

1 IN THE SENATE

BY FAIKS

2

SENATE BILL NO. 300

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to building, construction, and
7 safety codes; consolidating building regulation;
8 transferring certain functions to the Department of
9 Labor; and providing for an effective date."

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

11 * Section 1. AS 08.01.065(d) is amended to read:

12 (d) The commissioner of administration shall separately account
13 for occupational licensing fees deposited in the general fund by each
14 [THE] department. The annual estimated balance in the account may be
15 used by the legislature to make appropriations to the appropriate
16 department to carry out its [THE] activities under this title [OF THE
17 DIVISION OF OCCUPATIONAL LICENSING].

18 * Sec. 2. AS 08.01.110(2) is amended to read:

19 (2) "commissioner" means the commissioner of commerce and
20 economic development with respect to a board or occupation under the
21 Department of Commerce and Economic Development, or the commissioner
22 of labor with respect to a board or occupation under the Department of
23 Labor, as appropriate;

24 * Sec. 3. AS 08.01.110(3) is amended to read:

25 (3) "department" means the Department of Commerce and
26 Economic Development with respect to a board or occupation under that
27 department, or the Department of Labor with respect to a board or
28 occupation under that department, as appropriate;

29 * Sec. 4. AS 08.18.011(a) is amended to read:

1 (a) It is unlawful for a person to submit a bid or work as a
2 contractor until that person has been issued a certificate of
3 registration by the Department of Labor [COMMERCE AND ECONOMIC
4 DEVELOPMENT]. A partnership or joint venture shall be considered
5 registered if one of the general partners or venturers whose name
6 appears in the name under which the partnership or venture does
7 business is registered.

8 * Sec. 5. AS 08.18.041 is amended to read:

9 Sec. 08.18.041. FEES. The department [DEPARTMENT OF COMMERCE
10 AND ECONOMIC DEVELOPMENT] shall set registration and renewal fees
11 under AS 08.01.065 for the following:

- 12 (1) general contractor;
13 (2) specialty contractor.

14 * Sec. 6. AS 08.18.116 is amended to read:

15 Sec. 08.18.116. INVESTIGATIONS. The department [EITHER THE
16 DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT OR THE DEPARTMENT OF
17 LABOR] may investigate alleged or apparent violations of this chapter.
18 The department [THESE DEPARTMENTS], upon showing proper credentials,
19 may enter, during regular hours of work, a construction site where it
20 appears that contracting work is being done. The department [DEPART-
21 MENTS] may make inquiries about the identity of the contractor or the
22 person acting in the capacity of a contractor. Upon demand, a con-
23 tractor or person acting in the capacity of a contractor, or that
24 person's representative, shall produce evidence of current registra-
25 tion.

26 * Sec. 7. AS 08.18.117 is amended to read:

27 Sec. 08.18.117. ISSUANCE OF CITATIONS. The department [EITHER
28 THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT OR THE DEPARTMENT
29 OF LABOR] may issue a citation for a violation if there is probable

1 cause to believe a person has violated this chapter. Each day a viola-
2 tion continues after a citation for the violation has been issued
3 constitutes a separate violation.

4 * Sec. 8. AS 08.18.118(c) is amended to read:

5 (c) The department is [DEPARTMENT OF COMMERCE AND ECONOMIC
6 DEVELOPMENT AND THE DEPARTMENT OF LABOR ARE] responsible for the
7 issuance of books containing appropriate citations, and [EACH] shall
8 maintain a record of each book issued and each citation contained in
9 it. The [EACH] department shall require and retain a receipt for
10 every book issued to an employee of the [THAT] department.

11 * Sec. 9. AS 08.18.118(d) is amended to read:

12 (d) The department [THAT ISSUES A CITATION UNDER THIS CHAPTER]
13 shall deposit the original or a copy of the citation with a court
14 having jurisdiction over the alleged offense. Upon its deposit with
15 the court, the citation may be disposed of only by trial in the court
16 or other official action taken by the magistrate, judge, or prosecu-
17 tor. The department [THAT ISSUED THE CITATION] may not dispose of it
18 or copies of it or of the record of its issuance except as required
19 under this subsection and (e) of this section.

20 * Sec. 10. AS 08.18.118(e) is amended to read:

21 (e) The department [DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOP-
22 MENT AND THE DEPARTMENT OF LABOR] shall require the return of a copy
23 of every citation issued by the [RESPECTIVE] department under this
24 chapter, and of all copies of every citation that has been spoiled or
25 upon which an entry has been made and not issued to an alleged viola-
26 tor. The department [DEPARTMENTS] shall also maintain, in connection
27 with every citation issued by the [RESPECTIVE] department, a record of
28 the disposition of the charge by the court where the original or copy
29 of the citation was deposited.

1 * Sec. 11. AS 08.18.121(f) is amended to read:

2 (f) If the department [DEPARTMENT OF COMMERCE AND ECONOMIC
3 DEVELOPMENT OR THE DEPARTMENT OF LABOR] determines that a contractor
4 or a person acting in the capacity of a contractor, is in violation of
5 this chapter, the [THAT] department may give written notice to the
6 person prohibiting further action by the person as a contractor. The
7 prohibition continues until the person has submitted evidence accept-
8 able to the [THAT] department showing that the violation has been
9 corrected.

10 * Sec. 12. AS 08.18.121(g) is amended to read:

11 (g) A person affected by an order issued under this chapter may
12 seek equitable relief preventing the department [DEPARTMENT OF COM-
13 MERCE AND ECONOMIC DEVELOPMENT OR THE DEPARTMENT OF LABOR] from en-
14 forcing the order.

15 * Sec. 13. AS 08.18.131 is amended to read:

16 Sec. 08.18.131. INJUNCTION. In an action instituted in the
17 superior court by the department [DEPARTMENT OF COMMERCE AND ECONOMIC
18 DEVELOPMENT OR THE DEPARTMENT OF LABOR], the court may enjoin a person
19 from acting in the capacity of a contractor in violation of this
20 chapter. In addition to other relief, the court may impose a civil
21 penalty of not more than \$250 for each violation. Each day that an
22 unlawful act continues constitutes a separate violation.

23 * Sec. 14. AS 08.18.141(b) is amended to read:

24 (b) Criminal prosecution for a violation of this chapter does
25 not preclude the department [DEPARTMENT OF COMMERCE AND ECONOMIC
26 DEVELOPMENT OR THE DEPARTMENT OF LABOR] from seeking available civil
27 remedies.

28 * Sec. 15. AS 08.18.171(1) is repealed and reenacted to read:

29 (1) "commissioner" means the commissioner of labor;

1 * Sec. 16. AS 08.18.171(4) is amended to read:

2 (4) "department" means the Department of Labor [COMMERCE
3 AND ECONOMIC DEVELOPMENT, UNLESS THE CONTEXT INDICATES OTHERWISE].

4 * Sec. 17. AS 08.40.010 is amended to read:

5 Sec. 08.40.010. CREATION AND MEMBERSHIP OF BOARD. There is
6 [CREATED] a Board of Electrical Examiners in the Department of Labor
7 consisting of three members, two of whom are licensed electrical
8 administrators and one of whom is a public member.

