

*Labor Management  
Judiciary*

1 IN THE SENATE

BY SENATOR BELTZ

2 SENATE BILL NO. 118

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act to provide for the safety of life,  
7 limb, and property, and to create a Board of  
8 Boiler Rules to serve without salary and to  
9 formulate rules and regulations for the safe  
10 and proper construction, installation, repair,  
11 use and operation of boilers and for the  
12 safe and proper construction, installation  
13 and repair of unfired pressure vessels; to  
14 provide for the enforcement of the rules  
15 and regulations promulgated by the Board of  
16 Boiler Rules; to provide for the examination  
17 and appointment of boiler inspectors; to  
18 provide for the inspection of boilers and  
19 unfired pressure vessels, the fees to be  
20 charged, and the reports to be made thereof;  
21 to provide for inspection certificates; to  
22 provide for appeals; to establish a fund;  
23 and to provide a penalty for the violation  
24 of the provisions of this act.

25 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

26 BOARD OF BOILER RULES CREATED

27 SECTION 1. (a) There is hereby created within the Depart-  
28 ment of Labor a Board of Boiler Rules, which shall hereafter be  
29 referred to as the "Board", consisting of the Commissioner of

1 Labor, who shall be chairman and administrative officer of the  
2 Board, the Commissioner of Mines, the Superintendent of Public  
3 Works, the Insurance Commissioner and one member appointed by the  
4 Governor and approved by the legislature for a term of four years,  
5 who shall be a mechanical engineer on the faculty of the University  
6 of Alaska. Regular meetings of the Board shall be held in Juneau  
7 in January of each year. Special meetings may be called whenever  
8 necessary.

9 (b) Members of the Board shall serve without salary, but  
10 shall receive transportation and per diem for time away from home  
11 on a travel status.

#### 12 RULES AND REGULATIONS

13 (c) The Board shall formulate definitions, rules and  
14 regulations for the safe and proper construction, installation,  
15 repair, use and operation of boilers and for the safe and proper  
16 construction, installation and repair of unfired pressure vessels  
17 in the Territory. The definitions, rules and regulations so  
18 formulated shall be based upon, and, at all times, follow the  
19 generally accepted nation-wide engineering standards, formulae,  
20 and practices established and pertaining to boiler and unfired  
21 pressure vessel construction and safety, and the Board may by  
22 resolution adopt an existing published codification thereof, known  
23 as The Boiler Construction Code of the American Society of Mechan-  
24 ical Engineers, with the amendments and interpretations thereto  
25 made and approved by the Council of the Society, and may likewise  
26 adopt the amendments and interpretations subsequently made and  
27 published by the same authority; and when so adopted the same shall  
28 be deemed incorporated into, and to constitute a part or the whole  
29 of the definitions, rules and regulations of the Board. Amendments

1 and interpretations to the Code so adopted shall be adopted immedi-  
2 ately upon being promulgated, to the end that the definitions,  
3 rules and regulations shall at all times follow the generally  
4 accepted nation-wide engineering standards.

5 (2) The Board shall promulgate rules and regulations for  
6 the safe and proper installation, repair, use and operation of  
7 boilers, and for the safe and proper installation and repair of  
8 unfired pressure vessels which were in use or installed ready for  
9 use in this Territory prior to the date upon which the first rules  
10 and regulations under this Act pertaining to existing installa-  
11 tions became effective, or during the twelve months period  
12 immediately thereafter.

#### 13 EFFECTIVE DATE OF RULES AND REGULATIONS

14 (3). (1) The rules and regulations formulated by the Board  
15 shall have the force and effect of law, except that the rules  
16 applying to the construction of new boilers and unfired pressure  
17 vessels shall not be construed to prevent the installation thereof  
18 until twelve months after their approval by the Board.

19 (2) Subsequent amendments in the rules and regulations  
20 adopted by the Board shall be permissive immediately and shall  
21 become mandatory twelve months after such approval.

