

HOUSE BILL NO. 264

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE ROKEBERG

Introduced: 4/14/03

Referred: Community and Regional Affairs, Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the review of certain state public construction projects for**
2 **compliance with building and other safety codes, relating to the inspection of certain**
3 **state public construction projects, and exempting certain state public construction**
4 **projects from obtaining building permits from municipalities, from municipal inspection**
5 **during construction, and from complying with a review requirement; and providing for**
6 **an effective date."**

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

8 *** Section 1.** AS 29.10.200 is amended by adding a new paragraph to read:

9 (64) AS 29.71.070 (exemption of public projects from permit, review,
10 and inspection requirements).

11 *** Sec. 2.** AS 29.71 is amended by adding a new section to read:

12 **Sec. 29.71.070. Exemption from permit, review, and inspection**
13 **requirements.** Notwithstanding any other provision of law to the contrary, to the

1 extent AS 35.30.025(c) applies to a public project, review under AS 35.30.010(a)(1)
 2 and a building permit from a municipality for the public project are not required, and
 3 the public project is not subject to inspection by the municipality during construction.

4 This section applies to home rule and general law municipalities.

5 * **Sec. 3.** AS 35.10.025 is amended to read:

6 **Sec. 35.10.025. Compliance with local building codes. Except as provided**
 7 **in AS 35.30.025(c), a** [A] public building shall be built in accordance with applicable
 8 local building codes including the obtaining of required permits. This section applies
 9 to all buildings of the state and corporate authorities of the state.

10 * **Sec. 4.** AS 35.30.010(a) is amended to read:

11 (a) Except as provided in **AS 35.30.025(c) and in** (b) of this section, before
 12 commencing construction of a public project,

13 (1) if the project is located in a municipality, the department shall
 14 submit the plans for the project to the planning commission of the municipality for
 15 review and approval;

16 (2) if the project is located within two miles of a village, the
 17 department shall submit the plans to the village council for review and comment;

18 (3) if the project is located within one-half mile of the boundary of an
 19 area represented by a community council established by municipal charter or
 20 ordinance, the department shall submit the plans to the community council for review
 21 and comment.

22 * **Sec. 5.** AS 35.30.020 is amended to read:

23 **Sec. 35.30.020. Compliance with municipal ordinances. Except as**
 24 **provided in AS 35.30.025(c), a** [A] department shall comply with local planning and
 25 zoning ordinances and other regulations in the same manner and to the same extent as
 26 other landowners.

27 * **Sec. 6.** AS 35.30 is amended by adding a new section to read:

28 **Sec. 35.30.025. Review and permitting of state agency construction**
 29 **projects.** (a) The commissioner may contract with a person listed below for the
 30 person to review a public project whose projected cost is \$1,000,000 or more:

31 (1) a private nongovernmental organization that the commissioner

1 determines has the expertise to review a public project for compliance with local
2 building standards; or

3 (2) a person who is certified by an organization that qualifies under (1)
4 of this subsection to have the expertise to review a public project for compliance with
5 local building standards.

6 (b) The review made under (a) of this section shall determine if the project
7 complies with the building and other safety codes that apply to the project. After the
8 review, the private nongovernmental organization or certified person shall submit its
9 findings and recommendations to the commissioner of transportation and public
10 facilities.

11 (c) Notwithstanding AS 35.30.010 and any other provision of law to the
12 contrary, if the cost of a public project is \$1,000,000 or more and the project has been
13 reviewed under (a) of this section, a building permit from the municipality where the
14 project is located is not required in order for the project to be built in the municipality,
15 the department is not required to submit plans for the project to a planning
16 commission under AS 35.30.010(a)(1), and the project is not subject to inspection by
17 the municipality during construction. During construction, the commissioner shall
18 inspect the public project using qualified engineers.

19 (d) In this section,

20 (1) "commissioner" means the commissioner of transportation and
21 public facilities;

22 (2) "public project" does not include the construction of a road or
23 highway;

24 (3) "safety code" means rules related to construction standards,
25 plumbing standards, mechanical standards, electrical standards, fire safety standards,
26 and any other procedures or requirements that relate to the safety of structures.

27 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
28 read:

29 **APPLICABILITY.** This Act applies only to a public project whose design begins on
30 or after the effective date of this Act. In this section, "public project" has the meaning given
31 in AS 35.30.040.

1 * **Sec. 8.** This Act takes effect immediately under AS 01.10.070(c).