

SB

300

(FILE 1)

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

BILL VERSION: CS SS SB 300 (LFC)  
PUBLISH DATE: \_\_\_\_\_

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_ Agency Affected: Labor  
Title: " An Act relating to building, construction, and safety codes; " BRU: Labor Standards & Safety  
Sponsor: Faiks Components: Mechanical Inspection  
Requestor: Senate Labor & Commerce

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0.0	(1128.2)	(1128.2)	(1128.2)	(1128.2)	(1128.2)
TRAVEL		(143.5)	(143.5)	(143.5)	(143.5)	(143.5)
CONTRACTUAL		(152.4)	(152.4)	(152.4)	(152.4)	(152.4)
SUPPLIES		(9.4)	(9.4)	(9.4)	(9.4)	(9.4)
EQUIPMENT		(2.0)	(2.0)	(2.0)	(2.0)	(2.0)
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	(1435.5)	(1435.5)	(1435.5)	(1435.5)	(1435.5)

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		(1121.9)	(1121.9)	(1121.9)	(1121.9)	(1121.9)
FEDERAL FUNDS						
G F Program Receipts		(313.6)	(313.6)	(313.6)	(313.6)	(313.6)
TOTAL	0.0	(1435.5)	(1435.5)	(1435.5)	(1435.5)	(1435.5)

POSITIONS:

FULL-TIME	0.0	(21.0)	(21.0)	(21.0)	(21.0)	(21.0)
PART-TIME	0.0	(1.0)	(1.0)	(1.0)	(1.0)	(1.0)
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill would transfer the functions of the Mechanical Inspection Component from the Department of Labor to the Department of Commerce. The Department of Labor, therefore, would not need the funding for this component requested in the FY 89 Governor's budget request. We have assumed an effective date of July 1, 1988.

Prepared by: Tom Stuart *Tom Stuart* Phone: 264-2452  
Division: Labor Standards & Safety Date: 2/29/88

Approved by Commissioner: Jim Simpson *Jim Simpson* Date: 2/29/88  
Agency: Department of Labor

Distribution (by preparer) :  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: An act relating to building, construction, and safety codes; . . .  
Sponsor: Sen. Faiks  
Requestor: Senate I & C

Agency Affected: Public Safety  
BRU: Fire Prevention  
Components: Fire Prevention Operations  
Fire Service Training

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		(1262.2)				
TRAVEL		(141.9)				
CONTRACTUAL		(178.0)				
SUPPLIES		(42.0)				
EQUIPMENT		(2.0)				
LAND & STRUCTURES						
GRANTS, CLAIMS		(75.4)				
MISCELLANEOUS						
TOTAL OPERATING		(1701.5)				
CAPITAL		0				
REVENUE		0				

FUNDING: (Thousands of Dollars)

GENERAL FUND		(1624.7)				
FEDERAL FUNDS						
OTHE.		(76.8)				
TOTAL		(1701.5)				

POSITIONS:

FULL-TIME		(21.0)				
PART-TIME		(1.0)				
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The Division of Fire Prevention is transferred to the Department of Commerce & Economic Development.

Prepared by: Gordon E. Brunton  
Division: Fire Prevention

Phone: 465-4331  
Date: 1/25/88

Approved by Commissioner: Paul G. H. H. H. H.  
Agency: Public Safety

Date: 2-1-88

Distribution (by preparer):

Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

## STATE OF ALASKA -- BUDGET UNIT SUMMARY

SALSFRMA 12:03 1/04/88

AGENCY: DEPARTMENT OF PUBLIC SAFETY  
CATEGORY: PUBLIC PROTECTION

PROGRAM: FIRE PREVENTION

LEG. FIN.

COMPONENT DESCRIPTION	FY88 CC	COL 04	FY88 ATH	COL 06	FY89 AGY	FY89 GOV	HOUSE	SENATE	C. C.	BILLS	LEG.REC.
FIRE PREVENTION OPERATIONS	997.2		1076.2		1269.3	1269.3					
FEDERAL COMMUNITY PROJECTS											
FIRE SERVICE TRAINING	268.8		279.8		432.2	432.2					
** TOTAL	1266.0		1356.0		1701.5	1701.5					
** CHANGE VERSUS FY88 CC				-100.0%	34.4%	34.4%	-100.0%	-100.0%	-100.0%		
OBJECT DESCRIPTION											
PERS. SERV.	818.9		908.9		1262.2	1262.2					
TRAVEL	108.4		108.4		141.9	141.9					
CONTRACTUAL	210.8		210.8		178.0	178.0					
COMMODITIES	50.5		50.5		42.0	42.0					
EQUIPMENT	2.0		2.0		2.0	2.0					
GRANTS, CLMS	75.4		75.4		75.4	75.4					
FUNDING SUMMARY											
GENERAL FUND	1204.1		1292.9		1624.7	1624.7					
OTHER FUNDS	61.9		63.1		76.8	76.8					
** GENERAL FUND CHANGE VS. FY88 CC				-100.0%	34.9%	34.9%	-100.0%	-100.0%	-100.0%		
POSITIONS											
FULL TIME	16.0		16.0		21.0	21.0					
PART TIME	1.0		1.0		1.0	1.0					
STAFF MONTHS	196.0		196.0		256.0	256.0					

05-12-01-00-00 (00-00-0-00-00-00)

STATE OF ALASKA -- COMPONENT BUDGET

SYSTEM 12:05 1/04/88

AGENCY: DEPARTMENT OF PUBLIC SAFETY  
 CATEGORY: PUBLIC PROTECTION

PROGRAM: FIRE PREVENTION  
 SUB-PROGRAM: FIRE PREVENTION PROGRAMS

LEG. FIN.

FISCAL YEAR 1989

EXPENDITURES & FUNDING	(01) FY87 ACT	(19) FY88 CC	(03) COL 03	(04) COL 04	(02) FY88 ATH	(06) COL 06	(20) FY89 AGY	(08) FY89 GOV	LEG. HOUSE	(10) SENATE	(11) C	(12) BILLS	(13) LEG.REC.
01 PERS. SERV.	931.8	718.8			797.8		1000.8	1000.8					
02 TRAVEL	61.9	67.7			67.7		89.9	89.9					
03 CONTRACTUAL	125.0	179.9			179.9		146.8	146.8					
04 COMMODITIES	19.4	28.8			28.8		29.8	29.8					
05 EQUIPMENT	3.4	2.0			2.0		2.0	2.0					
06 LANDS/BLDGS													
07 GRANTS, CLMS													
08 MISC.													
** TOTAL EXPEND	1141.5	997.2			1076.2		1269.3	1269.3					
09 I-A TRANSFER		30.0			30.0		30.0	30.0					
1002 FED RCPTS	50.0												
1004 GEN FUND	866.8	643.4			708.8		1078.5	1078.5					
1005 GF/PRGM	203.9	318.2			330.6		153.6	153.6					
1007 I/A RCPTS	20.8	35.6			36.8		37.2	37.2					
15 FULL TIME	16.0	14.0			14.0		17.0	17.0					
16 PART TIME	1.0	1.0			1.0		1.0	1.0					
17 TEMPORARY													
18 STAFF MONTHS	204.0	172.0			172.0		208.0	208.0					

NEW POSITIONS...

TITLE	LOCATION	TYP	C O S T	F U N D I N G	REQ	GV	HS	SN	CC	FN
1 DEP FIRE MARSHALL I	ANCHORAGE	F	01 PERS. SERV. 64.1 POS'N COST	1004 GEN FUND	1	1	0	0	0	
2 DEP FIRE MARSHALL I	FAIRBANKS	F	01 PERS. SERV. 71.0 POS'N COST	1004 GEN FUND	1	1	0	0	0	
3 CLK IV	JUNEAU	F	01 PERS. SERV. 30.0 POS'N COST	1004 GEN FUND	1	1	0	0	0	
** NEW POSITION TOTALS			** TOTAL COST		3	3	0	0	0	

3 OF 4

06-12-01-10-00 (00-00-0-00-00-00)

STATE OF ALASKA -- COMPONENT BUDGET SUMMARY

SALSFRMA 12:03 1/04/88

AGENCY: DEPARTMENT OF PUBLIC SAFETY  
 CATEGORY: PUBLIC PROTECTION

PROGRAM: FIRE PREVENTION  
 SUB-PROGRAM: FIRE SERVICE TRAINING

LEG. FIN.

FISCAL YEAR 1989

EXPENDITURES & FUNDING	(01) FY87 ACT	(19) FY88 CC	(03) COL 03	(04) COL 04	(02) FY88 ATH	(06) COL 06	(20) FY89 AGY	(08) FY89 GOV	(09) HOUSE	(10) SENATE	(11) C. C.	(12) BILLS	(13) LEG.REC.
01 PERS. SERV.	188.6	100.1			111.1		261.4	261.4					
02 TRAVEL	46.8	40.7			40.7		52.0	52.0					
03 CONTRACTUAL	31.5	30.9			30.9		31.2	31.2					
04 COMMODITIES	9.1	21.7			21.7		12.2	12.2					
05 EQUIPMENT													
06 LANDS/BLDGS													
07 GRANTS, CLMS	29.6	75.4			75.4		75.4	75.4					
08 MISC.													
** TOTAL EXPEND	305.6	268.8			279.8		432.2	432.2					
09 I-A TRANSFER													
1004 GEN FUND	265.5	242.5			253.5		392.6	392.6					
1007 I/A RCPTS	40.1	26.3			26.3		39.6	39.6					
15 FULL TIME	3.0	2.0			2.0		4.0	4.0					
16 PART TIME													
17 TEMPORARY													
18 STAFF MONTHS	36.0	24.0			24.0		48.0	48.0					

NEW POSITIONS...

TITLE	LOCATION	TYP	C	O	S	T	FUNDING	REQ	GV	HS	SN	CC	FN	
1 ED SPEC I	FAIRBANKS	F	01	PERS. SERV.			61.8	1004 GEN FUND	61.8	1	1	0	0	0
				POS'N COST			61.8							
2 ED SPEC II	JUNEAU	F	01	PERS. SERV.			74.3	1004 GEN FUND	74.3	1	1	0	0	0
				POS'N COST			74.3							
** NEW POSITION TOTALS			**	TOTAL COST			136.1			2	2	0	0	0

4 OF 4

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: An Act relating to building, construction, and safety codes, etc.  
Sponsor: Senator Faiks  
Requestor: Senator Kelly

Agency Affected: Dept. of Environmental Cons.  
BRU: \_\_\_\_\_  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

This bill does not affect this agency.

Prepared by: Amy Kyle, Deputy Commissioner Phone: 465-2600  
Division: Office of the Commissioner Date: 1/21/88

Approved by Commissioner: Amy D Kyle Date: 1/21/88  
Agency: Department of Environmental Conservation

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: ...building, construction, and safety codes...  
Sponsor: Jan Faika  
Requestor: Senate Labor and Commerce

Agency Affected: Education  
BRU: Education Finance and Support Services  
Components: Facilities

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL		0	0	0	0	0
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

This bill has no fiscal impact on this department.

Prepared by: Steve Hole  Phone: 465-2800  
Division: Commissioner's Office Date: 1-19-88

Approved by Commissioner: William G. Demmert Date: 1-19-88  
Agency: Education

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: An Act relating to building, construction, and safety codes...  
Sponsor: Senate Labor & Commerce  
Requestor: \_\_\_\_\_

Agency Affected: Commerce & Economic Dev.  
BRU: Occupational Licensing

Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		79.2	81.6	84.2	87.0	90.0
TRAVEL		70.8	70.8	70.8	70.8	70.8
CONTRACTUAL		5.9	5.9	5.9	5.9	5.9
SUPPLIES		1.0	1.0	1.0	1.0	1.0
EQUIPMENT		5.7				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		162.6	159.3	161.9	164.7	167.7
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		162.6	159.3	161.9	164.7	167.7
FEDERAL FUNDS						
OTHER						
TOTAL		162.6	159.3	161.9	164.7	167.7

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

SEE ATTACHED

Prepared by: Jennifer Strickler, Management Analyst Phone: 465-2144  
Division: Occupational Licensing Date: 3/2/88

Approved by Commissioner: J. Anthony Smith Date: 3/2/88  
Agency: Commerce and Economic Development

Distribution (by preparer):

Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

The costs identified in this fiscal note are based on NEW costs associated with establishing an:

- Administrative Officer position (the equivalent of an Executive Director);
- 11-Member Building Regulations Board (travel/per diem costs);
- 3-Member Expedited Hearing Committee (per diem costs only).

Contractual, supply, and equipment costs identified are directly related to the establishment of the Administrative Officer position.

As a result of having to coordinate resources from the various state agencies affected by this bill, this fiscal note does not at present address the costs involved with total consolidation of the agencies' functions into Commerce. There are many unanswered questions about the consolidation, including: the location of office for the Building Regulations Board and its inspection staff; the total number of staff positions involved in the consolidation; whether staff equipment will be transferred with the move; and whether the equipment is compatible with each other, or whether a new system will have to be purchased to fully implement the consolidation effort.

Therefore, the as yet unidentified costs not detailed in this fiscal note include:

- 1) personal services costs as a result of staff consolidation (as well as a determination regarding whether formal adoption of the unified codes will require additional inspection staff and training expenses reflecting the increase in responsibilities);
- 2) costs of office space and office set-up;
- 3) moving expenses for the consolidation;
- 4) staff equipment costs;
- 5) data Processing needs and expenses;
- 6) staff travel needs with increased inspection load; and
- 7) personal services costs related to additional Building Regulations Board support staff to Board and Administrative Officer.

BUILDING REGULATIONS BOARD

PERSONAL SERVICES:

Administrative Officer position (equivalent to an Executive Director) PX, Range 26A, 12 months, located in Juneau (or Anchorage)

79.2

TRAVEL:

Calculations based on 11-member board from the locations identified below, and assuming the full board will hold 10 hearings at two days each in various locations as described below:

Location of 11-Member Board:

- 2 Ketchikan members
- 3 Juneau members
- 3 Anchorage members
- 3 Fairbanks members

Full Board (10 hearings/meetings)

4 in Anchorage	(5286 x 4)	\$21,144.00
2 in Fairbanks	(6860 x 2)	13,720.00
2 in Juneau	(5266 x 2)	10,532.00
2 in Ketchikan	(6808 x 2)	<u>13,616.00</u>
	SUB-TOTAL:	\$59,012.00

Expedited Hearings (12 hearings) - 3 members:

3 in Anchorage	(160 x 3) x 3 hearings	\$ 1,440.00
3 in Fairbanks	(180 x 3) x 3 hearings	1,620.00
3 in Juneau	(160 x 3) x 3 hearings	1,440.00
3 in Ketchikan: 2 mbrs	(160 x 2) x 3 hearings	960.00
+ 1 Juneau member	(190 + 160) x 3 hearings	<u>1,050.00</u>
	SUB-TOTAL:	\$ 6,510.00

Administrative Officer's Travel:	Anch. x 3	\$ 1,818.00
	Fbx. x 3	2,388.00
	Ket. x 3	<u>1,050.00</u>
	SUB-TOTAL:	\$ 5,256.00

Board	\$59,012.00
Hearings	6,510.00
Staff	<u>5,256.00</u>
TRAVEL TOTAL:	\$70,778.00

CONTRACTUAL:

Public Notices of all hearings. Based on the travel estimates above, 24 hearings at \$60.00 per newspaper x 2 vendors = \$ 2,900.00

Postage, telephone, printing, publications and other standard operating costs (for Administrative Officer):  
3,000.00

TOTAL: \$ 5,900.00

COMMODITIES:

Stationery, typewriter ribbons, pens, pencils, and other miscellaneous desk top supplies: (for Administrative Officer) \$ 1,000.00

EQUIPMENT: (one time costs only)

Desk, double pedestal, 70" x 36"	\$ 704.63
Chair, swivel with arms	653.26
Typewriter, IBM Selectric III	1,201.46
Chair, side without arms	187.16
Desk Calculator	137.65
File Cabinet, 5-drawer, legal w/ lock	401.61
Table, 72" x 36"	324.82
Wang terminal	<u>2,100.00</u>

TOTAL: \$ 5,700.00

A M E N D M E N T

Offered in the SENATE

To: CSSSSB 300(L&C)

Page 1, lines 21 - 22:

Delete all material.

Renumber the following paragraphs accordingly.

Page 2, line 13, after "welfare":

Insert "; however, the department may not adopt the Uniform Plumbing Code"

Page 4, line 21, after "010":

Insert "or the Uniform Plumbing Code under AS 18.60.705 - 18.60.740"

Page 5, line 6, after "18.61.010":

Insert "or the Uniform Plumbing Code under AS 18.60.705 - 18.60.740"

Page 6, lines 4 - 7:

Delete all material.

Renumber the following bill sections accordingly.

Page 6, line 10:

Delete "and plumbing codes"

Page 6, lines 11 - 12:

Delete "[STANDARDS ESTABLISHED IN AS 18.60.580 AND AS 18.60.705]"

Insert "and plumbing code adopted under [STANDARDS ESTABLISHED IN AS 18.60.580 AND] AS 18.60.705"

Page 7, lines 2 - 3:

Delete "codes adopted under AS 18.61.010"

Insert "code under AS 18.60.705"

Page 7, lines 26 - 27:

Delete all material.

Renumber the following bill sections accordingly.

Page 8, line 6:

Delete "1, 6 - 9, 11, and 16"

Insert "1, 5 - 8, 10, and 14"

Page 8, line 8:

Delete "12"

Insert "11"

Page 8, line 11:

Delete "13"

Insert "12"

Page 8, lines 14 - 16:

Delete all material.

Reletter the following subsections accordingly.

Page 8, line 17:

Delete "15"

Insert "13"

Page 8, line 20:

Delete "3 - 5 and 10"

Insert "2 - 4 and 9"

Page 8, line 22:

Delete "Act,"

Insert "Act or"

Delete "13"

Insert "12"

Page 8, line 23:

Delete "or the effective date of sec. 14 of this Act,"

Original sponsor: Faiks

1 IN THE SENATE

BY THE LABOR AND  
COMMERCE COMMITTEE

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 or 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 Plumbing Code, published by the International  
22 Association of Plumbing and Mechanical Officials;

23 (4) Uniform Solar Energy Code, published by the Interna-  
24 tional Association of Plumbing and Mechanical Officials;

25 (5) Uniform Swimming Pool, Spa and Hot Tub Code, published  
26 by the International Association of Plumbing and Mechanical Officials;

27 (6) Uniform Sign Code, published by the International  
28 Conference of Building Officials;

29 (7) Uniform Code for the Abatement of Dangerous Buildings,

1 published by the International Conference of Building Officials;

2 (8) National Electrical Code (ANSI/NFPA 70), published by  
3 the National Fire Protection Association;

4 (9) National Electrical Safety Code (ANSI C2), adopted by  
5 the American National Standards Institute;

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

8 (11) Boiler Construction Code, published by the American  
9 Society of Mechanical Engineers;

10 (12) Safety Code for Aerial Passenger Tramways, B77.1;

11 (13) other building, construction, and safety codes or  
12 standards that the department finds necessary to protect the public  
13 health, safety, and welfare.

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

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

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

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

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

29 (e) A regulation adopted under this section may not take effect

1 before the 60th legislative day after the department submits the regu-  
2 lation to the legislature for its review.

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

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

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

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

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

17 (3) a mechanical engineer;

18 (4) an electrical engineer;

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

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

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

24 (8) a mechanical contractor;

25 (9) an electrical administrator;

26 (10) a fire protection consultant; and

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

28 (c) Members of the board serve a term of three years. A member  
29 of the board serves until a successor is appointed. An appointment to

1 fill a vacancy on the board is for the remainder of the unexpired  
2 term. Members of the board serve without compensation but are enti-  
3 tled to per diem and travel expenses authorized by law for boards  
4 under AS 39.20.180.

5 (d) The board shall

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

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

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

11 (A) the procedures of the board; and

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

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

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

19 Sec. 18.61.040. HEARINGS. (a) A person who is denied a permit  
20 or issued a notice of violation under a code adopted under AS 18.61.-  
21 010 may appeal the denial of the permit or notice of violation to the  
22 board within 15 calendar days after the denial of the permit or the  
23 notice of violation is affirmed by the administrative official. The  
24 appeal 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 may appeal the denial  
7 of the permit or notice of violation to the board and request an  
8 expedited hearing by a hearing committee within eight calendar days  
9 after the denial of the permit or the notice of violation is affirmed  
10 by the administrative official. The appeal and request for an ex-  
11 pedited hearing shall be in writing.

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

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

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

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

27 Sec. 18.61.190. DEFINITIONS. In this chapter

28 (1) "administrative official" means the person designated  
29 by the commissioner of labor to enforce the codes;

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

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

4 \* Sec. 2. AS 18.05.040(b) is amended to read:

5 (b) A regulation may not be adopted under (a) of this section  
6 that duplicates, conflicts with, or is inconsistent with the plumbing  
7 codes adopted under AS 18.61.010 [AS 18.60.705 - 18.60.740].

8 \* Sec. 3. AS 18.62.010 is amended to read:

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

17 \* Sec. 4. AS 18.62.030 is amended to read:

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

26 \* Sec. 5. AS 18.62.070 is repealed and reenacted to read:

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

1 the department.

2 (b) A person engaged in a trade subject to the plumbing codes  
3 adopted under AS 18.61.010 shall first obtain a certificate of fitness  
4 from the department.

5 \* Sec. 6. AS 18.62 is amended by adding a new section to read:

6 Sec. 18.62.090. DEFINITION. In this chapter "department" means  
7 the Department of Labor.

8 \* Sec. 7. AS 39.50.200(b) is amended by adding a new paragraph to read:

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

10 \* Sec. 8. AS 44.31.020 is amended by adding a new paragraph to read:

11 (5) adopt and enforce building, construction, and safety  
12 codes.

