

Introduced: 3/27/85  
Referred: Health, Education &  
Social Services and Finance

1 IN THE HOUSE

BY KOPONEN AND DAVIS

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HOUSE BILL NO. 334

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FOURTEENTH LEGISLATURE - FIRST SESSION

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A BILL

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For an Act entitled: "An Act relating to the installation of asbestos in  
public buildings."

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

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\* Section 1. AS 18 is amended by adding a new chapter to read:

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CHAPTER 28. ASBESTOS.

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Sec. 18.28.010. HAZARDOUS ASBESTOS INSTALLATION PROHIBITED.

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Hazardous asbestos may not be installed or used in a public building.

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Sec. 18.28.020. DUTIES OF DEPARTMENT OF LABOR. (a) The Depart-

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ment of Labor shall

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(1) inspect for, measure, and assess asbestos-related  
health hazards connected with construction of state public buildings;

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(2) assist and train appropriate employees of the state and  
of a home rule or general law municipality to recognize and inspect  
for the installation or use of hazardous asbestos in connection with  
construction of public buildings; and

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(3) establish for materials containing asbestos maximum  
allowable levels of asbestos fibers that may be released and suspended  
when the material is cut or installed that do not exceed the ambient  
levels at four outdoor, off-street locations in Juneau, as measured by  
electron microscopy with X-ray defraction.

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(b) The department may

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(1) inspect for, measure, and assess asbestos-related  
health hazards connected with construction of municipal public build-  
ings; and

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1           (2) issue a cease and desist order, or seek a court injunc-  
2           tion, to halt the installation or use of hazardous asbestos in a  
3           public building.

4           Sec. 18.28.030. MUNICIPAL CONSTRUCTION CONTRACTS AND INSPEC-  
5           TIONS. (a) A home rule or general law municipality must include in a  
6           contract for construction of a public building a requirement that the  
7           contractor for the construction shall submit to the municipality a  
8           written statement made under oath or affirmation that the construction  
9           was completed without the installation or use of hazardous asbestos  
10          and that any hazardous asbestos that may have been installed or used  
11          in the construction will be removed at the expense of the contractor.

12          (b) A home rule or general law municipality shall, in a public  
13          building that the municipality is constructing or that it has con-  
14          tracted for construction, inspect for hazardous asbestos in the build-  
15          ing and report the results of the inspection to the section of  
16          environmental health within 10 days after completing the inspection.

17          (c) A home rule or general law municipality may issue a cease  
18          and desist order, or seek a court injunction, to halt the installation  
19          or use of hazardous asbestos in a municipal public building.

20          Sec. 18.28.040. DEFINITIONS. In this chapter

21           (1) "construction" means construction, reconstruction,  
22           alteration, improvement, or major repair;

23           (2) "department" means the Department of Labor;

24           (3) "hazardous asbestos" means material containing asbestos  
25           that when cut or installed releases asbestos fibers in concentrations  
26           that exceed maximum allowable levels established by the department  
27           under AS 18.28.020(a);

28           (4) "public building" means

29           (A) a building owned or controlled and held by the

1 state, or by a home rule or general law municipality, for govern-  
2 ment or public use; and

3 (B) a building planned, constructed, renovated, re-  
4 paired, maintained, or altered with funds of the state or of a  
5 home rule or general law municipality.

6 \* Sec. 2. AS 35.15.020 is amended by adding a new subsection to read:

7 (b) A request for bids shall specify that hazardous asbestos may  
8 not be included in the plans for or installed or used in the construc-  
9 tion work under bid.

10 \* Sec. 3. AS 35.15.050 is amended by adding a new subsection to read:

11 (b) A contract awarded under this section must include a re-  
12 quirement that the contractor for the construction shall submit to the  
13 department a written statement made under oath or affirmation that the  
14 construction was completed without the installation or use of hazard-  
15 ous asbestos and that any hazardous asbestos that may have been  
16 installed or used in the construction will be removed at the expense  
17 of the contractor.

18 \* Sec. 4. AS 35.15.120 is amended by adding a new paragraph to read:

19 (4) "hazardous asbestos" means material containing asbestos  
20 that when cut or installed releases asbestos fibers in concentrations  
21 that exceed maximum allowable levels established by the section of  
22 environmental health under AS 18.28.020(b).

23 \* Sec. 5. This Act does not apply to construction work that was com-  
24 pleted or that has begun or for which bids have been requested before the  
25 effective date of this Act.