9 * Sec. 18. AS 08.40.175 is amended to read:

10 Sec. 08.40.175. CEASE AND DESIST ORDER. (a) If the commis-
11 sioner [OF LABOR] determines that a person is acting as an electrical
12 administrator in violation of this chapter the commissioner may issue
13 a cease and desist order prohibiting further action by the person as
14 an electrical administrator. The cease and desist order remains in
15 effect until the person has submitted evidence acceptable to the
16 commissioner [OF LABOR] showing that the violation has been corrected.

17 (b) A person affected by an order issued under (a) of this
18 section may seek equitable relief preventing the commissioner [OF
19 LABOR] from enforcing the order.

20 * Sec. 19. AS 08.40.178 is amended to read:

21 Sec. 08.40.178. INJUNCTIVE RELIEF. The commissioner [OF LABOR]
22 may seek an injunction in the superior court to enjoin a person from
23 violating this chapter.

24 * Sec. 20. AS 08.40.200 is amended by adding new paragraphs to read:

25 (6) "commissioner" means the commissioner of labor;

26 (7) "department" means the Department of Labor.

27 * Sec. 21. AS 08.48.011(a) is amended to read:

28 (a) There is [CREATED] the State Board of Registration for
29 Architects, Engineers, and Land Surveyors in the Department of Labor.

1 The board shall administer the provisions of this chapter and comply
2 with the Administrative Procedure Act (AS 44.62).

3 * Sec. 22. AS 08.48.071(a) is amended to read:

4 (a) The following record of the board's proceedings and of all
5 applications for registration or authorization shall be kept by the
6 department [DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT] under
7 AS 08.01.050:

8 (1) the name, age, and last known address of each appli-
9 cant;

10 (2) the date of application;

11 (3) the place of business of the applicant;

12 (4) the education, experience, and other qualifications;

13 (5) the type of examination required;

14 (6) whether or not the applicant was rejected;

15 (7) whether or not a certificate of registration or au-
16 thorization was granted or endorsed;

17 (8) the date of the action of the board;

18 (9) other action taken by the board;

19 (10) other information that [WHICH] may be considered neces-
20 sary by the board.

21 * Sec. 23. AS 08.48.071(e) is amended to read:

22 (e) The department [DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOP-
23 MENT] shall, under AS 08.01.050, preserve the records under (a) of
24 this section for the previous five years.

25 * Sec. 24. AS 08.48.071(f) is amended to read:

26 (f) The department [DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOP-
27 MENT] shall assemble statistics relating to the performance of its
28 staff and the performance of the board, including but not limited to,

29 (1) the number of architects, engineers, and land surveyors

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2 with the Administrative Procedure Act (AS 44.62).

3 * Sec. 22. AS 08.48.071(a) is amended to read:

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7 AS 08.01.050:

8 (1) the name, age, and last known address of each appli-
9 cant;

10 (2) the date of application;

11 (3) the place of business of the applicant;

12 (4) the education, experience, and other qualifications;

13 (5) the type of examination required;

14 (6) whether or not the applicant was rejected;

15 (7) whether or not a certificate of registration or au-
16 thorization was granted or endorsed;

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23 MENT] shall, under AS 08.01.050, preserve the records under (a) of
24 this section for the previous five years.

25 * Sec. 24. AS 08.48.071(f) is amended to read:

26 (f) The department [DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOP-
27 MENT] shall assemble statistics relating to the performance of its
28 staff and the performance of the board, including but not limited to,

29 (1) the number of architects, engineers, and land surveyors

- 1 registered over a five-year period;
- 2 (2) the rate of passage of examinations administered by the
3 board;
- 4 (3) the number of persons making application for registra-
5 tion as a professional architect, engineer, or land surveyor over a
6 five-year period;
- 7 (4) an account of registration fees collected under AS 08.-
8 48.201(b);
- 9 (5) a measure of the correspondence workload of a [ANY]
10 licensing examiner employed by the department to carry out this chap-
11 ter.

12 * Sec. 25. AS 08.48.265 is amended to read:

13 Sec. 08.48.265. FEES. The department [DEPARTMENT OF COMMERCE
14 AND ECONOMIC DEVELOPMENT] shall set fees under AS 08.01.065 for ex-
15 aminations, registrations, certificates of authorization, and renewals
16 of a certificate.

17 * Sec. 26. AS 08.48.341 is amended by adding a new paragraph to read:

18 (14) "department" means the Department of Labor.

19 * Sec. 27. AS 18.60.180 is amended to read:

20 Sec. 18.60.180. REGULATIONS. The Department of Labor shall
21 formulate definitions and regulations for the safe and proper con-
22 struction, sale, installation, repair, use, and operation of boilers
23 and [FOR THE SAFE AND PROPER CONSTRUCTION, INSTALLATION AND REPAIR OF]
24 unfired pressure vessels. The definitions and regulations must be
25 based upon and shall follow the generally accepted nationwide engi-
26 neering standards, formulas [FORMULAE], and practices established for
27 boiler and unfired pressure vessel construction and safety. The
28 Department of Labor may adopt the existing published codification of
29 these definitions and regulations, known as the Boiler Construction

1 Code of the American Society of Mechanical Engineers, and may adopt
2 the amendments and interpretations made and published by that society.
3 The Department of Labor shall adopt amendments and interpretations to
4 the code immediately upon their adoption by the American Society of
5 Mechanical Engineers so that the definitions and regulations at all
6 times follow generally accepted nationwide engineering standards.

7 * Sec. 28. AS 18.60.200 is amended by adding a new subsection to read:

8 (b) A person who installs a new boiler or unfired pressure
9 vessel subject to AS 18.60.180 - 18.60.395 shall inform the Department
10 of Labor of the installation on a form provided by the department.

11 * Sec. 29. AS 18.60.210(a) is amended to read:

12 (a) AS 18.60.180 - 18.60.395 [AS 18.60.180 - 18.60.390] do not
13 apply to the following:

14 (1) boilers and unfired pressure vessels under federal
15 regulation;

16 (2) unfired pressure vessels meeting the requirements of
17 the Department of Transportation and Public Facilities for shipment of
18 liquids or gases under pressure;

19 (3) air tanks located on vehicles operating under the
20 regulations of another state authority and used for carrying passen-
21 gers or freight;

22 (4) air tanks installed on the right-of-way of railroads
23 and used directly in the operation of trains;

24 (5) unfired pressure vessels having a volume of five cubic
25 feet or less or vessels having an inside diameter not exceeding six
26 inches;

27 (6) unfired pressure vessels designed for a pressure not
28 exceeding 15 pounds per square inch when not located in a place of
29 public assembly;

1 (7) manually fired miniature boilers for model locomotive,
2 boat, tractor, or stationary engines constructed or maintained as a
3 hobby for exhibition use, having a volume less than five cubic feet
4 and grate area less than two square feet and equipped with an American
5 Society of Mechanical Engineers coded safety valve of adequate capac-
6 ity and size, a water level indicator, and pressure gauge;

7 (8) except as provided in (c) of this section, antique
8 manually fired boilers of locomotive, boat, tractor, or stationary
9 engines constructed or maintained as a hobby and equipped with an
10 American Society of Mechanical Engineers coded safety valve of ade-
11 quate capacity and size.