13 \* Sec. 9. AS 44.62.330(a) is amended by adding a new paragraph to read:

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

15 \* Sec. 10. Notwithstanding AS 18.62.030, as amended by sec. 4 of this  
16 Act, a certificate of fitness issued before the effective date of this  
17 section is valid for the term for which the certificate was issued.

18 \* Sec. 11. AS 18.60.850 is repealed.

19 \* Sec. 12. AS 18.60.180, 18.60.190, 18.60.200, 18.60.210, 18.60.220,  
20 18.60.230, 18.60.240, 18.60.250, 18.60.260, 18.60.270, 18.60.280, 18.60.-  
21 290, 18.60.300, 18.60.310, 18.60.320, 18.60.330, 18.60.340, 18.60.350,  
22 18.60.360, 18.60.370, 18.60.390, and 18.60.395 are repealed.

23 \* Sec. 13. AS 18.60.580, 18.60.590, 18.60.600, 18.60.610, 18.60.620,  
24 18.60.630, 18.60.640, 18.60.650, 18.60.660, 18.60.670, 18.60.675, 18.60.-  
25 680, 18.60.685, 18.60.690, and 18.60.695 are repealed.

26 \* Sec. 14. AS 18.60.705, 18.60.710, 18.60.715, 18.60.720, 18.60.725,  
27 18.60.730, 18.60.735, and 18.60.740 are repealed.

28 \* Sec. 15. AS 18.60.800 and 18.60.820 are repealed.

29 \* Sec. 16. SAVINGS CLAUSE. Litigation, hearings, investigations, and

1 other proceedings under a law amended or repealed by this Act continue in  
2 effect and may be continued and completed notwithstanding the amendment or  
3 repeal provided for by this Act. Regulations adopted under authority of a  
4 law amended or repealed by this Act remain in effect for the term adopted  
5 or until repealed or otherwise amended under provisions of this Act.

6 \* Sec. 17. EFFECTIVE DATE. (a) Sections 1, 6 - 9, 11, and 16 of this  
7 Act take effect July 1, 1988.

8 (b) Section 12 of this Act takes effect on the effective date of  
9 regulations adopting the Boiler Construction Code under AS 18.61.010, as  
10 enacted by sec. 1 of this Act.

11 (c) Section 13 of this Act takes effect on the effective date of  
12 regulations adopting the National Electrical Code and the National Elec-  
13 trical Safety Code under AS 18.61.010, as enacted by sec. 1 of this Act.

14 (d) Sections 2 and 14 of this Act take effect on the effective date  
15 of regulations adopting the Uniform Plumbing Code under AS 18.61.010, as  
16 enacted by sec. 1 of this Act.

17 (e) Section 15 of this Act takes effect on the effective date of  
18 regulations adopting the Safety Code for Elevators and Escalators under  
19 AS 18.61.010, as enacted by sec. 1 of this Act.

20 (f) Sections 3 - 5 and 10 of this Act take effect on the effective  
21 date of regulations adopting the Uniform Administrative Code under AS 18.-  
22 61.010, as enacted by sec. 1 of this Act, the effective date of sec. 13 of  
23 this Act, or the effective date of sec. 14 of this Act, whichever is lat-  
24 est.

Original sponsor: Faiks

1 IN THE SENATE

BY THE LABOR AND  
COMMERCE COMMITTEE

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; consolidating building regulation;  
8 transferring certain functions to the Department of  
9 Commerce and Economic Development; relating to fire  
10 protection; relating to the division of fire preven-  
11 tion; relating to certificates of fitness; and pro-  
12 viding for an effective date."

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

14 \* Section 1. PURPOSE. The purpose of this Act is to better serve the  
15 public and increase efficiency and cost effectiveness of state government  
16 by adopting uniform building, construction, and safety codes; establishing  
17 a procedure for periodic revisions and updates of uniform building, con-  
18 struction, and safety codes; establishing an appeals procedure for vio-  
19 lations of uniform building, construction, and safety codes; and consol-  
20 idating governmental functions relating to adoption and enforcement of  
21 building, construction, and safety codes into the Department of Commerce  
22 and Economic Development.

23 \* Sec. 2. TRANSFER OF AUTHORITY. (a) The authority to adopt, amend,  
24 and enforce building, construction, and safety codes is transferred to the  
25 Department of Commerce and Economic Development from the Department of  
26 Labor.

27 (b) The responsibility for inspection of recreational devices under  
28 AS 05.20 is transferred to the Department of Commerce and Economic Develop-  
29 ment from the Department of Labor.

1 (c) The responsibility for issuing certificates of fitness under  
2 AS 18.62 is transferred to the Department of Commerce and Economic Develop-  
3 ment from the Department of Labor.

4 (d) The division of fire prevention and its statutory powers and  
5 duties are transferred to the Department of Commerce and Economic Develop-  
6 ment from the Department of Public Safety. The responsibility for state  
7 fire prevention and protection functions and for the regulation of fire-  
8 works is transferred to the Department of Commerce and Economic Development  
9 from the Department of Public Safety.

10 (e) The authority to adopt and enforce regulations governing access  
11 to public buildings and facilities by the physically handicapped, aged, and  
12 infirmed is transferred to the Department of Commerce and Economic Develop-  
13 ment from the Department of Transportation and Public Facilities.

14 (f) The authority to adopt and enforce regulations governing thermal  
15 and lighting energy standards for public and private buildings is trans-  
16 ferred to the Department of Commerce and Economic Development from the  
17 Department of Transportation and Public Facilities and the Department of  
18 Community and Regional Affairs.

19 \* Sec. 3. AS 18 is amended by adding a new chapter to read:

20 CHAPTER 61. BUILDING, CONSTRUCTION, AND SAFETY CODES.

21 Sec. 18.61.010. ADOPTION OF BUILDING, CONSTRUCTION, AND SAFETY  
22 CODES. (a) The Department of Commerce and Economic Development shall  
23 adopt by regulation the following codes as the minimum building,  
24 construction, and safety criteria for the state:

25 (1) Uniform Administrative Code, published by the Interna-  
26 tional Conference of Building Officials;

27 *Public Safety* (2) Uniform Building Code, published by the International  
28 Conference of Building Officials;

29 *Public Safety* (3) Uniform Fire Code, published by the International

1 Conference of Building Officials and Western Fire Chiefs Association;

2 (4) Uniform Mechanical Code, published by the International  
3 Conference of Building Officials and the International Association of  
4 Plumbing and Mechanical Officials;

5 (5) Uniform Plumbing Code, published by the International  
6 Association of Plumbing and Mechanical Officials;

7 (6) Uniform Solar Energy Code, published by the Interna-  
8 tional Association of Plumbing and Mechanical Officials;

9 (7) Uniform Swimming Pool, Spa and Hot Tub Code, published  
10 by the International Association of Plumbing and Mechanical Officials;

11 (8) Uniform Sign Code, published by the International  
12 Conference of Building Officials;

13 (9) Uniform Code for the Abatement of Dangerous Buildings,  
14 published by the International Conference of Building Officials;

15 *Do/100* — (10) Energy Conservation in New Buildings (ASHREA/IES 90);

16 (11) National Electrical Code (ANSI/NFPA 70), published by  
17 the National Fire Protection Association;

18 (12) National Electrical Safety Code (ANSI C2), adopted by  
19 the American National Standards Institute;

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

22 (14) Boiler Construction Code, published by the American  
23 Society of Mechanical Engineers;

24 (15) Safety Code for Aerial Passenger Tramways, B77.1;

25 *Do/* — (16) Uniform Federal Accessibility Standard (41 C.F.R.  
26 101-19.6, Appendix A);

27 (17) other building, construction, and safety codes or  
28 standards that the department finds necessary to protect the public  
29 health, safety, and welfare.

1 (b) The department shall adopt the latest edition of each code  
2 listed in (a) of this section by the end of the calendar year follow-  
3 ing the calendar year in which the latest edition of the code is  
4 published.

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

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

12 (1) a commercial, industrial, business, or institutional or  
13 other public building; or

14 (2) a residential building containing three or more dwell-  
15 ing units.

16 (e) A regulation adopted under this section may not take effect  
17 before the 60th legislative day after the department submits the regu-  
18 lation to the legislature for its review.

19 Sec. 18.61.020. ADOPTION AND ENFORCEMENT OF CODES BY MUNICIPALITI-  
20 ES. (a) Except as otherwise provided, adoption of a code under  
21 AS 18.61.010 is not intended to preempt administration or enforcement  
22 of a building, construction, or safety code adopted by ordinance by a  
23 municipality.

24 (b) If a municipality chooses to regulate activities within its  
25 boundaries that are subject to a building, construction, or safety  
26 code adopted by the department under AS 18.61.010, the municipality  
27 shall adopt by ordinance the code adopted by the department. The  
28 municipality may amend the code if the amended code is not less strin-  
29 gent than that adopted by the department.

1           Sec. 18.61.030. CERTIFICATES OF COMPETENCY FOR CODE ENFORCEMENT  
2 PERSONNEL. The administrative official shall require that an employee  
3 of the department authorized to enforce a code adopted under AS 18.-  
4 61.010 hold an appropriate certificate of competency and maintain  
5 competency through continuing education.

6           Sec. 18.61.040. BUILDING REGULATIONS BOARD. (a) There is  
7 created the Building Regulations Board in the department.

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

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

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

15           (3) a mechanical engineer;

16           (4) an electrical engineer;

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

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

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

22           (8) a mechanical contractor;

23           (9) an electrical administrator;

24           (10) a fire protection consultant; and

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

26           (c) Members of the board serve a term of three years. A member  
27 of the board serves until a successor is appointed. An appointment to  
28 fill a vacancy on the board is for the remainder of the unexpired  
29 term. Members of the board serve without compensation but are

1 entitled to per diem and travel expenses authorized by law for boards  
2 under AS 39.20.180.

3 (d) The board shall

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

6 (2) serve as a hearing board under AS 18.61.050;

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

9 (A) the procedures of the board; and

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

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

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

17 Sec. 18.61.050. HEARINGS. (a) A person who is denied a permit  
18 or issued a notice of violation under a code adopted under AS 18.61.-  
19 010 may appeal the denial of the permit or notice of violation to the  
20 board within 15 calendar days after the denial of the permit or the  
21 notice of violation is affirmed by the administrative official. The  
22 appeal shall be in writing.

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

28 (c) If the board affirms the decision of the administrative  
29 official, the appellant shall immediately comply with the decision of

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the board.

Sec. 18.61.060. EXPEDITED HEARING. (a) If time is of the essence, a person who is denied a permit or issued a notice of violation under a code adopted under AS 18.61.010 may appeal the denial of the permit or notice of violation to the board and request an expedited hearing by a hearing committee within eight calendar days after the denial of the permit or the notice of violation is affirmed by the administrative official. The appeal and request for an expedited hearing shall be in writing.

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

(c) If the board grants the request for an expedited hearing, the board shall appoint the hearing committee and the hearing committee shall hold the hearing within eight calendar days after the appeal and request for an expedited hearing is received by the board. The hearing committee shall issue an oral decision on the appeal at the conclusion of the hearing and a written decision within eight calendar days after the hearing.

(d) If the board denies the request for an expedited hearing, the board shall hear the appeal under AS 18.61.050.

Sec. 18.61.070. JUDICIAL REVIEW. The department or a person aggrieved by the decision of the board or a hearing committee may petition for review in the superior court.

Sec. 18.61.190. DEFINITIONS. In this chapter

(1) "administrative official" means the person designated by the commissioner of commerce and economic development to enforce the codes;

(2) "code" means a building, construction, or safety code

1 or standard adopted under AS 18.61.010;

2 (3) "department" means the Department of Commerce and  
3 Economic Development.

4 \* Sec. 4. AS 05.20.020 is amended to read:

5 Sec. 05.20.020. DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT  
6 [LABOR] TO INSPECT DEVICES. The Department of Commerce and Economic  
7 Development [LABOR] is responsible for the inspection of devices.

8 \* Sec. 5. AS 05.20.120(1) is amended to read:

9 (1) "department" means the Department of Commerce and  
10 Economic Development [LABOR];

11 \* Sec. 6. AS 18.05.040(b) is amended to read:

12 (b) A regulation may not be adopted under (a) of this section  
13 that duplicates, conflicts with, or is inconsistent with the plumbing  
14 codes adopted under AS 18.61.010 [AS 18.60.705 - 18.60.740].

15 \* Sec. 7. AS 18.62.010 is amended to read:

16 Sec. 18.62.010. CERTIFICATE OF FITNESS REQUIRED. In connection  
17 with work performed subject to the electrical codes and plumbing codes  
18 adopted under AS 18.61.010 [STANDARDS ESTABLISHED IN AS 18.60.580 AND  
19 AS 18.60.705], a person may not be employed without a certificate of  
20 fitness to perform the work [, EXCEPT THAT A CERTIFICATE OF FITNESS  
21 MAY NOT BE REQUIRED OF EMPLOYEES OF AN ELECTRIC UTILITY THAT DOES NOT  
22 HAVE WITHIN ITS SERVICE AREA ANY PORTION OF A CITY OR UNIFIED MUNICI-  
23 PALITY HAVING MORE THAN 2,500 POPULATION].

24 \* Sec. 8. AS 18.62.030 is amended to read:

25 Sec. 18.62.030. ACCOUNTING FOR FEES [FEE. WHEN SUBMITTING AN  
26 APPLICATION, AN APPLICANT SHALL PAY A FEE OF \$40 FOR A CERTIFICATE  
27 VALID FOR ONE YEAR OR \$75 FOR A CERTIFICATE VALID FOR THREE YEARS].  
28 The commissioner of administration shall separately account for cer-  
29 tificate of fitness fees that the department [DEPARTMENT OF LABOR]

1 deposits in the general fund. The annual estimated balance in the  
2 account may be used by the legislature to make appropriations to the  
3 department to carry out the purposes of this chapter.

4 \* Sec. 9. AS 18.62.070 is repealed and reenacted to read:

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

9 (b) A person engaged in a trade subject to the plumbing codes  
10 adopted under AS 18.61.010 shall first obtain a certificate of fitness  
11 from the department.

12 \* Sec. 10. AS 18.62 is amended by adding a new section to read:

13 Sec. 18.62.090. DEFINITION. In this chapter "department" means  
14 the Department of Commerce and Economic Development.

15 \* Sec. 11. AS 18.70.081 is amended to read:

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

21 \* Sec. 12. AS 18.70.100(a) is amended to read:

22 (a) A person who violates a [ANY] provision of AS 18.70.010 -  
23 18.70.100 or the published regulations or orders adopted under those  
24 sections and who, within 30 days after the issuance of a final order,  
25 does not correct the violation or appeal [IT FROM WHICH NO APPEAL HAS  
26 BEEN TAKEN WITHIN 30 DAYS AFTER] the issuance of a final order is [,  
27 SEVERALLY, FOR EACH VIOLATION,] guilty of a misdemeanor, and is pun-  
28 ishable by a fine of not more than \$500, or by imprisonment for not  
29 more than six months, or by both. A person aggrieved by a final

1 order of the department [DEPARTMENT OF PUBLIC SAFETY] may appeal to  
2 the superior court within 30 days after the issuance of the order.  
3 The imposition of one penalty for a violation does not excuse the  
4 violation and a person guilty of a violation shall correct the vio-  
5 lation within a reasonable time. [WHEN NOT OTHERWISE SPECIFIED, EACH  
6 10 DAYS THAT A PROHIBITED CONDITION IS MAINTAINED IS A SEPARATE OF-  
7 FENSE.]

8 \* Sec. 13. AS 18.70 is amended by adding a new section to read:

9 Sec. 18.70.990. DEFINITIONS. In this chapter "department" means  
10 the Department of Commerce and Economic Development.

11 \* Sec. 14. AS 29.10.200 is amended by adding a new paragraph to read:

12 (49) AS 18.61.020 (building, construction, and safety code  
13 adoption and enforcement)

14 \* Sec. 15. AS 35.10.015(a) is amended to read:

15 (a) The Department of Commerce and Economic Development [DE-  
16 PARTMENT] shall prepare, adopt, and enforce regulations governing the  
17 construction of public buildings and facilities by or for the state,  
18 including the University of Alaska, and its political subdivisions,  
19 whether financed in whole or in part by federal funds, to ensure that  
20 public buildings and facilities are accessible to, and usable by, the  
21 physically handicapped, aged, or infirm. The regulations of the  
22 department must conform to a standard comparable to applicable pro-  
23 visions of federal law, regulations, and standards.

24 \* Sec. 16. AS 35.10.015(b) is amended to read:

25 (b) The Department of Transportation and Public Facilities  
26 [DEPARTMENT] shall develop and maintain an inventory of all public  
27 buildings and facilities with respect to their compliance with the  
28 regulations adopted under (a) of this section. The Department of  
29 Transportation and Public Facilities [DEPARTMENT] shall make an annual

1 report to the governor and the legislature describing work performed  
2 in the preceding calendar year to upgrade public buildings and facili-  
3 ties to conform with the regulations. In addition, the Department of  
4 Transportation and Public Facilities [DEPARTMENT] shall develop cost  
5 estimates and recommended priorities for the upgrading of public  
6 buildings and facilities that do not conform with the regulations  
7 adopted under (a) of this section and shall include these estimates  
8 and the recommended priorities in the annual report to the governor  
9 and the legislature.

10 \* Sec. 17. AS 35.10.015(e) is amended to read:

11 (e) After June 25, 1976, a [NO] public building or facility in  
12 the state may not be planned, designed, financed, constructed, opened  
13 to public use, or otherwise placed in operation unless it meets the  
14 standards established under (a) of this section. If the standards for  
15 a public building or facility are not provided for in federal law,  
16 regulation, or standards, the Department of Commerce and Economic  
17 Development [DEPARTMENT] shall determine the extent of, and adopt  
18 regulations setting the standards for, access to and use of the public  
19 building or facility by the physically handicapped, aged, or infirm.

20 \* Sec. 18. AS 39.50.200(b) is amended by adding a new paragraph to  
21 read:

22 (49) Building Regulations Board (AS 18.61.040).

23 \* Sec. 19. AS 44.33.020 is amended by adding new paragraphs to read:

24 (30) adopt and enforce building, construction, and safety  
25 codes;

26 (31) adopt and enforce energy conservation standards for  
27 buildings.

28 \* Sec. 20. AS 44.62.330(a) is amended by adding a new paragraph to  
29 read:

1 (55) Building Regulations Board (AS 18.61.040).

2 \* Sec. 21. AS 46.11.010 is amended to read:

3 Sec. 46.11.010. THERMAL AND LIGHTING ENERGY STANDARDS FOR PUBLIC  
4 BUILDINGS. (a) All public facilities of the state [, THE CONSTRUC-  
5 TION OF WHICH BEGINS AFTER JULY 1, 1980,] shall be designed to comply  
6 with the thermal and lighting energy standards adopted by the Depart-  
7 ment of Commerce and Economic Development [TRANSPORTATION AND PUBLIC  
8 FACILITIES] under AS 44.33.020 [AS 44.42.020(a)(14)].

9 (b) By June 30, 1988, all public facilities of the state exist-  
10 ing on July 1, 1980, shall be modified, to the extent economically  
11 feasible, to comply with the thermal and lighting energy standards  
12 adopted by the Department of Commerce and Economic Development [TRANS-  
13 PORTATION AND PUBLIC FACILITIES] under AS 44.33.020 [AS 44.42.020(a)-  
14 (14)].

15 \* Sec. 22. AS 46.11.900(9) is amended to read:

16 (9) "thermal and lighting energy standards" means the  
17 thermal and lighting energy standards established by the American  
18 Society of Heating, Refrigeration, and Air Conditioning Engineers as  
19 revised

20 [(A)] by the commissioner of commerce and economic  
21 development [TRANSPORTATION AND PUBLIC FACILITIES UNDER AS 44.-  
22 42.020(a)] for public facilities and [; OR

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

26 \* Sec. 23. Notwithstanding AS 18.61.010(b), enacted by sec. 3 of this  
27 Act, the Department of Commerce and Economic Development shall adopt as the  
28 initial plumbing code for the state under AS 18.61.010, the edition of the  
29 Uniform Plumbing Code that is in effect under AS 18.60.705 on July 1, 1988.

1 \* Sec. 24. Notwithstanding AS 18.62.030, as amended by sec. 8 of this  
2 Act, a certificate of fitness issued before the effective date of this  
3 section is valid for the term for which the certificate was issued.

4 \* Sec. 25. The revisor of statutes shall

5 (1) delete "Department of Public Safety" and insert "department"  
6 in AS 18.70.020, 18.70.030, 18.70.040, 18.70.050, 18.70.060, 18.70.070,  
7 18.70.080, 18.70.090, 18.70.100(b), 18.70.310(a), 18.70.310(b), 18.70.-  
8 310(c), and 18.70.310(d);

9 (2) delete "Public Safety" and insert "Commerce and Economic  
10 Development" in AS 18.70.010; AS 18.72.050(2); and AS 29.35.500(a) and  
11 29.35.530(a);

12 (3) delete "public safety" and insert "commerce and economic  
13 development" in AS 18.70.080(b); and

14 (4) delete "community and regional affairs" and insert "commerce  
15 and economic development" in AS 46.11.040(3)(B).

16 \* Sec. 26. AS 18.60.850, AS 18.70.300, and AS 44.42.020(a)(14) are  
17 repealed.

18 \* Sec. 27. AS 18.60.180, 18.60.190, 18.60.200, 18.60.210, 18.60.220,  
19 18.60.230, 18.60.240, 18.60.250, 18.60.260, 18.60.270, 18.60.280, 18.60.-  
20 290, 18.60.300, 18.60.310, 18.60.320, 18.60.330, 18.60.340, 18.60.350,  
21 18.60.360, 18.60.370, 18.60.390, and 18.60.395 are repealed.

