

SB

300

(FILE 2)

1 IN THE SENATE

BY FAIKS

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

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

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

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

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

29 (c) The responsibility for issuing certificates of fitness under
30 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
30

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 (ANSI/NFPA 70), published by
17 the 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

structures;

- (3) a mechanical engineer;
- (4) an electrical engineer;
- (5) a civil engineer experienced in structural design;
- (6) a general contractor experienced in the construction of commercial and industrial structures;
- (7) a general contractor experienced in the construction of residential structures;
- (8) a mechanical contractor;
- (9) an electrical administrator;
- (10) a fire protection consultant; and
- (11) a public member.

(c) Members of the board serve a term of three years. A member of the board serves until a successor is appointed. An appointment to fill a vacancy on the board is for the remainder of the unexpired term. Members of the board serve without compensation but are entitled to per diem and travel expenses authorized by law for boards under AS 39.20.140.

(d) The board shall

- (1) recommend modifications to building, construction, and safety codes adopted by the department under AS 18.61.010;
- (2) serve as a hearing board under AS 18.61.050;
- (3) adopt regulations under the Administrative Procedure Act (AS 44.62) governing the conduct of hearings before the board and hearing committees.

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

Sec. 18.61.050. HEARINGS. (a) 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 within 15 calendar days after the denial of the permit or the notice of violation is affirmed by the administrative official. The appeal shall be in writing.

(b) The board shall hear the appeal within 15 calendar days after the appeal is received by the board, unless the appellant requests a later date. The board shall issue an oral decision on the appeal at the conclusion of the hearing and a written decision within 15 calendar days after the conclusion of the hearing.

(c) 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. EXPEDITED HEARING. (a) If there is, in 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 or standard adopted under AS 18.61.110;

(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 18.01.010 (AS 18.00.035 - 18.00.040).

* 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 18.01.010 (STANDARDS ESTABLISHED IN AS 18.60.530 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 CHIEF 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 certificates of fitness fees that the department [DEPARTMENT OF LABOR] deposits in the general fund. The amount deposited in the account may be used by the legislature to make appropriations to the department to carry out the purposes of this chapter.

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

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

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

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

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

* Sec. 11. AS 18.70.031 is amended to read:

Sec. 18.70.031. APPROVAL OF FIRE PROTECTIVE DEVICES. Before October 10 of each year the department [DEPARTMENT OF PUBLIC SAFETY] shall prepare and make available a list of approved fire protection

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

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

(a) A person who violates a [ANY] provision of AS 18.70.010 - 18.70.100 or the published regulations or orders adopted under those sections [IT] from which an [NO] appeal has not been taken within 30 days after the issuance of a final order is [, SEVERALLY, FOR EACH VIOLATION,] guilty of a misdemeanor, and is punishable by a fine of not more than \$500, or by imprisonment for not more than six months, or by both. A person aggrieved by a final order of the department [DEPARTMENT OF PUBLIC SAFETY] may appeal to the superior court within 30 days after the issuance of the order. The imposition of one penalty for a violation does not excuse the violation and a person guilty of a violation shall correct the violation within a reasonable time. [WHEN NOT OTHERWISE SPECIFIED, EACH 10 DAYS THAT A PROHIBITED CONDITION IS MAINTAINED IS A SEPARATE OFFENSE.]

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

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

* Sec. 14. AS 19.10.200 is amended by adding a new paragraph to read:

(49) AS 18.61.010 (building, construction, and safety code adoption and enforcement)

* Sec. 15. AS 25.10.015(a) is amended to read:

(a) The Department of Commerce and Economic Development [DEPARTMENT] shall prepare, adopt, and enforce regulations governing the construction of public buildings and facilities by or for the state, including the University of Alaska, and its political subdivisions, whether financed in whole or in part by federal funds, to ensure that public buildings and facilities are accessible to, and usable by, the

physically handicapped, aged, or infirm. The regulations of the department must conform to a standard comparable to applicable provisions of federal law, regulations, and standards.

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

(b) The Department of Transportation and Public Facilities [DEPARTMENT] shall develop and maintain an inventory of all public buildings and facilities with respect to their compliance with the regulations adopted under (a) of this section. The Department of Transportation and Public Facilities [DEPARTMENT] shall file an annual report to the governor and the legislature describing work performed in the preceding calendar year to upgrade public buildings and facilities to conform with the regulations. In addition, the Department of Transportation and Public Facilities [DEPARTMENT] shall develop cost estimates and recommended priorities for the upgrading of public buildings and facilities that do not conform with the regulations adopted under (a) of this section and shall include these estimates and the recommended priorities in the annual report to the governor and the legislature.

* Sec. 17. AS 35.10.015(c) is amended to read:

(c) After June 30, 1976, no (101) public building or facility in the state may be planned, designed, licensed, constructed, opened to public use, or otherwise placed in operation unless it meets the standards established under (a) of this section. If the standards for a public building or facility are not provided for in federal law, regulation, or standards, the Department of Commerce and Economic Development [DEPARTMENT] shall determine the extent to, and the regulations governing the construction, use, access to and use of the public building or facility by the physically handicapped, aged, or infirm.

* Sec. 18. AS 35.10.015(d) is amended by adding a new paragraph to

read:

(49) Building Regulations Board (AS 13.67.040).

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

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

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

* Sec. 20. AS 44.42.330(a) is amended by adding a new paragraph to read:

(55) Building Regulations Board (AS 13.67.040).

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

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

(b) By June 30, 1983, all public facilities of the state existing on July 1, 1980, shall be modified, to the extent economically feasible, to comply with the thermal and lighting energy standards adopted by the Department of Commerce and Economic Development [TRANSPORTATION AND PUBLIC FACILITIES] under AS 44.33.020 [AS 44.42.020(a)(14)].

* Sec. 22. AS 46.11.000(9) is amended to read:

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

(A) by the commissioner of commerce and economic

development [TRANSPORTATION AND PUBLIC FACILITIES UNDER AS 44.-42.020(a)] for public facilities and [; CP

(2) BY THE COMMISSIONER OF COMMUNITY AND REGIONAL AFFAIRS] for buildings and structures that are public facilities.

* Sec. 23. Notwithstanding AS 18.22.150, as amended, and this Act, a certificate of fitness issued before the effective date of this section is valid for the term for which the certificate was issued.

* Sec. 24. The revisor of statutes shall

(1) delete 'Department of Public Safety' and insert 'Department' in AS 18.70.020, 18.70.030, 18.70.040, 18.70.050, 18.70.060, 18.70.070, 18.70.080, 18.70.090, 18.70.100(b), 18.70.210(a), 18.70.210(b), 18.70.210(c), and 18.70.310(d);

(2) delete 'Public Safety' and insert 'Commerce and Economic Development' in AS 18.70.210; AS 18.72.050(2); and AS 19.35.530(a) and 19.35.530(a);

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

(4) delete 'community and regional affairs' and insert 'commerce and economic development' in AS 46.11.040(3)(3).

* Sec. 25. AS 18.60.850, AS 18.70.200, and AS 18.70.210(a)(14) are repealed.

* Sec. 26. AS 18.60.130, 18.60.140, 18.60.150, 18.60.160, 18.60.170, 18.60.180, 18.60.190, 18.60.200, 18.60.210, 18.60.220, 18.60.230, 18.60.240, 18.60.250, 18.60.260, 18.60.270, 18.60.280, 18.60.290, 18.60.300, 18.60.310, 18.60.320, 18.60.330, 18.60.340, 18.60.350, 18.60.360, 18.60.370, 18.60.380, and 18.60.395 are repealed.

* Sec. 27. AS 18.60.120, 18.60.130, 18.60.140, 18.60.150, 18.60.160, 18.60.170, 18.60.180, 18.60.190, 18.60.200, 18.60.210, 18.60.220, 18.60.230, 18.60.240, 18.60.250, 18.60.260, 18.60.270, 18.60.280, 18.60.290, 18.60.300, 18.60.310, 18.60.320, 18.60.330, 18.60.340, 18.60.350, 18.60.360, 18.60.370, 18.60.380, and 18.60.395 are repealed.

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

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

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

* Sec. 31. SAVINGS CLAUSE. Litigation, hearings, investigations, and other proceedings under a law amended or repealed by this Act, or in connection with functions transferred by this Act, continue in effect and may be continued and completed notwithstanding a transfer, amendment or repeal provided for by this Act. Regulations adopted under authority of a law amended, transferred, or repealed by this Act remain in effect for the term adopted or until repealed or otherwise amended under provisions of this Act.

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

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

(c) Section 27 of this Act takes effect on the effective date of regulations adopting the National Electrical Code and the National Electrical Safety Code under AS 18.61.011, as enacted by sec. 3 of this Act.

(d) Sections 6 and 13 of this Act take effect on the effective date of regulations adopting the Uniform Plumbing Code under AS 18.61.012, as enacted by sec. 3 of this Act.

(e) Section 28 of this Act takes effect on the effective date of regulations adopting the Uniform Building Code under AS 18.61.013, as enacted by sec. 3 of this Act.

(f) Section 30 of this Act takes effect on the effective date of regulations adopting the Safety Code for Elevators and Escalators under

AS 18.61.010, as enacted by sec. 3 of this Act.

(g) Sections 7 - 10 and 23 of this Act take effect on the effective date of regulations adopting the Uniform Administrative Code under AS 18.61.010, as enacted by sec. 3 of this Act, the effective date of sec. 17 of this Act, or the effective date of sec. 19 of this Act, whichever is latest.

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

International Conference of Building Officials

ALASKA CENTRAL CHAPTER

7233 Madelynne Drive

Anchorage, Alaska 99504-4656

907-337-6315

DATE: January 22, 1988

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

FROM: Ron Watts, Chairman, Building Code Adoption and Consolidation Task Force

COPY: Senator Richard I. Eliason, L & C Committee
Senator Bettye M. Fahrenkamp, L & C Committee
Senator Mike Szymanski, L & C Committee
Senator Rick Uehling, L & C Committee
Senator Jan Faiks, Senate President and Bill Sponsor

SUBJECT: SSSB 300 - Building Code Adoption and Consolidation

This is followup to our teleconference on January 20, 1988. I will attempt to be as brief and concise as possible. As Chairman of the Building Code Adoption and Consolidation Task Force of the Alaska Chapters International Conference of Building Officials working under the Alaska Professional Design Council, the following positions stated are what I believe are a majority consensus opinion of the many diverse organizations and groups concerned about consolidation.

I. GENERAL COMMENTS

It is significant to note that there has been thousands of work hours by architects, engineers, code officials, contractors, material supplies and state officials exerted from late 1985 until present over the issues of code adoption and consolidation. Every aspect and ramification of code adoption and consolidation has been researched and discussed excluding cost of consolidation. Consolidation has been discussed with every major organization affected and with some organizations several times. The accumulated number of direct code related experience years of the professionals involved in this consolidation effort would add up to thousands. The recommendations have not been put forward lightly, but only after extensive research and debate.

Most agree that there is a great need for building code regulatory reform and that reform is overdue. The proposed Senate Bill 300 will solve many of the major concerns and problems. The task force committee felt that this bill and most bills that are placed into the state statutes, should be broad and general in nature and a statute that sets guidelines and general directions. The committee also felt that regulations should then deal with specifics, especially in dealing with technical code changes and state regional code needs. To this end the current sponsor substitute bill very accurately reflects the intent of thousands of work hours put into this consolidation effort.

II. PRIORITIES

The overall priorities of the building code adoption and consolidation effort in this bill are stated in priority as follows:

(1)

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- A. Adoption of a unified set of state building codes with a time schedule for updating.
- B. Establishment of an appeals process and building regulations board.
- C. Consolidation of present fragmented building code activities into one state department.

III. MAJOR REASONS FOR NEEDED CONSOLIDATION

- A. Fragmentation of codes occur in approximately 8 or 9 different state departments.
- B. Presently ~~the~~ state only partially adopts building codes.
- C. There are no earthquake or structural building codes presently in the State of Alaska except in local jurisdictions.
- D. Presently there is no appeals process to an independent body or board.
- E. There is a desperate need to solve problems facing architects, engineers, contractors, building owners and local enforcement officials that have to deal with the fragmented state code enforcement agencies.

IV. INTENT OF THE CODE ADOPTION AND CONSOLIDATION EFFORTS - SSSB 300

- A. Not to expand present state bureaucracy but to consolidate, reduce, and save the State money.
- B. Not to expand state code enforcement at this time beyond what presently exists.
- C. Not to make any major changes in policy of enforcement except by consolidating code activities (within state government).
- D. Not to change or add any enforcement requirements to Bush-communities.
- E. That newly adopted codes would not apply to Bush homes unless the community so chose or unless there were a special state mandate such as energy requirements, etc.
- F. Obtain legislation that will require code adoption and consolidation within the State of Alaska.
- G. Allow technical professionals to set up and regulate the required changes to the codes and regional requirements by ~~the~~ public input and regulation process.