12 * Sec. 30. AS 18.60.210(b) is amended to read:

13 (b) The following boilers and unfired pressure vessels are
14 exempt from the requirements of AS 18.60.320 - 18.60.360:

15 (1) boilers and unfired pressure vessels located on farms
16 and used solely for agricultural purposes;

17 (2) steam and hot water heating boilers, used exclusively
18 for heating purposes, that are located in private residences or in
19 apartment houses of fewer than six families;

20 (3) unfired pressure vessels containing only cold water
21 under pressure [FOR DOMESTIC SUPPLY PURPOSES], including those con-
22 taining air, the compression of which serves only as a cushion or
23 airlift pumping system;

24 (4) unfired pressure vessels containing liquified petroleum
25 gas;

26 (5) unfired pressure vessels operating entirely full of
27 water, and hot water supply boilers or domestic water heaters, if none
28 of the following limitations is exceeded:

29 (A) a heat input of 200,000 British thermal units per

1 hour (57,143 watts);

2 (B) a water temperature of 210 degrees Fahrenheit (99
3 degrees centigrade);

4 (C) a maximum water-containing capacity of 120 gallons
5 (454.2 liters);

6 (6) coil type boilers unless the water-containing capacity
7 is six gallons (22.8 liters) or greater, the water temperature exceeds
8 350 degrees Fahrenheit (176.5 degrees centigrade), steam is generated
9 in the coil, or the diameter of the tubing is greater than three-
10 quarters of an inch (18.75 millimeters).

11 * Sec. 31. AS 18.60.220 is amended to read:

12 Sec. 18.60.220. DUTIES OF THE DEPARTMENT OF LABOR. The Depart-
13 ment of Labor shall

14 (1) have all violators of AS 18.60.180 - 18.60.395 [AS
15 18.60.180 - 18.60.390] prosecuted;

16 (2) issue, suspend, or revoke for cause, inspection certif-
17 icates provided for in AS 18.60.390;

18 (3) take action necessary for the enforcement of the laws
19 and regulations governing the use of boilers and unfired pressure
20 vessels;

21 (4) keep a complete record of the type, dimensions, maximum
22 allowable working pressure, age, condition, location, and date of the
23 last recorded internal inspection of boilers and unfired pressure
24 vessels to which AS 18.60.180 - 18.60.395 [AS 18.60.180 - 18.60.390]
25 apply;

26 (5) do acts necessary to carry out the purposes of AS 18.-
27 60.180 - 18.60.395 [AS 18.60.180 - 18.60.390].

28 * Sec. 32. AS 18.60.230 is amended to read:

29 Sec. 18.60.230. APPOINTMENT OF DEPUTY INSPECTORS AND TRAINERS.

1 The Department of Labor shall employ
2 (1) deputy inspectors who have passed the examination
3 provided for in AS 18.60.290; and
4 (2) trainee inspectors who
5 (A) satisfy the requirements of the department; and
6 (B) are under the supervision of a deputy inspector.

7 * Sec. 33. AS 18.60.230 is amended by adding a new subsection to read:
8 (b) Trainee inspectors shall be afforded the opportunity to
9 progressively develop their skills.

10 * Sec. 34. AS 18.60.240 is amended to read:

11 Sec. 18.60.240. APPOINTMENT AND QUALIFICATIONS OF SPECIAL IN-
12 SPECTORS. In addition to the deputy boiler inspectors and trainee
13 inspectors provided for in AS 18.60.230, the Department of Labor
14 shall, upon the request of a company authorized by the Department of
15 Commerce and Economic Development under AS 21.09 to insure against
16 loss from explosion of boilers and unfired pressure vessels as de-
17 scribed in AS 21.12.070(a)(7), [OR UPON THE REQUEST OF] a company
18 operating boilers or unfired pressure vessels, or a municipality with
19 authority to inspect boilers and pressure vessels, issue to an inspec-
20 tor of the company or municipality a state commission as a special
21 inspector. However, to be eligible for a commission as special in-
22 spector, a person must have passed the examination provided for in
23 AS 18.60.290, or hold a certificate as an inspector of boilers from
24 the National Board of Boiler and Pressure Vessel Inspectors.

25 * Sec. 35. AS 18.60.250 is amended to read:

26 Sec. 18.60.250. COMPENSATION FOR SPECIAL INSPECTORS PROHIBITED.
27 A special inspector is not entitled to [ANY] compensation or expenses
28 from the state. A special inspector's commission is conditioned upon
29 continuing employment by [IN THE EMPLOY OF] a boiler insurance

1 company, [OR] a company operating boilers or unfired pressure vessels
2 in this state, or a municipality that inspects boilers and unfired
3 pressure vessels and upon maintaining the standards imposed by AS 18.-
4 60.180 - 18.60.395 [AS 18.60.180 - 18.60.390].

5 * Sec. 36. AS 18.60.260 is amended to read:

6 Sec. 18.60.260. DUTY OF SPECIAL INSPECTORS. Each special in-
7 pector who is employed by a boiler insurance company or a company
8 operating boilers or unfired pressure vessels shall inspect all
9 boilers and unfired pressure vessels insured or operated by the
10 inspector's company. [THE OWNER AND USER OF A BOILER OR UNFIRED
11 PRESSURE VESSEL INSPECTED BY ITS SPECIAL INSPECTOR IS EXEMPT FROM THE
12 PAYMENT OF THE INSPECTION FEES PROVIDED IN AS 18.60.360.]

13 * Sec. 37. AS 18.60.260 is amended by adding a new subsection to read:

14 (b) Each special inspector who is employed by a municipality
15 shall inspect all boilers and unfired pressure vessels subject to
16 inspection within the municipality.

17 * Sec. 38. AS 18.60.280 is amended to read:

18 Sec. 18.60.280. RIGHT OF INSPECTION. The Department of Labor[,]
19 or a deputy or special inspector shall be given free access, during
20 reasonable hours, to [ANY] premises where a boiler or unfired pressure
21 vessel is being constructed, installed, or operated, for the purpose
22 of determining whether the boiler or unfired pressure vessel is con-
23 structed, installed, and operated in accordance with AS 18.60.180 -
24 18.60.395 [AS 18.60.180 - 18.60.390].

25 * Sec. 39. AS 18.60.300(b) is amended to read:

26 (b) A person whose commission has been suspended or revoked; or
27 whose application for reinstatement has been denied, may appeal the
28 suspension, revocation, or denial as provided in AS 18.60.940 [AS 18.-
29 60.370] and is entitled to be present and represented by counsel at

1 the hearing.

2 * Sec. 40. AS 18.60.320 is amended by adding new subsections to read:

3 (c) Upon approval of the inspection agency having jurisdiction,
4 the interval between internal inspections of utility and petrochemical
5 boilers may be extended

6 (1) for a period not to exceed 24 months for power boilers,

7 (2) for a period not to exceed 48 months for waste heat
8 boilers, and

9 (3) until the next scheduled down time, but not to exceed
10 60 months, for other unfired steam boilers using heat produced by the
11 operation of a process system.

12 (d) The extended period of operation and a new certificate shall
13 be granted under (c) of this section if

14 (1) continuous water treatment to control and limit corro-
15 sion and deposits under competent and experienced supervision has been
16 in effect since the last internal inspection;

17 (2) accurate and complete records are available demonstrat-
18 ing that boiler water has been monitored at regular intervals of not
19 more than 24 hours of operation and that the water condition in the
20 boiler has been satisfactorily controlled since the last internal
21 inspection;

22 (3) accurate and complete records are available on the
23 dates that the boiler has been out of service, the reason for the
24 boiler being out of service, the nature of all repairs to the boiler,
25 and the reasons for the repairs; and

26 (4) the last internal inspection and the current external
27 inspection of the boiler indicate that the internal inspection period
28 may be safely extended.