22 \* Sec. 28. AS 18.60.580, 18.60.590, 18.60.600, 18.60.610, 18.60.620,  
23 18.60.630, 18.60.640, 18.60.650, 18.60.660, 18.60.670, 18.60.675, 18.60.-  
24 680, 18.60.685, 18.60.690, and 18.60.695 are repealed.

25 \* Sec. 29. AS 18.60.705, 18.60.710, 18.60.715, 18.60.720, 18.60.725,  
26 18.60.730, 18.60.735, and 18.60.740 are repealed.

27 \* Sec. 30. AS 18.60.750, 18.60.755, 18.60.760, 18.60.765, 18.60.770,  
28 18.60.775, and 18.60.780 are repealed.

29 \* Sec. 31. AS 18.60.800 and 18.60.820 are repealed.

1 \* Sec. 32. SAVINGS CLAUSE. Litigation, hearings, investigations, and  
2 other proceedings under a law amended or repealed by this Act, or in con-  
3 nection with functions transferred by this Act, continue in effect and may  
4 be continued and completed notwithstanding a transfer or amendment or  
5 repeal provided for by this Act. Regulations adopted under authority of a  
6 law amended, transferred, or repealed by this Act remain in effect for the  
7 term adopted or until repealed or otherwise amended under provisions of  
8 this Act.

9 \* Sec. 33. EFFECTIVE DATE. (a) Sections 1 - 5, 11 - 23, 25, 26, and  
10 32 of this Act take effect July 1, 1988.

11 (b) Section 27 of this Act takes effect on the effective date of  
12 regulations adopting the Boiler Construction Code under AS 18.61.010, as  
13 enacted by sec. 3 of this Act.

14 (c) Section 28 of this Act takes effect on the effective date of  
15 regulations adopting the National Electrical Code and the National Elec-  
16 trical Safety Code under AS 18.61.010, as enacted by sec. 3 of this Act.

17 (d) Sections 6 and 29 of this Act take effect on the effective date  
18 of regulations adopting the Uniform Plumbing Code under sec. 23 of this Act  
19 and AS 18.61.010, as enacted by sec. 3 of this Act.

20 (e) Section 30 of this Act takes effect on the effective date of  
21 regulations adopting the Uniform Building Code under AS 18.61.010, as  
22 enacted by sec. 3 of this Act.

23 (f) Section 31 of this Act takes effect on the effective date of  
24 regulations adopting the Safety Code for Elevators and Escalators under  
25 AS 18.61.010, as enacted by sec. 3 of this Act.

26 (g) Sections 7 - 10 and 24 of this Act take effect on the effective  
27 date of regulations adopting the Uniform Administrative Code under AS 18.-  
28 61.010, as enacted by sec. 3 of this Act, the effective date of sec. 28 of  
29 this Act, or the effective date of sec. 29 of this Act, whichever is

1 latest.

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A M E N D M E N T

Offered in the SENATE

To: CSSSSB 300(L&C)

Page 3, lines 5 - 6:

Delete all material.

Renumber the following paragraphs accordingly.

Page 3, line 29, after "welfare":

Insert "; however, the department may not adopt the Uniform Plumbing Code"

Page 6, line 19, after "010":

Insert "or the Uniform Plumbing Code under AS 18.60.705 - 18.60.740"

Page 7, line 4, after "18.61.010":

Insert "or the Uniform Plumbing Code under AS 18.60.705 - 18.60.740"

Page 8, lines 11 - 14, after "Sec. 6":

Delete all material.

Insert "AS 18.60.705 is amended to read:

Sec. 18.60.705. PLUMBING CODE. The Department of Commerce and Economic Development [LABOR] shall adopt, as the official minimum plumbing code for the state, the Uniform Plumbing Code, 1979 edition, adopted at the 49th Annual Conference, September, 1978, International

Association of Plumbing and Mechanical Officials, chs. 1 - 13 and appendices, but excluding Part I, Administration, pages 1a - 6a, and subject to AS 18.60.710 - 18.60.740.

\* Sec. 7. AS 18.60.740 is amended to read:

Sec. 18.60.740. DEFINITIONS. In AS 18.60.705 - 18.60.740

(1) "code" means the Uniform Plumbing Code, 1979 edition, adopted at the 49th Annual Conference, September 1978, International Association of Plumbing and Mechanical Officials;

(2) "commissioner" means the commissioner of commerce and economic development [LABOR];

(3) "department" means Department of Commerce and Economic Development [LABOR];

(4) "inspector" means a qualified inspector employed by, designated by, or under contract to the Department of Commerce and Economic Development [LABOR]."

Renumber the following sections accordingly.

Page 8, line 17:

Delete "and plumbing codes"

Page 8, lines 18 - 19:

Delete "[STANDARDS ESTABLISHED IN AS 18.60.580 AND AS 18.60.705]"

Insert "and plumbing code adopted under [STANDARDS ESTABLISHED IN AS 18.60.580 AND] AS 18.60.705"

Page 9, lines 9 - 10:

Delete "codes adopted under AS 18.61.010"

Insert "code under AS 18.60.705"

Page 12, lines 26 - 29:

Delete all material.

Renumber the following bill sections accordingly.

Page 13, lines 25 - 26:

Delete all material.

Renumber the following bill sections accordingly.

Page 14, lines 9 - 10:

Delete "1 - 5, 11 - 23, 25, 26, and 32"

Insert "1 - 7, 12 - 23, 25, 26, and 31"

Page 14, lines 17 - 19:

Delete all material.

Reletter the following subsections accordingly.

Page 14, line 20:

Delete "Section 30"

Insert "Section 29"

Page 14, line 23:

Delete "Section 31"

Insert "Section 30"

Page 14, line 26:

Delete "Sections 7 - 10"

Insert "Sections 8 - 11"

Page 14, line 28, after "this":

Delete "Act,"

Insert "Act or"

Page 14, line 29:

Delete " or the effective date of sec. 29 of this Act,"

TELETYPE UNIT SHEET  
COMMUNICATIONS SECTION

TO: SAC, [illegible] (P)  
FROM: SAC, [illegible] (P)  
SUBJECT: [illegible]

RE: [illegible]  
[illegible] [illegible] [illegible]  
[illegible] [illegible] [illegible]

BT: [illegible]

MEMORANDUM

TO: Senator Tim Kelly, Chairman  
Senate Labor & Commerce Committee

Copy: Senator Richard J. Blumenthal, Member  
Senator Patrick J. Mahoney, Member  
Senator Mike Spagnoli, Member  
Senator Dan Claitor, Member  
Senator Dan Claitor, Member

*Handwritten signature/initials*

FROM: [Faint text]

Re: [Faint text]  
[Faint text]  
[Faint text]  
[Faint text]  
[Faint text]

SUBJECT: [Faint text]  
[Faint text]  
[Faint text]

I am in receipt of [Faint text]

The following [Faint text]

*the state*

*the state*

CSSSSB 300 (L & C) January 28, 1988

apartment, to be constructed by an individual, to house his immediate family, without placing, other than his family, in potential jeopardy. (See, re public). The addition of the third unit, and place the structure in the category of a residential (consisting of 3 units) at 1... approved... to... house... reported...

2. 1. 1988 10:23 LIP - 0104 277-6112

2. 2. 1988 10:23 LIP - 0104 277-6112

22.)

repeated.

CS988B 300 (L. A. C) January 28, 1968

b. B 31.2-1968 Fuel Gas Piping	None
c. D 31.3-1968 Gas Transmission Piping	1368
d. D 31.3-1968 Petroleum Refining Piping	1338
e. S 31.4-1968 Liquid Petroleum Piping	137
f. D 31.4-1968	1272

The no. 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300

Codes to be assigned to the above items  
under the following heading:  
140-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300

and the following heading:  
140-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300

THE PRECEDING DOCUMENT(S) MAY NOT FILM  
LEGIBLY BECAUSE OF POOR QUALITY OF THE  
ORIGINAL.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y · STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 18, 1988

SUBJECT: Section-by-section summary of Sponsor  
Substitute for SB 300

TO: Senator Tim Kelly

FROM: George Utermohle *GU*  
Legislative Counsel

The following is the section-by-section summary of Sponsor Substitute for SB 300 requested by John Ringstad of your staff.

A section-by-section summary of a bill should not be considered an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill states the purpose of the bill.

Section 2 of the bill lists the powers transferred to the Department of Commerce and Economic Development. Among the powers transferred to the department are

- 1) authority to adopt, amend, and enforce building, construction, and safety codes;
- 2) authority to inspect recreational devices such as ski tows, roller coasters, merry-go-rounds, and Ferris wheels;
- 3) authority to issue certificates of fitness for plumbers and electricians;
- 4) authority to adopt regulations governing access to public buildings and facilities by the physically handicapped, aged, and infirmed and thermal and lighting energy standards for public and private buildings.

The Division of Fire Prevention is transferred from the Department of Public Safety to the Department of Commerce and Economic Development.

Section 3 of the bill amends Title 18 by adding a new chapter relating to building, construction, and safety codes.

Sec. 18.60.010 authorizes the Department of Commerce and Economic Development to adopt by regulation various building, construction, and safety codes. The bill lists 16 specific codes that the department shall adopt and gives the department authority to adopt other codes and standards as necessary.

The department shall adopt the latest edition of the listed codes and each additional code that the department adopts by the end of the calendar year following the year in which the latest edition of the code is published.

The department has authority to amend, supplement, or delete provisions from the codes as they are originally published if it is necessary to make the code applicable to the conditions existing in the state.

Sec. 18.61.020 provides that municipalities may adopt, administer, and enforce municipal building, construction, and safety codes. If a municipality adopts a code adopted by the Department of Commerce and Economic Development under AS 16.61.010, the municipal version of the code may not be less stringent than the department's code.

Sec. 18.61.030 provides that the administrative official shall require all persons employed to enforce a state building, construction, or safety code to obtain, and maintain through continued education, appropriate certificates of competency.

Sec. 18.61.040 creates the Building Regulations Board. The board consists of ten professionals familiar with building and construction practices and a public member appointed by the Governor. Among the professions represented on the board are architects, engineers, contractors, and fire protection consultants. Members of the board are appointed for terms of three years. Members of the board are not compensated but do receive travel expenses and per diem while serving on the board.

The board has authority to recommend modifications to codes adopted by the department under AS 18.61.010; to serve as a hearing board on appeals from decisions of the administrative official; and to adopt regulations governing the conduct of hearings before the board.

The administrative official is an ex officio, nonvoting member of the board and serves as secretary to the board.

Sec. 18.61.050 establishes the procedures relating to appeals from the denial of a permit or a notice of violation. Within 15 calendar days after a denial of a permit or a notice of violation is affirmed by the administrative official, the person appealing the decision must submit a written request for a hearing before the board. The board shall hear the appeal within 35 calendar days after the request for a hearing is received by the board, unless the appellant requests a later date. At the end of the hearing the board shall render an oral decision and then within 15 calendar days issue a written decision. If the board affirms the decision of the administrative official the appellant shall immediately comply with the decision of the board.

Sec. 18.61.060 provides for expedited appellate hearings. If the appellant wants an expedited hearing, the appellant must apply in writing within eight calendar days after the administrative official affirms the denial of a permit or the notice of violation. The expedited hearing is held by a hearing committee consisting of three members. Two members of the hearing committee shall be knowledgeable of the codes that are relevant to the appeal.

If the board grants the request for an expedited hearing, the hearing committee shall be appointed and the hearing held within eight calendar days after the request for an expedited hearing is received by the board. The hearing committee shall issue an oral decision on the appeal at the conclusion of the hearing and a written decision within eight calendar days after the conclusion of the hearing.

If the board denies the request for an expedited hearing, the board shall hear the appeal under AS 18.61.050.

Sec. 18.61.070 provides for judicial review of a decision of the board or of a hearing committee upon the petition of the appellant or the department.

Sec. 18.61.190 defines "administrative official," "code," and "department." "Administrative official" is defined as the person designated by the commissioner of commerce and economic development to enforce the building, construction, and safety codes.

Section 4 of the bill amends AS 05.20.020 to provide for the transfer of responsibility for inspection of recreational devices from the Department of Labor to the Department of Commerce and Economic Development.

Section 5 of the bill amends AS 05.20.120(1) so that "department" is defined as the Department of Commerce and Economic Development in AS 05.20.

Section 6 of the bill amends AS 18.05.040(6) to change the statutory reference to the state plumbing codes in order to conform with changes made by sections 3 and 28 of the bill.

Section 7 of the bill amends AS 18.62.070 to change the statutory references to the electrical codes and plumbing codes in order to conform with changes made by sections 3 and 28 of the bill and to repeal the exemptions from certificate of fitness requirements granted to employees of certain electrical utilities.

Section 8 of the bill amends AS 18.62.030 to repeal the provision relating to fees for certificates of fitness and to delete the reference to the Department of Labor.

Section 9 of the bill repeals and reenacts AS 18.62.070 relating to the persons required to obtain a certificate of fitness. The new version of AS 18.62.070 amends the citations to the plumbing code and the electrical codes.

Section 10 of the bill adds a definition to AS 18.62 so that "department" is defined as the Department of Commerce and Economic Development. This definition is necessary to transfer responsibility for issuing certificates of fitness to the Department of Commerce and Economic Development.

Section 11 of the bill amends AS 18.70.081 by deleting references to the Department of Public Safety and the Department of Commerce and Economic Development in order to make AS 18.70.081 conform with the transfer of the functions of the Division of Fire Prevention to the Department of Commerce and Economic Development.

Section 12 of the bill amends AS 18.70.100(a) by deleting provisions relating to multiple punishments for continuing violations of AS 18.70.010 - 18.70.100, by deleting references to the Department of Public Safety, and by making technical style changes.

Section 13 of the bill amends AS 18.70 by adding a definition of "department." "Department" is defined as the Department of Commerce and Economic Development in order to transfer the Division of Fire Prevention and fire protection functions to the Department of Commerce and Economic Development.

Section 14 of the bill amends AS 29.10.200 by adding building, construction, and safety code enforcement to the list of limitations on the powers of home rule municipalities.

Section 15 of the bill amends AS 35.10.015(a) to transfer responsibility to the Department of Commerce and Economic Development to prepare, adopt, and enforce regulations governing construction of public buildings and facilities so that they are accessible to handicapped persons.

Section 16 of the bill amends AS 35.10.015(b) to clarify that the Department of Transportation and Public Facilities is responsible for preparing an inventory of public buildings to determine compliance with accessibility standards developed by the Department of Commerce and Economic Development.

Section 17 of the bill amends AS 35.10.015(e) to provide that the Department of Commerce and Economic Development is responsible for adopting regulations setting standards for access to public buildings and facilities by handicapped persons.

Section 18 of the bill amends AS 39.50 200(b) to make the members of the Building Regulations Board subject to the conflict of interest statute (AS 39.50).

Section 19 of the bill amends AS 44.33.020 to give the Department of Commerce and Economic Development authority to adopt and enforce building, construction, and safety codes and energy conservation standards for buildings.

Section 20 of the bill amends AS 44.62.330(a) by adding the Building Regulations Board to the list of agencies that must

follow the procedures for adjudicatory hearings set out in the Administrative Procedure Act (AS 44.62).

Section 21 of the bill amends AS 46.11.010 by transferring responsibility for adopting thermal and lighting energy standards from the Department of Transportation and Public Facilities to the Department of Commerce and Economic Development and by making technical drafting changes.

Section 22 of the bill amends AS 46.11.900(9) by transferring responsibility for adopting and revising thermal and light energy standards for public buildings from the Department of Transportation and Public Facilities and for other buildings from the Department of Community and Regional Affairs to the Department of Commerce and Economic Development.

Section 23 of the bill provides that a person, who obtains a certificate of fitness as a plumber or electrician before the plumbing codes, electrical codes, and the uniform administrative code are adopted under AS 18.61.010, does not have to obtain a new certificate until the old certificate expires. This prevents a plumber or electrician from having to obtain a new certificate when section 8 of this bill takes effect.

Section 24 of the bill directs the Revisor of Statutes to make very specific deletions and substitutions of language in specified statutes as the result of the transfer of various governmental functions in other sections of the bill.

Section 24 (1) - (3) delete references to the Department of Public Safety and insert references to the Department of Commerce and Economic Development in AS 18.70, which relates to the Division of Fire Prevention and fire protection.

Section 24 (4) deletes a reference to the Department of Community and Regional Affairs and inserts a reference to the Department of Commerce and Economic Development in AS 46.11.040(3)(B), relating to thermal and lighting energy standards.

Section 25 repeals AS 18.60.850 (piping codes), AS 18.70.300 (definition of "building"), and AS 44.42.020(a)(14) (certain

duties of Department of Transportation and Public Facilities). This section takes effect on July 1, 1988.

Section 26 of the bill repeals AS 18.60.180-18.60.395 (boilers). This section takes effect upon the adoption of the Boiler Construction Code by the Department of Commerce and Economic Development.

Section 27 of the bill repeals AS 18.60.580 - 18.60.660 (electrical safety) and AS 18.60.670 - 18.60.695 (high voltage lines). This section takes effect upon the adoption of the National Electrical Code and the National Electrical Safety Code by the Department of Commerce and Economic Development.

Section 28 of the bill repeals AS 18.60.705 - 18.60.740 (plumbing code). This section takes effect upon adoption of the Uniform Plumbing Code by the Department of Commerce and Economic Development.

Section 29 of the bill repeals AS 18.60.750 - 18.60.780 (safety glazing). This section takes effect on the adoption of the Uniform Building Code by the Department of Commerce and Economic Development.

Section 30 of the bill repeals AS 18.60.300 - 18.60.820 (elevators). This section takes effect upon the adoption of the Safety Code for Elevators and Escalators by the Department of Commerce and Economic Development.

Section 31 of the bill is a savings clause. This section continues the authority of the state to complete proceedings initiated under the statutes repealed, amended, or transferred by this bill.

Section 32 of the bill contains the effective dates of the various sections of the bill.

Sections 1-5, 11-22, 24, 25, and 31 of the bill take effect July 1, 1988. The other sections of the bill have effective dates conditioned on the happening of specified events.

GU:mi  
wkmi2/006

JAN 20 1988

# STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465-3800

## LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

January 20, 1988

SUBJECT: Section-by-section summary of Sponsor  
Substitute for SB 300

TO: Senator Jan Faiks

FROM: George Utermohle *GU*  
Legislative Counsel

The following is the section-by-section summary of Sponsor Substitute for SB 300 requested by Chris Christensen of your staff.

A section-by-section summary of a bill should not be considered an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill states the purpose of the bill.

Section 2 of the bill lists the powers transferred to the Department of Commerce and Economic Development. Among the powers transferred to the department are

- 1) authority to adopt, amend, and enforce building, construction, and safety codes;
- 2) authority to inspect recreational devices such as ski tows, roller coasters, merry-go-rounds, and Ferris wheels;
- 3) authority to issue certificates of fitness for plumbers and electricians;
- 4) authority to adopt regulations governing access to public buildings and facilities by the physically handicapped, aged, and infirmed and thermal and lighting energy standards for public and private buildings.

The Division of Fire Prevention is transferred from the Department of Public Safety to the Department of Commerce and Economic Development.

Section 3 of the bill amends Title 18 by adding a new chapter relating to building, construction, and safety codes.

Sec. 18.60.010 authorizes the Department of Commerce and Economic Development to adopt by regulation various building, construction, and safety codes. The bill lists 16 specific codes that the department shall adopt and gives the department authority to adopt other codes and standards as necessary.

The department shall adopt the latest edition of the listed codes and each additional code that the department adopts by the end of the calendar year following the year in which the latest edition of the code is published.

The department has authority to amend, supplement, or delete provisions from the codes as they are originally published if it is necessary to make the code applicable to the conditions existing in the state.

Sec. 18.61.020 provides that municipalities may adopt, administer, and enforce municipal building, construction, and safety codes. If a municipality adopts a code adopted by the Department of Commerce and Economic Development under AS 16.61.010, the municipal version of the code may not be less stringent than the department's code.

Sec. 18.61.030 provides that the administrative official shall require all persons employed to enforce a state building, construction, or safety code to obtain, and maintain through continued education, appropriate certificates of competency.

*Com. + Econ.  
Perkins*

Sec. 18.61.040 creates the Building Regulations Board. The board consists of ten professionals familiar with building and construction practices and a public member appointed by the Governor. Among the professions represented on the board are architects, engineers, contractors, and fire protection consultants. Members of the board are appointed for terms of three years. Members of the board are not compensated but do receive travel expenses and per diem while serving on the board.

The board has authority to recommend modifications to codes adopted by the department under AS 18.61.010; to serve as a hearing board on appeals from decisions of the administrative official; and to adopt regulations governing the conduct of hearings before the board.

The administrative official is an ex officio, nonvoting member of the board and serves as secretary to the board.

Sec. 18.61.050 establishes the procedures relating to appeals from the denial of a permit or a notice of violation. Within 15 calendar days after a denial of a permit or a notice of violation is affirmed by the administrative official, the person appealing the decision must submit a written request for a hearing before the board. The board shall hear the appeal within 35 calendar days after the request for a hearing is received by the board, unless the appellant requests a later date. At the end of the hearing the board shall render an oral decision and then within 15 calendar days issue a written decision. If the board affirms the decision of the administrative official the appellant shall immediately comply with the decision of the board.

Sec. 18.61.060 provides for expedited appellate hearings. If the appellant wants an expedited hearing, the appellant must apply in writing within eight calendar days after the administrative official affirms the denial of a permit or the notice of violation. The expedited hearing is held by a hearing committee consisting of three members. Two members of the hearing committee shall be knowledgeable of the codes that are relevant to the appeal.

If the board grants the request for an expedited hearing, the hearing committee shall be appointed and the hearing held within eight calendar days after the request for an expedited hearing is received by the board. The hearing committee shall issue an oral decision on the appeal at the conclusion of the hearing and a written decision within eight calendar days after the conclusion of the hearing.