(2)

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V. PROBLEMS AND QUESTIONS ADDRESSED

A. What are the effects of Senate Bill 300 on Bush communities?

Comments:

1. As has been stated, it is not the intent of this bill to have complete statewide building codes apply to every structure constructed in the State of Alaska. That is completely unrealistic and probably not even possible at this time.
2. It is recommended that details of how the codes should be administered in Bush areas be permitted to go through the public hearing process and be determined through regulations.
3. If the committee and legislature feels that an exception must be placed into this bill, then we recommend that the exemptions be for four-dwelling units (four-plex) or less. All commercial buildings larger than four dwelling units would require architects, engineers, and contractors to construct buildings according to State building codes even if there are not complete inspections around the state. Another point is that state statutes presently require all buildings of a five plex or greater to be designed by a registered professional in the State of Alaska.
4. It has been strongly recommended that an exclusion by population not be placed into this bill. A population exclusion could conceivably exclude public buildings from any type of design, review, and compliance with any building codes.

B. How would the new Building Regulations Board work and how much would it cost?

1. The committee recommended an all person combined multi-disciplined Board.

Reasons: A tremendous amount of research and debate has occurred over this topic. It was felt that a larger combined multi-disciplined board could serve the functions of several smaller boards. It was not recommended that a separate board be set up for electrical, mechanical, plumbing, or fire and life safety.

2. All code changes would go through this technical board and have public hearings, debates, etc.
3. This technical quasi-judicial board would rule on matters of interpretations, alternate materials, appeals, code changes, etc.

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4. All appeals from this quasi-judicial board would go to Superior Court, not to an elected body or to an administrative official.

Comments: All national codes are set up so as to prevent highly technical building code matters from being debated or influenced by the political process in elected municipal or state legislative bodies. It is felt nationally that there is no more appropriate way or group of people more qualified to make judgement on technical code matters than a group of independent, private professionals appointed to a building board and that are not associated with the governing agencies or the political process.

5. What is the cost of supporting this new independent state board?

Comments: The cost could range from a few thousand dollars to many thousands of dollars annually depending on how the board is set up and structured. This is a very important issue that the committee felt needed to be resolved. However, it was determined that placing specific procedural requirements in Senate Bill 300 was inappropriate. The details of procedures and functions should be worked out by appropriate knowledgeable individuals within the administration who would be responsible for insuring that the board is set up and functions properly. Item #6 makes some suggestions for minimizing cost.

6. Suggestions for establishing a functional building board process and minimizing cost.

Comments: It has been suggested that the presently established qualified boards in Anchorage, Fairbanks, and Juneau be designated as regional state boards in addition to their municipal functions. If there was a need for the state to utilize one of these regional boards, the state would ask for their appeal or concern to be placed before the board and the state should reimburse the local jurisdiction for the time that any board spent on state appeals or other matters. It has also been suggested that three or four members from each of the Anchorage, Fairbanks, and Juneau boards be designated by the governor as a state board to specifically hear and make judgment on local regional requirements and changes to the state codes through the regulations process. Most matters could be handled by teleconference and possibly only require one or two joint meetings per year of the combined board.

7. Should there be a combined multi-disciplined board or separate boards in the State?

Comments: As has been stated earlier, it was strongly recommended that there not be separate electrical, mechanical, plumbing, or fire

and life safety boards set up or legislated in the state. A combined multi-disciplined board can function adequately and perform the required functions of separate boards. This would prevent significant administrative problems and save cost.

C. Specific comments by Kent Woodman reference Building Regulations Board:

1. The specific details of quorum, majority voting, appeals, administrative support, files, etc. should be handled by rules of procedure for the board. These rules of procedure are set up to include all such details. These type details should not be included in this bill and should not be placed into statute. Many things can change that would require another bill before the legislature in order to undo restrictions or obstructions to efficient functioning of this board.
2. In response to Mr. Woodman's question about why are alarm and signal communications expertise left out of this board is because the composition was made up and recommended based on the greatest need and greatest number of appeals that normally come before such board. This specialized field is a very minute portion of the electrical code and probably only possibly would have one appeal in every five years come before the board on these subjects. As a consequence, it would not justify placing an individual to take up an important position on a board for which their particular discipline may only very rarely be encountered.
3. In response to Mr. Woodman's comment about proposing an administrative appeal process. That presently is the way that the state operates now. Any appeal to a higher supervisor in any department is an administrative appeal. That process can go completely to the commissioner or governor. That is a very inefficient and inappropriate way to handle appeals. All appeals, prior to going to the building regulation board, would be reviewed by an administrated official who normally is designated as the Building Official. That official determines that they agree or do not agree with the state inspector and that if a private individual or party did not agree with that official's decision, they would have the option of appealing to an independent board.
4. In response to the question concerning cost of appeals. It is recommended that appeal cost not be included in this bill. The reason is because cost may fluctuate depending on many factors. If cost were determined to be unreasonable, then the board would rule upon appropriate cost or the legislature could step in and set a maximum fee if they were not satisfied with the fees. However, this should be done after the problem has arisen as a fix to the problem and not creating a problem in advance.

(5)

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Page 6

3. In response to Mr. Woodman's comment about proposing an administrative appeal process. That presently is the way that the state operates now. Any appeal to a higher supervisor in any department is an administrative appeal. That process can go completely to the commissioner or governor. That is a very inefficient and inappropriate way to handle appeals. All appeals, prior to going to the building regulation board, would be reviewed by an administrated official who normally is designated as the Building Official. That official determines that they agree or do not agree with the state inspector and that if aprivate individual or party did not agree with that official's decision, they would have the option of appealing to an independent board.
 4. In response to the question concerning cost of appeals. It is recommended that appeal cost not be included in this bill. The reason is because cost may fluctuate depending on many factors. If cost were determined to be unreasonable, then the board would rule upon appropriate cost or the legislature could step in and set a maximum fee if they were not satisfied with the fees. However, this should be done after the problem has arisen as a fix to the problem and not creating a problem in advance.
- D. Should there be a state handicap code? Presently the bill proposes a handicapped standard to be established as a state code. The state definitely needs this standard in order to comply with state and federal requirements, in particular those that are federally funded or receive partial federal funds. If the legislature so chooses, then there could be an amendment placed that says the handicapped requirement would only apply to publicly funded projects as is presently the case.
- E. Why not move all code agencies physically together but leave each separate entity reporting to the same departments as they presently report to?
1. The primary purpose of this bill is to minimize the problems created by this present fragmentation of building codes throughout several state agencies.
 2. We would have the same problems and inefficiencies as exist today except there would simply be more confusion under one roof. This is an unmanageable type organization that would probably create more problems than we presently have.

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- F. How can enforcement be improved in the state and not add significant cost to the state budget?

Suggestions:

1. Enforcement of state building codes in proximity to local jurisdictions that already have qualified inspectors could go out at the request of the state and inspect in their geographical regions. This would provide a greater and larger base of operation for local regional communities and would provide better enforcement of state codes outside of local jurisdictions.
2. Also the local jurisdiction could be reimbursed for the expense of sending local inspectors to perform state work. This would solve the problem of tremendous transportation cost to the state and the practice of the state flying in to a local community, raising havoc and then flying away.

- G. Which department should consolidation occur in?

The department in which consolidation occurs is probably a lessor, if not the least of the priorities and concerns of the majority of professionals that are interested and concerned with consolidation. There has been a tremendous opposition to consolidation occurring in the Department of Labor. There is more support for the consolidation to occur in Public Safety. However, the Department of Commerce is a viable alternative. It definitely makes sense to have the licensing functions of the professionals and trades located in the same department as the building codes.

In conclusion, I would like to emphasize that there is a tremendous amount of support for this consolidation effort around the State of Alaska. If the legislature will establish the mandate for code adoption and consolidation, we can assure you there are specific rules and regulations set forth in the national model codes to insure that local due process will occur and that technical details and local regional concerns will be handled in an orderly and professional manner.

Please do not hesitate to contact me if you have any questions or if I can be of any assistance. My telephone number is 786-8307.

Respectfully submitted,

Ron Watts

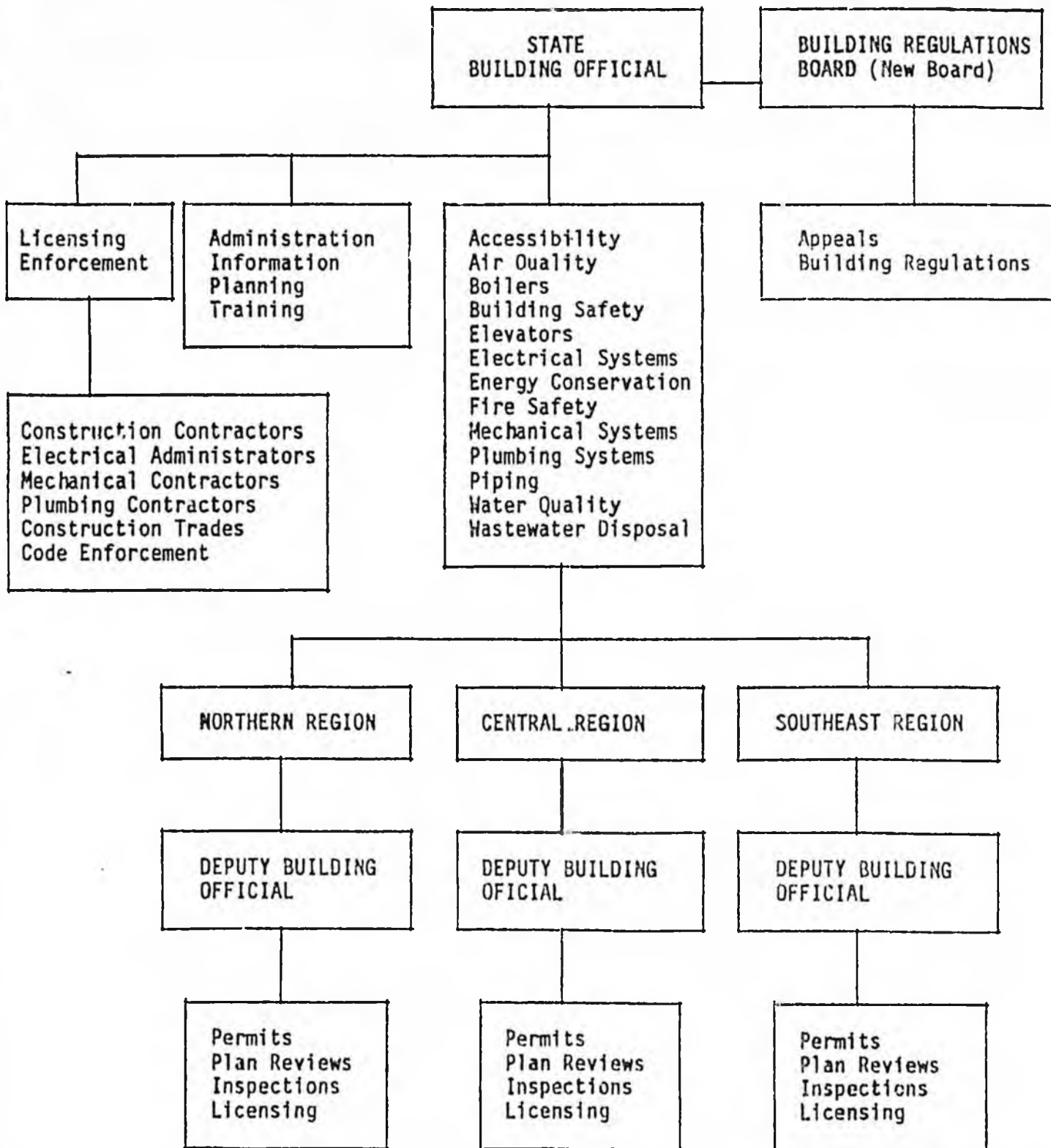
Ron Watts, Chairman
Alaska Professional Design Council
Building Code Consolidation Task Force

**FRAGMENTED BUILDING REGULATIONS
ADMINISTERED WITHIN THE STATE OF ALASKA**

<u>DEPARTMENT</u>	<u>DIVISION</u>	<u>ACTIVITY</u>
COMMERCE & ECONOMIC DEVELOPMENT	Occupational Licensing	Architects, Contractors, Electric Admin., Engineers, Land Surveyors
	Measurement Standards	Mobile Home Inspection
COMMUNITY AND REGIONAL AFFAIRS	Community Development	Energy Conservation in Residential Buildings
	Energy	Grants, Loans
EDUCATION	Education Finance Support Services	School Construction, Plan Reviews
ENVIRONMENTAL CONSERVATION	Environmental Quality	Drinking Water, Plan Reviews, Inspections, Wastewater, Disposal, Plan Reviews, Inspections
HEALTH & SOCIAL SERVICES	Planning	Health Care, Construction, Plan Reviews
LABOR	Labor Standards	Amusement Rides, Ski Lifts, Boilers, Electrical, Elevators, Plumbing, Permits, Boiler Certification, Elevator
	OSHA	Safety Compliance, Voluntary Compliance, Industrial Hygiene, Powder Handling, Hazardous Materials
PUBLIC SAFETY	Fire Prevention	Arson Investigation, Fire Code Inspection, Building Plan Reviews, Fire Service, Training, Fireworks Permits, Hazardous Materials
REVENUE	Alaska Housing Finance Corp.	Loans for Residential Construction, Business Loans
TRANSPORTATION AND PUBLIC FACILITIES	Design and Construction	Building Plan Reviews, Building Construction Inspection, Permit Reviews, Harbors & Waters