29 * Sec. 41. AS 18.60.340(a) is amended to read:

1 (a) If, upon inspection, a boiler or an unfired pressure vessel
2 complies with the regulations of the Department of Labor, the owner or
3 user shall pay to the department a certificate fee to be established
4 by regulation by the commissioner of labor. The Department of Labor
5 shall issue the owner or user an inspection certificate showing the
6 date of inspection and specifying the maximum pressure under which the
7 boiler or unfired pressure vessel may be operated. The [CERTIFICATES
8 MUST BE POSTED UNDER GLASS IN THE ROOM CONTAINING THE BOILER OR
9 UNFIRED PRESSURE VESSEL INSPECTED. IF THE BOILER OR UNFIRED PRESSURE
10 VESSEL IS NOT LOCATED INSIDE THE BUILDING, THE] certificate must be
11 posted in a location convenient to the boiler or unfired pressure
12 vessel [, OR IN THE CASE OF A PORTABLE BOILER OR UNFIRED PRESSURE
13 VESSEL THE CERTIFICATE MUST BE KEPT IN A METAL CONTAINER FASTENED TO
14 THE BOILER OR VESSEL OR IN A TOOL BOX ACCOMPANYING THE BOILER OR
15 UNFIRED PRESSURE VESSEL].

16 * Sec. 42. AS 18.60.360(a) is amended to read:

17 (a) The commissioner of labor shall, by regulation, establish
18 reasonable fees to be charged for the inspection of boilers and un-
19 fired pressure vessels. Separate fees may be established for an
20 [EXTERNAL INSPECTION, INTERNAL] inspection certificate, shop inspec-
21 tion, and hydrostatic tests. Fees [, AND FEES] may vary depending
22 upon the rated power, heating surface area, or cross sectional area of
23 boilers and unfired pressure vessels.

24 * Sec. 43. AS 18.60.360 is amended by adding new subsections to read:

25 (d) The owner or user of a boiler or unfired pressure vessel
26 that is inspected by a special inspector employed by an insurance
27 company or the owner of the boiler or unfired pressure vessel is not
28 subject to the inspection fees adopted under (a) of this section.

29 (e) The owner or user of a boiler or unfired pressure vessel

1 that is inspected by a special inspector employed by a municipality is
2 subject to the inspection fees established by the municipality.

3 * Sec. 44. AS 18.60.390 is amended to read:

4 Sec. 18.60.390. INSPECTION CERTIFICATE REQUIRED. A person may
5 not operate a boiler or unfired pressure vessel under pressure without
6 a valid inspection certificate as provided for in AS 18.60.180 -
7 18.60.395 [AS 18.60.180 - 18.60.390]. The operation of a boiler or
8 unfired pressure vessel without an inspection certificate, or at a
9 pressure exceeding that specified in the inspection certificate,
10 subjects [IS A MISDEMEANOR AND] the owner, user, or operator to lia-
11 bility for a civil fine under AS 18.60.930 [IS PUNISHABLE BY A FINE OF
12 NOT MORE THAN \$1,000 OR BY IMPRISONMENT FOR NOT MORE THAN SIX MONTHS,
13 OR BY BOTH. EACH DAY OF UNLAWFUL OPERATION IS A SEPARATE OFFENSE].

14 * Sec. 45. AS 18.60.395(b) is amended to read:

15 (b) Operators' licenses shall be provided in the following
16 categories of operators of steam boilers:

17 (1) fireman - apprentice,

18 (2) third class - boiler capacity not to exceed 3,500
19 pounds of steam an hour or 3,500,000 British thermal units per hour
20 for high temperature or high pressure water boilers,

21 (3) second class - boiler capacity not to exceed 100,000
22 pounds of steam an hour or 100,000,000 British thermal units per hour
23 for high temperature or high pressure water boilers,

24 (4) first class - unlimited.

25 * Sec. 46. AS 18.60.580 is repealed and reenacted to read:

26 Sec. 18.60.580. MINIMUM ELECTRICAL STANDARDS. The department
27 shall adopt regulations for the minimum electrical standards for the
28 state. The regulations shall follow the national standards, formulas,
29 and practices established for electrical construction and safety. The

1 department may adopt the National Electric Code (ANSI/NFPA 70) and the
2 National Electrical Safety Code (ANSI C2), as approved by the American
3 National Standards Institute. The department shall adopt minimum
4 electrical standards by the end of the calendar year following the
5 year that first printing of the latest edition of the codes is pub-
6 lished by the American National Standards Institute.

7 * Sec. 47. AS 18.60.705 is repealed and reenacted to read:

8 Sec. 18.60.705. PLUMBING CODE. (a) Until superseded or re-
9 placed as authorized by this section, the published codifications
10 known as (1) the Uniform Plumbing Code, including chapters 1 through
11 13, appendices, tables, and installation standards, but excluding Part
12 I Administration, (2) the Uniform Solar Energy Code, and (3) the
13 Uniform Swimming Pool, Spa and Hot Tub Code, as approved and issued by
14 the International Association of Mechanical and Plumbing Officials,
15 are adopted as the minimum plumbing code of the state. The department
16 may adopt the amendments and interpretations of the codes that are
17 made and published by the International Association of Plumbing and
18 Mechanical Officials.

19 (b) The department shall adopt regulations defining a minimum
20 plumbing code. The department may adopt revisions, amendments, and
21 interpretations to the Uniform Plumbing Code, the Uniform Solar Energy
22 Code, and the Uniform Swimming Pool, Spa and Hot Tub Code adopted in
23 (a) of this section and subsequent editions of these codes. The
24 department may also adopt revisions, amendments, or interpretations to
25 these codes for the maximum practical implementation of these codes in
26 the state.

27 (c) Regulations adopted under this section shall follow gen-
28 erally accepted nationwide plumbing standards and practices.

29 * Sec. 48. AS 18.60.715(a) is amended to read:

1 (e) The department shall maintain a record of all plumbing
2 inspections performed by it [AND OF ALL INSPECTION FEES AND PERMIT
3 FEES COLLECTED BY IT].

4 * Sec. 49. AS 18.60.735 is amended to read:

5 Sec. 18.60.735. BOROUGH OR CITY REGULATION. AS 18.60.705 -
6 18.60.740 do not affect the authority of a [ANY] municipality to
7 prescribe by ordinance, rule, or order, standards for their respective
8 areas of jurisdiction no less stringent than those established under
9 AS 18.60.705. An [THIS CHAPTER IS NOT INTENDED TO DUPLICATE OR PRE-
10 EMPT CODE ADMINISTRATION OR ENFORCEMENT BY MUNICIPALITIES. ANY]
11 organized municipality or unorganized village having less than 2,500
12 population is exempt from the provisions of AS 18.60.705 - 18.60.740.