#### 22 NEW BOILERS AND UNFIRED PRESSURE VESSELS

23 SECTION 2. No power boiler, low pressure boiler, or unfired  
24 pressure vessel which does not conform to the rules and regulations  
25 formulated by the Board governing new construction and installation  
26 shall be installed and operated in this Territory after twelve  
27 months from the date upon which the first rules and regulations  
28 under this Act pertaining to new construction and installation  
29 shall have become effective, unless the boiler or unfired pressure  
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1 vessel is of special design or construction, and is not covered  
2 by the rules and regulations, nor is in any way inconsistent with  
3 such rules and regulations, in which case a special installation  
4 and operating permit may at its discretion be granted by the  
5 Board.

#### 6 EXISTING BOILERS AND UNFIRED PRESSURE VESSELS

7 SECTION 3. (a) All boilers and unfired pressure vessels  
8 which were in use, or installed ready for use in this Territory  
9 prior to the date upon which the first rules and regulations  
10 under this Act pertaining to existing installations became effec-  
11 tive, or during the twelve months period immediately thereafter,  
12 shall be made to conform to the rules and regulations of the  
13 Board governing existing installations, and the formulae pre-  
14 scribed therein shall be used in determining the maximum allowable  
15 working pressure for such boilers and unfired pressure vessels.

16 (b) This Act shall not be construed as in any way prevent-  
17 ing the use or sale of boilers or unfired pressure vessels as  
18 referred to in subsection (a) of this section, provided they have  
19 been made to conform to the rules and regulations of the Board  
20 governing existing installations, and provided, further, that  
21 they have not been found upon inspection to be in an unsafe  
22 condition.

#### 23 EXEMPTIONS

24 SECTION 4. (a) This Act shall not apply to the following  
25 boilers and unfired pressure vessels:

26 1. Boilers and unfired pressure vessels under federal  
27 regulation.

28 2. Unfired pressure vessels meeting the requirements of  
29 the Interstate Commerce Commission for shipment of liquids or

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or gases under pressure.

(3) Air tanks located on vehicles operating under the rules of other territorial authorities and used for carrying passengers, or freight.

(4) Air tanks installed on the right of way of railroads and used directly in the operation of trains.

(5) Unfired pressure vessels having a volume of 5 cubic feet or less when not located in places of public assembly.

(6) Unfired pressure vessels designed for a pressure not exceeding 15 pounds per square inch gauge when not located in place of public assembly.

(b) The following boilers and unfired pressure vessels shall be exempt from the requirements of Sections 9, 10, 11, and 12 of this Act:

(1) Boilers or unfired pressure vessels located on farms and used solely for agricultural purposes.

(2) Steam boilers used exclusively for heating purposes carrying a pressure of not more than 15 pounds per square inch gauge and which are located in private residences or in apartment houses of less than six families.

(3) Hot water heating boilers carrying a pressure of not more than 30 pounds per square inch and which are located in private residences or in apartment houses of less than six families.

(4) Unfired pressure vessels containing only water under pressure for domestic supply purposes, including those containing air, the compression of which serves only as a cushion or airlift pumping systems, when located in private residences or in apartment houses of less than six families.

1 (5) Unfired pressure vessels containing liquefied petrol-  
2 cum gases.

3 POWERS AND DUTIES OF COMMISSIONER

4 SECTION 5. The Commissioner of Labor, if authorized by  
5 the Board is hereby charged, directed and empowered:

6 (1) To cause the prosecution of all violators of the  
7 provisions of this Act.

8 (2) To issue, or to suspend, or revoke for cause, Inspec-  
9 tion Certificates as provided for in Section 11 of this Act.

10 (3) To take action necessary for the enforcement of the  
11 laws of the Territory governing the use of boilers and unfired  
12 pressure vessels and of the rules and regulations of the Board.

13 (4) To keep a complete record of the type, dimensions,  
14 maximum allowable working pressure, age, condition, location,  
15 and date of last recorded internal inspection of all boilers and  
16 unfired pressure vessels to which this Act applies.