If the board denies the request for an expedited hearing, the board shall hear the appeal under AS 18.61.050.

Sec. 18.61.070 provides for judicial review of a decision of the board or of a hearing committee upon the petition of the appellant or the department.

Sec. 18.61.190 defines "administrative official," "code," and "department." "Administrative official" is defined as the person designated by the commissioner of commerce and economic development to enforce the building, construction, and safety codes.

Section 4 of the bill amends AS 05.20.020 to provide for the transfer of responsibility for inspection of recreational devices from the Department of Labor to the Department of Commerce and Economic Development.

Section 5 of the bill amends AS 05.20.120(1) so that "department" is defined as the Department of Commerce and Economic Development in AS 05.20.

Section 6 of the bill amends AS 18.05.040(6) to change the statutory reference to the state plumbing codes in order to conform with changes made by sections 3 and 28 of the bill.

Section 7 of the bill amends AS 18.62.010 to change the statutory references to the electrical codes and plumbing codes in order to conform with changes made by sections 3 and 28 of the bill and to repeal the exemptions from certificate of fitness requirements granted to employees of certain electrical utilities.

Section 8 of the bill amends AS 18.62.030 to repeal the provision relating to fees for certificates of fitness and to delete the reference to the Department of Labor.

Section 9 of the bill repeals and reenacts AS 18.62.070 relating to the persons required to obtain a certificate of fitness. The new version of AS 18.62.070 amends the citations to the plumbing code and the electrical codes.

Section 10 of the bill adds a definition to AS 18.62 so that "department" is defined as the Department of Commerce and Economic Development. This definition is necessary to transfer responsibility for issuing certificates of fitness to the Department of Commerce and Economic Development.

Section 11 of the bill amends AS 18.70.081 by deleting references to the Department of Public Safety and the Department of Commerce and Economic Development in order to make AS 18.70.081 conform with the transfer of the functions of the Division of Fire Prevention to the Department of Commerce and Economic Development.

Section 12 of the bill amends AS 18.70.100(a) by deleting provisions relating to multiple punishments for continuing violations of AS 18.70.010 - 18.70.100, by deleting references to the Department of Public Safety, and by making technical style changes.

Section 13 of the bill amends AS 18.70 by adding a definition of "department." "Department" is defined as the Department of Commerce and Economic Development in order to transfer the Division of Fire Prevention and fire protection functions to the Department of Commerce and Economic Development.

Section 14 of the bill amends AS 29.10.200 by adding building, construction, and safety code enforcement to the list of limitations on the powers of home rule municipalities.

Section 15 of the bill amends AS 35.10.015(a) to transfer responsibility to the Department of Commerce and Economic Development to prepare, adopt, and enforce regulations governing construction of public buildings and facilities so that they are accessible to handicapped persons.

Section 16 of the bill amends AS 35.10.015(b) to clarify that the Department of Transportation and Public Facilities is responsible for preparing an inventory of public buildings to determine compliance with accessibility standards developed by the Department of Commerce and Economic Development.

Section 17 of the bill amends AS 35.10.015(e) to provide that the Department of Commerce and Economic Development is responsible for adopting regulations setting standards for access to public buildings and facilities by handicapped persons.

Section 18 of the bill amends AS 39.50.200(b) to make the members of the Building Regulations Board subject to the conflict of interest statute (AS 39.50).

Section 19 of the bill amends AS 44.33.020 to give the Department of Commerce and Economic Development authority to adopt and enforce building, construction, and safety codes and energy conservation standards for buildings.

Section 20 of the bill amends AS 44.62.330(a) by adding the Building Regulations Board to the list of agencies that must

follow the procedures for adjudicatory hearings set out in the Administrative Procedure Act (AS 44.62).

Section 21 of the bill amends AS 46.11.010 by transferring responsibility for adopting thermal and lighting energy standards from the Department of Transportation and Public Facilities to the Department of Commerce and Economic Development and by making technical drafting changes.

Section 22 of the bill amends AS 46.11.900(9) by transferring responsibility for adopting and revising thermal and light energy standards for public buildings from the Department of Transportation and Public Facilities and for other buildings from the Department of Community and Regional Affairs to the Department of Commerce and Economic Development.

Section 23 of the bill provides that a person, who obtains a certificate of fitness as a plumber or electrician before the plumbing codes, electrical codes, and the uniform administrative code are adopted under AS 18.61.010, does not have to obtain a new certificate until the old certificate expires. This prevents a plumber or electrician from having to obtain a new certificate when section 3 of this bill takes effect.

Section 24 of the bill directs the Revisor of Statutes to make very specific deletions and substitutions of language in specified statutes as the result of the transfer of various governmental functions in other sections of the bill.

Section 24 (1) - (3) delete references to the Department of Public Safety and insert references to the Department of Commerce and Economic Development in AS 18.70, which relates to the Division of Fire Prevention and fire protection.

Section 24 (4) deletes a reference to the Department of Community and Regional Affairs and inserts a reference to the Department of Commerce and Economic Development in AS 46.11.040(3)(B), relating to thermal and lighting energy standards.

Section 25 repeals AS 18.60.850 (piping codes), AS 18.70.300 (definition of "building"), and AS 44.42.020(a)(14) (certain

duties of Department of Transportation and Public Facilities). This section takes effect on July 1, 1988.

Section 26 of the bill repeals AS 18.60.180-18.60.395 (boilers). This section takes effect upon the adoption of the Boiler Construction Code by the Department of Commerce and Economic Development.

Section 27 of the bill repeals AS 18.60.580 - 18.60.660 (electrical safety) and AS 18.60.670 - 18.60.695 (high voltage lines). This section takes effect upon the adoption of the National Electrical Code and the National Electrical Safety Code by the Department of Commerce and Economic Development.

Section 28 of the bill repeals AS 18.60.705 - 18.60.740 (plumbing code). This section takes effect upon adoption of the Uniform Plumbing Code by the Department of Commerce and Economic Development.

Section 29 of the bill repeals AS 18.60.750 - 18.60.780 (safety glazing). This section takes effect on the adoption of the Uniform Building Code by the Department of Commerce and Economic Development.

Section 30 of the bill repeals AS 18.60.800 - 18.60.820 (elevators). This section takes effect upon the adoption of the Safety Code for Elevators and Escalators by the Department of Commerce and Economic Development.

Section 31 of the bill is a savings clause. This section continues the authority of the state to complete proceedings initiated under the statutes repealed, amended, or transferred by this bill.

Section 32 of the bill contains the effective dates of the various sections of the bill.

Sections 1-5, 11-22, 24, 25, and 31 of the bill take effect July 1, 1988. The other sections of the bill have effective dates conditioned on the happening of specified events.

1/23/89

w/ GEORGE & CHRIS

1) WHAT BLDGS ARE INCLUDED?

1/15 INCLUDES ALL BLDG

NEW DRAFT TO BE ALL BLDGS & RESIDENCES OF SPLEXOR >

2) P 3 L 13-14 UNIFORM FED. ACCESSIBILITY STANDARDS

AGE WANTS OUT / BLDG OFFICIAL WANTS IT IN

CODE MAY APPLY ONLY TO PUBLICLY FUNDED BLDGS

NEW DRAFT DELETES IT

3) P 4 L 3-5 CLARIFY

NEW DRAFT - ENVIRONMENTAL OR ECONOMIC CONDITIONS  
IN DIFFERENT REGIONS OF STATE

4) P 4 L 17-21

HOW DO LOCAL OFFICIALS HANDLE

INTENT WAS FOR STATE ONLY

NEW - L 19 DELETE PHRASE "INTENT EMP OF DIST."

5) BOARD OPERATION

NEW DRAFT - SPANISH LANGUAGE

MAJORITY = QUORUM - MAJORITY OF BOARD FOR PASSAGE

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IN THE SENATE

BY THE LABOR AND  
COMMERCE COMMITTEE

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 300 (L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIFTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to building, construction, an safety codes; consolidating building regulation; transferring certain functions to the Department of Commerce and Economic Development; relating to fire protection; relating to the division of fire prevention; relating to certificates of fitness; and providing for an effective date."

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

\* Section 1. PURPOSE. The purpose of this Act is to better serve the public and increase efficiency and cost effectiveness of state government by adopting uniform building, construction, and safety codes; establishing a procedure for periodic revisions and updates of uniform building, construction, and safety codes; establishing an appeals procedure for violations of uniform building, construction, and safety codes; and consolidating governmental functions relating to adoption and enforcement of building, construction, and safety codes into the Department of Commerce and Economic Development.

\* Sec. 2. TRANSFER OF AUTHORITY. (a) The authority to adopt, amend, and enforce building, construction, and safety codes is transferred to the Department of Commerce and Economic Development from the Department of Labor.

(b) The responsibility for inspection of recreational devices under AS 05.20 is transferred to the Department of Commerce and Economic Development from the Department of Labor.

1 (c) The responsibility for issuing certificates of fitness under  
2 AS 18.62 is transferred to the Department of Commerce and Economic Develop-  
3 ment from the Department of Labor.

4 (d) The division of fire prevention and its statutory powers and  
5 duties are transferred to the Department of Commerce and Economic Develop-  
6 ment from the Department of Public Safety. The responsibility for state  
7 fire prevention and protection functions and for the regulation of fire-  
8 works is transferred to the Department of Commerce and Economic Development  
9 from the Department of Public Safety.

10 (e) The authority to adopt and enforce regulations governing access  
11 to public buildings and facilities by the physically handicapped, aged, and  
12 infirmed is transferred to the Department of Commerce and Economic Develop-  
13 ment from the Department of Transportation and Public Facilities.

14 (f) The authority to adopt and enforce regulations governing thermal  
15 and lighting energy standards for public and private buildings is trans-  
16 ferred to the Department of Commerce and Economic Development from the  
17 Department of Transportation and Public Facilities and the Department of  
18 Community and Regional Affairs.

19 \* Sec. 3. AS 18 is amended by adding a new chapter to read:

20 CHAPTER 61. BUILDING, CONSTRUCTION, AND SAFETY CODES.

21 Sec. 18.61.010. ADOPTION OF BUILDING, CONSTRUCTION, AND SAFETY  
22 CODES. (a) The Department of Commerce and Economic Development shall  
23 adopt by regulation the following codes as the minimum building,  
24 construction, and safety criteria for the state:

25 (1) Uniform Administrative Code, published by the Interna-  
26 tional Conference of Building Officials;

27 (2) Uniform Building Code, published by the International  
28 Conference of Building Officials;

29 (3) Uniform Fire Code, published by the International

1 Conference of Building Officials and Western Fire Chiefs Association;

2 (4) Uniform Mechanical Code, published by the International  
3 Conference of Building Officials and the International Association of  
4 Plumbing and Mechanical Officials;

5 ~~CLARIFIED~~ (5) Uniform Plumbing Code, published by the International  
6 Association of Plumbing and Mechanical Officials;

7 (6) Uniform Solar Energy Code, published by the Interna-  
8 tional Association of Plumbing and Mechanical Officials;

9 (7) Uniform Swimming Pool, Spa and Hot Tub Code, published  
10 by the International Association of Plumbing and Mechanical Officials;

11 (8) Uniform Sign Code, published by the International  
12 Conference of Building Officials;

13 (9) Uniform Code for the Abatement of Dangerous Buildings,  
14 published by the International Conference of Building Officials;

15 ~~DELETED~~ (10) Energy Conservation in New Buildings (ASHREA/IES 90);  
~~UNIFORM PLUMBING~~  
~~ACCESSORY STANDARDS~~

16 (11) National Electrical Code (ANSI/NFPA 70), published by  
17 the National Fire Protection Association;

18 (12) National Electrical Safety Code (ANSI C2), adopted by  
19 the American National Standards Institute;

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

22 (14) Boiler Construction Code, published by the American  
23 Society of Mechanical Engineers;

24 (15) Safety Code for Aerial Passenger Tramways, B77.1;

25 (16) other building, construction, and safety codes or  
26 standards that the department finds necessary to protect the public  
27 health, safety, and welfare.

28 (b) The department shall adopt the latest edition of each code  
29 listed in (a) of this section by the end of the calendar year

1 following the calendar year in which the latest edition of the code is  
2 published.

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

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

10 (1) a commercial, industrial, business, or institutional or  
11 other public building; or

12 (2) a residential building containing five or more dwelling  
13 units.

14 (e) A regulation adopted under this section may not take effect  
15 before the 60th legislative day after the department submits the regu-  
16 lation to the legislature for its review.

17 Sec. 18.61.020. ADOPTION AND ENFORCEMENT OF CODES BY MUNICIPALI-  
18 TIES. (a) Except as otherwise provided, adoption of a code under  
19 AS 18.61.010 is not intended to preempt administration or enforcement  
20 of a building, construction, or safety code adopted by ordinance by a  
21 municipality.

22 (b) If a municipality chooses to regulate activities within its  
23 boundaries that are subject to a building, construction, or safety  
24 code adopted by the department under AS 18.61.010, the municipality  
25 shall adopt by ordinance the code adopted by the department. The  
26 municipality may amend the code if the amended code is not less strin-  
27 gent than that adopted by the department.

28 Sec. 18.61.030. CERTIFICATES OF COMPETENCY FOR CODE ENFORCEMENT  
29 PERSONNEL. The administrative official shall require that an employee

PERSON

1 of the department authorized to enforce a code adopted under AS 18.-  
2 61.010 hold an appropriate certificate of competency and maintain  
3 competency through continuing education.

4 Sec. 18.61.040. BUILDING REGULATIONS BOARD. (a) There is  
5 created the Building Regulations Board in the department.

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

9 (1) an architect experienced in the design of commercial  
10 and industrial structures;

11 (2) an architect experienced in the design of residential  
12 structures;

13 (3) a mechanical engineer;

14 (4) an electrical engineer;

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

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

18 (7) a general contractor experienced in the construction of  
19 residential structures;

20 (8) a mechanical contractor;

21 (9) an electrical administrator;

22 (10) a fire protection consultant; and

23 (11) a public member. FROM ORGANIZED LABOR X

24 (c) Members of the board serve a term of three years. A member  
25 of the board serves until a successor is appointed. An appointment to  
26 fill a vacancy on the board is for the remainder of the unexpired  
27 term. Members of the board serve without compensation but are enti-  
28 tled to per diem and travel expenses authorized by law for boards  
29 under AS 39.20.180.

1 (d) The board shall

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

4 (2) serve as a hearing board under AS 18.61.050;

5 (3) adopt regulations under the Administrative Procedure  
6 Act (AS 44.62) governing

7 (A) the procedures of the board; and

8 (B) the conduct of hearings before the board and  
9 hearing committees.

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

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

15 Sec. 18.61.050. HEARINGS. (a) A person who is denied a permit  
16 or issued a notice of violation under a code adopted under AS 18.61.-  
17 010 may appeal the denial of the permit or notice of violation to the  
18 board within 15 calendar days after the denial of the permit or the  
19 notice of violation is affirmed by the administrative official. The  
20 appeal shall be in writing.

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

26 (c) If the board affirms the decision of the administrative  
27 official, the appellant shall immediately comply with the decision of  
28 the board.

29 Sec. 18.61.060. EXPEDITED HEARING. (a) If time is of the

1 essence, a person who is denied a permit or issued a notice of vio-  
2 lation under a code adopted under AS 18.61.010 may appeal the denial  
3 of the permit or notice of violation to the board and request an  
4 expedited hearing by a hearing committee within eight calendar days  
5 after the denial of the permit or the notice of violation is affirmed  
6 by the administrative official. The appeal and request for an ex-  
7 pedited hearing shall be in writing.

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

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

18 (d) If the board denies the request for an expedited hearing,  
19 the board shall hear the appeal under AS 18.61.050.

20 Sec. 18.61.070. JUDICIAL REVIEW. The department or a person  
21 aggrieved by the decision of the board or a hearing committee may  
22 petition for review in the superior court.

23 Sec. 18.61.190. DEFINITIONS. In this chapter

24 (1) "administrative official" means the person designated  
25 by the commissioner of commerce and economic development to enforce  
26 the codes;

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

29 (3) "department" means the Department of Commerce and

Economic Development.

\* Sec. 4. AS 05.20.020 is amended to read:

Sec. 05.20.020. DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT [LABOR] TO INSPECT DEVICES. The Department of Commerce and Economic Development [LABOR] is responsible for the inspection of devices.

\* Sec. 5. AS 05.20.120(1) is amended to read:

(1) "department" means the Department of Commerce and Economic Development [LABOR];

\* Sec. 6. AS 18.05.040(b) is amended to read:

(b) A regulation may not be adopted under (a) of this section that duplicates, conflicts with, or is inconsistent with the plumbing codes adopted under AS 18.61.010 [AS 18.60.705 - 18.60.740].

\* Sec. 7. AS 18.62.010 is amended to read:

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

\* Sec. 8. AS 18.62.030 is amended to read:

Sec. 18.62.030. ACCOUNTING FOR FEES [FEE. WHEN SUBMITTING AN APPLICATION, AN APPLICANT SHALL PAY A FEE OF \$40 FOR A CERTIFICATE VALID FOR ONE YEAR OR \$75 FOR A CERTIFICATE VALID FOR THREE YEARS]. The commissioner of administration shall separately account for certificate of fitness fees that the department [DEPARTMENT OF LABOR] deposits in the general fund. The annual estimated balance in the account may be used by the legislature to make appropriations to the

1 department to carry out the purposes of this chapter.

2 \* Sec. 9. AS 18.62.070 is repealed and reenacted to read:

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

7 (b) A person engaged in a trade subject to the plumbing codes  
8 adopted under AS 18.61.010 shall first obtain a certificate of fitness  
9 from the department.

10 \* Sec. 10. AS 18.62 is amended by adding a new section to read:

11 Sec. 18.62.090. DEFINITION. In this chapter "department" means  
12 the Department of Commerce and Economic Development.

13 \* Sec. 11. AS 18.70.081 is amended to read:

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

19 \* Sec. 12. AS 18.70.100(a) is amended to read:

20 (a) A person who violates a [ANY] provision of AS 18.70.010 -  
21 18.70.100 or the published regulations or orders adopted under those  
22 sections and who, within 30 days after the issuance of a final order,  
23 does not correct the violation or appeal [IT FROM WHICH NO APPEAL HAS  
24 BEEN TAKEN WITHIN 30 DAYS AFTER] the issuance of a final order is [,  
25 SEVERALLY, FOR EACH VIOLATION,] guilty of a misdemeanor, and is pun-  
26 ishable by a fine of not more than \$500, or by imprisonment for not  
27 more than six months, or by both. A person aggrieved by a final  
28 order of the department [DEPARTMENT OF PUBLIC SAFETY] may appeal to  
29 the superior court within 30 days after the issuance of the order.

1 The imposition of one penalty for a violation does not excuse the  
2 violation and a person guilty of a violation shall correct the vio-  
3 lation within a reasonable time. [WHEN NOT OTHERWISE SPECIFIED, EACH  
4 10 DAYS THAT A PROHIBITED CONDITION IS MAINTAINED IS A SEPARATE OF-  
5 FENSE.]

6 \* Sec. 13. AS 18.70 is amended by adding a new section to read:

7 Sec. 18.70.990. DEFINITIONS. In this chapter "department" means  
8 the Department of Commerce and Economic Development.

9 \* Sec. 14. AS 29.10.200 is amended by adding a new paragraph to read:

10 (49) AS 18.61.020 (building, construction, and safety code  
11 adoption and enforcement)

12 \* Sec. 15. AS 35.10.015(a) is amended to read:

13 (a) The Department of Commerce and Economic Development [DE-  
14 PARTMENT] shall prepare, adopt, and enforce regulations governing the  
15 construction of public buildings and facilities by or for the state,  
16 including the University of Alaska, and its political subdivisions,  
17 whether financed in whole or in part by federal funds, to ensure that  
18 public buildings and facilities are accessible to, and usable by, the  
19 physically handicapped, aged, or infirm. The regulations of the  
20 department must conform to a standard comparable to applicable pro-  
21 visions of federal law, regulations, and standards.

22 \* Sec. 16. AS 35.10.015(b) is amended to read:

23 (b) The Department of Transportation and Public Facilities  
24 [DEPARTMENT] shall develop and maintain an inventory of all public  
25 buildings and facilities with respect to their compliance with the  
26 regulations adopted under (a) of this section. The Department of  
27 Transportation and Public Facilities [DEPARTMENT] shall make an annual  
28 report to the governor and the legislature describing work performed  
29 in the preceding calendar year to upgrade public buildings and

1 facilities to conform with the regulations. In addition, the Depart-  
2 ment of Transportation and Public Facilities [DEPARTMENT] shall devel-  
3 op cost estimates and recommended priorities for the upgrading of  
4 public buildings and facilities that do not conform with the regula-  
5 tions adopted under (a) of this section and shall include these esti-  
6 mates and the recommended priorities in the annual report to the  
7 governor and the legislature.

8 \* Sec. 17. AS 35.10.015(e) is amended to read:

9 (e) After June 25, 1976, a [NO] public building or facility in  
10 the state may not be planned, designed, financed, constructed, opened  
11 to public use, or otherwise placed in operation unless it meets the  
12 standards established under (a) of this section. If the standards for  
13 a public building or facility are not provided for in federal law,  
14 regulation, or standards, the Department of Commerce and Economic  
15 Development [DEPARTMENT] shall determine the extent of, and adopt  
16 regulations setting the standards for, access to and use of the public  
17 building or facility by the physically handicapped, aged, or infirm.

18 \* Sec. 18. AS 39.50.200(b) is amended by adding a new paragraph to  
19 read:

20 (49) Building Regulations Board (AS 18.61.040).