(2)

SUGGESTED CONSOLIDATED ORGANIZATION OF BUILDING AND FIRE



(9)

**FRAGMENTED BUILDING REGULATIONS
ADMINISTERED WITHIN THE STATE OF ALASKA**

<u>DEPARTMENT</u>	<u>DIVISION</u>	<u>ACTIVITY</u>
COMMERCE & ECONOMIC DEVELOPMENT	Occupational Licensing	Architects, Contractors, Electric Admin., Engineers, Land Surveyors
	Measurement Standards	Mobile Home Inspection
COMMUNITY AND REGIONAL AFFAIRS	Community Development	Energy Conservation in Residential Buildings
	Energy	Grants, Loans
EDUCATION	Education Finance Support Services	School Construction, Plan Reviews
ENVIRONMENTAL CONSERVATION	Environmental Quality	Drinking Water, Plan Reviews, Inspections, Wastewater, Disposal, Plan Reviews, Inspections
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TRANSPORTATION AND PUBLIC FACILITIES	Design and Construction	Building Plan Reviews, Building Construction Inspection, Permit Reviews, Harbors & Waters

(8)

NEW ALASKA DIVISION OF BUILDING SAFETY

NORTHERN OFFICES

SOUTHEAST OFFICES

NORTHERN OFFICES				CENTRAL OFFICES					SOUTHEAST OFFICES			
				EDUCATION SPECIALIST I POH 2020 DATE 19 STEP A 35110.99 DPS FP FP AWC	SECRETARY I POH 2004 DATE 10 STEP J 35372.44 DPS FP FP AWC	DIVISION DIRECTOR POH 2001 DATE 24 STEP D 77217.24 DPS FP FP AWC	CODES APPEALS BOARD	LICENSING APPEALS BOARD				
ASST BUILDING OFFICIAL POH 2003 DATE 21 STEP ? 72071.43 DPS FP FP FAI				DATA PROCESS CLERK II POH 4504 DATE 07 STEP D 30774.01 DOL LSS HI AWC	ADMINISTRATIVE ASST II POH 4510 DATE 14 STEP F 44474.15 DOL LSS HI AWC	BUILDING OFFICIAL POH 4501 DATE 21 STEP K 70148.34 DOL LSS HI AWC	CCC LIC EXAM I POH 2000 DATE 12 STEP D 30547.34 DCEB DL DL JNU	CCC LIC EXAM I POH 2009 DATE 12 STEP J ✓	ASST BUILDING OFFICIAL POH 2004 DATE 20 STEP H 70274.10 DPS FP FP JNU			
				ACCOUNTING CLERK II POH 4507 DATE 09 STEP F 32703.41 DOL LSS HI AWC	CLERK TYPIST III POH 4073 DATE 00 STEP C 20574.90 DCMA EP WZ AWC			INVESTIGATOR III POH 2026 DATE 10 STEP F 37474.33 DCEB DL DL AWC				
ADMINISTRATION	INSPECTION	FIRE PREVENTION	OCCUPATIONAL LICENSING	ADMINISTRATION	INSPECTION	FIRE PREVENTION	ENERGY CONSERVATION	WEATHERIZATION INSTITUTIONAL BUILDINGS	ADMINISTRATION	INSPECTION	FIRE PREVENTION	OCCUPATIONAL LICENSING
CLERK IV POH 4524 DATE 09 STEP E 35302.42 DOL LSS HI FAI	B & P VESSEL INSP POH 4505 DATE 10 STEP K 49152.34 DOL LSS HI FAI	DEPUTY FIRE MARSHALL I POH 2012 DATE 24 STEP K 72540.57 DPS FP FI FAI	INVESTIGATOR III POH 2022 DATE 10 STEP D ✓ 33037.67 DCEB DL DL AWC	ADMINISTRATIVE ASST I POH 4097 DATE 12 STEP E 37404.94 DCMA EP EC AWC	B & P VESSEL INSP POH 4503 DATE 10 STEP J 37304.32 DOL LSS HI AWC	DEPUTY FIRE MARSHALL I POH 2011 DATE 26 STEP J 41241.77 DPS FP FP AWC	ARCH ASST III POH 4097 DATE 19 STEP D 33040.41 DCMA EP EC AWC	COMM DEVEL SPECIALIST II POH 4095 DATE 16 STEP F 50546.10 DCMA EP WZ AWC	ADMINISTRATIVE ASST I POH 4090 DATE 12 STEP C 35300.93 DCMA EP EC JNU	B & P VESSEL INSP POH 4500 DATE 10 STEP K 41296.37 DOL LSS HI JNU	DEPUTY FIRE MARSHALL I POH 2017 DATE 24 STEP D 35150.02 DPS FP FP JNU	INVESTIGATOR III POH _____ DATE _____ STEP _____ DCEB DL DL _____
CLERK TYPIST III POH 2016 DATE 00 STEP A 30104.49 DPS FP FP FAI	ELECT INSP W6 IA POH 4512 DATE 50 STEP B 40745.54 DOL LSS HI FAI	DEPUTY FIRE MARSHALL I POH 2014 DATE 24 STEP C 41244.37 DPS FP FI FAI		CLERK IV POH 4091 DATE 09 STEP C 30154.04 DCMA EP IBC AWC	B & P VESSEL INSP POH 4507 DATE 10 STEP E 35444.90 DOL LSS HI AWC	DEPUTY FIRE MARSHALL I POH 2010 DATE 26 STEP A 49497.90 DPS FP FP AWC	ENERGY SPECIALIST II POH 4102 DATE 10 STEP F 37490.70 DCMA EP EC AWC	COMM DEVEL SPECIALIST II POH 4090 DATE 16 STEP B 44330.14 DCMA EP WZ AWC	CLERK IV POH _____ DATE _____ STEP _____ _____ JNU	ELEV INSP W6 IA POH 4525 DATE 50 STEP B 57320.01 DOL LSS HI JNU	DEPUTY FIRE MARSHALL I POH _____ DATE _____ STEP _____ DPS FP FP JNU	
	ELEV INSP W6 IA POH 4511 DATE 50 STEP B 57325.01 DOL LSS HI FAI	DEPUTY FIRE MARSHALL I POH 2000 DATE 24 STEP A 57134.75 DPS FP FI FAI		CLERK IV POH 4090 DATE 09 STEP D 30911.21 DCMA EP WZ AWC	ELECT INSP W6 IA POH 4504 DATE 50 STEP B 39550.77 DOL LSS HI WAS	DEPUTY FIRE MARSHALL I POH 2010 DATE 24 STEP J 41244.37 DPS FP FP AWC	ENERGY SPECIALIST II POH 4104 DATE 10 STEP K 41141.00 DCMA EP EC AWC	ENERGY SPECIALIST II POH 4094 DATE 10 STEP F 37490.70 DCMA EP WZ AWC	CLERK TYPIST III POH 2003 DATE 00 STEP A 27033.19 DPS FP FP JNU	ELECT INSP W6 IA POH 4519 DATE 50 STEP B 57320.01 DOL LSS HI JNU		
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				CLERK TYPIST III POH 4517 DATE 00 STEP D 27301.40 DOL LSS HI AWC	ELECT INSP W6 IA POH 4522 DATE 50 STEP D 50250.64 DOL LSS HI KEN		GRANTS ADMINISTRATOR POH 4094 DATE 17 STEP C 40001.70 DCMA EP EC AWC					
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EXISTING CENTRAL POSITIONS NOT USED

EXISTING SOUTHEAST POSITIONS NOT USED

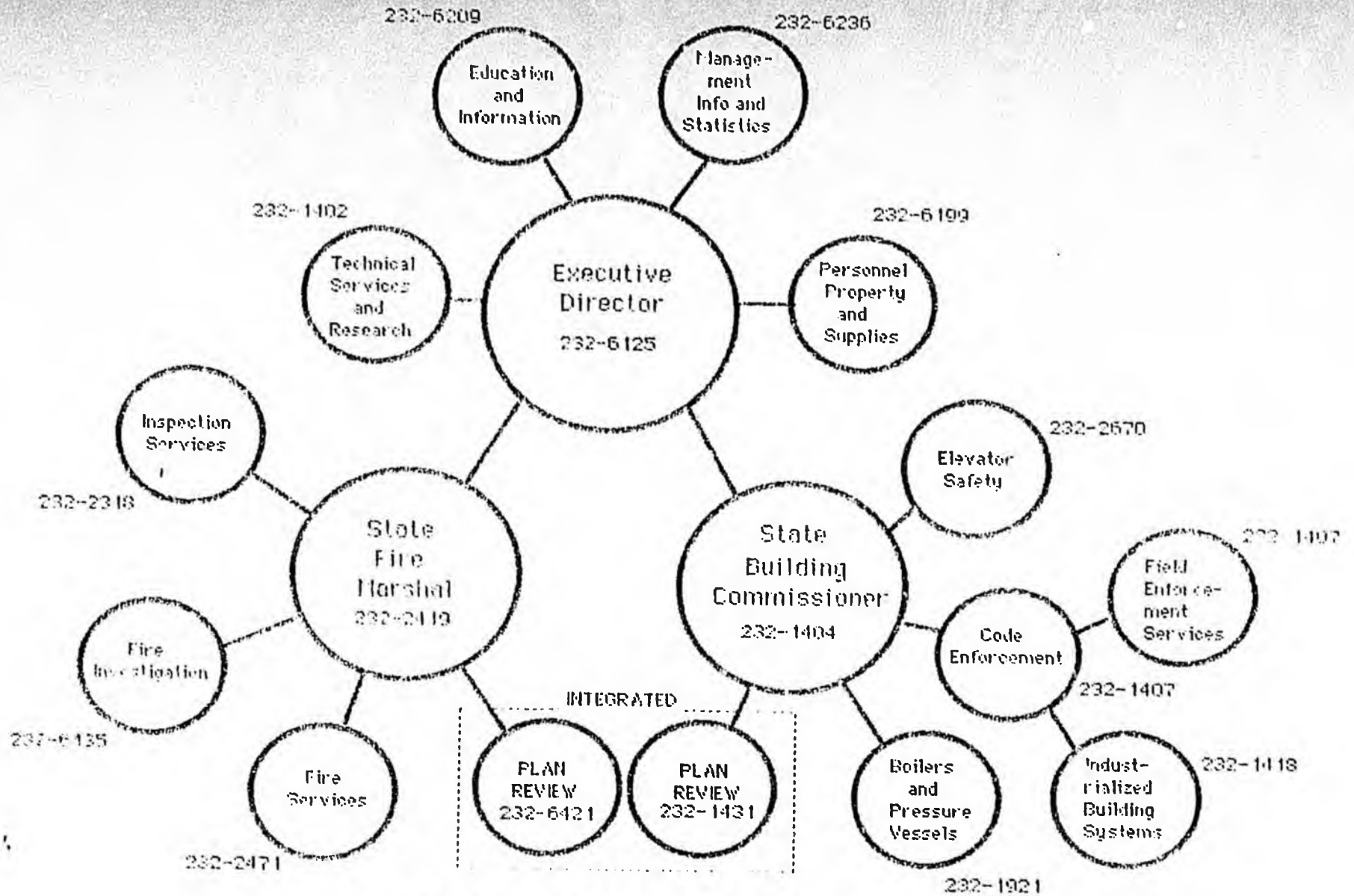
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	CLERK TYPIST III PON 4517 RATE 00 STEP B 29201.48 DOL LSS MI AHC	ELECT INSP WG IA PON 4522 RATE 50 STEP B 56250.64 DOL LSS MI KEN		GRANTS ADMINISTRATOR PON 4894 RATE 17 STEP C 48981.78 DCMA EP EC AHC		
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											DEC ER WOH JRU CLERK TYPIST III PON 7282 RATE 10 STEP F 30751.25	DEC ER WOH JRU ENVIRONMENTAL ENG III PON 7282 RATE 10 STEP M 52235.29	
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** Don 11/30*
** not advised*

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SIMPSON & ASSOC.



**INDIANA DEPARTMENT OF
FIRE AND BUILDING SERVICES**
1039 N. Meridian St., Suite 900, Indianapolis, IN 46204 (317) 232-6422

Missions

Public Law 8-1984 established a new Department which centralized the regulatory activities of the Offices of the State Fire Marshal and the State Building Commissioner. The Bureau of Elevator Safety of the Division of Labor and the staff of the Boiler and Pressure Vessel Board were placed within the Office of the State Building Commissioner. An Office of the Administrator was created concomitant with the establishment of the Department. The Administrator, now the Executive Director, is charged to oversee all departmental responsibilities, e.g., code research and development, education and information, automated data processing and word processing, personnel, and property. His duties support the lawful responsibilities of the State Fire Marshal and the State Building Commissioner.

