

**SENATE BILL NO. 360**

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

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Introduced: 3/4/04

Referred: Labor and Commerce, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to building and life safety codes, including creation of the Building and**  
2 **Life Safety Code Commission, the adoption of building and life safety codes for the state,**  
3 **and making exemptions for municipalities; relating to mechanical contractors, electrical**  
4 **administrators, mechanical administrators, plumbers, the Alaska Housing Finance**  
5 **Corporation, boilers, unfired pressure vessels, water heaters, the administration of**  
6 **certain building and life safety codes, and fees for administration of building and life**  
7 **safety codes; and providing for an effective date."**

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

9 \* **Section 1.** AS 08.18.171(12) is amended to read:

10 (12) "mechanical contractor" means a contractor whose business  
11 operations involve plumbing, pipe fitting, sheet metal, heating, air conditioning,  
12 ventilating, or sprinkler and dry chemical fire protection trades in order to install or  
13 modify mechanical piping and systems, devices, fixtures, and equipment or other

1 mechanical materials subject to the **plumbing, swimming pool, spa, hot tub, solar**  
 2 **energy, and mechanical codes adopted by the Building and Life Safety Code**  
 3 **Commission under AS 18.60.900 - 18.60.939** [FOLLOWING CODES AS  
 4 PUBLISHED BY THE INTERNATIONAL ASSOCIATION OF PLUMBING AND  
 5 MECHANICAL OFFICIALS OR THE INTERNATIONAL CONFERENCE OF  
 6 BUILDING OFFICIALS:

7 (A) UNIFORM PLUMBING CODE;

8 (B) UNIFORM SWIMMING POOL, SPA, AND HOT TUB  
 9 CODE;

10 (C) UNIFORM SOLAR ENERGY CODE; AND

11 (D) UNIFORM MECHANICAL CODE];

12 \* **Sec. 2.** AS 08.40.120(a) is amended to read:

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

14 (1) ability to understand plans, design specifications, and engineering  
 15 terms commonly used in the electrical field;

16 (2) knowledge of electrical installations and wiring;

17 (3) familiarity with the regulations contained in the **electrical code**  
 18 **adopted by the Building and Life Safety Code Commission under AS 18.60.900 -**  
 19 **18.60.939** [NATIONAL ELECTRICAL CODE AND THE NATIONAL  
 20 ELECTRICAL SAFETY CODE, AS APPROVED BY THE AMERICAN  
 21 STANDARDS ASSOCIATION];

22 (4) familiarity with other installation and safety regulations approved  
 23 by the American Standards Association;

24 (5) [REPEALED

25 (6)] personal skill and ability.

26 \* **Sec. 3.** AS 08.40.270(a) is amended to read:

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

28 (1) ability to understand plans, design specifications, and engineering  
 29 terms commonly used in the mechanical field;

30 (2) knowledge of mechanical installations and piping;

31 (3) familiarity with the requirements of the **plumbing, swimming**

1 **pool, spa, hot tub, solar energy, and mechanical codes adopted by the Building**  
 2 **and Life Safety Code Commission and** [UNIFORM PLUMBING CODE,  
 3 UNIFORM SWIMMING POOL, SPA, AND HOT TUB CODE, UNIFORM SOLAR  
 4 ENERGY CODE, AND THE UNIFORM MECHANICAL CODE] currently in effect  
 5 in the state;

6 (4) [REPEALED

7 (5)] personal skill and ability.