21 \* Sec. 19. AS 44.33.020 is amended by adding new paragraphs to read:

22 (30) adopt and enforce building, construction, and safety  
23 codes;

24 (31) adopt and enforce energy conservation standards for  
25 buildings.

26 \* Sec. 20. AS 44.62.330(a) is amended by adding a new paragraph to  
27 read:

28 (55) Building Regulations Board (AS 18.61.040).

29 \* Sec. 21. AS 46.11.010 is amended to read:

1           Sec. 46.11.010. THERMAL AND LIGHTING ENERGY STANDARDS FOR PUBLIC  
2 BUILDINGS. (a) All public facilities of the state [, THE CONSTRUC-  
3 TION OF WHICH BEGINS AFTER JULY 1, 1980,] shall be designed to comply  
4 with the thermal and lighting energy standards adopted by the Depart-  
5 ment of Commerce and Economic Development [TRANSPORTATION AND PUBLIC  
6 FACILITIES] under AS 44.33.020 [AS 44.42.020(a)(14)].

7           (b) By June 30, 1988, all public facilities of the state exist-  
8 ing on July 1, 1980, shall be modified, to the extent economically  
9 feasible, to comply with the thermal and lighting energy standards  
10 adopted by the Department of Commerce and Economic Development [TRANS-  
11 PORTATION AND PUBLIC FACILITIES] under AS 44.33.020 [AS 44.42.020(a)-  
12 (14)].

13 \* Sec. 22. AS 46.11.900(9) is amended to read:

14           (9) "thermal and lighting energy standards" means the  
15 thermal and lighting energy standards established by the American  
16 Society of Heating, Refrigeration, and Air Conditioning Engineers as  
17 revised

18                       [(A)] by the commissioner of commerce and economic  
19 development [TRANSPORTATION AND PUBLIC FACILITIES UNDER AS 44.-  
20 42.020(a)] for public facilities and [; OR

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

24 \* Sec. 23. Notwithstanding AS 18.62.030, as amended by sec. 8 of this  
25 Act, a certificate of fitness issued before the effective date of this  
26 section is valid for the term for which the certificate was issued.

27 \* Sec. 24. The revisor of statutes shall

28           (1) delete "Department of Public Safety" and insert "department"  
29 in AS 18.70.020, 18.70.030, 18.70.040, 18.70.050, 18.70.060, 18.70.070,

1 18.70.080, 18.70.090, 18.70.100(b), 18.70.310(a), 18.70.310(b), 18.70.-  
2 310(c), and 18.70.310(d);

3 (2) delete "Public Safety" and insert "Commerce and Economic  
4 Development" in AS 18.70.010; AS 18.72.050(2); and AS 29.35.500(a) and  
5 29.35.530(a);

6 (3) delete "public safety" and insert "commerce and economic  
7 development" in AS 18.70.080(b); and

8 (4) delete "community and regional affairs" and insert "commerce  
9 and economic development" in AS 46.11.040(3)(B).

10 \* Sec. 25. AS 18.60.850, AS 18.70.300, and AS 44.42.020(a)(14) are  
11 repealed.

12 \* Sec. 26. AS 18.60.180, 18.60.190, 18.60.200, 18.60.210, 18.60.220,  
13 18.60.230, 18.60.240, 18.60.250, 18.60.260, 18.60.270, 18.60.280, 18.60.-  
14 290, 18.60.300, 18.60.310, 18.60.320, 18.60.330, 18.60.340, 18.60.350,  
15 18.60.360, 18.60.370, 18.60.390, and 18.60.395 are repealed.

16 \* Sec. 27. AS 18.60.580, 18.60.590, 18.60.600, 18.60.610, 18.60.620,  
17 18.60.630, 18.60.640, 18.60.650, 18.60.660, 18.60.670, 18.60.675, 18.60.-  
18 680, 18.60.685, 18.60.690, and 18.60.695 are repealed.

19 \* Sec. 28. AS 18.60.705, 18.60.710, 18.60.715, 18.60.720, 18.60.725,  
20 18.60.730, 18.60.735, and 18.60.740 are repealed.

21 \* Sec. 29. AS 18.60.750, 18.60.755, 18.60.760, 18.60.765, 18.60.770,  
22 18.60.775, and 18.60.780 are repealed.

23 \* Sec. 30. AS 18.60.800 and 18.60.820 are repealed.

24 \* Sec. 31. SAVINGS CLAUSE. Litigation, hearings, investigations, and  
25 other proceedings under a law amended or repealed by this Act, or in con-  
26 nection with functions transferred by this Act, continue in effect and may  
27 be continued and completed notwithstanding a transfer or amendment or  
28 repeal provided for by this Act. Regulations adopted under authority of a  
29 law amended, transferred, or repealed by this Act remain in effect for the

1 term adopted or until repealed or otherwise amended under provisions of  
2 this Act.

3 \* Sec. 32. EFFECTIVE DATE. (a) Sections 1 - 5, 11 - 22, 24, 25, and  
4 31 of this Act take effect July 1, 1988.

5 (b) Section 26 of this Act takes effect on the effective date of  
6 regulations adopting the Boiler Construction Code under AS 18.61.010, as  
7 enacted by sec. 3 of this Act.

8 (c) Section 27 of this Act takes effect on the effective date of  
9 regulations adopting the National Electrical Code and the National Elec-  
10 trical Safety Code under AS 18.61.010, as enacted by sec. 3 of this Act.

11 (d) Sections 6 and 28 of this Act take effect on the effective date  
12 of regulations adopting the Uniform Plumbing Code under AS 18.61.010, as  
13 enacted by sec. 3 of this Act.

14 (e) Section 29 of this Act takes effect on the effective date of  
15 regulations adopting the Uniform Building Code under AS 18.61.010, as  
16 enacted by sec. 3 of this Act.

17 (f) Section 30 of this Act takes effect on the effective date of  
18 regulations adopting the Safety Code for Elevators and Escalators under  
19 AS 18.61.010, as enacted by sec. 3 of this Act.

20 (g) Sections 7 - 10 and 23 of this Act take effect on the effective  
21 date of regulations adopting the Uniform Administrative Code under AS 18.-  
22 61.010, as enacted by sec. 3 of this Act, the effective date of sec. 27 of  
23 this Act, or the effective date of sec. 28 of this Act, whichever is  
24 latest.

ISSUES TO BE DECIDED BY THE COMMITTEE:

- 1) Should the most recent version of the codes be adopted or the version we are currently using. The problem is the plastic pipe issue in the plumbing code.
- 2) Which department should all the functions be consolidated into. The bill puts them into Commerce. The administration is having Labor take the point on the bill.
- 3) How much control does the legislature want to give up? The new draft has a legislative oversight.
- 4) What structures should be covered? The new draft excludes residential buildings of 4 or less units.
- 5) Should the make up of the board include someone from labor? The unions are going to request that they get a seat. We probably don't need 2 types of architects and 2 types of general contractors.
- 6) Should we do a separate bill making it clear that fire marshalls will remain commissioned officers? Current drafts leave this up to the discretion of the commissioner of Commerce. It won't fit into SB 300 under the 2 subject rule.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CA/ITOL  
JUNEAU, ALASKA 99811  
907-465-3803

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 30, 1988

SUBJECT: Section-by-section summary of draft Labor and  
Commerce Committee Substitute for SSSB 300

TO: Senator Tim Kelly

FROM: George Utermohle *GU*  
Legislative Counsel

The following is the section-by-section summary of a draft Labor and Commerce Committee Substitute for SSSB 300, dated January 26, 1988, requested by John Ringstad of your staff.

A section-by-section summary of a bill should not be considered an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill states the purpose of the bill.

Section 2 of the bill lists the powers transferred to the Department of Commerce and Economic Development. Among the powers transferred to the department are

- 1) authority to adopt, amend, and enforce building, construction, and safety codes;
- 2) authority to inspect recreational devices such as ski tows, roller coasters, merry-go-rounds, and Ferris wheels;
- 3) authority to issue certificates of fitness for plumbers and electricians;
- 4) authority to adopt regulations governing access to public buildings and facilities by the physically handicapped, aged, and infirmed and thermal and lighting energy standards for public and private buildings.

The Division of Fire Prevention is transferred from the Department of Public Safety to the Department of Commerce and Economic Development.

Section 3 of the bill amends Title 18 by adding a new chapter relating to building, construction, and safety codes.

Sec. 18.60.010 authorizes the Department of Commerce and Economic Development to adopt by regulation various building, construction, and safety codes. The bill lists 15 specific codes that the department shall adopt and gives the department authority to adopt other codes and standards as necessary.

The department shall adopt the latest edition of the listed codes and each additional code that the department adopts by the end of the calendar year following the year in which the latest edition of the code is published.

The department has authority to amend, supplement, or delete provisions from the codes as they are originally published if it is necessary to make the code applicable to environmental and economic conditions existing in a region of the state.

Regulations adopted under this section apply to residential buildings containing five or more dwelling units and to commercial, industrial, business, or institutional or other public buildings.

Regulations adopted under this section do not take effect until the regulations have been available for review by the legislature for 60 legislative days.

Sec. 18.61.020 provides that municipalities may adopt, administer, and enforce municipal building, construction, and safety codes. If a municipality adopts a code adopted by the Department of Commerce and Economic Development under AS 18.61.010, the municipal version of the code may not be less stringent than the department's code.

Sec. 18.61.030 provides that the administrative official shall require all persons employed by the department to enforce a state building, construction, or safety code to obtain, and maintain through continued education, appropriate certificates of competency.

Sec. 18.61.040 creates the Building Regulations Board. The board consists of ten professionals familiar with building and construction practices and a public member appointed by the Governor. Among the professions represented on the

board are architects, engineers, contractors, and fire protection consultants. Members of the board are appointed for terms of three years. Members of the board are not compensated but do receive travel expenses and per diem while serving on the board.

The board has authority to recommend modifications to codes adopted by the department under AS 18.61.010; to serve as a hearing board on appeals from decisions of the administrative official; and to adopt regulations governing the procedures of the board and the conduct of hearings before the board.

A majority of the members of the board (six members) is a quorum of the board. A majority of the members of the board must approve an action before it can be an official action of the board.

The administrative official is an ex officio, nonvoting member of the board and serves as secretary to the board.

Sec. 18.61.050 establishes the procedures relating to appeals from the denial of a permit or a notice of violation. Within 15 calendar days after a denial of a permit or a notice of violation is affirmed by the administrative official, the person appealing the decision must submit a written request for a hearing before the board. The board shall hear the appeal within 35 calendar days after the request for a hearing is received by the board, unless the appellant requests a later date. At the end of the hearing the board shall render an oral decision and then within 15 calendar days issue a written decision. If the board affirms the decision of the administrative official the appellant shall immediately comply with the decision of the board.

Sec. 18.61.060 provides for expedited appellate hearings. If the appellant wants an expedited hearing, the appellant must apply in writing within eight calendar days after the administrative official affirms the denial of a permit or the notice of violation. The expedited hearing is held by a hearing committee consisting of three members. Two members of the hearing committee shall be knowledgeable of the codes that are relevant to the appeal.

If the board grants the request for an expedited hearing, the hearing committee shall be appointed and the hearing held within eight calendar days after the request for an

expedited hearing is received by the board. The hearing committee shall issue an oral decision on the appeal at the conclusion of the hearing and a written decision within eight calendar days after the conclusion of the hearing.

If the board denies the request for an expedited hearing, the board shall hear the appeal under AS 18.61.050.

Sec. 18.61.070 provides for judicial review of a decision of the board or of a hearing committee upon the petition of the appellant or the department.

Sec. 18.61.190 defines "administrative official," "code," and "department." "Administrative official" is defined as the person designated by the commissioner of commerce and economic development to enforce the building, construction, and safety codes.

Section 4 of the bill amends AS 05.20.020 to provide for the transfer of responsibility for inspection of recreational devices from the Department of Labor to the Department of Commerce and Economic Development.

Section 5 of the bill amends AS 05.20.120(1) so that "department" is defined in AS 05.20 to mean the Department of Commerce and Economic Development.

Section 6 of the bill amends AS 18.05.040(b) to change the statutory reference to the state plumbing codes in order to conform with changes made by sections 3 and 28 of the bill.

Section 7 of the bill amends AS 18.62.010 to change the statutory references to the electrical codes and plumbing codes in order to conform with changes made by sections 3 and 28 of the bill and to repeal the exemptions from certificate of fitness requirements granted to employees of certain electrical utilities.

Section 8 of the bill amends AS 18.62.030 to repeal the provision relating to fees for certificates of fitness and to delete the reference to the Department of Labor.

Section 9 of the bill repeals and reenacts AS 18.62.070 relating to the persons required to obtain a certificate of fitness. The new version of AS 18.62.070 amends the citations to the plumbing code and the electrical codes.

Section 10 of the bill adds a definition to AS 18.62 so that "department" is defined as the Department of Commerce and Economic Development. This definition is necessary to transfer responsibility for issuing certificates of fitness to the Department of Commerce and Economic Development.

Section 11 of the bill amends AS 18.70.081 by deleting references to the Department of Public Safety and the Department of Commerce and Economic Development in order to make AS 18.70.081 conform with the transfer of the functions of the Division of Fire Prevention to the Department of Commerce and Economic Development.

Section 12 of the bill amends AS 18.70.100(a) by allowing a person to avoid prosecution by correcting the violation, by deleting provisions relating to multiple punishments for continuing violations of AS 18.70.010 - 18.70.100, by deleting a reference to the Department of Public Safety, and by making technical style changes.

Section 13 of the bill amends AS 18.70 by adding a definition of "department." "Department" is defined as the Department of Commerce and Economic Development in order to transfer the Division of Fire Prevention and fire protection functions to the Department of Commerce and Economic Development.

Section 14 of the bill amends AS 29.10.200 by adding building, construction, and safety code enforcement to the list of limitations on the powers of home rule municipalities.

Section 15 of the bill amends AS 35.10.015(a) to transfer responsibility to the Department of Commerce and Economic Development to prepare, adopt, and enforce regulations governing construction of public buildings and facilities so that they are accessible to handicapped persons.

Section 16 of the bill amends AS 35.10.015(b) to clarify that the Department of Transportation and Public Facilities is responsible for preparing an inventory of public buildings to determine compliance with accessibility standards developed by the Department of Commerce and Economic Development.

Section 17 of the bill amends AS 35.10.015(e) to provide that the Department of Commerce and Economic Development is responsible for adopting regulations setting standards for

access to public buildings and facilities by handicapped persons.

Section 18 of the bill amends AS 39.50 200(b) to make the members of the Building Regulations Board subject to the conflict of interest statute (AS 39.50).

Section 19 of the bill amends AS 44.33.020 to give the Department of Commerce and Economic Development authority to adopt and enforce building, construction, and safety codes and energy conservation standards for buildings.

Section 20 of the bill amends AS 44.62.330(a) by adding the Building Regulations Board to the list of agencies that must follow the procedures for adjudicatory hearings set out in the Administrative Procedure Act (AS 44.62).

Section 21 of the bill amends AS 46.11.010 by transferring responsibility for adopting thermal and lighting energy standards from the Department of Transportation and Public Facilities to the Department of Commerce and Economic Development and by making technical drafting changes.

Section 22 of the bill amends AS 46.11.900(9) by transferring responsibility for adopting and revising thermal and light energy standards for public buildings from the Department of Transportation and Public Facilities and for other buildings from the Department of Community and Regional Affairs to the Department of Commerce and Economic Development.

Section 23 of the bill provides that a certificated plumber or electrician, who obtains a certificate of fitness before the plumbing codes, electrical codes, and the uniform administrative code are adopted under AS 18.61.010, does not have to obtain a new certificate until the old certificate expires. This prevents a plumber or electrician from having to obtain a new certificate when section 8 of this bill takes effect.

Section 24 of the bill directs the Revisor of Statutes to make very specific deletions and substitutions of language in specified statutes as the result of the transfer of various governmental functions in other sections of the bill.

Section 24 (1) - (3) delete references to the Department of Public Safety and insert references to the

Department of Commerce and Economic Development in AS 18.70, which relates to the Division of Fire Prevention and fire protection.

Section 24 (4) deletes a reference to the Department of Community and Regional Affairs and inserts a reference to the Department of Commerce and Economic Development in AS 46.11.040(3)(B), relating to thermal and lighting energy standards.

Section 25 repeals AS 18.60.850 (piping codes), AS 18.70.300 (definition of "building"), and AS 44.42.020(a)(14) (certain duties of Department of Transportation and Public Facilities). This section takes effect on July 1, 1988.

Section 26 of the bill repeals AS 18.60.180-18.60.395 (boilers). This section takes effect on the effective date of the Boiler Construction Code as adopted by the Department of Commerce and Economic Development.

Section 27 of the bill repeals AS 18.60.580 - 18.60.560 (electrical safety) and AS 18.60.670 - 18.60.695 (high voltage lines). This section takes effect on the effective date of the National Electrical Code and the National Electrical Safety Code as adopted by the Department of Commerce and Economic Development.

Section 28 of the bill repeals AS 18.60.705 - 18.60.740 (plumbing code). This section takes effect on the effective date of the Uniform Plumbing Code as adopted by the Department of Commerce and Economic Development.

Section 29 of the bill repeals AS 18.60.750 - 18.60.780 (safety glazing). This section takes effect on the effective date of the Uniform Building Code as adopted by the Department of Commerce and Economic Development.

Section 30 of the bill repeals AS 18.60.800 and 18.60.820 (elevators). This section takes effect on the effective date of the Safety Code for Elevators and Escalators as adopted by the Department of Commerce and Economic Development.

Section 31 of the bill is a savings clause. This section continues the authority of the state to complete proceedings initiated under the statutes repealed, amended, or transferred by this bill.

Senator Kelly  
Page 8  
January 30, 1988

Section 32 of the bill contains the effective dates of the various sections of the bill.

Sections 1-5, 11-22, 24, 25, and 31 of the bill take effect July 1, 1988. The other sections of the bill have effective dates determined by the happening of specified events.

GU:mkr  
023/wkb2

PREPARED TELECONFERENCE NOTES:      SSSB 300      01/20/88  
Sipman

My name is James Sipman; the last name is spelled.....  
I am an architect in private practice here in Anchorage.

Thank you for providing us the opportunity to participate in this  
Teleconference and allowing us to express our thoughts on SB 300.

As you all know, regulatory reform has been discussed for many  
years, through at least three administrations. Although that subject  
covers a broad range of topics, whether its oil, fishing, water, waste,  
for example, it very much also applies to the design and construction  
sectors of the state.

SB 300, after more than ten years of waiting and 2 years of  
concentrated effort in preparation, it is now before you. Although a  
compromise measure, it basically addresses the problems that many,  
if not all, Alaskan residents face in some manner or another, whether  
one is a home owner/buyer, a developer, a contractor, an architect or  
engineering designer, or a code enforcement official.

Currently too many different departments enforce different parts of  
the various codes and standards. Often the codes and standards are  
in conflict, often the same codes, but of different editions. What SB  
300 establishes is one family of codes and standards for the State  
and defines what edition should be used throughout the state. For  
the most part this family of codes and standards is already in effect  
but scattered. SB 300 will allow one department to address building  
regulations, providing for one central permitting process,  
consolidating functions, establishing basically one standard  
throughout the state.

Another important provision of SB 300 is the establishment of an  
appeals process that currently does not exist, excepting bureaucratic  
decisions on a particular matter. By establishing a peer group to  
review appeals and promulgate codes, the residents of the state will  
be better served in that a uniform codes and standards progression  
will occur outside a possible political atmosphere.

The current draft bill does not purport to resolve all issues regarding  
the consolidating of codes and standards. However, it will allow  
modifications and amendments as are necessary to the code family to

make them more applicable to Alaskan conditions, and at the time regulations are promulgated for each applicable code, additional public input will occur to allow an end result acceptable to most if not all interested parties. To repeat: The passage of this bill will not preclude those parties who might have reservations at this time about some individual portion or section from being heard when the final regulations/amendments are proposed.

Building Codes and Standards are established to promote the general health, safety and welfare of the residents of a specific jurisdiction. I believe that such codes and standards should be uniform and equally applied throughout that jurisdiction, in this case the State of Alaska.

This is a good time for reviewing existing and proposed building regulations. Because of the current slowdown in the design and construction communities, all interested parties can take the necessary time to see that a responsible and equitable solution is reached. Additionally, it would be great to have regulatory reform in place as we try to turn the state's economy around.

This bill is of major interest to many of us in the design and construction sector. I think that I can speak for many of my colleagues in saying we urge your careful consideration and passage of the bill in its currently presented format. Thank you again for your time and patience.

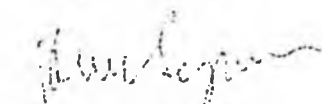
make them more applicable to Alaskan conditions, and at the time regulations are promulgated for each applicable code, additional public input will occur to allow an end result acceptable to most if not all interested parties. To repeat, the passage of this bill will not preclude those parties who might have reservations at this time from being invited parties in sessions from here on in if other final regulations/commitments are prepared.

Nothing states that standards are conditional in nature, the goal is to establish a goal and whether or not the standard is a specific value for the standard. The goal is to establish a standard for the standard and the goal is to establish a standard for the standard.

This is a good time for reviewing existing and proposed building standards. Because of the current standards in the design and construction communities, all interested parties can get the necessary time to see that a responsible and equitable solution is reached. Additionally, it would be good to have a public hearing place as we try to keep the state's economy around.

This bill is of major interest to many of us in the design and construction sectors. I think that I can speak for many of my colleagues in saying we will give our best consideration to the bill in its currently presented format. Thank you again for your time and patience.