The following statements represent a brief capsule summary of each of the Departmental missions.

Commission - creates and reviews rules for statewide fire and building safety regulation.

Executive Director - supervises division activities, coordinates departmental activities, serves as Commission Secretary.

Technical Services and Research - performs research and provides technical services necessary for the Commission and Department to carry out provisions of state laws and rules.

Education and Information - develops and administers training, continuing education, and qualification/proficiency testing programs; provides public information on fire and building safety regulations.

Management Information and Statistics - collects and processes data for fire incident reporting, buildings data base, and Departmental data and word processing needs.

Building Commissioner - administers and enforces statewide rules and laws governing new building construction, lifting devices, amusement devices, boiler and pressure vessels, and manufactured building systems.

Elevator Safety - inspects regulated lifting and amusement devices. Monitors the installation, use, and maintenance of lifting devices for compliance with state rules.

Field Enforcement - monitors building construction activity for compliance with state rules, and provides liaison for the Building Commissioner to local building officials, designers, and builders.

Industrialized Buildings - monitors the factory manufacture of mobile and modular building structures for compliance with state and federal codes.

Boiler and Pressure Vessels - inspects boilers and pressure vessels, and monitors their construction, use, and maintenance for compliance with state rules.

Plan Review - reviews construction documents for compliance with fire and building rules and standards for safety, energy conservation, and accessibility to the handicapped. Staffed by personnel from the Offices of the State Building Commissioner and the State Fire Marshal to provide an integrated, one-stop design review of both building and fire safety rules.

Fire Marshal - administers and enforces statewide rules and laws governing all aspects of fire prevention and fire safety, including plan review, inspection, investigation, training, education, and information.

Fire Services - provides educational, training, and information services to all statewide fire departments. Administers firefighter personnel standards certification programs.

Fire Investigation - investigates cause and origin of fires, assists in prosecution and suppression of the crime of arson.

Inspection Services - executes field enforcement requirements for compliance with fire prevention rules and standards.

A REPORT ON

**CONSOLIDATION
OF STATE
BUILDING REGULATIONS**

**ALASKA CENTRAL CHAPTER
INTERNATIONAL CONFERENCE
OF BUILDING OFFICIALS**

DECEMBER 11, 1986

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INTRODUCTION

One of the basic responsibilities of government is the protection of the life, safety, and health of its citizens* and the protection of their properties and possessions. The State of Alaska under its Constitution carries out this responsibility through its various agencies and through delegation of authority to local jurisdictions.

Police protection is provided at the state and local levels to deal with crimes of violence, theft, vandalism, arson, substance abuse, traffic violations, etc.

Safety protection is provided at the state and local levels through examination of the qualifications of persons in various professions and occupations and through inspection of work places. Safety protection also is provided through agencies for fire prevention and fire fighting.

Health protection is provided at the state and local levels to deal with food production, processing, preparation, distribution and dispensing. Health protection also is provided at the state and local levels through examination, licensing, and certifications of persons and businesses concerned with personal services, medical services, drug dispensing, and other health-related occupations and through inspection and certification of hospitals, clinics, and other health-care facilities.

Fire, life safety, health, and property protection is provided at the state and local levels through examination of the qualifications of persons in various professions and occupations, through review of construction drawings and specifications, and through inspection of construction sites and work places.

Fire, life safety, health, and property protection is a major concern of those who are involved in the design, code review, construction, and maintenance of buildings and facilities. These buildings and facilities range through the whole spectrum of single family residences, high-rise hotels and apartment buildings, office buildings, schools, government facilities, hospitals, prisons, shopping centers, commercial and industrial structures, etc.

A great number of state and local agencies have adopted regulations covering the design, construction, and maintenance of buildings and facilities and the various occupations, trades, and professions involved. These many agencies have produced great numbers of regulations and, in the process, have adopted a vast array of codes and standards. Most of these regulations are

* "The people's safety is the highest law. - Roman legal and political maxim". Dr. Laurence J. Peter, THE PETER PYRAMID (New York: William Morrow and Company, 1986), p. 150.

highly-technical, but in many cases have been created independently and without knowledgeable coordination. This has resulted in an overlapping of regulations, with conflicts of enforcement by different agencies and jurisdictions, and with inconsistencies between the codes and standards.

Building and construction regulations in Alaska have grown too large, complex, and conflicting. Their enforcement is inconsistent, repetitive, time-consuming, and expensive. The costs and time delays created by these regulations have become too great for the government, the design professionals, the construction industry, and the consumers to bear in these days of diminished revenues and increasing operating and capital costs.

The Alaska Central Chapter International Conference of Building Officials together with other professional organizations and construction industry groups is concerned about the many regulations, codes and standards covering the construction industry and the increasing complexities of their enforcement. There is concern about the deepening of frustrations faced by construction industry personnel and government employees as they face multiplying inconsistencies and duplications of regulations. There is concern that these frustrations could lead to further disregard for sound practices and provisions that are intended to protect the life, safety, and health of the people of Alaska and its visitors.

The Committee on State Building Codes of the Alaska Central Chapter International Conference of Building Officials has been working since January, 1986, to delineate the full scope of the building regulations problems and to formulate methods of solving those problems in ways that will help to reduce the code enforcement costs to governments, construction industry enterprises and to the public while maintaining standards to assure protection of life, safety, and health and to preserve property assets.

Other states have faced these same problems. Arizona, Indiana, Oregon, and Montana each recently have reorganized their fragmented code-enforcement and permit agencies into single, consolidated departments. The success of these other states indicate that the State of Alaska can be successful also in achieving these cost-saving and time-saving goals.

- "In government and out, there are vast realms of bureaucracy dedicated to seeking more information, in perpetuity, if need be, in order to avoid taking action, - Peg Greenfield", Dr. Laurance J. Peter, THE PETER PYRAMID (New York: William Morrow and Company, 1986), p. 72.

HISTORICAL BACKGROUND

BUILDING REGULATIONS

The regulation of building construction is not a recent phenomenon. It can be traced throughout recorded history for over 4000 years*. The concern for peoples' safety has increased with the development of civilizations from early, nomadic societies, through mercantile and industrial cities, to our present concern with "high-rise" building fires and toxically "sick" homes and workplaces

The purpose of rules and regulations covering building design, construction, and use is to provide minimum standards to safeguard life or limb, health, property, and public welfare. These minimum standards are best defined through adoption of model codes and standards which have been developed and refined through a broad-based consensus of designers, constructors, materials producers, researchers, code enforcement officials, and building owners and users.

The State of Alaska and its local jurisdictions have been using such model codes and standards for decades. Most of the codes and standards that have been adopted have been the ones that also are most commonly used throughout the Western United States. The provisions of these codes and standards are known and understood by the construction industry in Alaska and the local and national suppliers to it.

Table 1 shows a list of the building regulations adopted by the State of Alaska, the year when first adopted, the department responsible for enforcement, the Alaska Statute authorizing adoption, the Alaska Administrative Code regulations for enforcement, and the model codes and standards adopted. This list is not complete nor does it include the many, many codes and standards referred to and made a part of these model codes and standards.

However, the adoption of such model codes and standards by the State of Alaska and its local jurisdictions have been fragmented, inconsistent, and out of time sequence. Different departments and agencies have established regulations that adopt codes and standards that are different from those adopted by other departments and agencies. Some have adopted portions of one model code or standard while others have adopted other

* "When you build a new house, make a parapet around your roof so that you may not bring the guilt of bloodshed on your house if someone falls from the roof", Deuteronomy 22:8, HOLY BIBLE, New International Version (East Brunswick NJ, New York International Bible Society, 1978).

* "All unenclosed floor and roof openings, - - - and roofs used for other than service of the building shall be protected by a guardrail", Section 1711, UNIFORM BUILDING CODE, 1985 Edition (Whittier CA, 1985), p. 82.

TABLE 1 BUILDING REGULATIONS ADOPTED BY THE STATE OF ALASKA

ACTIVITY	YEAR	DEPT	STATUTE	REGULATIONS	STANDARDS CURRENTLY ENFORCED
Architectural Barriers	1967	DOTPF	AS 35.10.015	17 AAC 30.010	ANSI A117.1, 1980 Specifications for Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People
Architect, Engineers & Land Surveyors	1972	Comm & Econ Dev	AS 08.48.011	12 AAC 36.010-250	--
Boiler & Pressure Vessels	1955	Labor	AS 18.60.180	08 AAC 80.010-900	ASME Boiler & Pressure Vessel Code, 1983
Certificate of Fitness	1974	Labor	AS 18.62.020	08 AAC 90.010-900	National Electrical Code, 1984 National Electrical Safety Code, 1984
Contractor Licensing	1968	Comm & Econ Dev	AS 08.18.011	12 AAC 21.010-300	--
Electrical Administrator	1960	Comm & Econ Dev	AS 08.40.010	12 AAC 02.010-900	National Electrical Code, 1984 National Electrical Safety Code, 1984
Electric Work	1969	Labor	AS 18.60.580	08 AAC 70.010-090	NFPA 70 National Electrical Code, 1984
Elevators	1976	Labor	AS 18.60.800	08 AAC 77.005-905	ANSI/ASME A17.1, 1984 Safety Code for Elevators, Dumb-waiters, Escalators, and Moving Walks
Fire Prevention	1955 1973	Public Safety	AS 18.70.010	13 AAC 50.010-080	Uniform Building Code, 1985 Uniform Fire Code, 1985 Uniform Mechanical Code, 1985 NFPA 10, 13, 13A, 53M, 56A, 56B, 56C, 56F, 76A
Health Care Facilities	1949	Health & Soc Serv	AS 18.20.060	07 AAC 09.050-	NFPA 101 Life Safety Code National Electrical Code, 1984 Uniform Building Code, 1985 Uniform Mechanical Code, 1985 Uniform Plumbing Code, 1979 ANSI/ASME A17.1, 1984 Safety Code for Elevators, Dumb-waiters, Escalators, and Moving Walks
High Voltage Lines	1972	Labor	AS 18.60.670	--	--
Occupational Safety & Health	1955 1973	Labor	AS 18.60.01 AS 08.52.010	08 AAC 61.010-960 08 AAC 62.010-070 08 AAC 75.010-030	Occupational Safety & Health Explosive Handlers Bldg Safety Regulations
Piping	1970	Labor	AS 18.60.850	--	ASME B31.1 Power Piping, 1967 ASME B31.2 Fuel Gas Pipe, 1968 ASME B31.3 Petroleum Pipe, 1966 ASME B31.4 Liquid Petrol Piping, 1966 ASME B31.4a L P Piping, Transport, 1968 ASME B31.8 Gas Transmission, 1968
Plumbing Code	1972	Labor	AS 18.60.705	08 AAC 63.010-030	Uniform Plumbing Code, 1979
Recreational Devices	1967	Labor	AS 05.20.010	13 AAC 15.160-320	ASME B77.1, 1960 Safety Code for Aerial Passenger Tramways Uniform Building Code, 1967 NFPA 101 Life Safety Code, 1967
Water & Wastewater Quality	1971	Environ Conserv	AS 46.03.020	18 AAC 50.010-900 18 AAC 70.010-110 18 AAC 72.010-990 18 AAC 75.010-900 18 AAC 80.010-900	Air Quality Control Water Quality Standards Wastewater Disposal Oil & Hazardous Substance Pollution Control Drinking Water

portions of the same code or standard. This has resulted in codes and standards dealing with building regulations being scattered through many nine different departments of the State of Alaska. Table 2 shows nine departments involved with building regulations, the enforcing divisions, and the construction activity or business use involved.

LOCAL ADOPTION OF BUILDING REGULATIONS

Local jurisdictions within the State of Alaska also have adopted building regulations. The major municipalities of Anchorage, Fairbanks, and Juneau have established building safety divisions with plan review, permit issuing, and code inspector services, and quasi-judicial boards of appeal. Other cities have partial permit issuing and inspection services. Other localities depend entirely upon state agencies for building regulation and enforcement.

Some of the model codes and standards used by the State of Alaska have been adopted by acts of the Legislature. Others have been adopted in regulations established in the Alaska Administrative Code. Adoption at the local levels have been by city councils, borough assemblies and municipal assemblies. Amendments to the model codes and standards have been made at state and local levels. The model codes and standards adopted have been adopted by the different local and state agencies at different times and of different editions. The amendments have not been coordinated between agencies nor between local and state levels.

BUILDING REGULATION REFORM IN OTHER STATES

Four other states within recent years have undertaken major reform of their building regulations and the enforcements agencies. The State of Arizona recently combined the Office of Manufactured Housing and the Office of the State Fire Marshal into a new Department of Building and Fire Safety. The State of Oregon revised its building code system in the early 1970's. The State of Indiana undertook that task in 1984-1985. The State of Montana began this process in 1985.

Oregon:*

The State of Oregon faced a situation during the 1950's and 1960's very similar to that being experienced by the State of Alaska today. There were four state agencies enforcing building regulations with code conflicts, duplications, and differences of interpretation.