8 \* **Sec. 4.** AS 08.40.490(3) is amended to read:

9 (3) "mechanical administrator" means a person who is responsible for

10 (A) installing or modifying mechanical piping and systems,  
 11 devices, fixtures, equipment, or other mechanical materials subject to the  
 12 **plumbing, swimming pool, spa, hot tub, solar energy, and mechanical**  
 13 **codes adopted by the Building and Life Safety Code Commission under**  
 14 **AS 18.60.900 - 18.60.939** [UNIFORM PLUMBING CODE, UNIFORM  
 15 SWIMMING POOL, SPA, AND HOT TUB CODE, UNIFORM SOLAR  
 16 ENERGY CODE, AND THE UNIFORM MECHANICAL CODE AS  
 17 PUBLISHED BY THE INTERNATIONAL ASSOCIATION OF PLUMBING  
 18 AND MECHANICAL OFFICIALS AND THE INTERNATIONAL  
 19 CONFERENCE OF BUILDING OFFICIALS]; or

20 (B) certifying that an installation or modification described in

21 (A) of this paragraph complies with the applicable codes;

22 \* **Sec. 5.** AS 18.56.300(e) is amended to read:

23 (e) In this section,

24 (1) "construction codes" means, with reference to a municipality, the  
 25 building, mechanical, plumbing, and electrical codes, or any of them that have been  
 26 adopted and are enforced by the municipality;

27 (2) "rural area" means a community with a population of 5,500 or less  
 28 that is not connected by road or rail to Anchorage or Fairbanks;

29 (3) "state building code" means

30 (A) for building standards, the standards set out in the **building**  
 31 **code** [VERSION OF THE UNIFORM BUILDING CODE] adopted by the

1            **Building and Life Safety Code Commission** [DEPARTMENT OF PUBLIC  
2 SAFETY] under **AS 18.60.900 - 18.60.939** [AS 18.70.080], including the  
3 provisions of that code applicable to buildings used for residential purposes  
4 containing fewer than four dwelling units, notwithstanding the exclusion of  
5 those buildings from the Department of Public Safety's jurisdiction made by  
6 AS 18.70.080(a)(2);

7            (B) for mechanical standards, the standards set out in the  
8 **mechanical code** [VERSION OF THE UNIFORM MECHANICAL CODE]  
9 adopted by the **Building and Life Safety Code Commission**  
10 [DEPARTMENT OF PUBLIC SAFETY] under **AS 18.60.900 - 18.60.939**  
11 [AS 18.70.080], including the provisions of that code applicable to buildings  
12 used for residential purposes containing fewer than four dwelling units,  
13 notwithstanding the exclusion of those buildings from the Department of  
14 Public Safety's jurisdiction made by AS 18.70.080(a)(2);

15            (C) for plumbing standards, the [MINIMUM] plumbing code  
16 adopted for the state under **AS 18.60.900 - 18.60.939** [AS 18.60.705]; and

17            (D) for electrical standards, the [MINIMUM] electrical **code**  
18 **adopted under AS 18.60.900 - 18.60.939** [STANDARDS PRESCRIBED BY  
19 AS 18.60.580].

20 \* **Sec. 6.** AS 18.60.180 is amended to read:

21            **Sec. 18.60.180. Regulations.** The **Building and Life Safety Code**  
22 **Commission** [DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT]  
23 shall formulate definitions and regulations for the safe and proper construction,  
24 installation, repair, use, and operation of boilers and for the safe and proper  
25 construction, installation, and repair of unfired pressure vessels. The definitions and  
26 regulations must be based upon and shall follow the generally accepted nationwide  
27 engineering standards, formulae, and practices established for boiler and unfired  
28 pressure vessel construction and safety. [THE DEPARTMENT OF LABOR AND  
29 WORKFORCE DEVELOPMENT MAY ADOPT THE EXISTING PUBLISHED  
30 CODIFICATION OF THESE DEFINITIONS AND REGULATIONS, KNOWN AS  
31 THE BOILER CONSTRUCTION CODE OF THE AMERICAN SOCIETY OF

1 MECHANICAL ENGINEERS, AND MAY ADOPT THE AMENDMENTS AND  
 2 INTERPRETATIONS MADE AND PUBLISHED BY THAT SOCIETY. THE  
 3 DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT SHALL  
 4 ADOPT AMENDMENTS AND INTERPRETATIONS TO THE CODE  
 5 IMMEDIATELY UPON THEIR ADOPTION BY THE AMERICAN SOCIETY OF  
 6 MECHANICAL ENGINEERS SO THAT THE DEFINITIONS AND  
 7 REGULATIONS AT ALL TIMES FOLLOW GENERALLY ACCEPTED  
 8 NATIONWIDE ENGINEERING STANDARDS.]

