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Referred: Health, Education &
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1 IN THE HOUSE

BY KOPONEN AND DAVIS

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SPONSOR SUBSTITUTE FOR 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

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

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

9 * 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

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health hazards connected with construction of state public buildings;

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(2) assist and train appropriate employees of the state and

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of a home rule or general law municipality to recognize and inspect

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for the installation or use of hazardous asbestos in connection with

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construction of public buildings; and

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(3) establish for materials containing asbestos maximum

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allowable levels of asbestos fibers that may be released and suspended

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when the material is cut or installed that do not exceed the ambient

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levels at four outdoor, off-street locations in Juneau, as measured by

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electron microscopy.

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(b) The department may

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(1) inspect for, measure, and assess asbestos-related

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health hazards connected with construction of municipal public build-

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ings; and

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 department within
16 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;

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 in-
16 stalled or used in the construction will be removed at the expense of
17 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 Department of
22 Labor under AS 18.28.020.

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.