13 * Sec. 50. AS 18.60.740(1) is amended to read:

14 (1) "code" means the plumbing code adopted under AS 18.60.-
15 705 [UNIFORM PLUMBING CODE, 1979 EDITION, ADOPTED AT THE 49TH ANNUAL
16 CONFERENCE, SEPTEMBER 1978, INTERNATIONAL ASSOCIATION OF PLUMBING AND
17 MECHANICAL OFFICIALS];

18 * Sec. 51. AS 18.60.800(a) is repealed and reenacted to read:

19 (a) The Department of Labor shall adopt regulations for minimum
20 elevator standards in the state. The regulations shall follow the
21 national engineering standards, formulas, and practices established
22 for elevator construction and safety. The department may adopt the
23 American National Standards Institute Safety Code for Elevators and
24 Escalators (A17.1). The department shall adopt the code by the end of
25 the calendar year following the year of the first printing of the
26 latest edition published by the American National Standards Institute.
27 Section 111.12, Restricted Opening of Hoistway Doors and/or Car Doors
28 on Passenger Elevators, and section 1001.1, Inspection and Test Peri-
29 ods of the American National Standards Institute Safety Code for

1 Elevators and Escalators, are not adopted as a part of the minimum
2 elevator safety code in the state.

3 * Sec. 52. AS 18.60.800(c) is amended to read:

4 (c) Inspections of elevators by the department shall [MUST] be
5 performed in accordance with the procedures set out in the National
6 Safety Practice for the Inspection of Elevators and Escalators
7 (Inspector's Manual - ANSI/ASME A17.2) [AS APPROVED IN 1982].

8 * Sec. 53. AS 18.60.800(d) is amended to read:

9 (d) A municipality may adopt the standards established in this
10 section or prescribe standards more stringent than those established
11 in this section. The municipality shall enforce the standards that it
12 adopts. If elevators within the municipality do not meet standards
13 established in this section due to inadequate enforcement of the
14 standards, the department may assume enforcement.

15 * Sec. 54. AS 18.60 is amended by adding new sections to read:

16 ARTICLE 14. FIRE AND LIFE SAFETY CRITERIA.

17 Sec. 18.60.860. ADOPTION OF CODES. The department shall by
18 regulation adopt the Uniform Building Code, the Uniform Mechanical
19 Code, and the Uniform Fire Code, published by the International Con-
20 ference of Building Officials, as the minimum fire and life safety
21 criteria for the state. The department shall adopt each code, as
22 modified to meet the conditions in the state, by the end of the calen-
23 dar year following the first printing of each edition of the codes.

24 Sec. 18.60.870. VIOLATION OF FIRE AND LIFE SAFETY CRITERIA. (a)
25 A person who violates a code adopted under AS 18.60.860 is guilty of a
26 misdemeanor, and is punishable by a fine of not more than \$500, or by
27 imprisonment for not more than six months, or by both. The imposition
28 of a penalty for a violation does not excuse the violation and a
29 person guilty of a violation shall correct the violation within a

1 reasonable time.

2 (b) The application of the penalty prescribed in (a) of this
3 section does not prevent the Department of Labor from enforcing the
4 removal of the prohibited conditions that constitute a fire or life
5 safety hazard.

6 ARTICLE 15. INSPECTIONS AND ENFORCEMENT.

7 Sec. 18.60.900. INSPECTION AND ENFORCEMENT OF COMPLIANCE. (a)

8 An employee of the Department of Labor may enter premises subject to
9 inspection by the department during reasonable hours for the purposes
10 of conducting an inspection to determine compliance with building,
11 construction, and safety codes enforced by the department under this
12 chapter and AS 18.70.

13 (b) The department shall give written notice to the owner of a
14 premises subject to inspection by the department of each violation of
15 a statute, regulation, or code discovered during an inspection. The
16 notice of violation must describe the violation, cite the statute,
17 regulation, or code violated, and describe the changes necessary to
18 bring the premises into compliance.

19 (c) The commissioner of labor shall refer to the matter of the
20 violation of the statute, regulation, or code to the attorney general
21 for prosecution unless the owner of the premises corrects the vio-
22 lation within 15 days after receipt of the written notice of violation
23 or appeals the notice of violation to the Building Regulations Board
24 within 15 days after receiving the written notice of violation. If
25 the Building Regulations Board affirms the department's determination
26 that a violation exists, the commissioner shall refer the matter to
27 the attorney general for prosecution.

28 (d) The commissioner of labor may order reinspection of a prem-
29 ises, if after receiving a complaint of arbitrary actions or

1 incompetence on the part of an inspector, the commissioner finds that
2 a reinspection is warranted.

3 (e) The department may order the immediate abatement of an
4 imminent danger to health or safety due to a violation of building,
5 construction, and safety codes adopted by the department under this
6 chapter.

7 Sec. 18.60.910. FEES. The commissioner of labor may establish
8 by regulation reasonable fees for fire and life safety plan checks
9 made to determine compliance with building, construction, and safety
10 codes adopted under this chapter.

11 Sec. 18.60.920. CODE ADOPTION AND ENFORCEMENT BY MUNICIPALITIES.

12 (a) Building, construction, and safety codes adopted by the depart-
13 ment under this chapter are not intended to duplicate or preempt
14 administration or enforcement of building, construction, and safety
15 codes by municipalities.

16 (b) A home rule or general law municipality may prescribe by
17 ordinance, rule, or order, standards that are not less stringent than
18 those established by the department under authority of this chapter.

19 Sec. 18.60.930. CIVIL PENALTY. The commissioner of labor or the
20 commissioner's designee may assess a civil penalty not to exceed
21 \$1,000 for each violation of AS 05.20.010 - 05.20.120, AS 18.60.180 -
22 18.60.395, 18.60.580 - 18.60.660, 18.60.705 - 18.60.740, 18.60.800 -
23 18.60.820, 18.60.850, 18.60.860 or a regulation adopted under these
24 sections that is not corrected within 15 days after receiving the
25 written notice of violation. The attorney general may bring an action
26 in a court of appropriate jurisdiction to enforce the civil penalty
27 assessed under this section, if the person does not appeal the civil
28 penalty to the Building Regulations Board within 15 days after receiv-
29 ing written notice of the civil penalty or if the civil penalty is

1 affirmed by the board.

2 ARTICLE 16. BUILDING REGULATIONS BOARD.

3 Sec. 18.60.935. BUILDING REGULATIONS BOARD. (a) There is
4 created the Building Regulations Board in the Department of Labor.

5 (b) The board consists of nine persons appointed by the governor
6 for a term of four years. The persons appointed to the board shall
7 have experience and training in matters related to building construc-
8 tion and building service equipment. Members of the board serve
9 without compensation but are entitled to travel expenses and per diem
10 established for boards under AS 39.20.180.

11 (c) The commissioner of labor is an ex officio member of the
12 board. The commissioner is not a voting member of the board. The
13 commissioner shall serve as secretary to the board.

14 (d) The board shall

15 (1) provide interpretations of building, construction, and
16 safety codes enforced by the department;

17 (2) recommend modifications of codes enforced by the de-
18 partment;

19 (3) serve as a board of appeal under AS 18.60.940;

20 (4) adopt regulations under AS 44.62 governing the conduct
21 of the board and procedures for appeals to the board.

