

Offered: 4/24/85  
Referred: Finance

Original sponsors: Koponen and Davis

1 IN THE HOUSE | BY THE HEALTH, EDUCATION AND  
2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 334 (HESS) SOCIAL SERVICES COMMITTEE  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL  
6 For an Act entitled: "An Act relating to the installation of materials  
7 containing asbestos in public buildings and vessels  
8 of the Alaska marine highway system; and providing  
9 for an effective date."  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
11 \* Section 1. AS 18 is amended by adding a new chapter to read:  
12 CHAPTER 28. ASBESTOS.  
13 Sec. 18.28.010. HAZARDOUS ASBESTOS INSTALLATION PROHIBITED.  
14 Materials containing asbestos may not be installed or used in a public  
15 building or in a boat or vessel of the Alaska marine highway system.  
16 Sec. 18.28.020. DUTIES OF DEPARTMENT OF LABOR. (a) The Depart-  
17 ment of Labor shall  
18 (1) inspect for and assess asbestos-related health hazards  
19 connected with construction of state public buildings and boats and  
20 vessels of the Alaska marine highway system; and  
21 (2) assist and train appropriate employees of the state and  
22 of a home rule or general law municipality to recognize and inspect  
23 for the installation or use of materials containing asbestos in con-  
24 nection with construction of public buildings and boats and vessels of  
25 the Alaska marine highway system.  
26 (b) The department may  
27 (1) inspect for and assess asbestos-related health hazards  
28 connected with construction of municipal public buildings; and  
29 (2) issue a cease and desist order, or seek a court

1 injunction, to halt the installation or use of materials containing  
2 asbestos in a public building or in a boat or vessel of the Alaska  
3 marine highway system.

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 materials containing  
10 asbestos and that any materials containing asbestos that may have been  
11 installed or used in the construction will be removed at the expense  
12 of the contractor.

13 (b) A home rule or general law municipality shall, in a public  
14 building that the municipality is constructing or that it has con-  
15 tracted for construction, inspect for materials containing asbestos in  
16 the building and report the results of the inspection to the depart-  
17 ment within 10 days after completing the inspection.

18 (c) A home rule or general law municipality may issue a cease  
19 and desist order, or seek a court injunction, to halt the installation  
20 or use of materials containing asbestos in a municipal public build-  
21 ing.

22 Sec. 18.28.040. DEFINITIONS. In this chapter

23 (1) "construction" means construction, reconstruction,  
24 alteration, improvement, or major repair;

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

26 (3) "materials containing asbestos" does not include marble  
27 that contains naturally occurring asbestos, concrete in which asbestos  
28 is a natural component of the aggregate, or gypsum products in which  
29 asbestos naturally occurs in the gypsum;

1 (4) "public building" means  
2 (A) a building owned or controlled and held by the  
3 state, or by a home rule or general law municipality, for govern-  
4 ment or public use; and  
5 (B) a building planned, constructed, renovated, re-  
6 paired, maintained, or altered with funds of the state or of a  
7 home rule or general law municipality.  
8 \* Sec. 2. AS 19.10.180 is amended by adding a new subsection to read:  
9 (b) A request for bids shall specify that materials containing  
10 asbestos may not be included in the plans for or installed or used in  
11 the construction of the boat or vessel of the Alaska marine highway  
12 system under bid.  
13 \* Sec. 3. AS 19.10.190 is amended to read:  
14 Sec. 19.10.190. ADVERTISEMENT, BIDS, CONTRACTS, AND INFORMAL  
15 BIDS. Except as provided in AS 44.33.300, when the estimated cost of  
16 any construction exceeds \$100,000, the department shall, except as  
17 provided in AS 19.10.170(a), proceed to advertise, request bids, and  
18 award the contract in the manner provided in AS 19.10.200 - 19.10.210.  
19 Whenever a [ANY] proposed construction contract is for a sum less than  
20 \$100,000, it shall be discretionary with the department whether the  
21 contract shall be advertised and awarded in accordance with AS 19.10.-  
22 200 - 19.10.210(a) [AS 19.10.200 - 19.10.210]. In all events the  
23 department shall request informal bids from as many contractors as can  
24 be requested conveniently.  
25 \* Sec. 4. AS 19.10.210 is amended by adding a new subsection to read:  
26 (b) A contract awarded for the construction of a boat or vessel  
27 of the Alaska marine highway system must include a requirement that  
28 the contractor for the construction shall submit to the department a  
29 written statement made under oath or affirmation that the construction

1 was completed without the installation or use of materials containing  
2 asbestos and that any materials containing asbestos that may have been  
3 installed or used in the construction will be removed at the expense  
4 of the contractor.

5 \* Sec. 5. AS 19.10 is amended by adding a new section to read:

6 Sec. 19.10.290. DEFINITION. In this chapter "materials contain-  
7 ing asbestos" does not include marble that contains naturally occur-  
8 ring asbestos, concrete in which asbestos is a natural component of  
9 the aggregate, or gypsum products in which asbestos naturally occurs  
10 in the gypsum.

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

12 (b) A request for bids shall specify that materials containing  
13 asbestos may not be included in the plans for or installed or used in  
14 the construction work under bid.

15 \* Sec. 7. AS 35.15.030 is amended to read:

16 Sec. 35.15.030. ADVERTISEMENT, BIDS, CONTRACTS, AND INFORMAL  
17 BIDS. When the estimated cost of any construction under this chapter  
18 exceeds \$100,000, the department shall, except as provided in AS 35.-  
19 15.010 and in AS 44.33.300, proceed to advertise, request bids, and  
20 award the contract in the manner provided in AS 35.15.040 and 35.15.-  
21 050. When any proposed construction contract is for a sum less than  
22 \$100,000, it is discretionary with the department whether the contract  
23 is advertised and awarded in accordance with AS 35.15.040 and 35.15.-  
24 050(a) [35.15.050]. In all events the department shall request in-  
25 formal bids from as many contractors as can be requested conveniently.  
26 A complete record shall be kept by the commissioner or the commis-  
27 sioner's [HIS] designee of all transactions entered into including  
28 names of employees involved in the transactions.

29 \* Sec. 8. AS 35.15.050 is amended by adding a new subsection to read:

1           (b) A contract awarded must include a requirement that the  
2 contractor for the construction shall submit to the department a  
3 written statement made under oath or affirmation that the construction  
4 was completed without the installation or use of materials containing  
5 asbestos and that any materials containing asbestos that may have been  
6 installed or used in the construction will be removed at the expense  
7 of the contractor.

8 \* Sec. 9. AS 35.15.120 is amended by adding a new paragraph to read:

9           (4) "materials containing asbestos" does not include marble  
10 that contains naturally occurring asbestos, concrete in which asbestos  
11 is a natural component of the aggregate, or gypsum products in which  
12 asbestos naturally occurs in the gypsum.

13 \* Sec. 10. This Act does not apply to construction work that was com-  
14 pleted or that has begun or for which bids have been requested before  
15 October 1, 1985.

16 \* Sec. 11. This Act takes effect October 1, 1985.