9 \* **Sec. 7.** AS 18.60.210(a) is amended to read:

10 (a) AS 18.60.180 - 18.60.390 do not apply to the following:

- 11 (1) boilers and unfired pressure vessels under federal regulation;
- 12 (2) unfired pressure vessels meeting the requirements of the federal  
 13 Department of Transportation for shipment of liquids or gases under pressure;
- 14 (3) air tanks located on vehicles operating under the regulations of  
 15 another state authority and used for carrying passengers or freight;
- 16 (4) air tanks installed on the right-of-way of railroads and used directly  
 17 in the operation of trains;
- 18 (5) unfired pressure vessels having a volume of five cubic feet or less  
 19 or vessels having an inside diameter not exceeding six inches;
- 20 (6) unfired pressure vessels designed for a pressure not exceeding 15  
 21 pounds a [PER] square inch when not located in a place of public assembly;
- 22 (7) manually fired miniature boilers for model locomotive, boat,  
 23 tractor, or stationary engines constructed or maintained as a hobby for exhibition use,  
 24 having a volume less than five cubic feet and grate area less than two square feet and  
 25 equipped with a [AN AMERICAN SOCIETY OF MECHANICAL ENGINEERS  
 26 CODED] safety valve of adequate capacity and size **according to the mechanical**  
 27 **code adopted by the Building and Life Safety Code Commission under**  
 28 **AS 18.60.900 - 18.60.939**, a water level indicator, and pressure gauge;
- 29 (8) except as provided in (c) of this section, antique manually fired  
 30 boilers of locomotive, boat, tractor, or stationary engines constructed or maintained as  
 31 a hobby and equipped with a [AN AMERICAN SOCIETY OF MECHANICAL

1 ENGINEERS CODED] safety valve of adequate capacity and size;

2 (9) automatic utility hot water heaters that are used for space heating  
3 using the potable system, if the hot water heater

4 (A) is equipped with a safety relief valve and operational  
5 controls required by the boiler construction code [LATEST BOILER  
6 CONSTRUCTION CODE PUBLISHED BY THE AMERICAN SOCIETY  
7 OF MECHANICAL ENGINEERS THAT HAS BEEN] adopted by the  
8 Building and Life Safety Code Commission [DEPARTMENT OF LABOR  
9 AND WORKFORCE DEVELOPMENT] under AS 18.60.900 - 18.60.939  
10 [AS 18.60.180];

11 (B) contains only water;

12 (C) does not exceed 120 gallons in capacity, a water  
13 temperature of 210 degrees Fahrenheit, a pressure of 150 pounds of square  
14 inch gauge pressure, or a heat input of more than 200,000 BTU an hour; and

15 (D) contains a tempering valve that will regulate the outlet  
16 domestic water temperature at not more than 140 degrees Fahrenheit.

17 \* **Sec. 8.** AS 18.60.580 is repealed and reenacted to read:

18 **Sec. 18.60.580. Minimum electrical standards.** The electrical code adopted  
19 by the Building and Life Safety Code Commission under AS 18.60.900 - 18.60.990  
20 constitutes the minimum electrical safety standards of the state.

21 \* **Sec. 9.** AS 18.60.590(b) is amended to read:

22 (b) AS 18.60.580 - 18.60.660 do not affect the authority of any municipality  
23 or rural electrification association to prescribe by ordinance, rule, or order standards  
24 for their respective areas of jurisdiction not less stringent than the standards  
25 [PRESCRIBED BY THE DEPARTMENT OR THOSE] established under  
26 AS 18.60.580.

