

Introduced: 3/10/89
Referred: Community & Regional
Affairs and Labor & Commerce

6-0915A

1 IN THE HOUSE BY CATO, BOUCHER, AND PHILLIPS

2 HOUSE BILL NO. 214

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to thermal and lighting standards
7 applicable to buildings, and to the availability of
8 state financial assistance for construction of build-
9 ings; and providing for an effective date."

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

11 * Section 1. AS 44.42.020(a)(14) is amended to read:

12 (14) adopt, and may revise, energy performance standards for
13 public facilities of the state, the construction of which begins after
14 July 1, 1980; the standards must [SHALL] be based on thermal and
15 lighting energy standards established by the American Society of
16 Heating, Refrigeration and Air Conditioning Engineers as adapted by
17 the society for application in high latitude, cold climate areas
18 [ENVIRONS];

19 * Sec. 2. AS 44.47 is amended by adding a new section to read:

20 ARTICLE 7A. THERMAL AND LIGHTING STANDARDS IN BUILDINGS.

21 Sec. 44.47.355. ADOPTION OF STANDARDS. (a) For the purpose of
22 implementing thermal and lighting standards in private and commercial
23 buildings under AS 46.11 for which state financial assistance may be
24 granted, the commissioner shall adopt energy performance standards for
25 the construction of residential and commercial buildings. The energy
26 performance standards adopted by the commissioner under this section
27 must be based on thermal and lighting energy standards established by
28 the American Society of Heating, Refrigeration, and Air Conditioning
29 Engineers as adapted by the society for application in high latitude,

1 cold climate areas.

2 (b) The thermal and lighting energy standards adopted under (a)
3 of this section may be modified to suit conditions in different parts
4 of the state. Modifications to the thermal and lighting energy stan-
5 dards may be made only after consultation with persons who participate
6 in the construction industry in the state and must be flexible enough
7 to promote opportunity for innovative building design and construc-
8 tion. The commissioner

9 (1) shall modify the standards on the recommendation of a
10 regional housing authority established under AS 18.55.996, for build-
11 ings to be constructed within the geographic area served by the re-
12 gional housing authority;

13 (2) may modify the standards for buildings to be construct-
14 ed in any other area of the state.

15 (c) The commissioner may revise the standards initially adopted
16 under (a) or modified under (b) of this section.

17 (d) The commissioner may exempt from the standards adopted under
18 this section geographic areas in which adoption of thermal and light-
19 ing energy standards is not justified because of the high cost of
20 implementation of the standards.

21 * Sec. 3. AS 46.11.040 is amended to read:

22 Sec. 46.11.040. APPLICABILITY OF THERMAL AND LIGHTING ENERGY
23 STANDARDS TO PRIVATE BUILDINGS IN RURAL AREAS. State financial assis-
24 tance may not be approved or granted for the construction of a new
25 residential or commercial building in a rural area of the state if
26 construction of the building begins after June 30, 1989 [DECEMBER 31,
27 1980,] unless

28 (1) the building complies [IS IN COMPLIANCE] with the
29 applicable thermal and lighting energy standards adopted under

1 AS 44.47.355:

2 (2) [THE BUILDING IS IN COMPLIANCE WITH THE BUILDING CODE
3 OF A MUNICIPALITY AND THE MUNICIPAL BUILDING CODE MEETS OR EXCEEDS THE
4 THERMAL AND LIGHTING ENERGY STANDARDS;

5 (3) THE BUILDING

6 (A) IS CONSTRUCTED UNDER AN EXCEPTION TO THE MUNICIPAL
7 BUILDING CODE GRANTED BECAUSE THE EXCEPTION WILL RESULT IN IN-
8 CREASED ENERGY EFFICIENCY; OR

9 (B) IS LOCATED OR IS TO BE LOCATED IN AN AREA WHERE
10 THERMAL AND LIGHTING ENERGY STANDARDS ARE NOT JUSTIFIED BECAUSE
11 OF THE HIGH COST OF IMPLEMENTATION OF THE STANDARDS, AS DETER-
12 MINED UNDER REGULATIONS ADOPTED BY THE COMMISSIONER OF COMMUNITY
13 AND REGIONAL AFFAIRS; OR

14 (4)] the applicant for financial assistance agrees, in
15 writing, that the building will be brought into compliance with ther-
16 mal and lighting energy standards adopted under AS 44.47.355 within
17 one year of conveyance; or

18 (3) the building is located in an area exempted from imple-
19 mentation of thermal and lighting energy standards under AS 44.47.-
20 355(d).

21 * Sec. 4. AS 46.11.040 is amended by adding new subsections to read:

22 (b) For the purpose of (a)(1) of this section, a building com-
23 plies with thermal and lighting energy standards if the building is
24 located or will be located

25 (1) within a municipality that has adopted a building code
26 in which the thermal and lighting energy standards of the building
27 code meet or exceed the thermal and lighting energy standards adopted
28 or revised under AS 44.47.355(a), and the building conforms to the
29 code; or

1 (2) outside of a municipality or within a municipality
2 other than one having a building code in which the thermal and light-
3 ing energy standards meet the requirements of (1) of this subsection,
4 and the building meets or exceeds the standards adopted or revised
5 under AS 44.47.355.

6 (c) Notwithstanding (a) of this section, the commissioner of
7 community and regional affairs shall grant a waiver for a new residen-
8 tial or commercial building and the new building may be eligible for
9 state financial assistance if the building will be constructed under
10 an exception to a municipal building code granted by the municipality
11 and approved by the commissioner because the exception will result in
12 increased energy efficiency.

13 * Sec. 5. AS 46.11.900 is amended by adding a new paragraph to read:

14 (10) "rural" has the meaning given in AS 44.47.560.

15 * Sec. 6. AS 46.11.900(6) is repealed.

16 * Sec. 7. This Act takes effect July 1, 1989.