERMS, THE OBJECTIVES OF SUCH AGENCY AND ITS ANTICIPATED ACCOMPLISHMENTS.

The Commission cannot present any quantifiable numbers of accomplishments because there has been nothing accomplished. Because of the Commissions ineffectiveness many jurisdictions have recognized that the best way to serve the citizens of their towns and cities has been to adopt a more current, nationally recognized plumbing code that is compatible with the other building codes that serve them so well.

3. AN IDENTIFICATION OF ANY OTHER AGENCIES HAVING SIMILAR, CONFLICTING OR DUPLICATE OBJECTIVES, AND AN EXPLANATION OF THE MANNER IN WHICH THE AGENCY AVOIDS DUPLICATION OR CONFLICT WITH OTHER SUCH AGENCIES.

In many jurisdictions in the State, in order to keep current with the ever-changing Construction Industry, a more current standard document has been adopted. Due to the outdated nature of the code enforced by the Commission, non-compliance is becoming more commonplace, further damaging the initial intent for statewide consistency.

4. AN ASSESSMENT OF THE CONSEQUENCES OF ELIMINATING THE AGENCY OR CONSOLIDATING IT WITH ANOTHER AGENCY.

Termination of the Commission would have no negative effect. Local jurisdictions would have the right to adopt a current nationally recognized plumbing code.



County Supervisors Association of Arizona

October 31, 2006

The Honorable Barbara Leff and
The Honorable John McComish
Co-Chairmen
Committee of Reference
1700 West Washington Street
Phoenix, AZ 85007

Dear Senator Leff and Representative McComish:

The County Supervisors Association of Arizona respectfully requests the Committee of Reference to recommend to the Legislature that Arizona Uniform Plumbing Code Commission (Commission) sunset.

Currently, the state plumbing code is a 1994 version of the Uniform Plumbing Code (Code) rendering it outdated and difficult to update. Standard codes in the trade industry are usually updated every three years (the current versions are the 2006 codes); the Commission has not made any changes or amendments to the statewide plumbing code since May of 2003 as meetings are often cancelled because of a lack of a quorum. The Commission did not meet at all during 2005 and met only once in 2006, until meeting in August.

In order to provide the most effective and efficient service to the public the Commission must meet regularly and continually to amend and update the code. Because the Commission meets irregularly, the current plumbing code is outdated and incompatible with the other codes adopted by counties (building, mechanical, electrical, etc.).

The Commission is only now discussing how to amend and update the code to the 2006 version of the Code as the Committee of Reference hearing approaches. Should the code be updated to the most current 2006 version, it will be difficult to keep it current and amended as quorum issues have become a repeated problem and will likely continue to be a hindrance with the Commission.

In order to provide uniformity in codes, counties have established processes to promote consistency in code adoption and interpretation. This has been done by participating in the national code change process; preparing companion code amendments to aid in the adoption of code amendments; facilitating educational opportunities for county employees, private sector designers, and builders regarding the most recent international codes; and facilitating regional chapter meetings of building officials at the county level to train in the latest codes. These activities address concerns that existed in 1997 and resulted in the formation of the Commission.

1905 W. Washington St. · Suite 100 · Phoenix, Arizona 85009

(602) 252.5521 · Fax (602) 253.3227

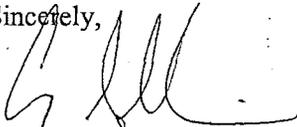
www.countysupervisors.org

The Honorable Barbara Leff
The Honorable John McComish
October 31, 2006
Page 2

For the reasons stated above, the County Supervisors Association of Arizona respectfully requests that the Committee of Reference recommend to the Legislature that the Arizona Uniform Plumbing Code Commission sunset.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "CSullivan", written over a horizontal line.

Craig Sullivan
Executive Director

October 27, 2006

Arizona Uniform Plumbing Code Commission Sunset Review Committee
1700 W Washington
Phoenix, AZ 85007

RE: Plumbing Code Commission Sunset Review

Dear Plumbing Code Commission Sunset Review Committee,

The Home Builders Association of Central Arizona (HBACA) and the Southern Arizona Home Builders Association (SAHBA) are submitting this position paper in response to the scheduled sunset review of the Arizona Plumbing Code Commission.

Representing builders in both Central and Southern Arizona, our members on a daily basis deal with the issue of code conformity. The more uniform each code is among local jurisdictions, the easier it is for our members to abide by the required code. For this reason, our associations strongly urge that the Plumbing Code Sunset Review Committee adopt a final report that recommends termination of the Plumbing Code Commission.

This letter outlines the four largest problems associated with the Plumbing Code Commission. Each concern listed will specifically illustrate how the commission throughout its tenure has failed to achieve its intended purpose and, as a result, has had a negative impact on the home building community and its consumers. We are confident that after reviewing our analysis of the plumbing code commission, the Sunset Review Committee will recognize that the commission has failed to achieve its goal and should be allowed to sunset in 2007.