Submitted:

  
James Sipman

JAN 22 1988

MEMORANDUM

TO: Senator Tim Kelly, Chairman  
Senate Labor and Commerce Committee

Copy: Senator Richard I. Eliason, Member  
Senator Bettye M. Fahrenkamp, Member  
Senator Mike Szymanski, Member  
Senator Rick Uehling, Member  
Senator Jan Faiks, Senate President (Bill Sponsor)

FROM: Walter R. Gardner, Member, APDC Code Consolidation Committee

DATE: January 21, 1988

SUBJECT: Committee Teleconference, January 20, 1988 3:30PM  
SENATE SPONSOR'S SUBSTITUTE BILL 300

I was able to speak, briefly, during the above subject teleconference, to voice my strong support for the Bill.

Before I proceed with my additional comments, I would like to make you aware of my qualifications. I have been a participant in all, save one, of the meetings of the IUBO/APDC Committee, as a representative of the electrical industry. I have been an Alaskan resident for the past 30 years, working in the industry all of that time. I served as Alaska State Code Committee Chairman for the National Electrical Contractors Association for 4 years, a member of the International Association of Electrical Inspectors for 12 years, Chairman of the local chapter for 4 years, presently a member of the Northwestern Section of IAEI Executive Committee for 6 years, a Certified Inspector General for 7 years, a member of IBEW/NECA Apprenticeship Committee for 6 years, a member of Municipality of Anchorage Building Board for 7 1/2 years, a member of the National Fire Protection Association, Electrical Section for 6 years and member of the State of Alaska Board of Electrical Examiners for 2 years, Chairman for approximately 1 year, until "sunsetted". Presently, I am a self-employed Electrical Consultant, for the past 6 years.

As the testimony progressed, it was very apparent that all participants agreed, in principal, but did not agree on some of the fine points. You can rest assured, that this was the subject of many hours of deliberation, with the compromise Bill, that has been presented, as an equitable balance, for all concerned parties. What I received from the testimony, was that this was a very good Bill, with the support of everyone, as to purpose.

During the testimony, there were several issues that were questioned, as to intent, that I would like to address: (The opinions expressed are mine, and not necessarily those of the balance of the Committee.)

1-The Certification of Plan Reviewer's and Code Enforcement Personnel:

The prime purpose of this section was to require all enforcement personnel to be certified, by testing procedure, with a National, or International, recognized organization. There are a number of organizations that offer these certificates. The International Congress of Building Officials and the International Association of Electrical Inspectors, are two that come to mind, for the electrical discipline. Other organizations, of similar nature, have certifications for other disciplines.

2-Plastic pipe was also brought out, as an issue. This is a sore point with the electrical industry, in that it would require that an exposed, bare conductor be properly attached to all exposed metallic water lines and run back to the electrical panelboard, in the event of the installation of discontinuous metal water piping was used in the structure. (i.e. plastic pipe). This is a technical issue that does not deserve to be debated at this time, but could be the subject of a specific regulation, at a later time.

3- Accessibility Standards was noted to be an issue:

Much Committee discussion over the acceptance of the Federal Accessibility Standards OR ANSI 117.1.

The consensus was, the Federal Standard would adequately meet the Alaskan requirements and allow flexibility, when changes are made.

4- Comments by Mr. Kent Lee Woodman:

I, for one, was completely taken aback, (no, appalled) by some of the statements made during the testimony. The following is a partial rebuttal, for the record:

A- House Bill 116, by Representative Sund, et al, has been voted out of the House Finance Committee, and passed the House 25 yeas, 2 Nays with 2 excused. Representative Cotton has asked for reconsideration. House Bill 116 is primarily set up for Electrical Administrators. It will have little, or nothing, to do with Senate Bill 300.

B-Mr. Woodman's assertion that the specification was available to the public, on the 13th of January. This is only partially correct. The final draft was available on the 13th of the month.

In a meeting of February 5, 1987, in which the writer was the featured speaker, with Mr. Woodman in attendance, a preliminary review was presented to the full membership of the IEEA. Had anyone been interested, the information was available

from any member of the APDC Committee, who would have welcomed any input and/or participation.

C- The assertion that "many" would be moved from Labor, to Commerce, is without basis, or foundation. An early review of the manning requirements, for the present duties performed by Labor, appears to be in the area of 8 1/2 FGN "slots" to accomplish the work, now being performed by the Department of Labor personnel.

D- Section 1. The earlier statement referring to the "wish to 'sunset' the Board of Electrical Examiners" appears to have taken a 180° turn. Now it appears that they want the Board in the Department. The present licensing of all contractor's, and business, are in the Department of Commerce. The only addition to the licensing function, would be the 1/2 of a FGN "slot" for the Certificate of Fitness for the electricians and plumbers.

E- Section 2. See above paragraph H.

F- Section 3. Section 18.61.010(c).

The specific intent of this paragraph, and wording, was to allow for certain changes to the National Codes, to allow for unique Alaskan conditions. A specific example telephonically would be the requirements for grounding, by the use of a ground rod, on the North Side. The perma-frost content of the soil will not allow the ground rods function, in the manner that the Code had anticipated, when the Article was originally put into the Code. A separate grounding conductor must be installed, in addition to the circuit conductors, to obtain the necessary function of the "ground".

The implied, and stated, idea that the Bill would make the Code less stringent, is in error.

G- Section 3. Section 18.61.030.

The stated enforcement personnel would be the Building Official or his/her assignee. (inspectors and plan reviewers)

H- Section 3. Section 18.61.040.

1. The Uniform Administrative Code allows, under Section 204, the Board to adopt rules or procedure, normally the Robert's Rules of Order under Chapter 4 Paragraph 3, did would govern. This would be established in Regulation.

2. See above H-1.

3. To be established.

4. All is presently established in the Department.

of Commerce.

5. See above H-1.

6. This item would be the subject of Regulations.

7. In the event of a "Stop-work" order, or a "Change directive", from the Code Enforcement Official, the contractor/owner has a number of options; First, correct the violations to the satisfaction of the Code Official; Second, appeal the determination to the "Mist-Board", for a determination, within 8 days; Third, appeal the determination to the Full Board, for resolution within the 35 day time limit. It is anticipated that all pertinent information (i.e. photographs, drawings and/or specifications) would be in the hands of the Board members, within the allowable time limit, in order that they may render an immediate decision.

8. To be answered/implemented by Regulations.

I- Section 12 18.70.100(a) Violations.

The existing statute as of 1984 is applicable, as presently written. The filing will be against the Electrical Administrator.

J- Section 21.

As unable to comprehend the application, or substance, of Mr. Hodson's paragraph relating to the Thermal and Lighting Energy Standards.

Very truly yours,

Walter R. Gardner  
Electrical Consultant  
5731 Island Drive  
Anchorage, Alaska 99504-2770

535-0791

Mr. Don Watts, Chairman 300 Code Enforcement Committee

THE PRECEDING DOCUMENT(S) MAY NOT FILM  
LEGIBLY BECAUSE OF POOR QUALITY OF THE  
ORIGINAL.

5-1004X  
Utermohle  
1/7/88



BY FAIKS

1 IN THE SENATE

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 300

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; consolidating building regulation;  
8 transferring certain functions to the Department of  
9 Commerce and Economic Development; and providing for  
10 an effective date."

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

12 \* Section 1. PURPOSE. The purpose of this Act is to better serve the  
13 public and increase efficiency and cost effectiveness of state government  
14 by adopting uniform building, construction, and safety codes; establishing  
15 a procedure for periodic revisions and updates of uniform building, con-  
16 struction, and safety codes; establishing an appeals procedure for vio-  
17 lations of uniform building, construction, and safety codes; and consol-  
18 idating governmental functions relating to adoption and enforcement of  
19 building, construction, and safety codes into the Department of Commerce  
20 and Economic Development.

21 \* Sec. 2. TRANSFER OF AUTHORITY. (a) The authority to adopt, amend,  
22 and enforce building, construction, and safety codes is transferred to the  
23 Department of Commerce and Economic Development from the Department of  
24 Labor.

25 (b) The responsibility for inspection of recreational devices under  
26 AS 05.20 is transferred to the Department of Commerce and Economic Develop-  
27 ment from the Department of Labor.

28 (c) The responsibility for issuing certificates of fitness under  
29 AS 18.62 is transferred to the Department of Commerce and Economic

1 Development from the Department of Labor.

2 (d) The division of fire prevention and its statutory powers and  
3 duties are transferred to the Department of Commerce and Economic Develop-  
4 ment from the Department of Public Safety. The responsibility for state  
5 fire prevention and protection functions and for the regulation of fire-  
6 works is transferred to the Department of Commerce and Economic Development  
7 from the Department of Public Safety.

8 (e) The authority to adopt and enforce regulations governing access  
9 to public buildings and facilities by the physically handicapped, aged, and  
10 infirmed is transferred to the Department of Commerce and Economic Develop-  
11 ment from the Department of Transportation and Public Facilities.

12 (f) The authority to adopt and enforce regulations governing thermal  
13 and lighting energy standards for public and private buildings is trans-  
14 ferred to the Department of Commerce and Economic Development from the  
15 Department of Transportation and Public Facilities and the Department of  
16 Community and Regional Affairs.

17 \* Sec. 3. AS 18 is amended by adding a new chapter to read:

18 CHAPTER 61. BUILDING, CONSTRUCTION AND SAFETY CODES.

19 Sec. 18.61.010. ADOPTION OF BUILDING, CONSTRUCTION, AND SAFETY  
20 CODES. (a) The Department of Commerce and Economic Development shall  
21 adopt by regulation the following codes as the minimum building,  
22 construction, and safety criteria for the state:

23 (1) Uniform Administrative Code, published by the Interna-  
24 tional Conference of Building Officials;

25 (2) Uniform Building Code, published by the International  
26 Conference of Building Officials;

27 (3) Uniform Fire Code, published by the International  
28 Conference of Building Officials and Western Fire Chiefs Association;

29 (4) Uniform Mechanical Code, published by the International

1 Conference of Building Officials and the International Association of  
2 Plumbing and Mechanical Officials;

3 (5) Uniform Plumbing Code, published by the International  
4 Association of Plumbing and Mechanical Officials;

5 (6) Uniform Solar Energy Code, published by the Interna-  
6 tional Association of Plumbing and Mechanical Officials;

7 (7) Uniform Swimming Pool, Spa and Hot Tub Code, published  
8 by the International Association of Plumbing and Mechanical Officials;

9 (8) Uniform Sign Code, published by the International  
10 Conference of Building Officials;

11 (9) Uniform Code for the Abatement of Dangerous Buildings,  
12 published by the International Conference of Building Officials;

13 (10) Uniform Federal Accessibility Standard (41 C.F.R.  
14 101-19.6, Appendix A);

15 (11) Energy Conservation in New Buildings (ASHREA/IES 90);

16 (12) National Electrical Code (NFPA 70), published by the  
17 National Fire Protection Association;

18 (13) National Electrical Safety Code (ANSI C2), adopted by  
19 the American National Standards Institute;

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

22 (15) Boiler Construction Code, published by the American  
23 Society of Mechanical Engineers;

24 (16) Safety Code for Aerial Passenger Tramways, B77.1;

25 (17) other building, construction, and safety codes or  
26 standards that the department finds necessary to protect the public  
27 health, safety, and welfare.

28 (b) The department shall adopt the latest edition of each code  
29 listed in (a) of this section by the end of the calendar year

1 following the calendar year in which the latest edition of the code is  
2 published.

3 (c) The department may amend, supplement, or delete provisions  
4 of a code listed in (a) of this section, as necessary to make the code  
5 applicable to conditions existing in the state.

6 Sec. 18.61.020. ADOPTION AND ENFORCEMENT OF CODES BY MUNICIPALI-  
7 TIES. (a) Except as otherwise provided, adoption of a code under  
8 AS 18.61.010 is not intended to preempt administration or enforcement  
9 of a building, construction, or safety code adopted by ordinance by a  
10 municipality.

11 (b) If a municipality chooses to regulate activities within its  
12 boundaries that are subject to a building, construction, or safety  
13 code adopted by the department under AS 18.61.010, the municipality  
14 shall adopt by ordinance the code adopted by the department. The  
15 municipality may amend the code if the amended code is not less strin-  
16 gent than that adopted by the department.

17 ✓ Sec. 18.61.030. CERTIFICATES OF COMPETENCY FOR CODE ENFORCEMENT  
18 PERSONNEL. The administrative official shall require that a person  
19 authorized to enforce a code adopted under AS 18.61.010 hold an appro-  
20 priate certificate of competency and maintain competency through  
21 continuing education.

22 Sec. 18.61.040. BUILDING REGULATIONS BOARD. (a) There is  
23 created the Building Regulations Board in the department.

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

27 (1) an architect experienced in the design of commercial  
28 and industrial structures;

29 (2) an architect experienced in the design of residential

HARD FOR MUNICIPAL OFFICIALS TO DO THIS

EMPLOYEE

1 structures;

2 (3) a mechanical engineer;

3 (4) an electrical engineer;

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

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

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

9 (8) a mechanical contractor;

10 (9) an electrical administrator;

11 (10) a fire protection consultant; and

12 (11) a public member.

13 (c) Members of the board serve a term of three years. A member  
14 of the board serves until a successor is appointed. An appointment to  
15 fill a vacancy on the board is for the remainder of the unexpired  
16 term. Members of the board serve without compensation but are enti-  
17 tled to per diem and travel expenses authorized by law for boards  
18 under AS 39.20.180.

19 (d) The board shall

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

22 (2) serve as a hearing board under AS 18.61.050;

23 (3) adopt regulations under the Administrative Procedure  
24 Act (AS 44.62) governing the conduct of hearings before the board and  
25 hearing committees.

26 (e) The administrative official is an ex officio, nonvoting  
27 member of the board and serves as secretary to the board.

28 Sec. 18.61.050. HEARINGS. (a) A person who is denied a permit  
29 or issued a notice of violation under a code adopted under

1 AS 18.61.010 may appeal the denial of the permit or notice of viola-  
2 tion to the board within 15 calendar days after the denial of the  
3 permit or the notice of violation is affirmed by the administrative  
4 official. The appeal shall be in writing.

5 (b) The board shall hear the appeal within 35 calendar days  
6 after the appeal is received by the board, unless the appellant re-  
7 quests a later date. The board shall issue an oral decision on the  
8 appeal at the conclusion of the hearing and a written decision within  
9 15 calendar days after the conclusion of the hearing.

10 (c) If the board affirms the decision of the administrative  
11 official, the appellant shall immediately comply with the decision of  
12 the board.

13 Sec. 18.61.060. EXPEDITED HEARING. (a) If time is of the  
14 essence, a person who is denied a permit or issued a notice of vio-  
15 lation under a code adopted under AS 18.61.010 may appeal the denial  
16 of the permit or notice of violation to the board and request an  
17 expedited hearing by a hearing committee within eight calendar days  
18 after the denial of the permit or the notice of violation is affirmed  
19 by the administrative official. The appeal and request for an ex-  
20 pedited hearing shall be in writing.

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

24 (c) If the board grants the request for an expedited hearing,  
25 the board shall appoint the hearing committee and the hearing commit-  
26 tee shall hold the hearing within eight calendar days after the appeal  
27 and request for an expedited hearing is received by the board. The  
28 hearing committee shall issue an oral decision on the appeal at the  
29 conclusion of the hearing and a written decision within eight calendar

1 days after the hearing.

2 (d) If the board denies the request for an expedited hearing,  
3 the board shall hear the appeal under AS 18.61.050.

4 Sec. 18.61.070. JUDICIAL REVIEW. The department or a person  
5 aggrieved by the decision of the board or a hearing committee may  
6 petition for review in the superior court.

7 Sec. 18.61.190. DEFINITIONS. In this chapter

8 (1) "administrative official" means the person designated  
9 by the commissioner of commerce and economic development to enforce  
10 the codes;

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

13 (3) "department" means the Department of Commerce and  
14 Economic Development.

15 \* Sec. 4. AS 05.20.020 is amended to read:

16 Sec. 05.20.020. DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT  
17 [LABOR] TO INSPECT DEVICES. The Department of Commerce and Economic  
18 Development [LABOR] is responsible for the inspection of devices.

19 \* Sec. 5. AS 05.20.120(1) is amended to read:

20 (1) "department" means the Department of Commerce and  
21 Economic Development [LABOR];

22 \* Sec. 6. AS 18.05.040(b) is amended to read:

23 (b) A regulation may not be adopted under (a) of this section  
24 that duplicates, conflicts with, or is inconsistent with the plumbing  
25 codes adopted under AS 18.61.010 [AS 18.60.705 - 18.60.740].

26 \* Sec. 7. AS 18.62.010 is amended to read:

27 Sec. 18.62.010. CERTIFICATE OF FITNESS REQUIRED. In connection  
28 with work performed subject to the electrical codes and plumbing codes  
29 adopted under AS 18.61.010 [STANDARDS ESTABLISHED IN AS 18.60.580 AND

1 AS 18.60.705], a person may not be employed without a certificate of  
2 fitness to perform the work [, EXCEPT THAT A CERTIFICATE OF FITNESS  
3 MAY NOT BE REQUIRED OF EMPLOYEES OF AN ELECTRIC UTILITY THAT DOES NOT  
4 HAVE WITHIN ITS SERVICE AREA ANY PORTION OF A CITY OR UNIFIED MUNICI-  
5 PALITY HAVING MORE THAN 2,500 POPULATION].

6 \* Sec. 8. AS 18.62.030 is amended to read:

7 Sec. 18.62.030. ACCOUNTING FOR FEES [FEE. WHEN SUBMITTING AN  
8 APPLICATION, AN APPLICANT SHALL PAY A FEE OF \$40 FOR A CERTIFICATE  
9 VALID FOR ONE YEAR OR \$75 FOR A CERTIFICATE VALID FOR THREE YEARS].

10 The commissioner of administration shall separately account for cer-  
11 tificate of fitness fees that the department [DEPARTMENT OF LABOR]  
12 deposits in the general fund. The annual estimated balance in the  
13 account may be used by the legislature to make appropriations to the  
14 department to carry out the purposes of this chapter.

15 \* Sec. 9. AS 18.62.070 is repealed and reenacted to read:

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

20 (b) A person engaged in a trade subject to the plumbing codes  
21 adopted under AS 18.61.010 shall first obtain a certificate of fitness  
22 from the department.

23 \* Sec. 10. AS 18.62 is amended by adding a new section to read:

24 Sec. 18.62.090. DEFINITION. In this chapter "department" means  
25 the Department of Commerce and Economic Development.

26 \* Sec. 11. AS 18.70.081 is amended to read:

27 Sec. 18.70.081. APPROVAL OF FIRE PROTECTION SYSTEMS. Before  
28 October 30 of each year the department [DEPARTMENT OF PUBLIC SAFETY]  
29 shall prepare and make available a list of approved fire protection

1 systems to the Department of Community and Regional Affairs [, THE  
2 DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT,] and the public.

3 \* Sec. 12. AS 18.70.100(a) is amended to read:

4 (a) A person who violates a [ANY] provision of AS 18.70.010 -  
5 18.70.100 or the published regulations or orders adopted under those  
6 sections [IT] from which an [NO] appeal has not 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  
11 [DEPARTMENT OF PUBLIC SAFETY] may appeal to the superior court within  
12 30 days after the issuance of the order. The imposition of one pen-  
13 alty for a violation does not excuse the violation and a person guilty  
14 of a violation shall correct the violation within a reasonable time.  
15 [WHEN NOT OTHERWISE SPECIFIED, EACH 10 DAYS THAT A PROHIBITED CONDI-  
16 TION IS MAINTAINED IS A SEPARATE OFFENSE.]

17 \* Sec. 13. AS 18.70 is amended by adding a new section to read:

18 Sec. 18.70.990. DEFINITIONS. In this chapter

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

24 (2) "department" means the Department of Commerce and  
25 Economic Development.

26 \* Sec. 14. AS 29.10.200 is amended by adding a new paragraph to read:

27 (49) AS 18.61.020 (building, construction, and safety code  
28 adoption and enforcement)

29 \* Sec. 15. AS 35.10.015(a) is amended to read:

1 (a) The Department of Commerce and Economic Development [DE-  
2 PARTMENT] shall prepare, adopt, and enforce regulations governing the  
3 construction of public buildings and facilities by or for the state,  
4 including the University of Alaska, and its political subdivisions,  
5 whether financed in whole or in part by federal funds, to ensure that  
6 public buildings and facilities are accessible to, and usable by, the  
7 physically handicapped, aged, or infirm. The regulations of the  
8 department must conform to a standard comparable to applicable pro-  
9 visions of federal law, regulations, and standards.

10 \* Sec. 16. AS 35.10.015(b) is amended to read:

11 (b) The Department of Transportation and Public Facilities  
12 [DEPARTMENT] shall develop and maintain an inventory of all public  
13 buildings and facilities with respect to their compliance with the  
14 regulations adopted under (a) of this section. The Department of  
15 Transportation and Public Facilities [DEPARTMENT] shall make an annual  
16 report to the governor and the legislature describing work performed  
17 in the preceding calendar year to upgrade public buildings and facili-  
18 ties to conform with the regulations. In addition, the Department of  
19 Transportation and Public Facilities [DEPARTMENT] shall develop cost  
20 estimates and recommended priorities for the upgrading of public  
21 buildings and facilities that do not conform with the regulations  
22 adopted under (a) of this section and shall include these estimates  
23 and the recommended priorities in the annual report to the governor  
24 and the legislature.

25 \* Sec. 17. AS 35.10.015(e) is amended to read:

26 (e) After June 25, 1976, a [NO] public building or facility in  
27 the state may not be planned, designed, financed, constructed, opened  
28 to public use, or otherwise placed in operation unless it meets the  
29 standards established under (a) of this section. If the standards for

1 a public building or facility are not provided for in federal law,  
2 regulation, or standards, the Department of Commerce and Economic  
3 Development [DEPARTMENT] shall determine the extent of, and adopt  
4 regulations setting the standards for, access to and use of the public  
5 building or facility by the physically handicapped, aged, or infirm.