27 \* **Sec. 10.** AS 18.60.705 is repealed and reenacted to read:

28 **Sec. 18.60.705. Plumbing Code.** The plumbing code adopted by the Building  
29 and Life Safety Code Commission constitutes the minimum plumbing code for the  
30 state.

31 \* **Sec. 11.** AS 18.60.710 is amended to read:

1           **Sec. 18.60.710. Duties of the department.** The department is responsible for  
 2 the administration of the code. The department may adopt regulations designed for  
 3 maximum practical implementation of the code [, AND MAY GRANT  
 4 EXCEPTIONS FROM SPECIFIC CODE PROVISIONS, WHERE DISTANCE OR  
 5 OTHER FACTORS MAKE IMPLEMENTATION IMPRACTICAL. SPECIFIC  
 6 CONSIDERATION SHALL BE GIVEN TO OUTLYING VILLAGES AND  
 7 SPARSELY POPULATED AREAS TO ENSURE THAT AS 18.60.705 - 18.60.740  
 8 WILL NOT IMPOSE AN UNDUE FINANCIAL BURDEN]. The department may by  
 9 regulation designate appropriate inspection to a public or private utility company. A  
 10 company so designated may refuse utility connections if an installation does not meet  
 11 the requirements of this code.

12 \* **Sec. 12.** AS 18.60 is amended by adding new sections to read:

13           **Article 14. Building and Life Safety Code Commission.**

14           **Sec. 18.60.900. Creation of Commission.** For administrative purposes, the  
 15 Building and Life Safety Code Commission is located in the division of occupational  
 16 licensing in the Department of Community and Economic Development.

17           **Sec. 18.60.902. Membership of commission.** (a) The commission consists  
 18 of nine voting members and six nonvoting members.

19           (b) The voting members of the commission shall be appointed by the governor  
 20 and confirmed by a majority of the members of the legislature in joint session.

21           (c) The nine voting members shall include

- 22                   (1) one member who is a registered engineer;  
 23                   (2) one member who is a registered architect;  
 24                   (3) one member who is a registered general contractor who specializes  
 25 in commercial construction;  
 26                   (4) one member who is an electrical contractor registered under  
 27 AS 08.18;  
 28                   (5) one member who is a mechanical contractor registered under  
 29 AS 08.18;  
 30                   (6) one member who is a plumbing contractor registered under  
 31 AS 08.18;

1 (7) one member who is an insurer who specializes in commercial  
2 insurance;

3 (8) one member who is actively conducting journey-level training  
4 programs on building and life safety codes; and

5 (9) one member who is a fire inspector from a municipality.

6 (d) The nonvoting members shall include

7 (1) one member who represents the Department of Labor and  
8 Workforce Development;

9 (2) one member who represents the Department of Transportation and  
10 Public Facilities;

11 (3) one member who represents the division of occupational licensing  
12 in the Department of Community and Economic Development;

13 (4) one member who represents the Alaska Housing Finance  
14 Corporation;

15 (5) one member who represents the division of fire prevention in the  
16 Department of Public Safety; and

17 (6) one member who is a building official of a municipality.

18 **Sec. 18.60.904. Terms of the members.** The term of a member of the  
19 commission is three years.

20 **Sec. 18.60.906. Chair.** The voting members of the commission shall elect  
21 one of the voting members as chair of the commission.

22 **Sec. 18.60.908. Meetings.** The commission shall meet at least once a year.  
23 Five voting members of the commission constitute a quorum for the transaction of the  
24 business of the commission.

25 **Sec. 18.60.910. Staff and other assistance.** (a) The Department of  
26 Community and Economic Development shall provide the commission with staff and  
27 other assistance requested by the commission to carry out the commission's duties  
28 under AS 18.60.900 - 18.60.939.