17 (5) To do any other thing necessary to carry out the  
18 purposes of this Act.

19 DEPUTY INSPECTORS: HOW APPOINTED

20 SECTION 6. The Commissioner of Labor shall employ Deputy  
21 Inspectors who shall have had at time of appointment not less  
22 than five years practical experience in the construction, main-  
23 tenance, repair, or operation of high pressure boilers and unfired  
24 pressure vessels as a mechanical engineer, steam engineer, boiler-  
25 maker, or boiler inspector, and who shall have passed the  
26 examination provided for in Section 8 of this Act.

27 SPECIAL INSPECTORS: HOW APPOINTED - DUTIES

28 SECTION 7. (a) In addition to the Deputy Boiler Inspec-  
29 tors authorized by Section 6 of this Act, the Commissioner of

1 Later shall, upon the request of any company authorized to insure  
2 against loss from explosion of boilers and unfired pressure  
3 vessels in this Territory, or upon the request of any company  
4 operating unfired pressure vessels, issue to any inspectors of  
5 said company commissions as Special Inspectors, provided that each  
6 such inspector before receiving his Commission shall satisfactorily  
7 pass the examination provided for in Section 8 of this Act, or,  
8 in lieu of such examination, shall hold a Certificate of Compe-  
9 tency as an inspector of boilers and unfired pressure vessels for  
10 a State that has a standard of examination substantially equal to  
11 that of the Territory of Alaska or a Certificate as an inspector  
12 of boilers from the National Board of Boiler and Pressure Vessel  
13 Inspectors. A commission as a Special Inspector for a company  
14 operating unfired pressure vessels in this Territory shall be  
15 issued only if, in addition to meeting the requirements stated  
16 herein, the inspector is continuously employed by the company for  
17 the purpose of making inspections of unfired pressure vessels used  
18 or to be used, by such company.

19 (b) Such Special Inspectors shall receive no salary from,  
20 nor shall any of their expenses <sup>be</sup> paid by, the Territory and the  
21 continuance of a Special Inspector's Commission shall be condi-  
22 tioned upon his continuing in the employ of a boiler insurance  
23 company duly authorized as aforesaid or upon continuing in the  
24 employ of a company operating unfired pressure vessels in this  
25 Territory and upon his maintenance of the standards imposed by  
26 this Act.

27 (c) Such Special Inspectors shall inspect all boilers and  
28 unfired pressure vessels insured or all unfired pressure vessels  
29 operated by their respective companies and, when so inspected,

1 the owners and users of such boilers and unfired pressure vessels  
2 shall be exempt from the payment of the inspection fees as provided  
3 for in Section 12 of this Act.

4 (C) Each company employing such Special Inspectors shall  
5 within thirty days following each internal boiler or unfired  
6 pressure vessel inspection made by such inspectors, file a report  
7 of such inspection with the Commissioner of Labor upon appropriate  
8 forms as promulgated by the American Society of Mechanical  
9 Engineers. Reports of external inspections shall not be required  
10 except when such inspections disclose that the boiler or unfired  
11 pressure vessel is in a dangerous condition.

12 (c) The Commissioner of Labor, or any Deputy or Special  
13 Inspector, shall have free access, during reasonable hours, to any  
14 premises in the Territory where a boiler or unfired pressure vessel  
15 is being constructed, or is being installed or operated, for the  
16 purpose of ascertaining whether such boiler or unfired pressure  
17 vessel is constructed, installed and operated in accordance with  
18 the provisions of this Act.

#### 19 EXAMINATION FOR DEPUTY AND SPECIAL INSPECTORS

20 SECTION 8. (a) Examinations for Deputy or Special Inspec-  
21 ters shall be in writing and shall be held by the Board, or by at  
22 least two members of the Board. Such examinations shall be  
23 confined to questions the answers to which will aid in determining  
24 the fitness and competency of the applicant for the intended ser-  
25 vice. In case an applicant for an inspector's appointment or  
26 Commission fails to pass the examination, he may appeal to the  
27 Board for another examination which shall be given by the Board  
28 within ninety days. The record of an applicant's examination  
29 shall be accessible to said applicant and his employer.