6 \* Sec. 18. AS 39.50.200(b) is amended by adding a new paragraph to  
7 read:

8 (49) Building Regulations Board (AS 18.61.040).

9 \* Sec. 19. AS 44.33.020 is amended by adding new paragraphs to read:

10 (30) adopt and enforce building, construction, and safety  
11 codes;

12 (31) adopt and enforce energy conservation standards for  
13 buildings.

14 \* Sec. 20. AS 44.62.330(a) is amended by adding a new paragraph to  
15 read:

16 (55) Building Regulations Board (AS 18.61.040).

17 \* Sec. 21. AS 46.11.010 is amended to read:

18 Sec. 46.11.010. THERMAL AND LIGHTING ENERGY STANDARDS FOR PUBLIC  
19 BUILDINGS. (a) All public facilities of the state [, THE CONSTRUC-  
20 TION OF WHICH BEGINS AFTER JULY 1, 1980,] shall be designed to comply  
21 with the thermal and lighting energy standards adopted by the Depart-  
22 ment of Commerce and Economic Development [TRANSPORTATION AND PUBLIC  
23 FACILITIES] under AS 44.33.020 [AS 44.42.020(a)(14)].

24 (b) By June 30, 1988, all public facilities of the state exist-  
25 ing on July 1, 1980, shall be modified, to the extent economically  
26 feasible, to comply with the thermal and lighting energy standards  
27 adopted by the Department of Commerce and Economic Development [TRANS-  
28 PORTATION AND PUBLIC FACILITIES] under AS 44.33.020 [AS 44.42.-  
29 020(a)(14)].

1 \* Sec. 22. AS 46.11.900(9) is amended to read:

2 (9) "thermal and lighting energy standards" means the  
3 thermal and lighting energy standards established by the American  
4 Society of Heating, Refrigeration, and Air Conditioning Engineers as  
5 revised

6 [(A)] by the commissioner of commerce and economic  
7 development [TRANSPORTATION AND PUBLIC FACILITIES UNDER AS 44.-  
8 42.020(a)] for public facilities and [; OR

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

12 \* Sec. 23. Notwithstanding AS 18.62.020, as amended by sec. 8 of this  
13 Act, a certificate of fitness ~~is~~ <sup>is</sup> ~~in~~ <sup>in</sup> force the effective date of this  
14 section is valid for the term for which the certificate was issued.

15 \* Sec. 24. The revisor of statutes shall

16 (1) delete "Department of Public Safety" and insert "department"  
17 in AS 18.70.020, 18.70.030, 18.70.040, 18.70.050, 18.70.060, 18.70.070,  
18 18.70.080, 18.70.090, 18.70.100(b), 18.70.310(a), 18.70.310(b),  
19 18.70.310(c), and 18.70.310(d);

20 (2) delete "Public Safety" and insert "Commerce and Economic  
21 Development" in AS 18.70.010; AS 18.72.050(2); and AS 29.35.500(a) and  
22 29.35.530(a);

23 (3) delete "public safety" and insert "commerce and economic  
24 development" in AS 18.70.080(b); and

25 (4) delete "community and regional affairs" and insert "commerce  
26 and economic development" in AS 46.11.040(3)(B).

27 \* Sec. 25. AS 18.70.300 and AS 44.42.020(a)(14) are repealed.

28 \* Sec. 26. AS 18.60.180, 18.60.190, 18.60.200, 18.60.210, 18.60.220,  
29 18.60.230, 18.60.240, 18.60.250, 18.60.260, 18.60.270, 18.60.280,

1 18.60.290, 18.60.300, 18.60.310, 18.60.320, 18.60.330, 18.60.340,  
2 18.60.350, 18.60.360, 18.60.370, 18.60.390, and 18.60.395 are repealed.

3 \* Sec. 27. AS 18.60.580, 18.60.590, 18.60.600, 18.60.610, 18.60.620,  
4 18.60.630, 18.60.640, 18.60.650, and 18.60.660 are repealed.

5 \* Sec. 28. AS 18.60.705, 18.60.710, 18.60.715, 18.60.720, 18.60.725,  
6 18.60.730, 18.60.735, and 18.60.740 are repealed.

7 \* Sec. 29. AS 18.60.800 and 18.60.820 are repealed.

8 \* Sec. 30. SAVINGS CLAUSE. Litigation, hearings, investigations, and  
9 other proceedings under a law amended or repealed by this Act, or in con-  
10 nection with functions transferred by this Act, continue in effect and may  
11 be continued and completed notwithstanding a transfer or amendment or  
12 repeal provided for by this Act. Regulations adopted under authority of a  
13 law amended, transferred, or repealed by this Act remain in effect for the  
14 term adopted or until repealed or otherwise amended under provisions of  
15 this Act.

16 \* Sec. 31. EFFECTIVE DATE. (a) Sections 1 - 5, 11 - 22, 24, 25, and  
17 30 of this Act take effect July 1, 1988.

18 (b) Section 26 of this Act takes effect on the effective date of  
19 regulations adopting the Boiler Construction Code under AS 18.61.010, as  
20 enacted by sec. 3 of this Act.

21 (c) Section 27 of this Act takes effect on the effective date of  
22 regulations adopting the National Electrical Code and the National Elec-  
23 trical Safety Code under AS 18.61.010, as enacted by sec. 3 of this Act.

24 (d) Sections 6 and 28 of this Act take effect on the effective date  
25 of regulations adopting the Uniform Plumbing Code under AS 18.61.010, as  
26 enacted by sec. 3 of this Act.

27 (e) Section 29 of this Act takes effect on the effective date of  
28 regulations adopting the Safety Code for Elevators and Escalators under  
29 AS 18.61.010, as enacted by sec. 3 of this Act.

1 (f) Sections 7 - 10 and 23 of this Act take effect on the effective  
2 date of regulations adopting the Uniform Administrative Code under  
3 AS 18.61.010, as enacted by sec. 3 of this Act, the effective date of sec.  
4 27 of this Act, or the effective date of sec. 28 of this Act, whichever is  
5 latest.

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STEVEN SHOWS -

GROUP AGREES W/ CONSOLIDATION

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WHAT ABOUT RURAL AREAS

~~YOUNG~~

BRYCE GORDON - KODIAK BOROUGHS

WANT CODE ENFORCED THROUGHOUT STATE

OUTSIDE CITIES - BIDS OR DESIGN SUBJECT TO CODE

CITIES & MONITOR CHEAPLY W/ SELF DISCIPLINE

ROY WOODMAN CONFIDENTIAL - AMER

IND. ELEC CONTRACTORS ASSOC.

? \*

SUNSET BILL ON ELEC. BOARD - GOES HEAD TO HEAD

12.6.030 NOT CLEAR

040 BOARD -

NEED TO BE EXPANDED

BILL REEVES - ABC

SUPPORT CONCEPT - EITHER C, FD OR PS

DELETE UNIFORM FID ACCESSIBILITY STANDARD P. 32 & 3

ROD WILSON DOT/PP -

JOHN McCOOL - APE'S ADOPTING & UPDATING CODES IS FORECAST

(2)

(3) EST. APPLIC. PROCEDURE

ANCIH

LARRY TEAGUE - PALMER

CEED INAPPROPRIATE - S/K P.S.

CLAY PORTER - CONTRACTOR

FAVOR CONCEPT

WALT GARBER - ANCIH

ICED - ACBE

VERNON WILSON

HOW MANY HRS PUT INTO THIS - VERNON

GET ACCUMULATE

HOW MANY HRS PUT INTO THIS - VERNON

# Alaska State Legislature



PRESIDENT  
907-465-3755

IAN FAIKS  
POST OFFICE BOX V  
JUNEAU, ALASKA 99811

Senate

August 17, 1987

## MEMORANDUM

TO: Senator Tim Kelly, Chairman  
Senate Labor and Commerce Committee

FROM: Senator Jan Faiks  
President of the Senate

SUBJECT: Request for interim work session or hearing of  
Senate Bill 300  
An Act relating to building, construction, and  
safety codes; consolidating building regula-  
tions; and transferring certain functions to  
the Department of Labor.

Senate Bill 300, relating to the consolidation of building regulations, was referred to your committee last session for consideration.

This bill seeks to consolidate existing regulations into one department, provide for the adoption of uniform building and safety codes, and establish a state building regulations board.

Senate Bill 300 was introduced towards the close of the last session. Due to the complexity of this legislation, my staff has met twice a month with a group of building and safety professionals to refine the bill for presentation to the committee when the session convenes again in January.

I would like to present this bill to the Senate Labor and Commerce Committee in Anchorage for discussion during the interim. My staff will gladly assist the committee staff in preparation of such a meeting at your convenience.

OUT OF SESSION

6060 YUKON DRIVE ANCHORAGE, ALASKA 99516 907-274-6611

Attached is a background memo which analyzes this bill. If I can provide further information, please do not hesitate to let me know. Your consideration of my request is appreciated.

# Alaska State Legislature



PRESIDENT  
907-465-3755

JAN FAIKS  
POST OFFICE BOX V  
JUNEAU, ALASKA 99811

Senate

August 17, 1987

## MEMORANDUM

TO: Senator Tim Kelly, Chairman  
Senate Labor and Commerce Committee

FROM: Senator Jan Faiks *Jan Faiks*  
President of the Senate

SUBJECT: Background on Senate Bill 300  
An Act relating to building, construction, and safety codes; consolidating building regulations; and transferring certain functions to the Department of Labor.

Senate Bill 300, relating to the consolidation of building regulations, has been referred to your committee for consideration.

The purpose of this legislation is to establish uniformity of application, interpretation, and enforcement of all building regulations. Senate Bill 300 seeks to consolidate the major building regulation functions by moving all licensing functions dealing with construction design and contracting into the same department (Department of Labor) that will be enforcing the building construction codes. Additionally, this bill provides for the adoption of uniform building and safety codes and establishes a state building regulations board.

All functions and programs covering building design, building plan review, building construction and inspection, and energy conservation would be moved from the Department of Transportation and Public Facilities, Department of Community and Regional Affairs, and Department of Public Safety into the Department of Labor.

OUT OF SESSION

6060 YUKON DRIVE ANCHORAGE, ALASKA 99516 907-274-6611

The fragmentation of the present system constantly creates confusion for the professionals and members of the public who become involved with the various codes and governing departments.

Specifically, Senate Bill 300 proposes the following:

Section 1. Amends AS 08.01.065(d) (Business and Professions; Centralized Licensing; Fees established by regulation) by requiring the Commissioner of Administration to separately account for the occupational licensing fees deposited in the general fund by each department, and allows the legislature to make appropriations to the appropriate department to carry out its activities under this title.

Section 2. Amends the definition of "commissioner" in AS 08.01.110(2) (Business and Professions; Centralized Licensing; Definitions) to refer to the commissioner of Commerce and Economic Development with respect to a board or occupation under that department; or to the commissioner of Labor with respect to a board or occupation under that department.

Section 3. Amends the definition of "department" under AS 08.01.110(3) (Business and Professions; Centralized Licensing; Definitions) to refer to either the Department of Commerce and Economic Development or the Department of Labor with respect to a board or occupation under the appropriate department.

Section 4. Amends AS 08.18.011(a) (Business and Professions; Construction Contractors; Registration Required) by replacing the reference to the Department of Commerce and Economic Development with the Department of Labor.

Section 5. Amends AS 08.18.041 (Business and Professions; Construction Contractors; Fees) by replacing the Department of Commerce and Economic Development with "department", to indicate the appropriate department (either Labor or Commerce and Economic Development) to collect fees.

Section 6. Amends AS 08.18.116 (Business and Profession; Construction Contractors; Investigations) to reference the appropriate department to investigate alleged violations.

Section 7. Amends AS 08.18.117 (Business and Professions; Construction Contractors; Issuance of Citations) to reference the appropriate department to issue citations for violations.

Section 8. Amends AS 08.18.118(c) (Business and Professions; Construction Contractors; Procedure and form of citation issuance and procedure) to reference the appropriate department to maintain citation books.

Section 9. Amends AS 08.18.118(d) (Business and Professions; Construction Contractors; Procedure and form of citation issuance and procedure) to reference the appropriate department to maintain citation books.

Section 10. Amends AS 08.18.118(e) (Business and Professions; Construction Contractors; Procedure and form of citation issuance and procedure) to reference the appropriate department to keep all damaged citations and records of the disposition of all issued citations by the court.

Section 11. Amends AS 08.18.121(f) (Business and Professions; Construction Contractors; Suspension and revocation of registration) to reference the appropriate department to give written notice of suspension.

Section 12. Amends AS 08.18.121(g) (Business and Professions; Construction Contractors; Suspension and revocation of registration) to reference the appropriate department against which equitable relief may be sought.

Section 13. Amends AS 08.18.131 (Business and Profession; Construction Contractors; Injunction) to reference the appropriate department which may enjoin a person from acting in the capacity of a contractor in violation of this chapter.

Section 14. Amends AS 08.18.141(b) (Business and Professions; Construction Contractors; Violations) to reference the appropriate department which may seek civil penalties in addition to the criminal penalties provided.

Section 15. Amends the definition of "commissioner" in AS 08.18.171(1) (Business and Professions; Construction Contractors; Definitions) to refer to the commissioner of Labor, instead of the commissioner of Commerce and Economic Development.

Section 16. Amends the definition of "department" in AS 08.18.171(4) (Business and Professions; Construction Contractors; Definitions) to mean the Department of Labor.

Section 17. Amends AS 08.40.010 (Business and Professions; Electrical Administrators; Creation and Membership of Board) by establishing the board within the Department of Labor.

Section 18. Amends AS 08.40.175 (Business and Professions; Electrical Administrators; Cease and Desist Order) to specify that the commissioner (of Labor) may issue a cease and desist order prohibiting further action by the person as an electrical administrator.

Section 19. Amends AS 08.40.178 (Business and Professions; Electrical Administrators; Injunctive Relief) to specify that the commissioner (of Labor) may seek an injunction in the superior court.

Section 20. Amends AS 08.40.200 (Business and Professions; Electrical Administrators; Definitions) by adding new definitions for "commissioner and "department", to refer to the Department of Labor.

Section 21. Amends AS 08.48.011(a) (Business and Professions; Architects, Engineers and Land Surveyors; Board Created) by moving the State Board of Registration for Architects, Engineers, and Land Surveyors from the Department of Commerce and Economic Development to the Department of Labor.

Section 22. Amends AS 08.48.071(a) (Business and Professions; Architects, Engineers and Land Surveyors; Records and Reports) to refer to the Department of Labor.

Section 23. Amends AS 08.48.071(e) (Business and Professions; Architects, Engineers and Land Surveyors; Records and Reports) to refer to the Department of Labor.

Section 24. Amends AS 08.48.071(f) (Business and Professions; Architects, Engineers and Land Surveyors; Records and Reports) to refer to the Department of Labor.

Section 25. Amends AS 08.48.265 (Business and Professions; Architects, Engineers and Land Surveyors; Fees) to refer to the Department of Labor.

Section 26. Amends AS 08.48.341 (Business and Professions; Architects, Engineers and Land Surveyors; Definitions) by defining "department" as the Department of Labor.

Section 27. Amends AS 18.60.180 (Health and Safety; Safety; Boilers; Regulations) by providing the department with the authority to formulate regulations for the sale of boilers, and eliminates the authority to promulgate definitions and regulations regarding the safe and proper construction, installation and repair of unfired pressure vessels.

Section 28. Amends AS 18.60.200 (Health and Safety; Safety; Boilers; New boilers and unfired pressure vessels) by adding a new subsection (b) requiring a person who installs a new boiler or unfired pressure vessel to inform the Department of Labor of the installation.

Section 29. Amends AS 18.60.210(a) (Health and Safety; Safety; Boilers; Exemptions) by adding that the licensing of boiler operators does not apply to the items enumerated in (a) of this statute.

Section 30. Amends AS 18.60.210(b) (Health and Safety; Safety; Boilers; Exemptions) by expanding the exemption in (3) to include all unfired pressure vessels containing only cold water under pressure (the current statute applies only to those vessels for domestic supply purposes).

Section 31. Amends AS 18.60.220 (Health and Safety; Safety; Boilers; Duties of the Department of Labor) by adding AS 18.60.395 (Licensing of Boiler Operators) to the list of duties.

Section 32. Amends AS 18.60.230 (Health and Safety; Safety; Boilers; Appointment of Deputy Inspectors) by adding language to govern the employment of trainee inspectors.

Section 33. Amends AS 18.60.230 (Health and Safety; Safety; Boilers; Appointment of Deputy Inspectors) by adding a new subsection (b) allowing trainee inspectors the opportunity to progressively develop their skills.

Section 34. Amends AS 18.60.240 (Health and Safety; Safety; Boilers; Appointment and Qualifications of Special Inspectors) by adding language to include trainee inspectors, and to enable the department to issue a state commission to an inspector of a company or municipality to operate as a special inspector to inspect boilers and pressure vessels.

Section 35. Amends AS 18.60.250 (Health and Safety; Safety; Boilers; Compensation for special inspectors prohibited) by adding language referencing municipalities.

Section 36. Amends AS 18.60.260 (Health and Safety; Safety; Boilers; Duty of special inspectors) by deleting language which exempts the owner and user of a boiler or unfired pressure vessel inspected by its special inspector from the payment of the inspection fees.

Section 37. Amends AS 18.60.260 (Health and Safety; Safety; Boilers; Duty of special inspectors) by adding a new subsection (b) which requires each special inspector employed by a municipality to inspect all boilers and unfired pressure vessels subject to inspection within the municipality.

Section 38. Amends AS 18.60.280 (Health and Safety; Safety; Boilers; Right of Inspection) by including reference to AS 18.60.395 (licensing of boiler operators).

Section 39. Amends AS 18.60.300(b) (Health and Safety; Safety; Boilers; Revocation or suspension of state commission) by referencing AS 18.60.940 (Appeals).

Section 40. Amends AS 18.60.320 (Health and Safety; Safety; Boilers; Inspection of boilers and unfired pressure vessels) by adding new subsections (c) and (d) which allows for an extension of the interval between internal inspections of utility and petrochemical boilers upon the approval of the inspection agency having jurisdiction.

Section 41. Amends AS 18.60.340(a) (Health and Safety; Safety; Boilers; Inspection Certificates) by eliminating language specifying how the certificate must be posted, so long as it is posted in a location convenient to the boiler of unfired pressure vessel.

Section 42. Amends AS 18.60.360(a) (Health and Safety; Safety; Boilers; Inspection fees) by simplifying the language of the fee provision.

Section 43. Amends AS 18.60.360 (Health and Safety; Safety; Boilers; Inspection fees) by adding new subsections (d) and (e) which exempts from payment of the inspection fees the owner or user of a boiler or unfired pressure vessel that is inspected by a special inspector employed by an insurance company or the owner of the boiler or unfired pressure vessel. However, inspection fees must be paid where a boiler or unfired pressure vessel has been inspected by a special inspector employed by a municipality.

Section 44. Amends AS 18.60.390 (Health and Safety; Safety; Boilers; Inspection Certificate Required) to reference AS 18.60.395 (Licensing of Boiler Operators) and replaces the criminal penalties with a civil fine.

Section 45. Amends AS 18.60.395(b) (Health and Safety; Safety; Boilers; Licensing of Boiler Operators) by specifying that licenses shall be provided for categories of operators of steam boilers.

Section 46. Repeals and reenacts AS 18.60.580 (Health and Safety; Safety; Electrical Safety; Minimum electrical standards). The department shall adopt regulations, based on national standards, for the minimum electrical standards.

Section 47. Repeals and reenacts AS 18.60.705 (Health and Safety; Safety; Plumbing Code), adopting portions of the Uniform Plumbing Code, the Uniform Solar Energy Code, and the Uniform Swimming Pool, Spa and Hot Tub Code as the minimum plumbing code for the state.

Section 48. Amends AS 18.60.715(e) (Health and Safety; Safety; Plumbing Code; Administration) by deleting references to fees.

Section 49. Amends AS 18.60.735 (Health and Safety; Safety; Plumbing Code; Borough or city regulation) by deleting unnecessary language.

Section 50. Amends the definition of "code" in AS 18.60.740(1) (Health and Safety; Safety; Plumbing Code) to mean the plumbing code adopted under AS 18.60.705 (Health and Safety; Safety;

Section 51. Repeals and reenacts AS 18.60.800(a) (Health and Safety; Safety; Elevator Safety Standards) to adopt minimum elevator standards.

Section 52. Amends AS 18.60.800(c) (Health and Safety; Safety; Elevator Safety Standards) by requiring that elevator inspections by the department follow the procedures set out in the National Safety Practice for the Inspection of Elevators and Escalators.

Section 53. Amends AS 18.60.800(d) (Health and Safety; Safety; Elevator Safety Standards) by requiring a municipality to enforce the standards that it adopts, else the department may assume enforcement.

Section 54. Adds new articles to AS 18.60, relating to Fire and Life Safety Criteria, Inspections and Enforcement, and establishing a Building Regulations Board.

#### Article 14 (Fire and Life Safety Criteria)

Section 18.60.860 (Adoption of Codes) The department shall adopt the Uniform Building Code, the Uniform Mechanical Code, and the Uniform Fire Code as the minimum fire and life safety criteria for the state.

Section 18.60.870 (Violation of Fire and Life Safety Criteria)

(a) A violation of a code is a misdemeanor, punishable by a fine of up to \$500 and/or imprisonment of up to six months.

(b) The Department of Labor may still enforce the removal of the prohibited conditions that constitute a safety hazard.

Article 15 (Inspections and Enforcement)

Section 18.60.900 (Inspection and Enforcement of Compliance)

(a) The Department of Labor may enter premises subject to inspection by the department during reasonable hours for the purposes of conducting an inspection to determine compliance with building, construction, and safety codes.

(b) Written notice shall be given to the owner of the premises of each violation discovered during an inspection.