1) The Commission Has Failed to Achieve its Intended Purpose

The primary mission behind the creation of a statewide plumbing code and commission as established by the legislature was to “promote statewide, uniform plumbing standards” (1997 Ariz. Sess. Laws ch. 112, § 6). Unfortunately, the commission has failed at its task. At its inception, the commission was required to update and maintain the code “based on a plumbing code promulgated by a national organization or association that is organized for the purpose of developing plumbing standards” (A.R.S. § 41-619 (B)(3)). However, the code that was initially adopted when the commission was created in 1997, the 1994 Uniform Plumbing Code (94 UPC), is the same code we abide by today. And since the commission has failed to adopt periodic amendments to the code as required by A.R.S. § 41-619

(B)(4), several jurisdictions have unilaterally adopted their own code. The result has been 60% of the municipalities and counties in Arizona moving forward with the 2003 International Plumbing Code (IPC) or another related code that is more up to date than the 1994 UPC.

Why has the commission failed to update the code? Our belief is that the politics behind the code adoption process and the bureaucratic disconnect between the commission and the stakeholders (Cities, Homebuilders, Building Officials, etc.) created most of the problems. In fact, the commission didn't even convene a meeting in 2005, violating their legislative mandate as prescribed in A.R.S. § 41-619 (B)(2) to meet at least once a year. Regardless, the commission has proven over the years that they are incapable of appropriately managing the code adoption process, and would continue to struggle if the legislature decided to renew the sunset of the commission.

2) Uniformity Already Occurs at the Local Level

While the commission has been unable to establish a uniform plumbing code, the same cannot be said when looking at the other major codes. Out of the five major codes-The International Residential Code (IRC), International Building Code (IBC), International Electric Code (IEC), International Mechanical Code (IMC), and the Plumbing Code-the plumbing code has the least amount of conformity and yet it is the ONLY statewide code (see addendum).

It is clear that conformity can be achieved without a mandated statewide code. In the Phoenix Metro Area, code conformity with the IRC, IBC, IEC, and IMC is over 90% while statewide it is over 85%. And while the current plumbing code commission is still trying to work around the 1994 UPC, most jurisdictions are eager and willing to adopt the new 2006 IPC.

3) Multiple Codes Create Industry Confusion

As stated previously, the commission's inability to adopt a new statewide plumbing code has pressured several jurisdictions into adopting their own local code. While it is fine for municipalities and counties to ignore the statewide plumbing code, the same cannot be said for the home building community. In a practical sense, which code as a home builder do you adhere to? State law mandates that you build to the 1994 UPC, yet local jurisdictions mandate a completely different code. This sort of conflicting standard is not only confusing, but is an unnecessary regulatory hassle that could be eliminated if a statewide plumbing code did not exist.

4) New Technologies are Ignored

Just like any other industry, technological advancements are developed that improve the performance, safety, cost, and quality of household plumbing. As new

technologies are tested and implemented, the councils that evaluate and update the plumbing code incorporate these advancements into the newer codes. Unfortunately, since the commission has been unable to adopt a code newer than the 1994 UPC, these advancements have gone to waste. The result: consumers are currently buying homes with obsolete plumbing systems that are a direct threat to their health and safety. Any statewide commission that promotes an inferior and unsafe product should be eliminated at the nearest opportunity.

Conclusion

In demonstrating the multiple shortcomings associated with the Plumbing Code Commission, it is our hope that the Sunset Review Committee will recognize that the commission is a failed experiment and should be allowed to sunset next year. We believe that conformity with the plumbing code will be achieved at the local level, and should be allowed to occur without state intervention. Any decision other than to allow the commission to dissolve would only exacerbate the problems outlined in this letter.

We appreciate the opportunity to comment on such an important issue facing our industry, and look forward to speaking further with each member of the committee regarding this matter.

Sincerely,



Connie Wilhelm, President & Executive Director
Home Builders Association of Central Arizona
3200 E. Camelback Rd. Suite 180
Phoenix, AZ 85018
(602) 274-6545



Ed Taczanowsky, President
Southern Arizona Home Builders Association
2840 N. Country Club Rd.
Tucson, AZ 85716
(520) 795-5114

Enclosure (1)

Addendum 1

International Codes-Adoption by Jurisdiction

Arizona Cities with 2000 Census populations of greater than 3,000

X = Effective Statewide

A = Adopted, but may not yet be effective

L = Adopted by Local Governments

S = Supplement

04 = 2004 Edition

03 = 2003 Edition

00 = 2000 Edition

Pop	Jurisdiction	IBC	IRC	IFC	IMC	IPC	Comments
	Apache County	L00	L00		L00	L00	
4,033	Eagar	L00	L00	L00	L00		
3,548	St. Johns	L00	L00		L00	L00	
	Cochise County	L03	L03	L03	L03		
4,711	Benson	L03	L03	L03	L03		
6,090	Bisbee	L97		L97UFC	L97MC	97UPC	
16,523	Douglas	L97		L97	L97	L97	
37,775	Sierra Vista	L03	L03	L03	L03	L03	
3,733	Wilcox	L03	L03	L03	L03		
	Coconino County	97UBC			97UMC	94UPC	
52,894	Flagstaff	L03	L03		L03	L03	
6,809	Page	L97	97UHC	L97UFC	L97UMC	L97UPC	
10,192	Sedona	L03	L03		L03	L03	
	Gila County	L91	90NEC		L91	L91	
7,486	Globe	L97		L97	L97	L97	
13,620	Payson	L03	L03	L03	L03		
	Graham County						
9,232	Safford	94UBC			94UPC	94UPC	
4,022	Thatcher	L97UBC		L97	L97UMC	L99UPC	
	Greenlee County						
	La Paz County	L03	L03	L03	L03	L03	
3,140	Parker	L03	L03	L03	L03	L03	