22 Sec. 18.60.940. APPEALS. (a) A person aggrieved by an order or
23 act of the Department of Labor under this chapter or AS 18.70 may
24 appeal to the Building Regulations Board within 15 days after receiv-
25 ing the order or after the act occurs. The board shall hold a hearing
26 within 30 days of the appeal and shall give at least 10 days' notice
27 of the hearing to all interested parties. Within 30 days after the
28 hearing, the board shall issue a decision approving or disapproving
29 the order or act appealed under this section.

1 (b) A person aggrieved by a decision of the board under (a) of
2 this section may file a petition for review in the superior court.
3 The petition for review must be filed within 30 days after the person
4 receives the decision of the board.

5 * Sec. 55. AS 18.70.010 is amended to read:

6 Sec. 18.70.010. GENERAL FUNCTION OF DEPARTMENT OF LABOR [PUBLIC
7 SAFETY] WITH RESPECT TO FIRE PROTECTION. The Department of Labor
8 [PUBLIC SAFETY] shall foster, promote, regulate, and develop ways and
9 means of protecting life and property against fire, explosion, and
10 panic.

11 * Sec. 56. AS 18.70.020 is amended to read:

12 Sec. 18.70.020. DUTIES OF DEPARTMENT OF LABOR [PUBLIC SAFETY].
13 The Department of Labor [PUBLIC SAFETY] shall

14 (1) aid in the enforcement of all laws and ordinances and
15 the regulations adopted under AS 18.70.010 - 18.70.100 and all other
16 laws relating to fires or to fire prevention and protection;

17 (2) encourage the adoption of fire prevention measures by
18 means of education;

19 (3) prepare or have prepared for dissemination information
20 relating to the subject of fire prevention and extinguishment; and

21 (4) administer the state fire-service training program,
22 including the administration of grants for fire-service training.

23 * Sec. 57. AS 18.70.030 is amended to read:

24 Sec. 18.70.030. INVESTIGATION OF FIRES RESULTING FROM CRIME. If
25 there is reason to believe that a fire has resulted from crime or that
26 crime has been committed in connection with a fire, the department
27 [DEPARTMENT OF PUBLIC SAFETY] shall report that fact in writing to the
28 district attorney of the judicial district in which the fire occurred.

29 If the fire occurred in an incorporated city with a regularly

1 organized fire department, the investigation and report shall be made
2 in conjunction with the fire official of that area.

3 * Sec. 58. AS 18.70.040 is amended to read:

4 Sec. 18.70.040. COOPERATION WITH FIRE INSURANCE COMPANIES. The
5 department [DEPARTMENT OF PUBLIC SAFETY] may assist, receive assis-
6 tance from, and otherwise cooperate with an investigator or agent
7 employed by a fire insurance company licensed to do business in the
8 state, or with an investigator or agent employed by an association of
9 insurance companies licensed to do business in the state.

10 * Sec. 59. AS 18.70.050 is amended to read:

11 Sec. 18.70.050. POWER OF DEPARTMENT TO INSPECT BUILDINGS. The
12 department [DEPARTMENT OF PUBLIC SAFETY] may enter any building sub-
13 ject to regulation under AS 18.70.080 during reasonable hours for the
14 sole purpose of inspecting the property or abating a fire hazard.

15 * Sec. 60. AS 18.70.060 is amended to read:

16 Sec. 18.70.060. REMOVAL OF PROPERTY FROM FIRE. During a fire
17 and in the absence of the owner or claimant, the department [DEPART-
18 MENT OF PUBLIC SAFETY] may protect personal property affected by
19 removing it. If the owner or claimant does not take charge of the
20 property within 24 hours the department [DEPARTMENT OF PUBLIC SAFETY]
21 may store it at the owner's or claimant's expense.

22 * Sec. 61. AS 18.70.070 is amended to read:

23 Sec. 18.70.070. ABATEMENT OF FIRE HAZARDS. The department
24 [DEPARTMENT OF PUBLIC SAFETY] may require the owner of a commercial
25 business or public property to abate a fire hazard that exists in
26 violation of law or regulations, and the department [DEPARTMENT OF
27 PUBLIC SAFETY] may take appropriate action to assure abatement.

28 * Sec. 62. AS 18.70.080 is amended to read:

29 Sec. 18.70.080. REGULATIONS. (a) The department [DEPARTMENT OF

1 PUBLIC SAFETY] shall adopt regulations for the purpose of protecting
2 life and property from fire and explosion by establishing minimum
3 standards for

4 (1) fire detection and suppression equipment;

5 (2) [FIRE AND LIFE SAFETY CRITERIA IN COMMERCIAL, INDUS-
6 TRIAL, BUSINESS, INSTITUTIONAL OR OTHER PUBLIC BUILDINGS, AND BUILD-
7 INGS USED FOR RESIDENTIAL PURPOSES CONTAINING FOUR OR MORE DWELLING
8 UNITS;

9 (3)] any activity in which combustible or explosive mate-
10 rials are stored or handled in commercial quantities;

11 (3) [(4)] conditions or activities carried on outside a
12 building subject to AS 18.60.860 [DESCRIBED IN (2) OR (3) OF THIS
13 SECTION] likely to cause injury to persons or property.

14 * Sec. 63. AS 18.70.081 is amended to read:

15 Sec. 18.70.081. APPROVAL OF FIRE PROTECTION SYSTEMS. Before
16 October 30 of each year the department [DEPARTMENT OF PUBLIC SAFETY]
17 shall prepare and make available a list of approved fire protection
18 systems to the Department of Community and Regional Affairs, the
19 Department of Commerce and Economic Development, and the public.

20 * Sec. 64. AS 18.70.090 is amended to read:

21 Sec. 18.70.090. ENFORCEMENT OF REGULATIONS. The department
22 [DEPARTMENT OF PUBLIC SAFETY] and the chief of each city fire depart-
23 ment and their authorized representatives in their respective areas
24 may enforce the regulations adopted by the department [DEPARTMENT OF
25 PUBLIC SAFETY] for the prevention of fire or for the protection of
26 life and property against fire or panic. All state peace officers may
27 assist the department [DEPARTMENT OF PUBLIC SAFETY] in the enforcement
28 of AS 18.60.860 and AS 18.70.010 - 18.70.100 and the regulations
29 adopted under them [IT]. The authority conferred in AS 18.70.010 -

1 18.70.100 extends to the enforcement of the provisions of AS 11.46.-
2 400 - 11.46.430.

3 * Sec. 65. AS 18.70.100 is amended to read:

4 Sec. 18.70.100. VIOLATION. (a) A person who violates any
5 provision of AS 18.70.010 - 18.70.100 or the published regulations or
6 orders adopted under it from which no appeal has been taken within 30
7 days after the issuance of a final order is [, SEVERALLY, FOR EACH
8 VIOLATION,] guilty of a misdemeanor, and is punishable by a fine of
9 not more than \$500, or by imprisonment for not more than six months,
10 or by both. [A PERSON AGGRIEVED BY A FINAL ORDER OF THE DEPARTMENT OF
11 PUBLIC SAFETY MAY APPEAL TO THE SUPERIOR COURT WITHIN 30 DAYS AFTER
12 THE ISSUANCE OF THE ORDER.] The imposition of one penalty for a
13 violation does not excuse the violation and a person guilty of a
14 violation shall correct the violation within a reasonable time. [WHEN
15 NOT OTHERWISE SPECIFIED, EACH 10 DAYS THAT A PROHIBITED CONDITION IS
16 MAINTAINED IS A SEPARATE OFFENSE.]