(c) Unless the violation is corrected, or the owner appeals the notice of violation to the Building Regulations Board within 15 days after receipt of written notice, the matter will be turned over to the attorney general for prosecution.

(d) The commissioner may order a reinspection of a premises.

(e) The department may order the immediate abatement of an imminent danger to health or safety due to a code violation.

Section 18.60.910 (Fees) The commissioner may establish reasonable fees for fire and safety plan checks.

Section 18.60.920 (Code Adoption and Enforcement by Municipalities)

(a) Codes adopted by the department are not intended to preempt codes established by municipalities.

(b) Home rule or general law municipalities may prescribe standards that are not less stringent than those established by the department.

Section 18.60.930 (Civil Penalty) The commissioner may assess a civil penalty of up to \$1,000 for each violation

that is not corrected within 15 days after receiving written notice of violation.

#### Article 16 (Building Regulations)

##### Section 18.60.935 (Building Regulations Board)

(a) Creates the Building Regulations Board in the Department of Labor.

(b) The board is comprised of nine members with experience and training in matters relating to building construction and building service equipment. Members are appointed by the governor for a term of 4 years, and serve without compensation, but are entitled to travel expenses and per diem.

(c) The commissioner of labor is a non-voting, ex officio member of the board.

(d) The board shall interpret codes, recommend modifications of codes, serve as a board of appeals, and adopt regulations governing the conduct of the board and procedures for appeals to the board.

##### Section 18.60.940 (Appeals)

(a) A person aggrieved by an order or act of the department may appeal to the Building Regulations Board within 15 days after receiving the order. The board must hold a hearing within 30 days of the appeal, and shall give at least 10 days' notice of the hearing to all interested parties. A decision shall be issued within 30 days.

(b) A decision by the Board may be reviewed by the superior court. The petition for review must be filed within 30 days after the board issues its decision.

Section 55. Amends AS 18.70.010 (Health and Safety; Fire Protection; General function of Department of Labor with respect to fire protection) by replacing the Department of Public Safety with the Department of Labor.

Section 56. Amends AS 18.70.020 (Health and Safety; Fire Protection; Duties of Department of Labor) by replacing the Department of Public Safety with the Department of Labor.

Section 57. Amends AS 18.70.030 (Health and Safety; Fire Protection; Investigation of fires resulting from crime) by replacing the Department of Public Safety with the Department of Labor.

Section 58. Amends AS 18.70.040 (Health and Safety; Fire Protection; Cooperation with fire insurance companies) by replacing the Department of Public Safety with the Department of Labor.

Section 59. Amends AS 18.70.050 (Health and Safety; Fire Protection; Power of department to inspect buildings) by replacing the Department of Public Safety with the Department of Labor.

Section 60. Amends AS 18.70.060 (Health and Safety; Fire Protection; Removal of property from fire) by replacing the Department of Public Safety with the Department of Labor.

Section 61. Amends AS 18.70.070 (Health and Safety; Fire Protection; Abatement of fire hazards) by replacing the Department of Public Safety with the Department of Labor.

Section 62. Amends AS 18.70.080 (Health and Safety; Fire Protection; Regulations) by replacing the Department of Public Safety with the Department of Labor, and eliminating the language of (2) of the current statute, which calls for the adoption of regulations to establish minimum standards for fire and life safety criteria in commercial, industrial, business, institutional or other public building, and buildings used for residential purposes containing four or more dwelling units.

Section 63. Amends AS 18.70.081 (Health and Safety; Fire Protection; Approval of fire protection systems) by replacing the Department of Public Safety with the Department of Labor.

Section 64. Amends AS 18.70.090 (Health and Safety; Fire Protection; Enforcement of regulations) by replacing the Department of Public Safety with the Department of Labor.

Section 65. Amends AS 18.70.100 (Health and Safety; Fire Protection; Violation)

(a) Eliminates the language in the current statute which holds a person severally liable for each violation of the prevention and investigation provisions (AS 18.70.010 - 18.70.100), so that punishment for noncompliance is classified as a misdemeanor which is limited to a single fine of up to \$500 and/or imprisonment of up to six months.

(b) Replaces the Department of Public Safety with the Department of Labor and eliminates the language specifying the removal of prohibited conditions that constitute a fire or life safety hazard.

Section 66. Amends AS 18.70.310(a) (Health and Safety; Fire Protection; Hazardous materials and waste placards) by replacing the Department of Public Safety with the Department of Labor.

Section 67. Amends AS 18.70.310(b) (Health and Safety; Fire Protection; Hazardous materials and waste placards) by replacing the Department of Public Safety with the Department of Labor.

Section 68. Amends AS 18.70.310(c) (Health and Safety; Fire Protection; Hazardous materials and waste placards) by replacing the Department of Public Safety with the Department of Labor.

Section 69. Amends AS 18.70.310(d) (Health and Safety; Fire Protection; Hazardous materials and waste placards) by replacing the Department of Public Safety with the Department of Labor.

Section 70. Amends AS 18.70 by adding a new section of definitions (Section 18.70.990), defining "building" and "department".

Section 71. Amends the definition of "fire safety code" in AS 18.72.050(2) (Health and Safety; State Regulation of Fireworks) by replacing the Department of Public Safety with the Department of Labor.

Section 72. Amends AS 29.10.200 (Municipal Government; Home Rule Municipalities; Home Rule Limitations) by adding a new paragraph [(49) AS 29.35.085] to reference building and safety code enforcement.

Section 73. Amends AS 29.35 (Municipal Government; Municipal Powers and Duties) by adding a new section (Section 29.35.085 - Municipal Building and Safety Codes) which provides that standards adopted by a municipality for building and safety may not be less stringent than the codes adopted by the Department of Labor.

Section 74. Amends AS 29.35.500(a) (Municipal Government; Municipal Powers and Duties; Reporting) by replacing the Department of Public Safety with the Department of Labor.

Section 75. Amends AS 29.35.530(a) (Municipal Government; Municipal Powers and Duties; Duties of division of fire prevention) by replacing the Department of Public Safety with the Department of Labor.

Section 76. Amends AS 29.35.530(c) (Municipal Government; Municipal Powers and Duties; Duties of division of fire prevention) by eliminating the language which would allow the Department of Labor to request copies of inventories of hazardous materials submitted under AS 29.35.500, and from providing educational materials related to hazardous materials and hazardous wastes. These functions would be performed by either the Department of Environmental Conservation or the Department of Health and Social Services.

Section 77. Amends AS 29.35.590 by adding a new definition of "department" to indicate the Department of Labor.

Section 78. Amends AS 44.31.020 (State Government; Department of Labor; Duties of department) by adding language to place additional responsibilities upon the department to enforce the codes; plan and implement programs for energy conservation; adopt energy performance standards for public facilities of the state; provide planning assistance to school districts and regional educational attendance areas to develop and implement standards for the design, construction and operation of rural educational facilities; and publish and distribute plans to public or private entities or persons.

Section 79. Amends AS 44.41.100 (State Government; Department of Public Safety; Alaska State Fire Commission) by replacing the Department of Public Safety with the Department of Labor.

Section 80. Amends AS 44.62.330(a) (State Government; Administrative Procedure; Administrative Adjudication) by adding a new paragraph (55) to reference the Building Regulations Board.

Section 81. Amends AS 46.11.010 (Water, Air, Energy, and Environmental Conservation; Conservation of energy and materials; Thermal and lighting energy standards for public buildings) by replacing the Department of Transportation and Public Facilities with the Department of Labor.

Section 82. Amends AS 46.11.040 (Water, Air, Energy, and Environmental Conservation; Conservation of energy and materials; Applicability of thermal and lighting energy standards to private buildings) by replacing the commissioner of Community and Regional Affairs with the commissioner of Labor.

Section 83. Amends the definition of "department" in AS 46.11.900(2) (Water, Air, Energy, and Environmental Conservation; Conservation of energy and materials) by replacing

Department of Commerce and Economic Development with the Department of Labor.

Section 84. Amends the definition of "thermal and lighting energy standards" in AS 46.11.900(9) (Water, Air, Energy, and Environmental Conservation; Conservation of energy and materials) by replacing the commissioner of Transportation and Public Facilities and the commissioner of Community and Regional Affairs with the commissioner of Labor.

Section 85. Repeals the following statutes:

1. AS 18.60.280 - Department of Health and Safety;  
Boilers; Right of Inspection Development  
with the Department of Labor
2. AS 18.60.330 - Department of Health and Safety;  
Boilers; Rules of Inspection
3. AS 18.60.370 - Department of Health and Safety;  
Boilers; Appeals
4. AS 18.60.440 - Department of Health and Safety;  
Refrigerators and Similar Equipment;  
Appeals
5. AS 18.60.590 - Department of Health and Safety;  
Electrical Safety; Borough and City  
Electrical Safety Codes
6. AS 18.60.630 - Department of Health and Safety;  
Electrical Safety; Enforcement of  
Compliance
7. AS 18.60.650 - Department of Health and Safety;  
Electrical Safety; Penalty for  
violations
8. AS 18.60.720 - Department of Health and Safety;  
Plumbing Code; Cost of permits
9. AS 18.60.725 - Department of Health and Safety;  
Plumbing Code; Enforcement of Compliance
10. AS 18.60.725 - Department of Health and Safety;  
Plumbing Code; Penalty for violations
11. AS 18.70.080(b) - Department of Health and Safety;  
Fire Protection; Regulations
12. AS 18.70.300 - Department of Health and Safety;

General Provisions; Definition of  
"building"

13. AS 44.42.020(a)(14)(15) - State Government; Department of Transportation and Public Facilities; Powers and Duties
14. AS 44.47.050(18) - State Government; Department of Community and Regional Affairs; General Powers and Duties

Section 86. Savings Clause. Any cases, investigations, or other proceedings under a law amended or repealed by this Act shall continue in effect.

Section 87. AS 44.41.100; 44.41.110; 44.41.120; and 44.41.130 shall be transferred to AS 18.70 as a new article.

Section 88. Effective date.

# Alaska State Legislature



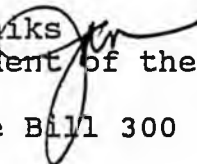
PRESIDENT  
907-465-3755

JAN FAIKS  
POST OFFICE BOX V  
JUNEAU, ALASKA 99811

Senate

September 18, 1987

To: Senator Tim Kelly, Chairman  
Senate Labor and Commerce Committee

From: Jan Faiks   
President of the Senate

Subject: Senate Bill 300

Enclosed is a copy of the latest rewrite of Senate Bill 300, relating to the consolidation of building regulations.

A group of building professionals meets bimonthly to review this bill. This rewrite was generated from those meetings. The substance of the legislation is relatively unchanged; the format has been organized into five groupings of related topics: adoption of codes; building regulations board; consolidation of building regulations and enforcement of building codes; licensing of trades and professions; and "housekeeping" measures.

Of course, the final version of the bill will not take this form, but this will give you an idea of the general direction of this rewrite process. Basically, I would like to present a bill to the committee which will be more concise and easier-to-follow than the bill which was introduced.

I understand that the Senate Labor and Commerce Committee has tentatively scheduled a work session to discuss this bill next month. If you need additional materials or have any questions in preparation for that meeting, please contact Alexis Gabay of my staff at 561 7610.

OUT OF SESSION

6060 YUKON DRIVE ANCHORAGE, ALASKA 99516 907-274-6611



2/2/21

IN THE SENATE

BY FAIKS

SENATE BILL NO. 300

IN THE LEGISLATURE OF THE STATE OF ALASKA  
FIFTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to building, construction, and safety codes; consolidating building regulations; and transferring certain functions to the Department of Public Safety."

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

ARTICLE 1. ADOPTION OF CODES

Section 1. CODES ADOPTED

Until suspended or repealed as authorized by this Section, the following shall be adopted as the minimum standards for the State of Alaska, effective upon adoption:

- A-Uniform Administrative Code
- B-Uniform Building Code
- C-National Electric Code (ANSI/NFPA 70)
- D-National Electrical Safety Code (ANSI C-2)
- E-Uniform Fire Code
- F-Uniform Mechanical Code
- G-Uniform Plumbing Code
- H-Uniform Solar Energy Code
- I-Uniform Swimming Pool, Spa & Hot Tub Code
- J-Uniform Sign Code
- K-Uniform Code for the Abatement of Dangerous Buildings.

L-Boiler Construction Code (ASME)

M-Safety Code for Elevators and Escalators (ANSI/ASME  
A17.1)

N-Thermal & Lighting Energy Standards for Residential  
and Commercial Buildings [Need publication number.]

O-Recreational Devices.[Need publication number.]

P-Uniform Federal Accessibility Standards

#### Section 2. EFFECTIVE DATE OF CODES.

The Department shall adopt the above Codes and Standards as minimum requirements by the end of the calendar year following the year in which the first printing of the latest edition of Codes and Standards is first published.

#### Section 3. AMENDMENTS TO CODES.

The Department shall make provisions to modify, amend or delete provisions of the Codes and Standards to conform to certain climatic conditions that exist in the State of Alaska.

#### Section 4. CODE ADOPTION AND ENFORCEMENT BY MUNICIPALITIES AND LOCAL JURISDICTIONS.

(a) Building, construction, and safety codes adopted by the department under this chapter are not intended to duplicate or preempt administration or enforcement of building, construction, and safety codes by municipalities.

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

ARTICLE 2. BUILDING REGULATIONS BOARD.

Section 1. CREATION OF BUILDING REGULATIONS BOARD.

Sec. 18.60.935. BUILDING REGULATIONS BOARD. (a) There is created the Building Regulations Board in the Department of Public Safety.

(b) The board shall consist of eleven persons appointed by the governor for a term of three years. The persons appointed to the board shall have knowledge, experience and training in matters related to building construction and building service equipment. Members of the board serve without compensation but are entitled to travel expenses and per diem established for boards under AS 39.20.180.

(c) The board shall consist of the following:

Architect

Architect

General Contractor (Commercial)

General Contractor (Residential)

Mechanical Engineer

Mechanical Contractor

Electrical Engineer

Electrical Administrator

Fire Protection <sup>CONSULTANT</sup> Engineer (not an AK reg'd prof'ly)

Structural Engineer (Civil Engineer)

Public Member

(d) The Administrative Official is an ex officio member of the board and shall serve as secretary to the board. The Administrative official is not a voting member of the board.

(e) The board shall

- (1) provide assistance in interpretations of building, construction, and safety codes enforced by the department;
- (2) recommend modifications of codes enforced by the department;
- (3) serve as a board of appeal under AS 18.60.940;
- (4) adopt regulations under AS 44.62 governing the conduct of the board and procedures for appeals to the board.

## Section 2. APPEALS.

Sec. 18.60.940. APPEALS. (a) A person aggrieved by an order or act of the Department of Public Safety under this chapter or AS 18.70 may appeal to the Building Regulations Board within 15 calendar days after receiving the order or after the act occurs. The board shall hold a hearing within 30 calendar days of appeal and shall give at least 10 calendar days' notice of the hearing to all interested parties. Board decisions shall be rendered verbally at the conclusion of the hearing and issue a written decision within 15 calendar days.

(b) A person aggrieved by a decision of the board under (a) of this section may file a petition for review in the Superior Court. The petition for review must be filed within 30 calendar days after the person receives the written decision of the board.

(c) There shall be subcommittees established from the Building Regulations Board to expeditiously hear urgent request from agrieved parties. There shall be at least <sup>3</sup>two members present with knowledge in the field that is being contested. There shall be established Electrical, Mechanical, and Architectural-Structural subcommittees.

ARTICLE 3. CONSOLIDATION OF THE STATE FUNCTIONS DEALING WITH BUILDING REGULATIONS AND ENFORCEMENT OF BUILDING CODES.

Section 1. CONSOLIDATION.

(a) The following shall be consolidated into the Department of Public Safety:

BUILDING CODE	STATUTE DEPARTMENT	REGULATIONS	STANDARDS ENFORCED
ASME Boiler & Pressure	AS 18.60.180	08 AAC 80.010 - 900	ASME Boiler & Pressure Vessel Code, 1983 Ed.
Electrical Safety	AS 18.60.580	08 AAC 70.010 - 090	National Electric & National Electric Safety Code, 1984 Ed.
Elevator Safety	AS 18.60.800	08 AAC 77.005 - 905	Safety Code for Elevators, Dumbwaiters, Escalators & Moving Walks. ANSI/ASMF/A17.1-1987
Plumbing Code	AS 18.60.705	08 AAC 63.010 - 030	Uniform Plumbing Code 1979 Edition
Recreational Devices	AS 05.20.010	13 AAC 15.160 - 320	Safety Code for Aerial Passenger tramways, B77.1 1960 - Ch 2, Uniform Bldg Code, 1967 - NFPA 101 1967
Hi Voltage Lines	AS 18.60.670	None	
Certificate of Fitness	AS 18.62.010	08 AAC 90.010 - 900	National Electric & National Electric Safety Codes, 1984 Ed.
Contractor Licensing	AS 08.18.011	12 AAC 21.010 - 300	Construction Contractors
Electrical Administrator	AS 08.40.010	12 AAC 02.010 - 900	National Electric & National Electric Safety Code, 1984
Architect, Engineers & land surveyors	AS 08.48.011	12 AAC 36 010 - 250	

BUILDING CODE	STATUTE DEPARTMENT	REGULATIONS	STANDARDS ENFORCED
Fire Protection	<del>AS 18.70.010</del> <i>Repeal</i>	13 AAC 50 010 - 080	Code & Standards (NFPA 10, 13, 13A, 53M, 56A, 56B, 56C, 56F, 76A)
	AS 18.72.010	13 AAC 51.010 - 060 13 AAC 52.010 - 040 13 AAC 55.010 - 150	Fireworks Fire Services General Provisions
Architectural Barriers Act			ANSI 117.1 1980

Section 2. FEES.

(a) A fee structure shall be established by the department for services rendered and permits issued.

(b) AS 08.01.065(d) is amended to read:

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

ARTICLE 4. LICENSING OF TRADES AND PROFESSIONS

*§3 Add electrical examiners AS 08.40.088*

Section 1. LICENSING ~~OF~~ TRADES: *PROFESSIONS*

(a) *professionals* Licensing and support functions for all construction related trades shall be transferred from the Department of Commerce and Department of Labor to the Department of Public Safety.

(b) Consolidation of all trades *profession* related licensing function shall be into the same division and building regulations.

~~(c) The Department shall set licensing and renewal fees. Fees shall be placed into the general fund.~~

Section 2. ARCHITECTS, ENGINEERS, AND LAND SURVEYORS BOARD.

AS 08.48.011(a) is amended to read:

There is <sup>established</sup> [CREATED] the State Board of Registration for Architects, Engineers, and Land Surveyors in the department of Public Safety. The board shall administer the provisions of this chapter and comply with the Administrative Procedure Act (AS 44.62).

AS 08.48.071(a) is amended to read:

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

- (1) the name, age, and last known address of each applicant;
- (2) the date of application;
- (3) the place of business of the applicant;
- (4) the educations, experience, and other qualifications;
- (5) the type of examination required;
- (6) whether or not the application was rejected;
- (7) whether or not a certificate of registration or authorization was granted or endorsed;
- (8) the date of the action of the board;
- (9) other action taken by the board;
- (10) other information that [WHICH] may be considered necessary by the board.

(c) AS 08.48.071(e) is amended to read:

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

(d) AS 08.48.071(f) is amended to read:

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

(1) the number of architects, engineers, and land surveyors registered over a five-year period;

(2) the rate of passage of examinations administered by the board;

(3) the number of persons making application for registration as a professional architect, engineer, or land surveyor over a five-year period;

(4) an account of registration fees collected under AS 08.48.201(b);

(5) a measure of the correspondence workload of a [ANY] licensing examiner employed by the department to carry out this chapter.

(e) AS 08.48.265 is amended to read:

Section 08.48.265. FEES. The department [DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT] shall set fees under AS 08.01.065 for examinations, registrations, certificates of authorization, and renewals of a certificate.

#### ARTICLE 5. DEFINITIONS

#### ARTICLE 6. HOUSE CLEANING

[Should we eliminate all house cleaning or do selected and critical house cleaning or put all in this section?]



## Alaska Northern Chapter of ICBO

P.O. Box 73437 • Fairbanks, Alaska 99707-3437

Governor Steve Cowper  
Box A  
Juneau, AK 99811

March 8, 1988

RE: SB 300, Building Code Adoption and Consolidation

Dear Governor Cowper:

The Alaska Northern Chapter of ICBO is a concerned group of architects, code officials, contractors, engineers, and the like having extensive knowledge about building code application. We wholeheartedly endorse SB 300 only as currently submitted by Senator Faiks. We request your support of this bill for the betterment of the public and the state.

There is a need for state government to consolidate, streamline and update the code adoption, enforcement and review process. Currently, builders, contractors and design professionals must go through a maze of state agencies that enforce different editions of the codes causing conflicts and time delays. We do not advocate a larger code enforcement staff that adds a significant cost to the state. However, the creation of an appeals process and a building regulations board as set forth by SB 300 can resolve conflicts efficiently and effectively in a timely manner so that contractors and the state do not have to resort to costly and time consuming litigation.

Past experience has shown us that adoption of building codes is best left out of the political arena. Legislators generally are not familiar with the technical aspects to be considered and often rely on special interest groups for information to make their decisions.

We advocate the assignment of the consolidated department to commerce or public safety if a new department cannot be created. This bill has been scrutinized and approved by many in the private and public sectors that see this as an opportunity for constructive and needed change. Failure to support this effort will show that the state bureaucratic machine will not try to change to fit the needs of the public it is supposed to serve. Thank you for your time.

Sincerely,

Vince Meurlott, President  
Alaska Northern Chapter of ICBO

xc: Senators Kelly, Eliason, Fahrenkamp, Faiks, Szymanski and Uehling  
APDC  
Interior Delegation