Pop	Jurisdiction	IBC	IRC	IFC	IMC	IPC	Comments
3,354	Quartzsite	L03	L03		L03	L03	
	Maricopa County	L03	L03		L03		
35,883	Avondale	L03	L03	L03	L03	94UPC	
8,497	Buckeye	97UBC	97UBC	97UFC	97UMC	97UPC	
3,728	Cave Creek	L03	L03	L03	L03	94UPC	
176,581	Chandler	L03	L03	L03	L03	L03	
7,609	El Mirage	L00	L00	L03	L00	94UPC	
20,235	Fountain Hills	L03	L03	L03	L03	L03	
109,697	Gilbert	L03	L03	L03	L03	94UPC	
218,812	Glendale	L03	L03	L03	L03	94UPC	
18,911	Goodyear	L03	L03	L03	L03	94UPC	
5,228	Guadalupe	97UBC	97UBC	97UFC	97UMC	94UPC	
3,810	Litchfield Park	L03	L03	L03	L03	94UPC	
397,776	Mesa	L03	L03	L03	L03	L03	
14,565	Paradise Valley	L03	L03	L03	L03	94UPC	
108,364	Peoria	L03	L03	L03	L03	94UPC	
1,321,045	Phoenix	L03	L03	97UFC	L03	L03	
4,316	Queen Creek	L03	L03	L03	L03	94UPC	
202,705	Scottsdale	L03	L03	L03	L03	94UPC	
30,848	Surprise	L03	L03	L03	L03	94UPC	
158,625	Tempe	L03	L03	L03	L03	94UPC	
4,974	Tolleson	L03	L03	L03	L03	94UPC	
5,082	Wickenburg	L03	L03	L00	L03	L03	
3,010	Youngtown	L03	L03	L03	L03	97UPC	
	Mohave County	L03	L03	L03	L03	L03	Effective 11/1/05
33,769	Bullhead City	L03	L03	L03	L03	L03	
3,334	Colorado City						
20,069	Kingman	L03	L03	L03	L03	L03	
41,938	Lake Havasu City	L03	L03		L03	L03	
	Navajo County						
4,917	Holbrook						
3,582	Pinetop-Lakeside						
7,695	Show Low	L03	L03	L03	L03	L03	

Pop	Jurisdiction	IBC	IRC	IFC	IMC	IPC	Comments
4,460	Snowflake						
3,176	Taylor		L00				
9,520	Winslow						Going to ICC Codes in 2006
	Pima County	L03	L03		L03		
13,556	Marana	L00	L00		L00		
31,934	Oro Valley	L03	L03	L03	L03	L03	
3,242	Sahuarita						
5,490	South Tucson	L03	L03	L03	L03		
525,944	Tucson	L03	L03	L03	L03		
	Pinal County	L00	L00	L00	L00	L00	
31,814	Apache Junction						
25,224	Casa Grande						
10,375	Eloy	L03	L03	L03	L03	L03	
17,208	Florence	L00	L00	L00	L00	L00	
4,998	Maricopa	L00	L00		L00	L00	
	Santa Cruz County	L03	L03	L03	L03	L03	
	Yavapai County	L03	L03	L03	L03	L03	
9,451	Camp Verde	L03	L03		L03	L03	
8,167	Chino Valley	L03	L03		L03	L03	
3,422	Clarkdale	L03	L03		L03	L03	
9,179	Cottonwood	L03	L03	L03	L03	L03	
3,500	Dewey-Humbolt	L03	L03		L03	L03	
33,938	Prescott	L03	L03	L03	L03	L03	
23,535	Prescott Valley	L03	L03	L03	L03	L03	
	Yuma County	L03	L03		L96		
77,515	Yuma	L03	L03				
	Indian Communities						
	Gila River Indian Community	L00	L00	L03	L00	L00	2000 Edition Native American

Pop	Jurisdiction	IBC	IRC	IFC	IMC	IPC	Comments
	Salt River Pima-Maricopa Indian Community	L03	L03	L03	L03	L03	