29 (b) The Department of Community and Economic Development, Department  
30 of Labor and Workforce Development, and the Department of Public Safety shall  
31 provide the commission with information, data, and technical assistance requested by

1 the commission for the purpose of carrying out the commission's duties under  
2 AS 18.60.900 - 18.60.939.

3 **Sec. 18.60.912. Duties of commission.** The commission shall

4 (1) adopt by regulation under AS 44.62 (Administrative Procedure  
5 Act) building and life safety codes for the state;

6 (2) decide requests by municipalities under AS 18.60.914 to receive  
7 exemptions from a provision of a building or life safety code adopted by the  
8 commission; and

9 (3) take all reasonable measures to implement the commission's duties.

10 **Sec. 18.60.914. Adoption of building and life safety codes.** The commission  
11 shall adopt building and life safety codes that the commission determines are in the  
12 best interests of the state.

13 **Sec. 18.60.916. Application of codes.** (a) The building and life safety codes  
14 adopted under AS 18.60.900 - 18.60.939 constitute the building and life safety codes  
15 throughout the state, except for exemptions and changes granted under AS 18.60.918.

16 (b) AS 18.60.900 - 18.60.939 do not affect the authority of a municipality to  
17 establish by ordinance, rule, or order, standards for the municipality's respective area  
18 of jurisdiction if the standards are not less stringent than those established under  
19 AS 18.60.900 - 18.60.939. The provisions of AS 18.60.900 - 18.60.939 are not  
20 intended to duplicate or preempt code administration or enforcement by  
21 municipalities. The exemption in AS 18.60.735 applies to this subsection.

22 **Sec. 18.60.918. Requested exemptions and changes.** (a) The commission is  
23 the exclusive authority for granting a municipality an exemption or a change from a  
24 building or life safety code.

25 (b) A municipality may request from the commission

26 (1) an exemption from a building or life safety code adopted by the  
27 commission on the grounds that the provision is not in the best interests of the  
28 municipality; or

29 (2) a change to a provision in a building or life safety code adopted by  
30 the commission.

31 (c) The commission may grant the exemption or change requested under (b) of

1 this section if the commission determines that the municipality needs the exemption or  
 2 change to meet a particular situation in the municipality and the exemption or change  
 3 is not detrimental to the safety of the residents of the municipality.

4 (d) To request an exemption, a municipality shall file a request with the  
 5 commission on a form provided by the commission.

6 (e) If the commission denies an exemption or change, the municipality may  
 7 appeal the denial to the commissioner of administration. The commissioner shall hold  
 8 a hearing if the municipality requests a hearing on the appeal.

9 **Sec. 18.60.920. Commission administration account.** Except for the fees  
 10 that are deposited in the building safety account under AS 18.60.360, 18.60.800, and  
 11 AS 18.62.030, the fees collected by the Department of Labor and Workforce  
 12 Development and the Department of Public Safety for the administration of the  
 13 building and life safety codes shall be accounted for separately and deposited in a  
 14 separate account for the administration of the commission. Appropriations may be  
 15 made from the account to pay the expenses of the commission.

16 **Sec. 18.60.939. Definitions.** In AS 18.60.900 - 18.60.939,

17 (1) "building and life safety codes" includes a building code, an  
 18 electrical code, a fire code, a mechanical code, a plumbing code, a swimming pool,  
 19 spa, and hot tub code, a solar energy code, a boiler code, and an elevator code;

20 (2) "commission" means the Building and Life Safety Code  
 21 Commission established under AS 18.60.900.

22 \* **Sec. 13.** AS 18.62.070 is amended to read:

23 **Sec. 18.62.070. Persons required to obtain certificate.** A person engaged in  
 24 one of the following trades shall first obtain from the department the appropriate  
 25 certificate of fitness in that trade:

26 (1) electrical wiring subject to the standards established in  
 27 AS 18.60.580; and

28 (2) plumbing subject to the [UNIFORM] plumbing code identified [  
 29 IN THIS PARAGRAPH, "UNIFORM PLUMBING CODE" MEANS THE  
 30 MINIMUM PLUMBING CODE ADOPTED FOR THE STATE] under AS 18.60.705.