The Health Department enforced the plumbing code, but without permit or inspection services.

* Walter M. Friday PE, OREGON'S EXPERIMENT IN STATEWIDE CODE CONFORMITY, THIRD YEAR (Oregon State Department of Commerce, September 1976)

TABLE 2

FRAGMENTED BUILDING REGULATIONS AS ADMINISTERED
WITHIN THE STATE OF ALASKA

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT	DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS	DEPARTMENT OF EDUCATION	DEPARTMENT OF ENVIRONMENTAL CONSERVATION	DEPARTMENT OF HEALTH AND SOCIAL SERVICES	DEPARTMENT OF LABOR
Division of Occupational Licensing	Division of Community Development	Education Finance and Support Services	Division of Environmental Quality	Division of Planning	Division of Labor Standards
Architects Contractors Electric Admin Engineers Land Surveyors	Energy Conservation In Residential Buildings	School Construction Plan Reviews	Drinking Water Plan Reviews Inspections Wastewater Disposal Plan Reviews Inspections	Health Care Construction Plan Reviews	Amusement Rides Ski Lifts Boilers Electrical Elevators Plumbing Permits -- Boiler Certification -- Elevator
Division of Measurement Standards	Division of Energy				OSHA
Mobile Home Inspection	Grants Loans				Safety Compliance Voluntary Compliance Industrial Hygiene Powder Handling Hazardous Materials
DEPARTMENT OF PUBLIC SAFETY	DEPARTMENT OF REVENUE	DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES			
Division of Fire Prevention	Alaska Housing Finance Corp	Design and Construction			
Arson Investig Fire Code Inspection Building Plan Reviews Fire Service Training Fireworks Permits Hazardous Materials	Loans for Residential Construction Business Loans	Building Plan Reviews Building Const Inspection Permit Reviews Harbors & Waters			

The Bureau of Labor enforced the electrical code, boiler code, and elevator code.

The State Fire Marshal enforced the fire and exit requirements. There were minimal state codes and no structural or mechanical codes were enforced.

Cities and counties usually adopted the Uniform Building Code, but amended it at their discretion. There was no continuity or uniformity of policy in building regulation matters.

Except for the larger cities, there was little regulation of mechanical systems.

Legislation was proposed in 1971, but not enacted, to establish a unified building code system. The existing state building regulations and enforcement agencies were unified into a single department by administrative action. Legislation was passed in 1973 that mandated a statewide building code regulatory agency in one department. The building code regulatory reform in Oregon has proven to be very successful. It has reduced the duplications and inconsistencies, eliminated costly construction delays, and fewer, but more qualified code enforcement employees. Key points in the adopting legislation called for:

Statewide building code uniformity at all levels of government.

Adoption of model codes and standards.

Local code enforcement.

Certification of Building inspectors and officials.

Plumbing permit fee and inspection system.

Indiana:*

Indiana Public Law 8-1984 established a new Department of Fire Prevention and Building Safety and a new Fire Prevention and Building Safety Commission. The new department would combine all state building and fire regulation activities into one agency and would create an umbrella agency to coordinate, prioritize, and unify all sub-agency operations.

* Charles W. Coffey, Consolidated Fire and Building Department Enforcement - A Success Story, BUILDING STANDARDS (Whittier, CA: International Conference of Building Officials, September - October 1986), pp. 24-27.

The new 15-member (unpaid) Fire Prevention and Building Safety Commission has consolidated the myriad codes and standards into a unified code system and has acted as an appeals board to resolve code disputes between the public and code and administrative officials.

COMPARISON OF ALASKA WITH OTHER STATES

Table 3 shows the complexities of building regulation enforcement in the State of Alaska - through its many different departments - compared with Arizona, Indiana, Oregon, and Montana who use single, unified agencies.

BUILDING REGULATION REFORM IN ALASKA

Beginning in the early 1970's there was concern within the State of Alaska for some degree on uniformity in building codes and regulations and code enforcement. Concerned individuals and groups expressed an interest in consolidating the building regulation functions. Task forces were formed, studies were made, and reports were published. Legislative bills were introduced. Regulatory reform recommendations came from within the State administration, from within the Legislature, from private organizations, professional societies, and individuals. The recommendations ranged from establishing better planning and coordination among the various state and local agencies to consideration of existing agency functions into one state-wide agency.

During 1979-1982 an administrative attempt at regulatory reform was made by the Regulatory Reform Action Plan. Included in it were provisions to: eliminate duplicative and/or contradictory regulations at all levels to avoid "layering"; streamline the regulatory process, abolish all rules, reports, permits, codes, and licenses that did not have a "public interest"; and to consolidate the primary building regulation functions into one agency. However, legislation was not enacted and the Plan died.

The second Task Force on Fire Prevention and Control was created by the 1984 Legislature to look at the entire fire problem in the State of Alaska. Among the mandates of this task was to study the activities of the various fire protection groups in the state and submit a report making recommendations to improve fire prevention and control. The report stated:

"The state shall promote a uniform interagency system for building and safety code enforcement to encompass all aspects of construction and building maintenance, including but not limited to fire, electrical, structural, plumbing, sanitation, energy, handicapped and accident safety, and the program of incentives for local jurisdictions to administer their own programs."

* Report of the Second Task Force on Fire Prevention and Control, FIRE, ALASKA'S PUBLIC SAFETY CRISIS (December, 1984) p. 53-54.

TABLE 3

ALASKA BUILDING REGULATIONS COMPARED TO OTHER STATES

- Enforced
- Law by Department of Law
- by other agencies

ALASKA
 Department of Commerce and Economic Development
 Department of Community and Regional Affairs
 Department of Education
 Department of Environmental Conservation
 Department of Health and Social Services
 Department of Labor
 Department of Public Safety
 Department of Revenue
 Department of Transportation and Public Facilities
 (State-funded buildings only)

Municipality of Anchorage
 City of Fairbanks
 City and Borough of Juneau

ARIZONA
 Department of Building and Fire Safety

ARIZONA
 Department of Fire Prevention and Building Safety

MONTANA
 Department of Commerce, Building Codes Bureau

NEBRASKA
 Department of Commerce, Building Codes Division

APPLICATION	MODEL CODE OR STANDARD	ALASKA	ANCHORAGE	FAIRBANKS	JUNEAU	ARIZONA	ARIZONA	MONTANA	NEBRASKA
Access/use by disabled/aged	ANSI Access Standard	●	●	●	●	●	●	●	●
Code administration	Uniform Admin Code		●	●	●	●	●	●	●
Door/window security	Uniform Security Code		●	●	●	●	●	●	●
Dwelling construction	BOCA 1-2 Dwelling Code		●	●	●	●	●	●	●
Dwelling construction	Uniform Housing Code		●	●	●	●	●	●	●
Elevator/escalator safety	ANSI Elevator Code	●	●	●	●	●	●	●	●
Energy conservation	ASHRAE Energy Standard	●	●	●	●	●	●	●	●
Energy conservation	Uniform Energy Code	●	●	●	●	●	●	●	●
Electrical safety	ANSI Elect Safety Code	●	●	●	●	●	●	●	●
Electrical systems	NFPA Electrical Code	●	●	●	●	●	●	●	●
Fire safety	Uniform Fire Code	●	●	●	●	●	●	●	●
Institutional safety	NFPA Life Safety Code	●	●	●	●	●	●	●	●
Mechanical systems	Uniform Mech Code	●	●	●	●	●	●	●	●
Mobile home manufacturing	NFPA Mobile Home Std	□	●	●	●	●	●	●	●
Plumbing systems	Uniform Plumbing Code	●	●	●	●	●	●	●	●
Sign construction	Uniform Sign Code	●	●	●	●	●	●	●	●
Structural/life safety	Uniform Building Code	●	●	●	●	●	●	●	●
Substandard structures	Uniform Abatement Code	●	●	●	●	●	●	●	●
Aerial tramways		●	●	●	●	●	●	●	●
Air quality		●	●	●	●	●	●	●	●
Boilers		●	●	●	●	●	●	●	●
Carnival rides		●	●	●	●	●	●	●	●
Construction safety		●	●	●	●	●	●	●	●
High voltage lines		●	●	●	●	●	●	●	●
Industrial housing		●	●	●	●	●	●	●	●
Pipe lines		●	●	●	●	●	●	●	●
Pollution control		●	●	●	●	●	●	●	●
Ski lifts		●	●	●	●	●	●	●	●
Water quality		●	●	●	●	●	●	●	●
Wastewater disposal		●	●	●	●	●	●	●	●
Professional registrations		●	●	●	●	○	○	○	○
Architect		●	●	●	●	○	○	○	○
Engineer		●	●	●	●	○	○	○	○
Land Surveyor		●	●	●	●	○	○	○	○
Occupational licenses		●	●	●	●	●	●	●	●
Construction Contractor		●	●	●	●	●	●	●	●
Electrician		●	●	●	●	●	●	●	●
Electrical Administrator		●	●	●	●	●	●	●	●
Mechanical		●	●	●	●	●	●	●	●
Plumbing		●	●	●	●	●	●	●	●

BUILDING REGULATION REFORM ACTIVITIES BY THE ALASKA CHAPTERS OF THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS

During 1985 the three Alaska chapters of the International Conference of Building Officials held a teleconference and a number of meetings to discuss the the problems of and the need for building regulation reform within the State of Alaska. In January, 1986 the Alaska Central Chapter ICBU decided to form the Committee on State Building Codes to be the nucleus for a state-wide effort to instigate the changes needed in the ways the State of Alaska and its local jurisdictions were adopting and enforcing (or not enforcing) building regulations.

The objectives of this state-wide effort are to streamline proceduras for adopting building regulations, codes, and standards within the State of Alaska, to consolidate the frayed state code agencies into one, unified code enforcement agency, to streamline the enforcement of building regulations, and to establish an effective, quick-acting appeals process for code and regulation disputes.

INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS

The International Conference of Building Officials (ICBU) is a non-profit organization, headquartered in Whittier, California, which has been publishing the Uniform Building Codes and Standards since 1922. The Uniform "family" of codes and standards have been adopted by the Municipality of Anchorage, the State of Alaska, and government units throughout Alaska and the Lower 48 states. Agencies of State of Alaska, the Municipality of Anchorage, City of Fairbanks, City and Borough of Juneau, and many other Alaska cities and boroughs are Class A (voting) members of ICBU.

There are three, independent chapters of ICBU in Alaska. Each is affiliated with the International Conference of Building Officials. Members of these chapters include building officials, fire officials, architects, engineers, builders, contractors, material suppliers, and others interested in codes and standards for better design and construction and who work toward improvement of the safety of buildings and structures throughout Alaska.

The Alaska Central Chapter ICBU was formed in 1979 and organized as a non-profit corporation in Alaska in 1984. Its geographic area is generally south of the Denali Highway and Norton Sound and west of the Richardson Highway. The Alaska Northern Chapter ICBU was formed in 1985. Its geographic area is generally north of Norton Sound, the Denali Highway, and the Wrangell Mountains and east of the Richardson Highway. The Alaska Southeastern Chapter ICBU was formed in 1985. Its geographic area is generally southeastern Alaska.

PROBLEM STATEMENTS

UNKNOWN EXTENT OF BUILDING REGULATIONS

Many, many state, federal, and local departments, divisions, agencies, boards and commissions administer an uncounted number of rules, regulations, codes and standards covering the construction industry. As previously stated, Table 2 shows an incomplete list of the jurisdiction of state departments and the segments of the construction process covered.

There is not available to the public a comprehensive list of the rules, regulations, codes and standards that apply to the design, construction, and use of buildings and structures within the State of Alaska.

The latest known outline of the government regulatory permits currently required in Alaska is given in the 360-page book "DIRECTORY OF PERMITS". This publication disclaims being the "final authority on permits in Alaska" because of "inadequate information and time constraints". It was prepared by the Alaska Department of Environmental Conservation, but it costs \$85.00 per copy and is available only from the publisher in Seattle.

The only other known current recap of statutes and regulations relating to building construction is in "DESIGN STANDARDS MANUAL FOR BUILDINGS", published by the Alaska Department of Transportation and Public Facilities. It was last revised in February, 1984 and usually is available only to design professionals who are performing services for this agency.

An overview of permits required for civil engineering work in the Municipality of Anchorage is in "PROCEDURES FOR OBTAINING MUNICIPAL AND STATE PERMITS IN THE MUNICIPALITY OF ANCHORAGE". It was published privately by DOWL Engineers in November, 1984, for the use of its staff and consultants. It is not available to the general public.

An outdated list is in "ALASKA BUILDING CODE SURVEY and DIRECTORY OF CODE ENFORCEMENT OFFICIALS", published June 1, 1980 by the Codes and Standards Committee, Alaska Chapter The American Institute of Architects.

PROBLEM: How can the State of Alaska and its local jurisdictions expect design professionals, contractors, developers, suppliers, and the general public to comply with building regulations the extent of which even the code enforcement personnel do not know?