17 (b) The application of the penalty prescribed in (a) of this
18 section does not prevent the department [DEPARTMENT OF PUBLIC SAFETY]
19 from enforcing the removal of the prohibited conditions that consti-
20 tute a fire or life safety hazard.

21 * Sec. 66. AS 18.70 is amended by adding new sections to read:

22 ARTICLE 2A. ALASKA STATE FIRE COMMISSION.

23 Sec. 18.70.200. FIRE COMMISSION. The Alaska State Fire
24 Commission is established in the Department of Labor.

25 Sec. 18.70.210. MEMBERSHIP. (a) The governor shall appoint the
26 members of the commission without regard to political affiliation to
27 serve for terms of four years. Members must have an understanding of
28 basic fire protection principles. A member may serve no more than two
29 consecutive full terms. Membership must include a

- 1 (1) member of the Alaska Fire Chief's Association;
- 2 (2) member of the Alaska State Firefighters Association;
- 3 (3) member of the Alaska Municipal League;
- 4 (4) representative of the field of education;
- 5 (5) representative of the Alaska Federation of Natives;
- 6 (6) representative of the insurance industry;
- 7 (7) representative of the construction industry;
- 8 (8) representative of the oil industry; and
- 9 (9) representative of the transportation industry.

10 (b) The attorney general and the commissioners of public safety,
11 labor, community and regional affairs, and natural resources or their
12 designated representatives are nonvoting members of the commission.

13 (c) A vacancy on the commission shall be filled from the
14 appropriate source. The appointee shall serve for the unexpired
15 portion of the term.

16 (d) Members serve without compensation but are entitled to
17 travel and per diem authorized for members of boards and commissions
18 under AS 39.20.180.

19 Sec. 18.70.220. PROCEDURES; STAFF. (a) A quorum consists of
20 five members and must include either the chair or the vice-chair of
21 the commission.

22 (b) The membership shall elect a chair and a vice-chair to serve
23 for terms of one year. The chair may appoint standing and special
24 committees and subcommittees.

25 (c) The chair, the governor, or three members of the commission
26 may call a special meeting.

27 (d) The commission may hire staff as necessary. Employees of
28 the commission are in the partially exempt service under AS 39.25.120.

29 Sec. 18.70.230. POWERS AND DUTIES. (a) The commission shall

1 (1) develop and adopt a state master plan for fire
2 prevention, control, education, and training, and provide direction
3 and coordination for state fire-related programs;

4 (2) establish policy and operational guidelines for state
5 agencies with fire protection responsibilities and make
6 recommendations to private industry, local governments, and federal
7 agencies having fire protection programs;

8 (3) adopt procedural regulations reasonably necessary to
9 carry out the duties imposed by AS 18.70.200 - 18.70.230;

10 (4) make recommendations for local, federal, and private
11 fire-related programs; and

12 (5) report on commission activities when requested by the
13 governor or the legislature.

14 (b) The commission may

15 (1) conduct research, hold public hearings, and study
16 related issues in order to make recommendations for the improvement of
17 fire prevention and control in the state;

18 (2) accept unrestricted gifts, bequests, devises, grants,
19 matching funds, and other consideration for use in promoting the
20 commission's work.

21 * Sec. 67. AS 18.70.310(a) is amended to read:

22 (a) A business or government agency that handles hazardous
23 materials or hazardous wastes shall post placards, provided by the
24 Department of Labor [PUBLIC SAFETY], division of fire prevention, in
25 accordance with regulations adopted by the department under this
26 section.

27 * Sec. 68. AS 18.70.310(b) is amended to read:

28 (b) The Department of Labor [PUBLIC SAFETY], division of fire
29 prevention, shall adopt the United States Department of Transportation

1 warning placards for hazardous materials and hazardous wastes. A
2 municipality that establishes a program for the reporting of hazardous
3 materials and hazardous wastes may, with the approval of the Depart-
4 ment of Labor [PUBLIC SAFETY], division of fire prevention, adopt and
5 use an alternative design for warning placards.

6 * Sec. 69. AS 18.70.310(c) is amended to read:

7 (c) The department [DEPARTMENT OF PUBLIC SAFETY] shall adopt
8 regulations for the posting of placards that will give adequate warn-
9 ing to the public and to emergency response personnel of the type of
10 hazardous materials and hazardous wastes.

11 * Sec. 70. AS 18.70.310(d) is amended to read:

12 (d) The department [DEPARTMENT OF PUBLIC SAFETY] shall establish
13 a fee schedule to fully compensate for the costs of enforcement of,
14 and placards provided under, this section. Fees collected under this
15 subsection shall be deposited in the general fund. The commissioner
16 of administration shall account separately for fees collected and
17 deposited under this subsection. The annual estimated balance in the
18 account may be appropriated by the legislature to the department
19 [DEPARTMENT OF PUBLIC SAFETY] to carry out the purposes of this sec-
20 tion.

21 * Sec. 71. AS 18.70 is amended by adding a new section to read:

22 Sec. 18.70.990. DEFINITIONS. In this chapter

23 (1) "building" means a structure, installation, facility,
24 or edifice erected or in the process of being erected and that is used
25 or intended for use as a commercial, industrial, business, institu-
26 tional, other public building, or residential building containing four
27 or more dwelling units;

28 (2) "department" means the Department of Labor.

29 * Sec. 72. AS 18.72.050(2) is amended to read:

1 (2) "fire safety code" means the fire safety code of the
2 state adopted and administered by the division of fire prevention of
3 the Department of Labor [PUBLIC SAFETY];

4 * Sec. 73. AS 29.10.200 is amended by adding a new paragraph to read:

5 (49) AS 29.35.085 (building and safety code enforcement)

6 * Sec. 74. AS 29.35 is amended by adding a new section to read:

7 Sec. 29.35.085. MUNICIPAL BUILDING AND SAFETY CODES. If a
8 municipality adopts standards for building and safety, the standards
9 may not be less stringent than the building and safety codes adopted
10 by the Department of Labor.

11 * Sec. 75. AS 29.35.500(a) is amended to read:

12 (a) If a municipality establishes a program for the reporting of
13 hazardous materials and hazardous wastes, then the municipality shall
14 require a business or a government agency that handles hazardous
15 materials or hazardous wastes to submit to a designated person or
16 office of the municipality, on a form provided by the Department of
17 Labor [PUBLIC SAFETY], division of fire prevention, an inventory of
18 the hazardous materials and hazardous wastes the business or govern-
19 ment agency handles.

20 * Sec. 76. AS 29.35.530(a) is amended to read:

21 (a) The Department of Labor [PUBLIC SAFETY], division of fire
22 prevention, at the request of a business or government agency required
23 to submit an inventory under AS 29.35.500 or of a municipality, shall
24 provide

25 (1) a descriptive summary of the hazardous materials and
26 hazardous wastes that are required to be included in an inventory; and

27 (2) inventory forms.

28 * Sec. 77. AS 29.35.530(c) is amended to read:

29 (c) The division of fire prevention, the Department of

1 Environmental Conservation, or the Department of Health and Social
2 Services [, OR THE DEPARTMENT OF LABOR] may

3 (1) request copies of inventories submitted under AS 29.-
4 35.500; and

5 (2) provide educational materials related to hazardous
6 materials and hazardous wastes.