31 \* **Sec. 14.** AS 37.05.146(c) is amended by adding a new paragraph to read:

1 (78) Building and Life Safety Code Commission administration  
2 account (AS 18.60.920).

3 \* **Sec. 15.** AS 39.50.200(b) is amended by adding a new paragraph to read:

4 (58) Building and Life Safety Code Commission (AS 18.60.900).

5 \* **Sec. 16.** The uncodified law of the State of Alaska is amended by adding a new section to  
6 read:

7 INITIAL APPOINTMENT OF MEMBERS OF THE BUILDING AND LIFE  
8 SAFETY CODE COMMISSION. (a) Notwithstanding AS 18.60.904, added by sec. 12 of  
9 this Act, the initially appointed members of the Building and Life Safety Code Commission  
10 shall be appointed by the governor to terms as follows: three members serve for one year,  
11 three members serve for two years, and three members serve for three years.

12 (b) The governor shall appoint the initial members of the Building and Life Safety  
13 Code Commission, as described under AS 18.60.902, added by sec. 12 of this Act, on or  
14 before December 1, 2004.

15 \* **Sec. 17.** The uncodified law of the State of Alaska is amended by adding a new section to  
16 read:

17 EFFECT; NOTIFICATION. (a) Notwithstanding AS 18.60.912, added by sec. 12 of  
18 this Act, the regulations adopting the building and life safety codes by the Building and Life  
19 Safety Code Commission take effect under AS 44.62 (Administrative Procedure Act), but not  
20 before the effective date of secs. 1 - 11 and 13 - 15 of this Act.

21 (b) The Building and Life Safety Code Commission shall notify the revisor of statutes  
22 when the commission has adopted by regulation all the building and life safety codes that the  
23 commission is required to adopt under AS 18.60.900 - 18.60.939, added by sec. 12 of this  
24 Act.

25 \* **Sec. 18.** The uncodified law of the State of Alaska is amended by adding a new section to  
26 read:

27 TRANSITION REGARDING DEPARTMENT RESPONSIBILITIES.  
28 Notwithstanding another statute to the contrary, the Department of Labor and Workforce  
29 Development and the Department of Public Safety may not adopt or amend the building and  
30 life safety codes of the state after sec. 12 of this Act takes effect. In this section, "building  
31 and life safety codes" has the meaning given in AS 18.60.939, added by sec. 12 of this Act.

1     \* **Sec. 19.** The uncodified law of the State of Alaska is amended by adding a new section to  
2 read:

3             TRANSITION REGARDING OTHER REGULATIONS. The Department of Labor  
4 and Workforce Development and the Department of Public Safety may proceed to adopt  
5 regulations necessary to implement this Act. The regulations take effect under AS 44.62  
6 (Administrative Procedure Act), but not before the effective date of secs. 1 - 11 and 13 - 15  
7 of this Act.

8     \* **Sec. 20.** The uncodified law of the State of Alaska is amended by adding a new section to  
9 read:

10            TRANSITION REGARDING CURRENT PROJECTS. (a) Sections 1 - 11 and 13 -  
11 15 of this Act do not apply to construction or improvement projects that are begun before the  
12 effective date of secs. 1 - 11 and 13 - 15 of this Act if the project has been approved by

13                    (1) the building official of the municipality where the project is located; or

14                    (2) a state official with the authority to approve the project, if the project is not  
15 located in a municipality.

16     \* **Sec. 21.** Sections 1 - 11 and 13 - 15 of this Act take effect six months after the day that  
17 the Building and Life Safety Code Commission notifies the revisor of statutes under sec.  
18 17(b) of this Act.

19     \* **Sec. 22.** Sections 12 and 16 - 20 of this Act take effect immediately under  
20 AS 01.10.070(c).