City / Town Summary

	IBC	IRC	IFC	IMC	IPC
State Adopted Code	N/A	N/A	N/A	N/A	17
1997 or earlier Uniform Code	8	4	8	11	24
2000 International Code	10	11	4	9	7
2003 International Code	51	52	40	50	28
Total	69	67	52	70	76
Percent on 2003 International Code (of those who responded)	74%	78%	77%	71%	47%
Percent on new International Codes (of those who responded)	88%	94%	85%	84%	59%
Percent on State Mandated 94UPC (of those who responded)	N/A	N/A	N/A	N/A	29%
Percent on new International Codes (In Maricopa County)	91%	91%	86%	91%	23%
Percent on State Mandated 94UPC (In Maricopa County)	N/A	N/A	N/A	N/A	64%



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MEMORANDUM

TO: The Honorable John McComish, Chairman, Committee of Reference
The Honorable Barbara Leff, Co-Chairman, Committee of Reference

FROM: Suzanne B. Gilstrap and Courtney A. LeVinus

RE: Arizona Uniform Plumbing Code Commission Sunset Review

DATE: October 31, 2006

This memorandum is written on behalf of the Arizona Multihousing Association (AMA), the statewide trade association for the apartment and rental housing industry, and Arizona Building Owners & Managers Association (AzBOMA), the statewide trade association for the commercial office industry.

We are pleased to have the opportunity to provide comment on the Arizona Uniform Plumbing Code Commission and the limitations imposed on local governments pursuant to ARS 41-619 and ARS 9-805. **Without hesitation, AMA and AzBOMA strongly favor sunsetting the Arizona Uniform Plumbing Code Commission and repealing ARS 9-805, which prohibits a municipality from adopting a plumbing code other than the state code.**

When the Uniform Plumbing Code Commission (UPCC) was established in 1997, the stated intent was to provide plumbing code uniformity throughout the state. While uniformity was the mantra, it soon became apparent that there was less interest in uniformity and more interest in which code would be adopted by the UPCC and throughout the state of Arizona. The real issue was and continues to be about power and control of the plumbing code.

Based on first-hand exposure to the UPCC and having attended many of its meetings over the years, it is fair to characterize the Commission as a non-functional entity. In the beginning, the Commission failed to meet its statutory time line to adopt a state plumbing code by rule no later than May 1, 1998. The Commission adopted its first plumbing code, the 1994 Uniform Plumbing Code with amendments, in 1998. At the time of adoption this code was already out of date as the 1997 code edition was available for adoption.

The pattern of malaise in adoption of the most current code has not changed as the UPCC has only requested one rule adoption in its ten-year history of existence. Now that the UPCC is in jeopardy of being sunset it is scrambling to present a rules package to the Governor's Regulatory Review Council for consideration of the 2006 Uniform Plumbing Code. The UPCC failed to adopt timely amendments from any of the four updates of the Uniform Plumbing Code (1997 edition, 2000 edition, 2003 edition and 2006 edition). It is our opinion that the Commission, by virtue of its failure to adopt current codes and amendments, may have actually put the public at risk.

A review of the record shows that most cities and towns have adopted the 2003 or 2006 version of the International Building Code and its family of coordinated and integrated codes. Some cities have adopted the same versions of the International Plumbing Code, in an effort to provide updated codes necessary for public safety.

It should also be pointed out that the 2006 Uniform Plumbing Code, currently being considered by the UPCC, is no longer a part of a family of integrated building codes. It is a stand-alone code that has no affiliation with a nationally recognized code organization. So why is the UPCC so intent on saving itself from sunset? It is not about uniformity, it is not about the public safety, it is all about power and controlling which code is adopted.

For all of the reasons stated above we respectfully urge the Committee of Reference to recommend sunset of the UPCC and repeal the requirement that Cities and Towns adopt a State plumbing code.

If you have any questions or would like additional information please contact Courtney or Suzanne at 602-712-1121 or Courtney@capitolconsultingaz.com.

Diana O'Dell

From: Courtney LeVinus [courtney@capitolconsultingaz.com]
Sent: Monday, November 27, 2006 7:35 PM
To: Barbara Leff; Ken Cheuvront; Richard Miranda; Jay Tibshraeny; Jim Waring; John McComish; Bill Konopnicki; Debbie McCune-Davis; Robert Meza; Michele Reagan
Cc: suzanne@capitolconsultingaz.com; Diana O'Dell
Subject: Sunset Hearing of the Uniform Plumbing Code Commission

Dear Honorable Members of the Committee of Reference, on behalf of the Arizona Multihousing Association, the Arizona Building Owners and Managers Association and the Arizona Building Officials we respectfully request your support to sunset the Arizona State Plumbing Code Commission.

For the reasons stated in our letter to the Committee members in October we believe the commission to be ineffective and unnecessary.

I would also like to take this opportunity to make a correction to our letter included in your hearing packet. I should have been clearer regarding the Commissions rule making history. When I stated the Commission "has only requested one rule adoption in its ten-year history of existence" I should have stated that the commission has only requested one entire code rule adoption in its ten-year history of existence. Six different rules packages have been approved and adopted by the commission, one of which was the 1994 UPC, three of which were appendix chapters to the 1994 UPC and two of which were amendments or modifications to the 1994 UPC. In other words the commission has not adopted a current version of the Uniform Plumbing Code or the International Plumbing Code. Sorry for the confusion, I just wanted to be clear that rule packages have been approved by the commission but we are still working off of the 1994 UPC the plumbing code originally approved by the commission in 1999.

