

Original sponsor: Faiks

1 IN THE SENATE
2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 300 (L&C)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act relating to building, construction, and
7 safety codes; relating to certificates of fitness;
8 and providing for an effective date."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. AS 18 is amended by adding a new chapter to read:
11 CHAPTER 61. BUILDING, CONSTRUCTION, AND SAFETY CODES.
12 Sec. 18.61.010. ADOPTION OF BUILDING, CONSTRUCTION, AND SAFETY
13 CODES. (a) The Department of Labor shall adopt by regulation the
14 following codes as the minimum building, construction, and safety
15 criteria for the state:
16 (1) Uniform Administrative Code, published by the Interna-
17 tional Conference of Building Officials;
18 (2) Uniform Mechanical Code, published by the International
19 Conference of Building Officials and the International Association of
20 Plumbing and Mechanical Officials;
21 (3) Uniform Solar Energy Code, published by the Interna-
22 tional Association of Plumbing and Mechanical Officials;
23 (4) Uniform Swimming Pool, Spa and Hot Tub Code, published
24 by the International Association of Plumbing and Mechanical Officials;
25 (5) Uniform Sign Code, published by the International
26 Conference of Building Officials;
27 (6) Uniform Code for the Abatement of Dangerous Buildings,
28 published by the International Conference of Building Officials;
29 (7) National Electrical Code (ANSI/NFPA 70), published by

1 the National Fire Protection Association;

2 (8) National Electrical Safety Code (ANSI C2), adopted by
3 the American National Standards Institute;

4 (9) Safety Code for Elevators and Escalators (ANSI/ASME
5 A17.1), published by the American Society of Mechanical Engineers;

6 (10) Boiler Construction Code, published by the American
7 Society of Mechanical Engineers;

8 (11) Safety Code for Aerial Passenger Tramways, B77.1;

9 (12) other building, construction, and safety codes or
10 standards that the department finds necessary to protect the public
11 health, safety, and welfare; however, the department may not adopt the
12 Uniform Plumbing Code.

13 (b) The department shall revise each code adopted under (a) of
14 this section to conform with the latest edition of the code by the end
15 of the calendar year following the calendar year in which the latest
16 edition of the code is published.

17 (c) The department may amend, supplement, or delete provisions
18 of a code listed in (a) of this section, as necessary to make the code
19 applicable to environmental and economic conditions existing in a
20 region of the state.

21 (d) A regulation adopted under this section applies only to a
22 building, structure, installation, facility, or edifice erected or in
23 the process of being erected and that is used or intended for use as

24 (1) a commercial, industrial, business, or institutional or
25 other public building; or

26 (2) a residential building containing three or more dwell-
27 ing units.

28 (e) A regulation adopted under this section may not take effect
29 before the 60th legislative day after the department submits the

1 regulation to the legislature for its review.

2 Sec. 18.61.020. CERTIFICATES OF COMPETENCY FOR CODE ENFORCEMENT
3 PERSONNEL. The administrative official shall require that an employee
4 of the department authorized to enforce a code adopted under AS 18.-
5 61.010 hold an appropriate certificate of competency and maintain
6 competency through continuing education.

7 Sec. 18.61.030. BUILDING REGULATIONS BOARD. (a) There is
8 created the Building Regulations Board in the department.

9 (b) The board consists of 11 persons who are appointed by the
10 governor and who serve at the pleasure of the governor. The members
11 of the board shall be

12 (1) an architect experienced in the design of commercial
13 and industrial structures;

14 (2) an architect experienced in the design of residential
15 structures;

16 (3) a mechanical engineer;

17 (4) an electrical engineer;

18 (5) a civil engineer experienced in structural design;

19 (6) a general contractor experienced in the construction of
20 commercial and industrial structures;

21 (7) a general contractor experienced in the construction of
22 residential structures;

23 (8) a mechanical contractor;

24 (9) an electrical administrator;

25 (10) a fire protection consultant; and

26 (11) a person who is a member of a labor union.

27 (c) Members of the board serve a term of three years. A member
28 of the board serves until a successor is appointed. An appointment to
29 fill a vacancy on the board is for the remainder of the unexpired

1 term. Members of the board serve without compensation but are enti-
2 tled to per diem and travel expenses authorized by law for boards
3 under AS 39.20.180.