* DIRECTORY OF PERMITS, State of Alaska, Department of Environmental Conservation (Seattle, WA: (Book Publishing Company, 1985), Title page.

UNCOORDINATED ADOPTION OF MODEL CODES AND STANDARDS

Model building codes and standards are published by a number of non-profit organizations. The most commonly used in Alaska and the Western United States are the "Uniform" codes and standards, published by the International Conference of Building Officials (ICBO). Other codes and standards in common use are those published by the National Fire Protection Association (NFPA), American National Standards Institute (ANSI), American Society for Testing Materials (ASTM), American Concrete Institute (ACI), American Institute for Steel Construction (AISC), and similar organizations.

These codes and standards usually are revised on an annual basis using a consensus method with nation-wide participation. New editions are published periodically - usually every three years. The latest editions reflect the most modern state of the art of building design, product manufacture, construction techniques, and safety protection. These codes and standards commonly inter-relate to each other. The latest revision to one usually is reflected by a corresponding revision in others.

An incomplete review of current and past statutes, regulations, rules, and ordinances shows that state agencies and local jurisdictions sometimes have adopted different codes or standards covering the same subjects.

EXAMPLE: An agency of the State of Alaska adopted a code that differed from all the others in current use at that time and that was then out of print and had been for a decade or more.

State of Alaska agencies and local jurisdictions often adopt different editions of the same codes and standards. This creates conflicts when code provisions have been revised in the latest editions.

EXAMPLE: A state agency was using an edition of a model code that was nine years older than that used by local jurisdictions. The older edition was out of print and had not been available for six years.

State of Alaska agencies and local jurisdictions often adopt only parts of codes and standards without due consideration for other related provisions within the code or standard.

EXAMPLE: The Division of Fire Prevention has adopted only portions of the 1985 editions of the Uniform Building Code, Uniform Fire Code and related standards in the Alaska Fire Prevention Code. Some of the deleted provisions have been adopted and enforced by other agencies, but some have not. All are important for protection of people and property.

Some agencies adopt codes and standards but only enforce portions of them.

EXAMPLE: The Division of Fire Prevention previously had adopted chapters concerning structural design and construction in the 1979 editions of the Uniform Building Code and Uniform Building Code Standards in the Alaska Fire Prevention Code. This agency, however, did not review drawings for compliance of the structural design nor did it do field inspections for compliance of the construction.

PROBLEM: How can the State of Alaska and its local jurisdictions expect design professionals, contractors, developers, suppliers, and the general public to comply with building regulations based on model codes and standards that conflict?

FRAGMENTED ADOPTION OF BUILDING REGULATIONS

State agencies and local jurisdictions adopt rules, regulations, codes and standards and revisions to them by different methods and at different times. Some are adopted by legislative action, some by administrative action, some by actions of local governmental units.

EXAMPLE: Revisions to the State Plumbing Code are made only by legislative action to amend applicable sections of Alaska Statutes. Revisions to the Alaska Fire Prevention Code are made administratively to amend applicable provisions in the Alaska Administrative Code.

The time required for adoption of revisions of state rules and regulations to adopt the latest editions of model codes and standards can be very lengthy resulting in confusions during design and construction of buildings and facilities and certifications of materials and equipment used in them.

EXAMPLE: The Alaska Plumbing Code still utilizes portions of the 1979 edition of the Uniform Plumbing Code and standards. Most local jurisdictions in Alaska and most jurisdictions in other western states have been using the 1982 editions for 3 or more years. Many have adopted or are in the process of adopting the 1985 editions.

EXAMPLE: Until recently*, the Alaska Fire Prevention Code utilized portions of the 1979 editions of the Uniform Building Code and Uniform fire Code and related codes and standards. Most local jurisdictions in Alaska and most jurisdictions in other western states have been using the 1982 editions for 3 or more years. Many had adopted or were in the process of adopting the 1985 editions.

* The latest revisions to the Alaska Fire Prevention Code, incorporated in Title 13 AAC 50, 51, 53, and 55, became effective October 1, 1986, but still were not available to the general public at the time that this was written.

PROBLEM: How can the State of Alaska and its local jurisdictions expect design professionals, contractors, developers, suppliers, and the general public to comply with building regulations that overlap in jurisdiction and conflict with others?

INCONSISTENCIES AND CONFLICTS

Problems are created when the jurisdictions of different agencies overlap and conflicting provisions from different code or standard or from different editions of the same code or standard are applied to the same project. What is allowed in one code or standard may be prohibited in different code or standard and vice versa. These conflicts may arise during the review of the design, during construction, and - in the worst case - after construction is completed and the building is occupied.

EXAMPLE: Until recently, the 1979 edition of the Uniform Building Code, as utilized in the Alaska Fire Prevention Code, allowed stair risers to be a maximum of 7.5 inches high and stair treads at least 10.5 inches wide. The 1985 edition, as utilized by the Municipality of Anchorage, only allows stair risers up to 7.0 inches high and stair treads at least 11 inches wide. Thus a 10 foot story height in Eagle River (under the State Fire Marshal's Jurisdiction) would require only 16 risers and 15 treads. In nearby Mountain View (within a municipal service area) there would have to be at least 18 risers and 17 treads. These differences are compounded in stairs connecting multiple stories. The reconstruction cost to correct inadvertent discrepancies can be very expensive.

Problems are created when a provision in one code or standard is negated by another code or standard. Each agency usually insists upon compliance with the minimum requirements of its own regulations. This will result in extended construction delays while individuals and firms try to resolve inter-agency differences or will result in the overbuilding far in excess of the intention when the construction must meet both codes.

EXAMPLE: One governmental unit nearly lost its federal funds due to non-compliance with federal regulations while use of a building element was delayed for months by a dispute between state and local agencies.

Problems are created when the latest edition of a code or standard is adopted by one agency or jurisdiction while another is still using an older edition of the same or related code or standard. These editions may differ by 3 to 6 years.

EXAMPLE: The Alaska Division of Fire Prevention had adopted the 1970 editions of the Uniform Building Code, Uniform Fire Code and related standards in the Alaska Fire Prevention Code. The Greater Anchorage Area Borough and then the Municipality of Anchorage adopted and enforced the 1970, 1973, 1976, and 1979 editions. Parts of the Borough (and then the Municipality) were covered by the latest editions while the rest of it was under the older (out of print) version.

FRAGMENTED METHODS OF ADOPTION OF BUILDING REGULATIONS

Problems are created when different methods of adoption are used. Meaningful public testimony and input can be difficult. The process often involves decisions by officials who do not have adequate understanding of the complex, technical issues. When public testimony by knowledgeable individuals is restricted by time or geographic constraints, conflicts and inconsistencies can be added in regulations or amendments to model codes and standards without expert testimony or in response to testimony only by restrictive special interest groups.

EXAMPLE: House Bill 63 of the 1986 Legislature amended the 1985 edition of Uniform Plumbing Code, as utilized in the Alaska Plumbing Code, but did not provide for the effects it would have on provisions of other model codes such as the National Electrical Code as adopted by the state and local jurisdictions. This bill was vetoed by the Governor and, hopefully, will be re-introduced in an improved version.

Problems are created when different agencies are constrained from enforcing provisions of state and local regulations which lie outside of an agency's principal area of power. During the review of drawings, specifications, or documents, an agency may discover violations of the regulations of other agencies, but must approve the submittals to their agency and are prevented or hindered from reporting the violations discovered.

EXAMPLE: The Division of Fire Prevention, during review of drawings and specifications, may discover design defects and violations of the regulations of the Department of Commerce and Economic Development, the Department of Labor, or other state agency. The State Fire Marshal is prohibited from disapproving the drawings based on those defects. They may be reviewed only for fire exiting and fire-resistive construction. If the drawings meet those minimum requirements, they must be approved, even if they have violated other state laws.

Problems are created when an agency may discover violations of the regulations of other agencies, but are forced to approve the submittals under the jurisdiction of the agency and is prevented or hindered from reporting other violations discovered.

EXAMPLE: The Division of Fire Prevention, during the review of drawings, specifications, or documents, may discover that that one or more of the designers is not be licensed to practice in Alaska. The State Fire Marshal is allowed to report the non-licensing violation to the Division of Occupational Licensing. The Division of Occupational Licensing may investigate and find that there is illegal practice and refer it to the Attorney General for action. The Attorney General may (but usually doesn't) take action in the courts. Meanwhile the building has been built based on approvals only for fire exits and fire resistive construction. It may contain structural, environmental, or other defects due to the lack of appropriate technical knowledge by the unlicensed party.

Problems are created when two or more agencies have overlapping jurisdiction and the plan reviewers, field inspectors, and supervisors of the different agencies do not have corresponding levels of training, and state-of-the-art knowledge of codes, standards, and construction techniques.

EXAMPLE: Drawings may be reviewed and approved by an experienced, long-time plan reviewer in one agency. Construction according to the approved plans may be inspected by a field inspector from another agency who has some construction experience but limited code enforcement experience. The field inspector may reject the construction technique or equipment and insist on reconstruction based on the way the inspector thinks that it should be done. A later inspection may require that the work be reconstructed yet again according to the approved plans.

DELAYS AND DUPLICATIONS

Multiple permits, design reviews, and code compliance inspections usually are required for an individual building to be constructed. The offices of the various agencies involved usually are in a different location, often in a different city or region.

There are duplications of permit processing, agency review, and field inspection. Two or more agencies may perform the same or related review of drawings, specifications, and other documents. Many agencies may perform the same or related field inspection of buildings and facilities - some during construction and some after.

Delays are created when agency personnel visit the construction site at different times to perform overlapping and duplicate code compliance inspections.

Problems of duplication are created when multiple sets of drawings, specifications, and other documents must be submitted to different agencies that have overlapping jurisdiction. Comments noted on the review set returned from one agency have to be correlated with the comments on another review set from another agency. During the rush of design, bidding, and construction, human errors can compound problems when conflicts or violations are not resolved and corrected.

Delays are created when there are conflicts between agencies over interpretation and application of code and standards provisions. These delays are compounded when mail between cities is delayed. These delays can be extensive when resolution of conflicts must be referred to higher levels of agencies.

ADDITIONAL COSTS

There is duplication of services with increased personnel and administrative costs when two or more one agencies perform the same or closely-related reviews.

EXAMPLE: The Alaska Division of Fire Prevention, Alaska Department of Transportation, the City of Seward, and other agencies performed reviews of the State Prison in Seward with a duplication of plan review fees. The City of Seward used an out-of-state code review service. Many agencies performed on-site field inspections, most of which were redundant. There were additional costs to resolve the conflicts between the various agencies due to different interpretations of code provisions.

There are increased travel and personnel costs when two or more agencies perform the same or closely-related field inspections on the same project.

There are increased costs when design professionals, general contractors, specialty contractors, builders, and code officials have to research the current, applicable rules and regulations concerning building design and construction. The current, fragmented regulatory structure is extremely wasteful in time and money in a period of declining revenues and increased competition.

In many cases, current, detailed knowledge of the fragmented regulatory structure is beyond the personnel resources and budgets of the individuals, firms, and agencies concerned.

Frustrations with the fragmented regulatory structure can lead to willful non-compliance with the rules, regulations, codes, and standards with the hope that the violations may not be discovered. This often results in wasteful redesign and reconstruction, and/or increased life safety danger. In many cases the discovery is made long after the construction is completed and correction must be made at the owner's expense.

APPEALS OF DECISIONS

Most model codes provide for establishment of an independent Appeals Board to consider appeals of code interpretation by officials and to provide for alternate materials and methods of construction. The members of these appeals boards usually are knowledgeable about design and construction and with code provisions. Many local jurisdictions in Alaska and state-wide agencies in most other states have appointed such appeals boards as a low-cost, quick-acting means of resolving code enforcement disputes.

The various state agencies in Alaska have deleted such appeals boards when adopting the model codes. The appeals usually go only to the division head or the department commissioner. These individuals usually do not have the technical expertise to make the necessary judgements. The case then must be appealed to the court system. This adds to the burden of the court system with lengthy delays in construction or - more likely - the construction proceeds, based on the official ruling which may not be correct and often unnecessary and expensive. Meanwhile frustration builds because of the lack of speedy due process.

The construction seasons are critically short in many regions of Alaska. Many of the component parts and equipment items are fabricated in other states. The shipping distances to most project sites from the fabrication plants are very long. These factors create a denial of due process when dealing with the existing administrative appeal processes. Too often, arbitrary, erroneous enforcement decisions are complied with at higher construction cost because due process through the courts would mean extensive delays at even higher cost or (more likely) abandonment of the project.

RECOMMENDATIONS

UNIFY MODEL CODES AND STANDARDS

It is recommended that the State of Alaska unify and simplify the use of model codes and standards by adopting the latest editions of codes and standards that are most commonly used throughout the western United States and whose provisions are most known and understood by the construction industry in Alaska and the national suppliers to it.