Sincerely,

Courtney LeVinus

*****New Address*****

Capitol Consulting, LLC
815 North 1st Ave., Suite #1
Phoenix, AZ 85003
602-712-1121
602-712-1252 (fax)

Courtney@capitolconsultingaz.com

www.capitolconsultingaz.com

11/28/2006

October 27, 2006

The Honorable John McComish and
The Honorable Barbara Leff
Co-Chairs
Committee of Reference
1700 W Washington Avenue
Phoenix, Arizona 85007

Re: Sunset review of the Arizona Uniform Plumbing Code Commission

Dear Representative McComish and Senator Leff:

The Arizona Building Officials (AZBO) would like to address the sunseting of the Arizona Uniform Plumbing Code Commission per A.R.S§41-2954 D.

1. THE OBJECTIVE AND PURPOSE IN ESTABLISHING THE AGENCY.

The Arizona Legislature established the Arizona Uniform Plumbing Code Commission (hereafter referred to as the "Commission") in 1997 to create a statewide plumbing standard to promote uniformity among Arizona Cities and Towns.

2. THE EFFECTIVENESS WITH WHICH THE COMMISSION HAS MET ITS OBJECTIVES AND PURPOSE AND THE EFFICIENCY WITH WHICH IT HAS OPERATED.

Merely adopting a statewide code does not guarantee statewide uniformity. The Commission has hindered the citizens of the State of Arizona by perpetuating a version of the 1994 Uniform Plumbing Code, which is no longer in print and does not recognize improvements in plumbing techniques and material technology that have been developed since that time.

3. THE EXTENT TO WHICH THE AGENCY HAS OPERATED WITHIN THE PUBLIC INTEREST.

The public has not been effectively served by a Commission that does not meet on a regular basis, has failed to keep current with technological advances in the field, is not respectful of the interests of the citizens of the state and has been incapable of accomplishing its stated goals in a timely manner.

This committee operated without a quorum from October 2004 through August 2006.

4. THE EXTENT TO WHICH RULES ADOPTED BY THE AGENCY ARE CONSISTENT WITH THE LEGISLATIVE MANDATE.

The Commission has initiated a rulemaking process that has accomplished very little in almost a decade of existence.

The amendment process adopted by the Commission is naïve as there is no way an 17 member body can match the expertise or resources of organizations like the International Code Council (ICC) or the International Association of Plumbing and Mechanical Officials (IAPMO) with their thousands of members.

5. THE EXTENT TO WHICH THE AGENCY HAS ENCOURAGED INPUT FROM THE PUBLIC BEFORE ADOPTING ITS RULES AND THE EXTENT TO WHICH IT HAS INFORMED THE PUBLIC AS TO ITS ACTIONS AND THEIR EXPECTED IMPACT ON THE PUBLIC.

The Commission has not fostered a cooperative relationship with the building safety departments in the jurisdictions where enforcement of the plumbing code actually takes place. Nor has the Commission established a relationship with the design professionals as is evidenced by the limited number of participants at their meetings.

Attendance by the public at Commission meetings has been limited because so many of the meetings get cancelled due to the Commission's inability to establish a quorum. The perception of the actions of this commission is that they are in conflict with the public good.

6. THE EXTENT TO WHICH THE AGENCY HAS BEEN ABLE TO INVESTIGATE AND RESOLVE COMPLAINTS THAT ARE WITHIN ITS JURISDICTION.

The Commission does not investigate and has failed to resolve any of the complaints that have been expressed to them since the commission was created almost a decade ago.

7. THE EXTENT TO WHICH THE ATTORNEY GENERAL OR ANY OTHER APPLICABLE AGENCY OF STATE GOVERNMENT HAS THE AUTHORITY TO PROSECUTE ACTIONS UNDER THE ENABLING LEGISLATION.

Many local jurisdictions have adopted an alternative and more current plumbing code due to the understanding that the commission has recognized an allowance that permits exceptions to code provisions. This would seem to provide an unfortunate set of enforcement circumstances for State Attorney General's office in prosecuting local jurisdictions for enforcing a technical document that is superior to the outdated plumbing code the Commission perpetuates.

The other jurisdictions that have decided to abide by the intent of the Commission's mandate for adoption of the 1994 Uniform Plumbing Code with the plethora of Commission amendments have suffered in the evaluations of these Building Safety Departments by the Insurance Services Organization (ISO) because of the ISO requirement that each jurisdiction adopt the most current code available.

8. THE EXTENT TO WHICH THE AGENCY HAS ADDRESSED DEFICIENCIES IN ITS ENABLING STATUTES, WHICH PREVENT IT FROM FULFILLING ITS STATUTORY MANDATE.

The Commission has done nothing to address any deficiencies in its enabling statutes. This can be verified by simply viewing the meeting schedules and agendas.

