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Original sponsors: Josephson, Sturgulewski
and Uehling

1 IN THE SENATE

BY THE LABOR AND
COMMERCE COMMITTEE

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CS FOR SENATE BILL NO. 141 (L&C)

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act relating to hazardous painting certification;

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and providing for an effective date."

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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 63. HAZARDOUS PAINTING CERTIFICATION.

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Sec. 18.63.010. HAZARDOUS PAINTING CERTIFICATE REQUIRED. A

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person may not employ or contract with a professional painter to

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perform hazardous painting for compensation unless the painter holds a

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current valid hazardous painting certificate issued by the department.

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Sec. 18.63.020. ISSUANCE OF CERTIFICATE. (a) An application

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for issuance of a hazardous painting certificate shall be on a form

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prescribed by the department. An application for initial issuance of

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a certificate shall include proof that the applicant completed an

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approved basic hazardous painting certificate program not more than 30

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days before the application was received by the department. An appli-

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cation for certificate renewal shall include proof that the applicant

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completed an approved supplemental hazardous painting certificate

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program not more than 30 days before the date the application was

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received by the department.

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(b) The department shall issue a hazardous painting certificate

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to an applicant who has completed an application and submitted a

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certificate fee. A certificate is valid for three years.

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Sec. 18.63.030. FEE. The commissioner shall establish the

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triennial fee for a hazardous painting certificate by regulation. The

1 fee must reflect the department's approximate costs or projected costs
2 for the hazardous painting certification program.

3 Sec. 18.63.040. CERTIFICATE PROGRAMS. (a) The department shall

4 (1) establish requirements for basic and supplemental
5 hazardous painting certificate programs;

6 (2) review, and approve or disapprove, programs proposed by
7 contractors, labor organizations, public and private schools, voca-
8 tional education institutions, and others;

9 (3) assist persons who propose programs to meet require-
10 ments for approval.

11 (b) A basic hazardous painting certificate program must include
12 instruction and written and practical testing in methods of ventila-
13 tion, respirator selection, chemical reaction to body tissue, proper
14 use of painting tools, knowledge of relevant health and safety laws
15 and regulations, including relevant portions of state occupational
16 safety and health standards adopted by reference under 8 AAC 61.010,
17 and other appropriate subjects. A basic hazardous painting certifi-
18 cate program may not exceed 16 hours of instruction and testing. A
19 supplemental hazardous painting certificate program shall include
20 instruction and written and practical training necessary to ensure
21 that a person who completes the program will be knowledgeable about
22 new developments and changes related to hazardous painting that have
23 occurred since the person completed a basic hazardous painting cer-
24 tificate program.

25 (c) A hazardous painting certificate program conducted by an
26 employer of a person enrolled in the program must also meet the re-
27 quirements of AS 18.60.066.

28 Sec. 18.63.050. INSPECTIONS AND CITATIONS. The department shall

29 (1) inspect job sites to assure that persons performing

1 hazardous painting are certified as required under AS 18.63.010 and
2 are performing the work safely; and

3 (2) issue citations to persons who employ or contract with
4 a professional painter in violation of AS 18.63.010.

5 Sec. 18.63.060. REGULATIONS. The department may adopt regula-
6 tions necessary for the implementation of this chapter.

7 Sec. 18.63.070. PENALTY. The department may impose a civil fine
8 of not more than \$1,000 on a person who violates this chapter or a
9 regulation adopted under this chapter.

10 Sec. 18.63.100. DEFINITIONS. In this chapter

11 (1) "department" means the Department of Labor;

12 (2) "hazardous painting" means the application of a sub-
13 stance containing a pigment or containing or combined with a toxic or
14 hazardous substance, as defined in AS 18.60.105, in vaporized, liquid,
15 or particulate form to create a coating that will adhere to a surface
16 to protect or preserve the surface; "hazardous painting" does not
17 include the application of water-based paint that does not contain
18 emulsion epoxies or isocyanates;

19 (3) "professional painter" means a painting contractor, an
20 employee of a painting contractor, or a person engaged in the business
21 of painting, but does not include a casual laborer, a commercial
22 artist, or a person who creates artworks.

23 * Sec. 2. AS 18.63.020, 18.63.030, 18.63.040, 18.63.060, 18.63.070, and
24 18.63.100, added by sec. 1 of this Act, take effect immediately under
25 AS 01.10.070(c).

26 * Sec. 3. AS 18.63.010 and 18.63.050, added by sec. 1 of this Act, take
27 effect July 1, 1988.