4 (d) The board shall

5 (1) recommend modifications to building, construction, and
6 safety codes adopted by the department under AS 18.61.010;

7 (2) serve as a hearing board under AS 18.61.040;

8 (3) adopt regulations under the Administrative Procedure
9 Act (AS 44.62) governing

10 (A) the procedures of the board; and

11 (B) the conduct of hearings before the board and
12 hearing committees.

13 (e) A majority of the board members constitutes a quorum for the
14 conduct of business. A quorum being present, a majority of the total
15 membership of the board is required to take official action.

16 (f) The administrative official is an ex officio, nonvoting
17 member of the board and serves as secretary to the board.

18 Sec. 18.61.040. HEARINGS. (a) A person who is denied a permit
19 or issued a notice of violation under a code adopted under AS 18.61.-
20 010 or the Uniform Plumbing Code under AS 18.60.705 - 18.60.740 may
21 appeal the denial of the permit or notice of violation to the board
22 within 15 calendar days after the denial of the permit or the notice
23 of violation is affirmed by the administrative official. The appeal
24 shall be in writing.

25 (b) The board shall hear the appeal within 35 calendar days
26 after the appeal is received by the board, unless the appellant re-
27 quests a later date. The board shall issue an oral decision on the
28 appeal at the conclusion of the hearing and a written decision within
29 15 calendar days after the conclusion of the hearing.

1 (c) If the board affirms the decision of the administrative
2 official, the appellant shall immediately comply with the decision of
3 the board.

4 Sec. 18.61.050. EXPEDITED HEARING. (a) If time is of the
5 essence, a person who is denied a permit or issued a notice of vio-
6 lation under a code adopted under AS 18.61.010 or the Uniform Plumbing
7 Code under AS 18.60.705 - 18.60.740 may appeal the denial of the
8 permit or notice of violation to the board and request an expedited
9 hearing by a hearing committee within eight calendar days after the
10 denial of the permit or the notice of violation is affirmed by the
11 administrative official. The appeal and request for an expedited
12 hearing shall be in writing.

13 (b) A hearing committee consists of three appointed members of
14 the board, two of whom shall be knowledgeable about the codes that are
15 relevant to the appeal.

16 (c) If the board grants the request for an expedited hearing,
17 the board shall appoint the hearing committee and the hearing commit-
18 tee shall hold the hearing within eight calendar days after the appeal
19 and request for an expedited hearing is received by the board. The
20 hearing committee shall issue an oral decision on the appeal at the
21 conclusion of the hearing and a written decision within eight calendar
22 days after the hearing.

23 (d) If the board denies the request for an expedited hearing,
24 the board shall hear the appeal under AS 18.61.040.

25 Sec. 18.61.060. JUDICIAL REVIEW. The department or a person
26 aggrieved by the decision of the board or a hearing committee may
27 petition for review in the superior court.

28 Sec. 18.61.190. DEFINITIONS. In this chapter

29 (1) "administrative official" means the person designated

1 by the commissioner of labor to enforce the codes;

2 (2) "code" means a building, construction, or safety code
3 or standard adopted under AS 18.61.010;

4 (3) "department" means the Department of Labor.

5 * Sec. 2. AS 18.62.010 is amended to read:

6 Sec. 18.62.010. CERTIFICATE OF FITNESS REQUIRED. In connection
7 with work performed subject to the electrical codes adopted under
8 AS 18.61.010 and plumbing code adopted under [STANDARDS ESTABLISHED IN
9 AS 18.60.580 AND] AS 18.60.705, a person may not be employed without a
10 certificate of fitness to perform the work [, EXCEPT THAT A CERTIFI-
11 CATE OF FITNESS MAY NOT BE REQUIRED OF EMPLOYEES OF AN ELECTRIC UTIL-
12 ITY THAT DOES NOT HAVE WITHIN ITS SERVICE AREA ANY PORTION OF A CITY
13 OR UNIFIED MUNICIPALITY HAVING MORE THAN 2,500 POPULATION].