1 (b) A Commission may be suspended or revoked after due  
2 investigation and recommendation by the Commissioner of Labor  
3 to the Board for the incompetence or untrustworthiness of the  
4 holder thereof, or for wilfull falsification of any matter or  
5 statement contained in his application or in a report of any  
6 inspection. A person whose Commission has been suspended or  
7 revoked, except for untrustworthiness, shall be entitled to apply  
8 to the Board for reinstatement or, in the case of a revocation,  
9 for a new examination and Commission after ninety days from  
10 such revocation.

11 A person whose Commission has been suspended or revoked  
12 shall be entitled to an appeal as provided in Section 14 of this  
13 Act and to be present in person and represented by counsel on the  
14 hearing of the appeal.

15 (c) If a Certificate or Commission is lost or destroyed  
16 a new Certificate or Commission shall be issued in its place  
17 without another examination.

18 INSPECTION OF BOILERS AND UNFIRED PRESSURE VESSELS

19 SECTION 9. (a) On and after July 1, 1955 each boiler  
20 and unfired pressure vessel used or proposed to be used within  
21 this Territory, except boilers or unfired pressure vessels  
22 exempt in Section 4 of this Act, shall be thoroughly inspected  
23 as to their construction, installation, condition and operation,  
24 as follows:

25 (1) Power boilers shall be inspected annually both  
26 internally and externally while not under pressure and shall also  
27 be inspected annually externally while under pressure if  
28 possible;

29 (2) Low pressure heating boilers shall be inspected both

1 internally and externally biennially where construction will  
2 permit;

3 (3) Unfired pressure vessels subject to internal corro-  
4 sion shall be inspected both internally and externally biennially  
5 where construction will permit, except that the Board may, in  
6 its discretion, provide for longer periods between inspections.

7 (4) Unfired pressure vessels not subject to internal  
8 corrosion shall be inspected externally at intervals set by the  
9 Board, but internal inspections shall not be required of unfired  
10 pressure vessels, the contents of which are known to be non-  
11 corrosive to the material of which the shell, head, or fittings  
12 are constructed, either from the chemical composition of the  
13 contents or from evidence that the contents are adequately  
14 treated with a corrosion inhibitor, provided that such vessels  
15 are constructed in accordance with the rules and regulations of  
16 the Board or in accordance with standards substantially equiva-  
17 lent to the rules and regulations of the Board, in effect at  
18 the time of manufacture;

19 Provided, That in the case of power boilers a grace  
20 period of two months longer than the twelve months period may  
21 elapse between internal inspections of a boiler while not under  
22 pressure or between external inspections of a boiler while under  
23 pressure; in the case of low pressure heating boilers not more  
24 than twenty-six months shall elapse between inspections, and in  
25 the case of unfired pressure vessels not more than two months  
26 longer than the period between inspections prescribed by the  
27 Board shall elapse between internal inspections.

28 (b) Subject to the applicable grace period provided in  
29 subsection (a) of this section, the rules and regulations formu-

1 lated by the Board applying to the inspection of unfired pressure  
2 vessels may be modified by the Board to reduce or extend the  
3 interval between required inspections where the contents of the  
4 vessel or the material of which it is constructed warrant special  
5 consideration.

6 (c) The inspections herein required shall be made by a  
7 Deputy Inspector, or by a Special Inspector provided for in this  
8 Act.

9 (d) If at any time a hydrostatic test shall be deemed  
10 necessary to determine the safety of a boiler or unfired pressure  
11 vessel, same shall be made, at the discretion of the inspector,  
12 by the owner or user thereof.