7 * Sec. 78. AS 29.35.590 is amended by adding a new paragraph to read:

8 (8) "department" means the Department of Labor.

9 * Sec. 79. AS 44.31.020 is amended to read:

10 Sec. 44.31.020. DUTIES OF DEPARTMENT. The Department of Labor
11 shall:

12 (1) enforce the laws, and adopt regulations under them
13 concerning employer-employee relationships, including the safety,
14 hours of work, wages, and conditions of workers, including children;

15 (2) accumulate, analyze, and report labor statistics;

16 (3) operate systems of workers' compensation and unemploy-
17 ment insurance; [AND]

18 (4) gather data reflecting the cost of living in the vari-
19 ous election districts of the state upon request of the director of
20 personnel under AS 39.27.030 - 39.27.040;

21 (5) enforce building, construction, and safety codes;

22 (6) plan, study, implement, and assist programs for energy
23 conservation, including weatherization;

24 (7) adopt energy performance standards for public facil-
25 ities of the state; the standards shall be based on thermal and light-
26 ing energy standards established by the American Society of Heating,
27 Refrigeration, and Air Conditioning Engineers as adopted for applica-
28 tion in high latitude, cold climate environs;

29 (8) provide planning assistance, including energy audits

1 and related technical services, to school districts and regional
2 educational attendance areas to develop and implement

3 (A) standards for the design, construction, and opera-
4 tion of rural educational facilities; and

5 (B) energy conservation measures for rural educational
6 facilities; and

7 (9) publish plans, schedules, directories, guides, and
8 manuals for distribution, with or without charge, to private or public
9 entitias or persons.

10 * Sec. 80. AS 44.62.330(a) is amended by adding a new paragraph to
11 read:

12 (55) Building Regulations Board (AS 18.60.935).

13 * Sec. 81. AS 46.11.010 is amended to read:

14 Sec. 46.11.010. THERMAL AND LIGHTING ENERGY STANDARDS FOR PUBLIC
15 BUILDINGS. (a) All public facilities of the state [, THE CONSTRUC-
16 TION OF WHICH BEGINS AFTER JULY 1, 1980,] shall be designed to comply
17 with the thermal and lighting energy standards adopted by the Depart-
18 ment of Labor [TRANSPORTATION AND PUBLIC FACILITIES] under AS 44.31.-
19 020 [AS 44.42.020(a)(14)].

20 (b) By June 30, 1988, all public facilities of the state exist-
21 ing on July 1, 1980, shall be modified, to the extent economically
22 feasible, to comply with the thermal and lighting energy standards
23 adopted by the Department of Labor [TRANSPORTATION AND PUBLIC FACIL-
24 ITIES] under AS 44.31.020 [AS 44.42.020(a)(14)].

25 * Sec. 82. AS 46.11.040 is amended to read:

26 Sec. 46.11.040. APPLICABILITY OF THERMAL AND LIGHTING ENERGY
27 STANDARDS TO PRIVATE BUILDINGS. State financial assistance may not be
28 approved or granted for the construction of a new residential or
29 commercial building if construction of the building begins after

1 December 31, 1980, unless

2 (1) the building is in compliance with thermal and lighting
3 energy standards;

4 (2) the building is in compliance with the building code of
5 a municipality and the municipal building code meets or exceeds the
6 thermal and lighting energy standards;

7 (3) the building

8 (A) is constructed under an exception to the municipal
9 building code granted because the exception will result in in-
10 creased energy efficiency; or

11 (B) is located or is to be located in an area where
12 thermal and lighting energy standards are not justified because
13 of the high cost of implementation of the standards, as deter-
14 mined under regulations adopted by the commissioner of labor
15 [COMMUNITY AND REGIONAL AFFAIRS]; or

16 (4) the applicant agrees, in writing, that the building
17 will be brought into compliance with thermal and lighting energy
18 standards within one year of conveyance.

19 * Sec. 83. AS 46.11 is amended by adding a new section to read:

20 Sec. 46.11.070. CONSERVATION OF ENERGY IN PUBLIC BUILDINGS. (a)

21 The department shall at least once every seven years, perform an
22 energy audit of each public building. A report of the results of the
23 energy audits performed during the preceding year shall be submitted
24 to the legislature not later than February 1 of each year.

25 (b) The department shall include in the report required in (a)
26 of this section recommendations for corrective measures to improve the
27 energy efficiency and to minimize the life-cycle cost of the public
28 buildings surveyed. These measures may include (1) energy
29 conservation measures, (2) measures involving solar technology and

1 other alternative energy systems, (3) energy management, and (4)
2 maintenance and operating procedures and energy-related modifications.
3 In recommending the corrective measures, the department shall give
4 priority to changes in maintenance and operating procedures over
5 measures requiring substantial structural modification or installation
6 of equipment.

7 (c) In this section, "energy audit" means a determination of

8 (1) the energy consumption characteristics of a building,
9 including the size, type, and rate of energy consumption of major
10 energy-consuming systems of the building and the climate
11 characterizing the region where the building is located; and

12 (2) a determination of the energy conservation and cost
13 savings likely to result from appropriate energy-conserving
14 maintenance and operating procedures and modifications, including the
15 purchase and installation of energy-related fixtures.

16 * Sec. 84. AS 46.11.900(2) is amended to read:

17 (2) "department" means the Department of Labor [COMMERCE
18 AND ECONOMIC DEVELOPMENT];

19 * Sec. 85. AS 46.11.900(9) is amended to read:

20 (9) "thermal and lighting energy standards" means the
21 thermal and lighting energy standards established by the American
22 Society of Heating, Refrigeration, and Air Conditioning Engineers as
23 revised

24 [(A)] by the commissioner of labor [TRANSPORTATION AND
25 PUBLIC FACILITIES UNDER AS 44.42.020(a)] for public facilities
26 and [; OR

27 (B) BY THE COMMISSIONER OF COMMUNITY AND REGIONAL
28 AFFAIRS] for buildings and structures that are not public facil-
29 ities.

1 * Sec. 86. AS 18.60.280, 18.60.330, 18.60.370, 18.60.440, 18.60.590,
2 18.60.630, 18.60.650, 18.60.720, 18.60.725, 18.60.730; AS 18.70.080(b),
3 18.70.300; AS 44.41.100, 44.41.110, 44.41.120, 44.41.130; AS 44.42.-
4 020(a)(14), 44.42.020(e)(15), 44.42.065; and AS 44.47.050(18) are repealed.

5 * Sec. 87. Notwithstanding the transfer of the Alaska State Fire Com-
6 mission from the Department of Public Safety to the Department of Labor as
7 provided for under secs. 66 and 86 of this Act, a person who is serving as
8 a member of the commission on June 30, 1988, shall continue to serve the
9 remainder of the term to which the person was appointed.

10 * Sec. 88. SAVINGS CLAUSE. Litigation, hearings, investigations, and
11 other proceedings under a law amended or repealed by this Act, or in con-
12 nection with functions transferred by this Act, continue in effect and may
13 be continued and completed notwithstanding a transfer or amendment or
14 repeal provided for by this Act. Regulations adopted under authority of a
15 law amended or repealed by this Act remain in effect for the term adopted
16 or until repealed or otherwise amended under provisions of this Act.

17 * Sec. 89. This Act takes effect July 1, 1988.