9. THE EXTENT TO WHICH CHANGES ARE NECESSARY IN THE LAWS OF THE AGENCY TO ADEQUATELY COMPLY WITH THE FACTORS LISTED IN THIS SUBSECTION.

Other groups such as the Arizona Building Officials have met the original objective and purpose of the Commission in other ways. This organization has established a Code Review and Development Committee that has met regularly throughout the state and has provided an Arizona contingent that has been present during national code deliberations. This AZBO Committee has offered valuable input into the development of the most widely accepted, current and comprehensive family of building codes available today. That is the codes produced by the International Code Council.

AZBO has also met the challenge of attempting to ensure state-wide uniformity in the enforcement of building codes by providing two, week-long inspector training institutes each year. These institutes are specifically intended for inspection professionals within the state to increase their code knowledge and learn common inspection practices. Literally hundreds of these code professionals attend these institutes each session.

10. THE EXTENT TO WHICH TERMINATION OF THE AGENCY WOULD SIGNIFICANTLY HARM THE PUBLIC HEALTH, SAFETY OR WELFARE.

Termination of the Commission would have no negative effect on the health, safety and welfare of the citizens of the state. In fact it would permit local jurisdictions to adopt a more current and available, nationally recognized standard as is currently done with all other construction codes.

The more current and widely available International Plumbing Code is the code of choice for most jurisdictions in the State. With the termination of the Commission, each jurisdiction would be free to adopt this code that shares a common format with its other construction codes already adopted and then removes the conflicts that exist between those other codes and the Arizona Uniform Plumbing Code (AZUPC).

11. THE EXTENT TO WHICH THE LEVEL OF REGULATION EXERCISED BY THE AGENCY IS APPROPRIATE AND WHETHER LESS OR MORE STRINGENT LEVELS OF REGULATION WOULD BE APPROPRIATE.

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The Commission does not use private contractors and there is no evidence that they would be beneficial in any way.

ADDITIONALLY:

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Others have resolved the problem that the Commission was created to address. In addition to the Code Development Committee and Education Institutes that AZBO has initiated and has been previously mentioned, others have also stepped forward. A collaborative effort of local jurisdictions has resulted in the formation of a Regional Plan Review group that has been recognized by the Maricopa Association of Governments (MAG) with their Desert Peaks Award for Regional Partnership. This group of local governments has resolved to not only use the same codes but to recognize a common interpretation of those codes. It is this kind of cooperation that the Legislature had in mind in adopting the original legislation.

2. A STATEMENT, TO THE EXTENT PRACTICABLE, IN QUANTITATIVE AND QUALITATIVE TERMS, THE OBJECTIVES OF SUCH AGENCY AND ITS ANTICIPATED ACCOMPLISHMENTS.

The Commission cannot present any quantifiable numbers of accomplishments because there has been very little accomplished. Due to the Commission's ineffectiveness, many jurisdictions have recognized that the best way to serve the citizens of their towns and cities has been to adopt a more current, nationally recognized plumbing code that is compatible with existing, building codes that serve them so well.

3. AN IDENTIFICATION OF ANY OTHER AGENCIES HAVING SIMILAR, CONFLICTING OR DUPLICATE OBJECTIVES, AND AN EXPLANATION OF THE MANNER IN WHICH THE AGENCY AVOIDS DUPLICATION OR CONFLICT WITH OTHER SUCH AGENCIES.

In many jurisdictions in the State, in order to keep current with the ever-changing construction industry, a more current plumbing standard document has been adopted. Due to the outdated nature of the code promoted by the Commission, non-compliance is becoming more commonplace and thus further damaging the initial intent for statewide consistency.

4. AN ASSESSMENT OF THE CONSEQUENCES OF ELIMINATING THE AGENCY OR CONSOLIDATING IT WITH ANOTHER AGENCY.

Termination of the Commission would benefit each citizen of the state by giving the local jurisdictions the right to adopt a more widely accepted, nationally recognized plumbing code as is currently done for all other building codes.

By eliminating the Commission and the AZUPC, Arizona would lose the economic competitive disadvantage it currently operates under by having this totally unique code that designers and architects in other parts of the country are unfamiliar with.

Sincerely,

Robert D Lee
Arizona Building Officials Chair

Submitted October 23, 2006 by Mr. Mike Picallo:

"I am a Member of the Arizona Uniform Plumbing Code Commission. The opinions found in the attached document are mine and not the opinions of the Arizona Uniform Plumbing Code Commission. Thank you for the opportunity to comment on the Sunset Review."

There is no doubt that the Uniform Plumbing Code Commission was effective in its original mission to establish a State plumbing code; however, over time the commission has failed to provide the community, the municipalities or the contractors with the most current and updated plumbing codes, which are published every three years. All Codes go through this three year cycle to ensure that the latest in technology, installation practices and safety standards are incorporated in to the Code.