13 (e) All boilers and all unfired pressure vessels to be  
14 installed in this Territory after the twelve-months period from the  
15 date upon which the Rules and Regulations of the Board shall be-  
16 come effective shall be inspected during construction as required  
17 by the applicable rules and regulations of the Board by an  
18 inspector holding a Certificate from the National Board of Boiler  
19 and Pressure Vessel Inspectors, or a Certificate of Competency as  
20 an inspector of boilers for a state that has a standard of exam-  
21 ination substantially equal to that of this territory as provided  
22 in section 8.

#### 23 INSPECTION CERTIFICATES

24 SECTION 10. (a) If, upon inspection, a boiler or an  
25 unfired pressure vessel is found to comply with the rules and  
26 regulations of the Board, the owner or user thereof shall pay  
27 directly to the Deputy Inspector the sum of \$2 in the case of a  
28 boiler, and \$1 in the case of an unfired pressure vessel, and the  
29 Commissioner of Labor, or his duly authorized representative,

1 shall issue to such owner or user an Inspection Certificate bearing  
2 the date of inspection and specifying the maximum pressure under  
3 which the boiler or unfired pressure vessel may be operated. Such  
4 Inspection Certificate shall be valid for not more than fourteen  
5 months from its date in the case of power boilers and twenty-six  
6 months in the case of low pressure heating boilers, and for not  
7 more than two months longer than the authorized inspection period  
8 in the case of unfired pressure vessels. Certificates shall be  
9 posted under glass in the room containing the boiler or unfired  
10 pressure vessel inspected. If the boiler or unfired pressure  
11 vessel is not located within the building, the certificate shall  
12 be posted in a location convenient to the boiler or unfired  
13 pressure vessel inspected, or in the case of a portable boiler or  
14 unfired pressure vessel the certificate shall be kept in a metal  
15 container to be fastened to the boiler or vessel or in a tool box  
16 accompanying the boiler or unfired pressure vessel.

17 (b) No Inspection Certificate issued for an insured  
18 boiler or unfired pressure vessel inspected by a Special Inspector  
19 shall be valid after the boiler or unfired pressure vessel, for  
20 which it was issued, shall cease to be insured by a company duly  
21 authorized by this Territory to carry such insurance.

22 (c) The Commissioner of Labor or his authorized represen-  
23 tative may at any time suspend an Inspection Certificate when, in  
24 his opinion, the boiler or unfired pressure vessel for which it  
25 was issued, cannot be operated without menace to the public safety,  
26 or when the boiler or unfired pressure vessel is found not to  
27 comply with the rules and regulations herein provided. A Special  
28 Inspector shall have corresponding powers with respect to Inspec-  
29 tion Certificates for boilers or unfired pressure vessels insured

1 or unfired pressure vessels operated by the company employing him.  
2 Such suspension of an Inspection Certificate shall continue in  
3 effect until such boiler or unfired pressure vessel shall have been  
4 made to conform to the rules and regulations of the Board, and  
5 until said Inspection Certificate shall have been reinstated.

6 INSPECTION CERTIFICATE REQUIRED: PENALTY

7 SECTION 11. After twelve months following the date on  
8 which this Act becomes effective, it shall be unlawful for any  
9 person, firm, partnership or corporation to operate under pressure  
10 in this Territory a boiler or unfired pressure vessel, to which  
11 this Act applies, without a valid Inspection Certificate as pro-  
12 vided for in this Act. The operation of a boiler or unfired  
13 pressure vessel without such Inspection Certificate, or at a  
14 pressure exceeding that specified in such Inspection Certificate,  
15 shall constitute a misdemeanor on the part of the owner, user, or  
16 operator thereof and be punishable by a fine not exceeding \$1,000,  
17 or imprisonment not to exceed 6 months, or both, at the discretion  
18 of the court. Each day of such unlawful operation shall be  
19 deemed a separate offense.