14 * Sec. 3. AS 18.62.030 is amended to read:

15 Sec. 18.62.030. ACCOUNTING FOR FEES [FEE. WHEN SUBMITTING AN
16 APPLICATION, AN APPLICANT SHALL PAY A FEE OF \$40 FOR A CERTIFICATE
17 VALID FOR ONE YEAR OR \$75 FOR A CERTIFICATE VALID FOR THREE YEARS].
18 The commissioner of administration shall separately account for cer-
19 tificate of fitness fees that the department [DEPARTMENT OF LABOR]
20 deposits in the general fund. The annual estimated balance in the
21 account may be used by the legislature to make appropriations to the
22 department to carry out the purposes of this chapter.

23 * Sec. 4. AS 18.62.070 is repealed and reenacted to read:

24 Sec. 18.62.070. PERSONS REQUIRED TO OBTAIN CERTIFICATE. (a) A
25 person engaged in a trade subject to the electrical codes adopted
26 under AS 18.61.010 shall first obtain a certificate of fitness from
27 the department.

28 (b) A person engaged in a trade subject to the plumbing code
29 under AS 18.60.705 shall first obtain a certificate of fitness from

1 the department.

2 * Sec. 5. AS 18.62 is amended by adding a new section to read:

3 Sec. 18.62.090. DEFINITION. In this chapter "department" means
4 the Department of Labor.

5 * Sec. 6. AS 39.50.200(b) is amended by adding a new paragraph to read:

6 (49) Building Regulations Board (AS 18.61.030).

7 * Sec. 7. AS 44.31.020 is amended by adding a new paragraph to read:

8 (5) adopt and enforce building, construction, and safety
9 codes.

10 * Sec. 8. AS 44.62.330(a) is amended by adding a new paragraph to read:

11 (55) Building Regulations Board (AS 18.61.030).

12 * Sec. 9. Notwithstanding AS 18.62.030, as amended by sec. 4 of this
13 Act, a certificate of fitness issued before the effective date of this
14 section is valid for the term for which the certificate was issued.

15 * Sec. 10. AS 18.60.850 is repealed.

16 * Sec. 11. AS 18.60.180, 18.60.190, 18.60.200, 18.60.210, 18.60.220,
17 18.60.230, 18.60.240, 18.60.250, 18.60.260, 18.60.270, 18.60.280, 18.60.-
18 290, 18.60.300, 18.60.310, 18.60.320, 18.60.330, 18.60.340, 18.60.350,
19 18.60.360, 18.60.370, 18.60.390, and 18.60.395 are repealed.

20 * Sec. 12. AS 18.60.580, 18.60.590, 18.60.600, 18.60.610, 18.60.620,
21 18.60.630, 18.60.640, 18.60.650, 18.60.660, 18.60.670, 18.60.675, 18.60.-
22 680, 18.60.685, 18.60.690, and 18.60.695 are repealed.

23 * Sec. 13. AS 18.60.800 and 18.60.820 are repealed.

24 * Sec. 14. SAVINGS CLAUSE. Litigation, hearings, investigations, and
25 other proceedings under a law amended or repealed by this Act continue in
26 effect and may be continued and completed notwithstanding the amendment or
27 repeal provided for by this Act. Regulations adopted under authority of a
28 law amended or repealed by this Act remain in effect for the term adopted
29 or until repealed or otherwise amended under provisions of this Act.

1 * Sec. 15. EFFECTIVE DATE. (a) Sections 1, 5 - 8, 10, and 14 of this
2 Act take effect July 1, 1988.

3 (b) Section 11 of this Act takes effect on the effective date of
4 regulations adopting the Boiler Construction Code under AS 18.61.010, as
5 enacted by sec. 1 of this Act.

6 (c) Section 12 of this Act takes effect on the effective date of
7 regulations adopting the National Electrical Code and the National Elec-
8 trical Safety Code under AS 18.61.010, as enacted by sec. 1 of this Act.

9 (d) Section 13 of this Act takes effect on the effective date of
10 regulations adopting the Safety Code for Elevators and Escalators under
11 AS 18.61.010, as enacted by sec. 1 of this Act.

12 (e) Sections 2 - 4 and 9 of this Act take effect on the effective
13 date of regulations adopting the Uniform Administrative Code under AS 18.-
14 61.010, as enacted by sec. 1 of this Act or the effective date of sec. 12
15 of this Act, whichever is latest.