The current Arizona State Plumbing Code is the 1994 edition of the Uniform Plumbing Code. Yet, the latest and most current plumbing codes are the 2006 edition of the Uniform Plumbing Code and/or the International Plumbing Code. Therefore, Towns, Cities and Counties gave up on the Commission's ability to provide an upgraded edition of the plumbing code a long time ago. As a result, Municipalities had no choice but to adopt a current edition of one of the two available plumbing code publications. These upgraded editions offer the latest advancements in safety, materials and installation practices. Municipalities would continue using the latest version of the plumbing code they have adopted; therefore, terminating this agency would not harm the public's health, safety, or welfare.

The Commissioners that have served in the past and those that are currently serving have been dedicated and hard working, but for reasons unknown to me, this Commission has been unable to move forward in its mission. In the end, the Commission's ineffective track record speaks for itself and my personal recommendation is to dissolve this Commission.

Pinal County
Development Services



P.O. Box 1610
31 North Pinal Street, Bldg F
Florence, Arizona 85232

Building Safety Department, Steven Brown, CBO, Director

AIR QUALITY ♦ BUILDING SAFETY ♦ ENVIRONMENTAL HEALTH ♦ PLANNING & DEVELOPMENT ♦ PUBLIC WORKS

October 30, 2006

Arizona House of Representatives, Committee of Reference
The Honorable John McComish and
The Honorable Barbara Leff
Co-Chairpersons
1700 W. Washington Ave.
Phoenix AZ 85007

SUBJ: Sunset Review of the Arizona Uniform Plumbing Code Commission

Dear Representative McComish and Senator Leff:

My name is Steve Brown and I would like to offer you my views on the sun setting of the Arizona Uniform Plumbing Commission. I am a member of the commission, however, the opinions I express in this document are those of my own, and not the commission. I am also director of the Pinal County Building Safety Department. I feel qualified to give an informed opinion, not only as a commission member, but also, prior to accepting a seat on the commission, I spent several years attending their meetings and observing the commission's activities.

By now you have more than likely read the responses from both the commission, and AZBO (Arizona Building Officials) regarding the subject of the sun setting of the commission. In respect to your time, I will not repeat the points made by AZBO, but I will say I agree 100% with that document and the others in favor of sun setting this commission. As far as the response submitted by the commission, I was in attendance at the meeting and participated in the development of that response. That response was the product of the majority of the voting members who were in attendance at that particular meeting. On any given day, it could have gone the other way, depending on who attends the meeting. The poor attendance at these meetings is well documented. This is the reason you received a somewhat positive response from the commission.

Quite frankly, the commission has profoundly failed to serve the State of Arizona. I feel the main reason the commission has failed is that jurisdictions are determined and committed to use the most modern codes available to their citizens. Most have adopted the 2000 or 2003 and are in the process of adopting the 2006 codes. Additionally, we feel we can better address the day to day concerns of the building community from our local positions. Not from a commission enforcing an outdated code, from a location which in most cases

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is well over a hundred miles away from where we serve and has trouble meeting on a regular basis, or even maintaining a quorum to affect a change. It has been a long time since the commission has even filled all of its seats. The dismal history of the performance of the commission is more reason to discontinue it than just the outdated code it uses.

County and city building departments are working together, adopting the same codes and meeting on amendments for the purpose of consistency and quality. AZBO has a very active code committee that works extremely hard examining code proposals and amendments. AZBO also sponsors and develops two major educational institutes each year. I serve as Chair of the Fall Institute. In the valley, jurisdictions have come together and developed the Regional Plan Review Committee to coordinate code interpretations and make it possible for multi-jurisdictional acceptance of the same construction plan. There is a lot of hard work going on voluntarily, that accomplishes everything the commission is supposed to, but has not accomplished.

It is for all of these reasons, and those others submitted in favor of sun setting the Arizona Uniform Plumbing Code Commission, that I ask you to please recommend that the commission be terminated. Thank you for your time and consideration and please contact me if I can be of service.

Sincerely,

Steve Brown, Director
Pinal County Building Safety Dept

Cc: Ms. Diana O'Dell, Committee on Commerce

October 27, 2006

The Honorable John McComish and
The Honorable Barbara Leff
Co-Chairs
Committee of Reference
1700 W Washington Avenue
Phoenix, Arizona 85007

Re: Sunset review of the Arizona Uniform Plumbing Code Commission

Dear Representative McComish and Senator Leff:

The Arizona Building Officials (AZBO) would like to address the sunseting of the Arizona Uniform Plumbing Code Commission per A.R.S§41-2954 D.

1. THE OBJECTIVE AND PURPOSE IN ESTABLISHING THE AGENCY.

The Arizona Legislature established the Arizona Uniform Plumbing Code Commission (hereafter referred to as the "Commission") in 1997 to create a statewide plumbing standard to promote uniformity among Arizona Cities and Towns.

2. THE EFFECTIVENESS WITH WHICH THE COMMISSION HAS MET ITS OBJECTIVES AND PURPOSE AND THE EFFICIENCY WITH WHICH IT HAS OPERATED.