20 INSPECTION FEES

21 SECTION 12. (a) The owner or user of a boiler or pressure  
22 vessel required by this Act to be inspected by the Deputy Inspector,  
23 shall pay directly to the Deputy Inspector, upon completion of  
24 inspection, fees in accordance with the following schedule:

25 (1) Power Boilers -

26 Internal Inspections

27 Boilers of 5 hp or less, or 50 sq. ft. or less  
28 of heating surface . . . . . \$5.00

29 Boilers over 5 h.p., or over 50 sq. ft. of

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heating surface . . . . . \$12 00

External Inspections

Boilers over 50 sq. ft. of heating  
surface . . . . . \$5.00

Low Pressure Heating Boilers -

Inspection of heating boilers. . . . . \$5.00

Not more than \$15 shall be charged or collected for any  
and all inspections, as above, of any boiler in any one year.

Hydrostatic Tests -

Where it is necessary to make a special  
trip to witness the application of a  
hydrostatic test . . . . . \$5 00

Biennial or Required Inspection of Unfired Pressure Vessels

Fees to be based on the maximum length of  
vessel times the maximum width or diameter.

Internal and/or external inspection of each  
unfired pressure vessel subject to  
inspection having a cross sectional  
area of 50 sq. ft. or less . . . . . \$5.00

For each additional 100 sq. ft. of area in  
excess of 50 sq. ft. . . . . \$5.00

Provided, That not more than \$25 shall be paid per day for the  
actual inspection time of each inspector on any one vessel.

A group of pressure vessels, such as the rolls of a paper  
machine or dryer operating as a single machine or unit, shall be  
considered as one pressure vessel.

(2) Shop inspections, or the inspection of second hand or  
used boilers or pressure vessels by the Deputy Inspector shall  
be charged for at the rate of not less than \$15 for one-half day

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1 of four hours, and \$25 for one full day of eight hours.

2 "Second hand" shall mean an object which has changed  
3 ownership and location after primary use.

#### 4 DISPOSITION OF FEES

5 (b) The Commissioner of Labor, by the Deputy Inspector,  
6 shall give an official receipt for said fees and shall transfer  
7 all sums so received to the Treasurer of the Territory to be  
8 covered into the fund established in Section 15.

#### 9 DEPUTY INSPECTORS TO FURNISH BOND

10 SECTION 13. Each of the Deputy Inspectors, employed and  
11 paid by the Territory, shall furnish a bond in the sum of \$5,000  
12 conditioned upon the faithful performance of their duties and upon  
13 a true account of moneys handled by them respectively and the  
14 payment thereof to the proper recipient. The cost of said bonds  
15 shall be paid by the Board.

#### 16 APPEALS

17 SECTION 14. Any person aggrieved by an order or act of the  
18 Commissioner of Labor, or any Deputy Inspector, under this Act may,  
19 within fifteen days after notice thereof, appeal from such order  
20 or act to the Board which shall, within thirty days thereafter,  
21 hold a hearing after having given at least ten days written  
22 notice to all interested parties. The Board shall, within thirty  
23 days after such hearing, issue an appropriate order either approv-  
24 ing or disapproving said order or act. A copy of such order by the  
25 Board shall be given to all interested parties. Within thirty  
26 days after any order or act of the Board any person aggrieved  
27 thereby may file a petition in the District Court for a review  
28 thereof. The Court shall summarily hear the petition and may make  
29 any appropriate order or decree.

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CREATION OF BOILER FUND

SECTION 15. There is hereby created a fund, designated as the "Boiler Fund" to be administered by the Commissioner of Labor under the direction of the Board of Boiler Rules. The Territorial Treasurer shall be custodian of the fund. The fund shall be composed of the money hereafter derived from inspection fees, fees paid by applicants for examination, and money appropriated to carry out the purposes of this Act. Payments from the fund for all expenses and other disbursements necessary to carry out the purposes of this Act shall be made upon vouchers approved by the Commissioner of Labor. The Fund shall be continuous until otherwise provided by law.

SEVERABILITY

SECTION 16. The fact that any section, sub-section, sentence, clause, or phrase of this Act is declared invalid for any reason shall not affect the remaining portions of this Act.

EFFECTIVE DATE

SECTION 17. This Act shall take effect July 1, 1955.