Merely adopting a statewide code does not guarantee statewide uniformity. The Commission has hindered the citizens of the State of Arizona by perpetuating a version of the 1994 Uniform Plumbing Code, which is no longer in print and does not recognize improvements in plumbing techniques and material technology that have been developed since that time.

3. THE EXTENT TO WHICH THE AGENCY HAS OPERATED WITHIN THE PUBLIC INTEREST.

The public has not been effectively served by a Commission that does not meet on a regular basis, has failed to keep current with technological advances in the field, is not respectful of the interests of the citizens of the state and has been incapable of accomplishing its stated goals in a timely manner.

This committee operated without a quorum from October 2004 through August 2006.

4. THE EXTENT TO WHICH RULES ADOPTED BY THE AGENCY ARE CONSISTENT WITH THE LEGISLATIVE MANDATE.

The Commission has initiated a rulemaking process that has accomplished very little in almost a decade of existence.

The amendment process adopted by the Commission is naïve as there is no way an 17 member body can match the expertise or resources of organizations like the International Code Council (ICC) or the International Association of Plumbing and Mechanical Officials (IAPMO) with their thousands of members.

5. THE EXTENT TO WHICH THE AGENCY HAS ENCOURAGED INPUT FROM THE PUBLIC BEFORE ADOPTING ITS RULES AND THE EXTENT TO WHICH IT HAS INFORMED THE PUBLIC AS TO ITS ACTIONS AND THEIR EXPECTED IMPACT ON THE PUBLIC.

The Commission has not fostered a cooperative relationship with the building safety departments in the jurisdictions where enforcement of the plumbing code actually takes place. Nor has the Commission established a relationship with the design professionals as is evidenced by the limited number of participants at their meetings.

Attendance by the public at Commission meetings has been limited because so many of the meetings get cancelled due to the Commission's inability to establish a quorum. The perception of the actions of this commission is that they are in conflict with the public good.

6. THE EXTENT TO WHICH THE AGENCY HAS BEEN ABLE TO INVESTIGATE AND RESOLVE COMPLAINTS THAT ARE WITHIN ITS JURISDICTION.

The Commission does not investigate and has failed to resolve any of the complaints that have been expressed to them since the commission was created almost a decade ago.

7. THE EXTENT TO WHICH THE ATTORNEY GENERAL OR ANY OTHER APPLICABLE AGENCY OF STATE GOVERNMENT HAS THE AUTHORITY TO PROSECUTE ACTIONS UNDER THE ENABLING LEGISLATION.

Many local jurisdictions have adopted an alternative and more current plumbing code due to the understanding that the commission has recognized an allowance that permits exceptions to code provisions. This would seem to provide an unfortunate set of enforcement circumstances for State Attorney General's office in prosecuting local jurisdictions for enforcing a technical document that is superior to the outdated plumbing code the Commission perpetuates.

The other jurisdictions that have decided to abide by the intent of the Commission's mandate for adoption of the 1994 Uniform Plumbing Code with the plethora of Commission amendments have suffered in the evaluations of these Building Safety Departments by the Insurance Services Organization (ISO) because of the ISO requirement that each jurisdiction adopt the most current code available.

8. THE EXTENT TO WHICH THE AGENCY HAS ADDRESSED DEFICIENCIES IN ITS ENABLING STATUTES, WHICH PREVENT IT FROM FULFILLING ITS STATUTORY MANDATE.

The Commission has done nothing to address any deficiencies in its enabling statutes. This can be verified by simply viewing the meeting schedules and agendas.

9. THE EXTENT TO WHICH CHANGES ARE NECESSARY IN THE LAWS OF THE AGENCY TO ADEQUATELY COMPLY WITH THE FACTORS LISTED IN THIS SUBSECTION.

Other groups such as the Arizona Building Officials have met the original objective and purpose of the Commission in other ways. This organization has established a Code Review and Development Committee that has met regularly throughout the state and has provided an Arizona contingent that has been present during national code deliberations. This AZBO Committee has offered valuable input into the development of the most widely accepted, current and comprehensive family of building codes available today. That is the codes produced by the International Code Council.

AZBO has also met the challenge of attempting to ensure state-wide uniformity in the enforcement of building codes by providing two, week-long inspector training institutes each year. These institutes are specifically intended for inspection professionals within the state to increase their code knowledge and learn common inspection practices. Literally hundreds of these code professionals attend these institutes each session.

10. THE EXTENT TO WHICH TERMINATION OF THE AGENCY WOULD SIGNIFICANTLY HARM THE PUBLIC HEALTH, SAFETY OR WELFARE.

Termination of the Commission would have no negative effect on the health, safety and welfare of the citizens of the state. In fact it would permit local jurisdictions to adopt a more current and available, nationally recognized standard as is currently done with all other construction codes.

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AIR QUALITY & BUILDING SAFETY & ENVIRONMENTAL HEALTH & PLANNING & DEVELOPMENT & PUBLIC WORKS

October 30, 2006

Arizona House of Representatives, Committee of Reference
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The Honorable Barbara Leff
Co-Chairpersons
1700 W. Washington Ave.
Phoenix AZ 85007

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