Model building codes and standards recommended to be adopted initially would include the following codes and standards that have been adopted previously by the State of Alaska in these or earlier editions and have been adopted already by some of the local jurisdictions:

- ANSI A17.1, 1984, Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks.
- ANSI A117.1, 1986, Providing Accessibility and Usability for Physically Handicapped People.
- ASHRAE 90A- 1980, 90B-1975, and 90C-1977, Energy Conservation in New Building Design.
- NATIONAL ELECTRICAL CODE, 1984 edition,
- NATIONAL ELECTRICAL SAFETY CODE, 1984 edition,
- UNIFORM ADMINISTRATIVE CODE, 1985 Edition
- UNIFORM BUILDING CODE, 1985 Edition
- UNIFORM BUILDING CODE STANDARDS, 1985 Edition
- UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1985 Edition
- UNIFORM FIRE CODE, 1985 Edition
- UNIFORM FIRE CODE STANDARDS, 1985 Edition
- UNIFORM MECHANICAL CODE, 1985 Edition
- UNIFORM PLUMBING CODE, 1985 Edition
- UNIFORM SOLAR ENERGY CODE, 1985 Edition
- UNIFORM SWIMMING POOL, SPA, AND HOT TUB CODE, 1985 Edition

The latest editions of standards published by the National Fire Protection Association that are currently in use throughout Alaska should be adopted initially.

CONSOLIDATE BUILDING REGULATIONS

The building regulations are recommended to be effective throughout the entire State of Alaska.

The building regulations that are now scattered throughout the Alaska Statutes and the Alaska Administrative Code are recommended to be consolidated in one title of the Alaska Administrative Code with appropriate consolidation of the authorizing Alaska Statutes.

SIMPLIFY REGULATION ADOPTION PROCEDURES

All revisions to the building regulations of the State of Alaska are recommended to be adopted as amendments to the Alaska Administrative Code. There must be written announcement of the proposed amendments, public hearings and teleconferences for public comment, and adoption by the decision of a building code board.

ESTABLISH A SINGLE CODE ADMINISTRATIVE AGENCY

All code enforcement is recommended to be consolidated within a new Division of Building Safety. This would be a single state-wide agency, with regional offices for convenient public access to staff and services and reduced travel costs.

The plan review and field inspection personnel would be cross-trained for to avoid duplication of staff services and travel with regular staff training for uniformity of code interpretations and standardization of field inspection. Appropriate certifications of code enforcement personnel would be implemented.

CONSOLIDATE PERMIT PROCESSES

It is recommended that the single agency provide one-stop permit application services, expedited plan review services, and access to code enforcement staff for clarifications.

Regional offices are recommended to be established in the Anchorage, Fairbanks, and Juneau with appropriate satellite offices in smaller communities.

SIMPLIFY APPEALS PROCESSES

It is recommended that a Building Regulations Board, composed of technically-qualified persons, be established that would act as a quasi-judicial appeals board to consider appeals concerning code interpretations and the decisions of code officials.

Public hearings would be held after due notice and testimony taken in person or by teleconference from other locations. The decisions of such Building Regulations Board would be appealable to the court system.

ALLOW LOCAL BUILDING REGULATION ENFORCEMENT

It is recommended that the local code enforcement agencies in Anchorage, Fairbanks, and Juneau have code enforcement delegated to their jurisdictions with expanded scope to include all activities for which they provide qualified services. Other cities could assume such duties as may be appropriate.

IMPLEMENTATION

PHASED PLAN OF IMPLEMENTATION

The building regulation reform in the State of Alaska must be accomplished in a phased sequence of steps that will allow the continued enforcement of building regulations within the State of Alaska and allow the orderly consolidation of building regulations and code enforcement functions. The steps listed below are in general, chronological order of priority.

UNIFY ADOPTION OF BUILDING REGULATIONS

Legislation must be drafted that will determine the process by which building regulations are written. Provisions must be made that all new building regulations and the revisions to existing regulations will be adopted as amendments to the Alaska Administrative Code. The process must be similar to that presently used by the Departments of Labor and Public Safety. This would include published announcements and letters describing the proposed amendments, public hearings concerning them in major cities, and teleconferences for public comment. The final language of the regulations and revisions must be the decision of a new Building Regulations Board.

UNIFY CODE ADMINISTRATION

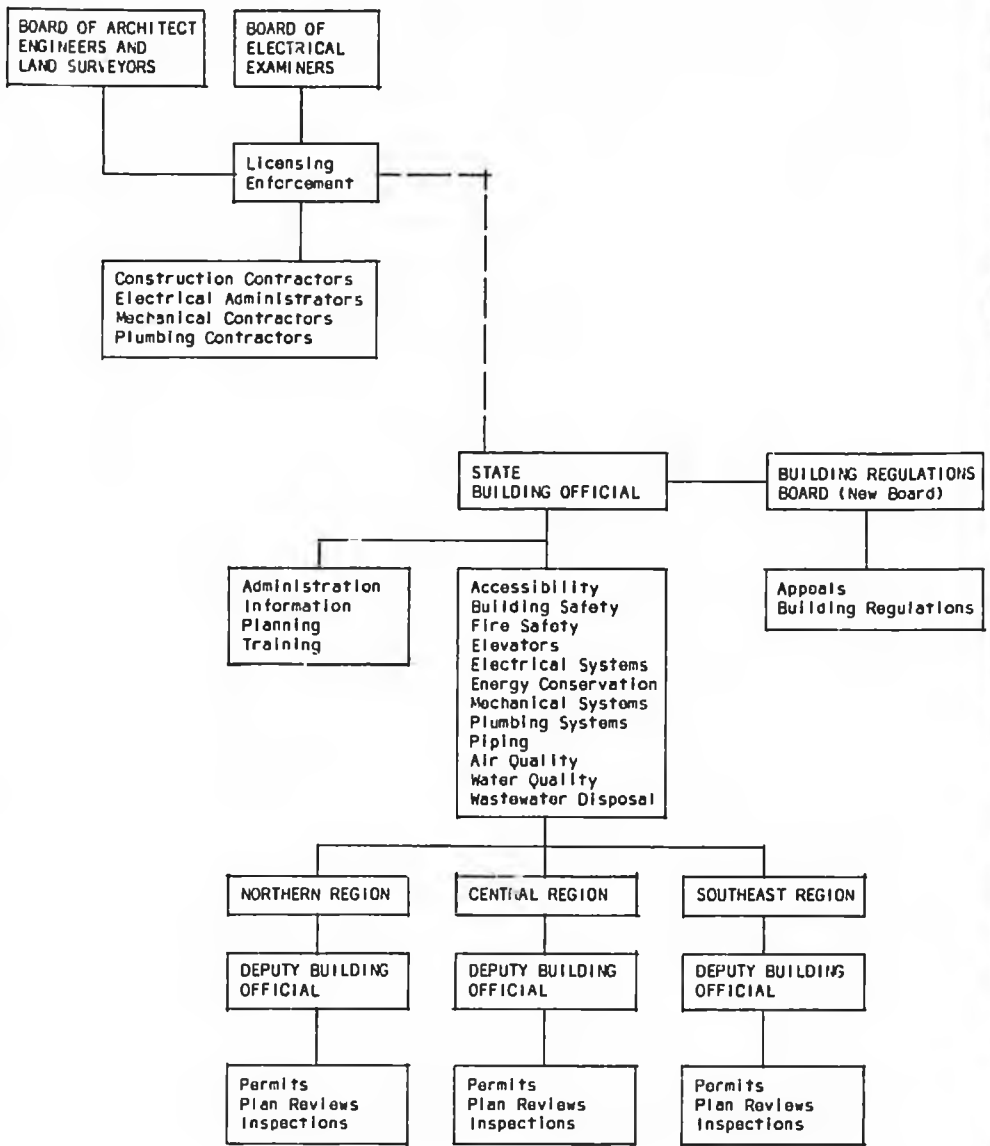
Legislation must be drafted that will establish a new Division of Building Safety within one of the existing departments of the State of Alaska. Table 4 shows a suggested organization for this agency. Provision must be made for consolidation of all building regulation activities that now are scattered among nine or more departments. These code enforcement services would include permit application and issuing, plan review, field inspection, certifications, licensing, appeals processing, and related functions.

The first consolidation should be the building regulation activities currently under the Departments of Labor and Public Safety since these departments contain a major portion of code enforcement functions. Additional building regulations activities and functions from other departments should be combined with them in an orderly manner.

Consolidation of field inspection services would take place over an extended period of time to allow continuity of inspections for construction currently under way and for orderly transfers of personnel. Time must be allowed for cross-training of some field personnel.

TABLE 4

SUGGESTED DIVISION OF BUILDING SAFETY



Code enforcement functions currently performed by local jurisdictions would continue until full consolidation is completed. Consideration should be given for contracting of state field inspections within certain regions by personnel of such local jurisdictions as a means of reducing travel expenses and avoiding construction delays.

UNIFY MODEL CODES AND STANDARDS

Legislation must be drafted that will accomplish the consolidation of in an orderly manner. New regulations must be put into effect that will supercede all existing regulations. The latest editions of the recommended model codes and standards presently in use in Alaska and that are known and understood by the construction industry in Alaska and the national suppliers to it.

Legislation must be drafted that latest edition of all such model codes and standards must be adopted, with amendments appropriate for Alaska's climate and conditions, by the end of the calendar year following the year of the first printing of the latest edition. This usually occurs in a three-year cycle.

EXAMPLE: The 1988 Edition of the UNIFORM BUILDING CODE most probably will be first printed in May, 1988. This edition would have to be adopted, with amendments appropriate for Alaska's climate and conditions, by December 31, 1989.

ESTABLISH A BUILDING REGULATIONS BOARD

Legislation must be drafted that will establish a new Building Regulations Board. This new Board would act as a quasi-judicial appeals board to consider appeals concerning code interpretations and the decisions of code officials. All of its appeal decisions would be appealable to the court system.

It also would have the authority to consider revisions to the building regulations, to conduct hearings concerning proposed revisions to building regulations, and to decide the final language of such revisions.

The new Building Regulations Board would be composed of nine technically-qualified persons, appointed by the Governor and confirmed by the Legislature, who would serve three-year, staggered terms. The members should be selected from among architects, engineers, constructors, developers, code officials, and others knowledgeable about building design and construction and code enforcement. This new Board would be similar to appeal boards now existing in Anchorage, Fairbanks, and Juneau.

ESTABLISH BUILDING LICENSING LIAISON

Legislation must be drafted that will transfer the administration of the existing Board of Registration for Architect, Engineers, and Land Surveyors, and the Board of Electrical Examiners into the same state department with the new Division of Building Safety.

Transfer of this administrative functions into the same department would improve the inter-agency efforts to enforce the existing provisions for professional licensing and practice and for licensing and certification of construction-related businesses and occupations.

DELEGATE AUTHORITY TO LOCAL JURISDICTIONS

Legislation must be drafted that will allow code enforcement authority to be delegated to cities, boroughs, and municipalities that have assumed such services. These services could include permit application and issuing, plan review, field inspection certifications, licensing, appeals processing, and related functions.

Local jurisdictions would continue to have the power to adopt local amendments to the state-wide building regulation provided that they are no less stringent.

Local appeal boards could act as a quasi-judicial body concerning building regulation matters within the local jurisdiction and, if specifically delegated, within the same region. All decisions of the local appeal boards would be appealable to the state-wide Building Regulations Board.

PPENDIX

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Anchorage, Alaska
November, 1984

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PROPOSED RULE ADOPT
Building Code Bureau
Montana Department of Commerce
August 1, 1985

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REGULATORY ROADBLOCKS, Conflicting
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ALASKA CONSTRUCTION & OIL
August 1986

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SPECIFYING ENGINEER, May, 1986

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International Conference of Building
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DIRECTORY OF ORGANIZATIONS

ALASKA CENTRAL CHAPTER ICBU
7233 Madelynne Drive
Anchorage, Alaska 99504-4656
907-337-6315

ALASKA NORTHERN CHAPTER ICBU
PO Box 73437
Fairbanks, Alaska 997707-3437
907-452-1881-X241

ALASKA SOUTHEAST CHAPTER ICBU
PO box 211411
Auk Bay, Alaska 99821
907-586-5231

AMERICAN NATIONAL STANDARDS INSTITUTE, INC. (ANSI)
1430 Broadway
New York, New York 10018
212-354-3300

Safety Code for Elevators and Escalators
Energy Conservation in New Building Design
Standard for Providing Accessibility and Usability
for Physically Handicapped People
Other specialized standards that often are cited
in other codes.

AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM)
1961 Race Street
Philadelphia, Pennsylvania 19103
215-299-5400

AMERICAN SOCIETY OF HEATING, REFRIGERATING AND
AIR-CONDITIONING ENGINEERS, INC.
1791 Tullie Circle NE
Atlanta, Georgia 30329
404-636-8400

ASHRAE Standard for Energy Conservation
in New Building Design

BUILDING OFFICIALS & CODE ADMINISTRATORS,
INTERNATIONAL (BOCA)
4051 West Flossmoor Road
Country Club Hills, Illinois 60477
312-799-2300

COUNCIL OF AMERICAN BUILDING OFFICIALS (CABO)
5203 Leesburg Pike, Suite 708
Falls Church, Virginia 22041
703-931-4533

INTERNATIONAL ASSOCIATION OF PLUMBING AND
MECHANICAL OFFICIALS (IAPMO)
5032 Alhambra Avenue
Los Angeles, California 90032
213-223-1471

INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS (ICBO)
5360 South Work Mill Road
Whittier, California 90601.
213-699-0541

Uniform Administrative Code
Uniform Building Code
Uniform Fire Code
Uniform Mechanical Code
Uniform Plumbing Code
Uniform Sign Code
Uniform Code for the Abatement of Dangerous Building
Uniform Swimming Pool, Spa, and Hot Tub Code
Uniform Building Security Code
Uniform Solar Energy Code.
Related standards

NATIONAL CONFERENCE OF STATES ON BUILDING
CODES AND STANDARDS (NCSBCS)
481 Carlisle Drive
Herndon, Virginia 22070
703-437-0100

NATIONAL FIRE PROTECTION ASSOCIATION (NFPA)
Batterymarch Park
Quincy, Massachusetts 02269
617-328-9290

National Electrical Code
Life Safety Code
Other related standards that often are cited
in other codes.

ALASKA CENTRAL CHAPTER ICBO
7233 Madelynne Drive
Anchorage, Alaska 99504-4656
907-337-6315

COMMITTEE UN STATE BUILDING CODES

Donald Cather	Code Official
John Crittenden	Architect
Earl Fullingim	Architect
Walter Gardner	Electrical Consultant
V Kay Larson	Construction Manager
John McCool	Architect
Jack McGary	Code Official
Richard Meyer	Code Official
James Sipman	Architect
Ron Watts	Code Official

HOUSE BILL NO.
IN THE LEGISLATURE OF THE STATE OF ALASKA
FIFTEENTH LEGISLATURE - SECOND SESSION
A BILL

For an Act entitled: "An Act relating to the plumbing code."
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 18.60.705 is repealed and reenacted to read:

Sec. 18.60.705. PLUMBING CODE. (a) The following publications are adopted [DEPARTMENT OF LABOR SHALL ADOPT,] as the official minimum plumbing code for the state: [,]

(1) the Uniform Plumbing Code, 1988 [1979] edition, adopted at the 57th [49th] Annual Conference, September, 1986 [1978], International Association of Plumbing and Mechanical Officials, chs 1 -- 13 and appendices, Useful Tables, and Installation Standards, but excluding Part I, Administration, pages 1a -- 6a, and subject to AS 18.60.710 -- 18.60.740; and

(2) The Uniform Solar Energy Code, 1988 edition, adopted at the 57th Annual Conference, September, 1986, International Association of Plumbing and Mechanical Officials; chs. 1 -- 9 and appendices; and

(3) the Uniform Swimming Pool, Spa and Hot Tub Code, 1988 edition, adopted at the 57th Annual Conference, September, 1986, International Association of Plumbing and Mechanical Officials, chs. 1 -- 5, but excluding Part I, Administration, pages 1 -- 9.

* Section 2. AS 18.60.740(1) is amended to read:

(1) "code" means the 1988 editions of the Uniform Plumbing Code, the Uniform Solar Energy Code, and the Uniform Swimming Pool, Spa and Hot Tub Code [1979 EDITION], adopted at the 57th [49th] Annual Conference, September 1986 [1978], International Association of Plumbing and Mechanical Officials.

* Section 3. Notwithstanding AS 18.60.705(a) as enacted in sec. 1 of this Act if plastic pipe that is made from a substance permitted under the official state plumbing code as amended by this Act was installed in a plumbing or drainage system before the effective date of this Act, the manner in which that pipe was installed is considered acceptable under the official state plumbing code, as amended by this Act, if the manner of installation met the requirements of the state or local plumbing code that was in effect at the time of the installation.

RESOLUTION OF THE ALASKA MUNICIPAL LEAGUE

RESOLUTION NO. 88-14

A RESOLUTION IN SUPPORT OF THE TIMELY
ADOPTION OF MODERN CONSTRUCTION CODES.

WHEREAS, the League supports the elimination of conflict between state and local plumbing and electrical codes, and

WHEREAS, many municipalities in Alaska have adopted the 1985 Edition of the Uniform Plumbing Code (UPC), and

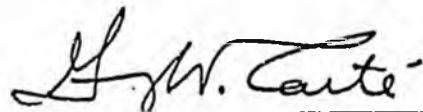
WHEREAS, conflicts now exist among state and local building code officials, the public in general, and municipal government construction projects due to state enforcement of provisions of the 1979 UPC, especially with regard to the use of plastic pipe, and

WHEREAS, the widespread and safe use of plastic piping materials in Alaska will promote lower construction costs and increased resistance of plumbing systems to corrosion and freeze-thaw damage in both private and public sector construction projects, and

WHEREAS, resolutions and support for the most recent UPC have been adopted by many Alaskan professional associations, including fire chiefs, firefighters, building officials, home builders, the National Federation of Independent Businesses, and others;

NOW, THEREFORE, BE IT RESOLVED that the Alaska Municipal League urges that the State of Alaska adopt the most recent edition of the UPC including the provisions pertaining to plastic pipe.

Adopted this 13th day of November 1987.



George W. Carte, President

ATTEST:


Scott A. Burgess, Executive Director



ALASKA FIRE CHIEF'S ASSOCIATION

POST OFFICE BOX 304 • CORDOVA, ALASKA 99574 • TEL. (907) 424-7475

RESOLUTION 87-4

TITLE: SUPPORT OF AN OBJECTIVE AND TIMELY ADOPTION OF CODES PERTAINING TO SAFETY AND CONSTRUCTION REGULATION

WHEREAS municipal building officials share the common goals of the firefighters and fire chiefs to save lives and reduce property loss in the State of Alaska; and

WHEREAS building officials unanimously agree with the conclusion of the Alaska Task Force on Fire Prevention and Control that adopting and enforcing all modern construction codes will reduce fire loss in Alaska; and

WHEREAS due to recent funding shortfalls affecting the start up of the Alaska Fire Commission, it is especially important that all organizations actively pursue, within their jurisdictions, the stated goals of the Commission; and

WHEREAS the International Association of Fire Chiefs requested the support of all building officials to keep polybutalyne plastic pipe in the Uniform Plumbing Code during the 1987 ICBO annual business meeting; and

WHEREAS modern plastic pipes have recently shown great potential for fire suppression in low cost sprinkler systems; and

WHEREAS the building officials in Alaska who enforce fire and life safety standards unanimously concur with the International Association of Plumbing and Mechanical Officials, authors of the Uniform Plumbing Code, that plastic plumbing pipes in combustible buildings have not been shown to be a significant hazard to life and property.

Therefore, be it resolved that

The Alaska Fire Chief's Association and the Alaska State Firefighter's Association urge the Alaska Legislature to adopt the most recent edition of the Uniform Plumbing Code (UPC) including the provisions pertaining to plastic pipes. Local governments will still have the option of amending the code to meet specific local conditions.

Recommendation: Pass

Adoption: Pass X No Pass

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P.1/3

Sen Kelly

TELECOPY COVER SHEET
ANCHORAGE INFORMATION OFFICE

TO: Juneau FOR: Sen Labor & Comm PHONE: _____

FROM: ANCH LIO - MR SIMON PHONE: _____

ADDITIONAL INSTRUCTIONS: Pls. Make Copies for every member

DATE/TIME SENT: 1-21-98 / 11:30am PLEASE ACK. RECEIPT: _____

DISPOSAL OF ORIGINAL: THROW AWAY

HOLD FOR PICK UP

NUMBER OF PAGES: 3 (NOT COUNTING COVER SHEET)

BY: David

Memo
Tim Kelly
01/20/83
Page 1

MEMORANDUM

DATE: January 20, 1988

TO: Tim Kelly, Chair
Senate Labor & Commerce Committee

COPY: Richard I. Eliason, L&C Comm.
Bettye M Fahrekamp, L & C Comm.
Mike Szymanski, L&C Comm.
Rick Uehling, L&C Comm.
Jan Faiks, Senate President (Bill Sponsor)

SUBJECT: SSSB 300: Building Code Consolidation

REFER: Committee TeleConference: Wed. 01/20/88

I attended the referenced TeleConference and found that in deferring my speaking position to others who wanted to address the issue from Anchorage that time suddenly came to an end at 4:50 pm and I was unable to address the committee verbally. At the close of the meeting I provided the LIO staff a copy of my prepared statement and asked that it be Telecopied to you. However, my prepared statement, which I had planned as a summary of the purpose and intent of SB 300, was not all that I had intended to say, especially after hearing some of the testimony at the hearing.

Before I proceed in my comments, please let me note that as a direct participant in the formulation of SB 300, I am speaking in part for myself (in support of the bill) but hope that some of my comments will be considered as objective. And to further clarify my position let me add that in addition to being an architect, I am a professional member of national ICBO, a charter member of the Alaska Chapter ICBO, past code committee member of AIA (beginning 1958) and member & past chair of the Codes & Standards Committee of the Alaska Chapter AIA (1978;1982). In addition to my professional memberships and participations, I have served on the Municipality of Anchorage's Building Board for three and one-half years (participating and/or drafting codes in 1976, 1979 and 1982) and a member of Mayor's Committee for revising and updating the Municipality's Zoning Ordinance in 1984-85).

During 1986 I served as chair of the Code Consolidation Committee for the Alaska Central Chapter ICBO. This past year, with Ron Watts as chair of the APDC Code Consolidation Committee, I served as one of approximately 15 committee members working with Senator Faiks staff on the Sponsor Substitute Bill. The bill before you now is a result of that committee's concentrated effort.

It was found that the first draft of SB 300 (05/13/87) ended up being too lengthy and could easily confuse or be misleading with its complexity. A method was found by working with senate and legal staff to simplify the bill

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but still include the original intent of committee's purpose. The final Bill you are now addressing is necessarily a compromise Bill. The diverse character of the committee working on it attests to that: code enforcement officials, contractors, architects, engineers, mechanical and engineering consultants, material suppliers, etc.

It was not the committee's intent to direct or insist that the various agency code functions be consolidated in any one particular department. We believed then, and still so believe, that the determination of which department is a matter for the Bill's sponsor and the legislature to resolve in response to the input from the public, the existing agencies, users (designers, builders, etc.), etc.

Based on a poll of the committee members, and in response to queries to affiliated member organizations of the APDC, a consensus seemed to favor the Fire Marshal's office (Public Safety), in a choice between Labor and Public Safety. I cannot personally say whether there was a poll to determine a choice between Public Safety or Commerce. The committee did discuss Commerce originally, tho.

My own personal choice would be a separate Department of Building and Fire Safety (such as occurs in other states). If such is not feasible because of apparent concern of funding a new department (a position I do not accept: A new department will not necessarily cost more in state expenditures; there could be a cost savings and/or it could pay for it self with user fees - to address only the cost of the bureaucracy if one ignores potential cost savings alone to the building industry.), then I would personally support consolidation in Commerce & Economic Development as Senator Faiks proposes, in part because of other licensing functions already occurring there (contractors, architects, engineers, etc., directly related to the construction industry. In any event, the issue is not which department, as noted in the testimony, but code adoption and consolidation, which everyone seems to agree is necessary and desired).

During the testimony several issues were raised that seemed to confuse the issue. If I may I would like to respond to some:

1. Certification of Plan Reviewers and Field Inspectors. As noted some if not all municipalities require such certification. Although not spelled out in the Bill, National ICBO provides such training and examinations. Certification will assure uniformity throughout the state. Reviewers and Inspectors, by definition need and should have the necessary background to provide such services. The permit, plan review and field inspections fees are so structured to adequately compensate qualified personnel. All other participants in the construction area require licensing and this proposal will bring the state in line with other jurisdictions. The certification function details should not be spelled out in the statutes. Following adoption of the Bill, specific details or certification will be set forth in state regulations.

2. Applicability of Codes proposed in the Bill. The family of codes tabulated in the Bill includes the the ICBO building, plumbing, mechanical codes as well as applicable electrical codes. These codes address and include all occupancies of

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buildings, including single family residential duplex, triplex, fourplex and multifamily units as well as commercial structures. The family of codes applies equally to privately funded or government funded construction. The Bill does not and should not differentiate. There seemed to be some confusion on the proposed state building code during testimony as to exclusion of specific occupancies (i.e., designated residential) and/or specific locations (i.e. rural areas and/or population number cutoffs) or the applicability of the energy standards promulgated by the Department of Community and Regional Affairs. The energy standards would apply to all structures and occupancies.

The exclusion of a particular occupancy or particular code based on community size would be, I feel, a serious mistake. It would defeat the whole purpose of having one uniform family of codes equally applied throughout the state. I am sure the committee realized the possible controversy regarding this matter; we only hope the Senate committee will give full consideration to the ramifications of such exclusions. Once again, if there should be exclusions, the exclusions should only be addressed in the state regulations, not the statute; the Bill does not preclude modifications by regulation.

3. The issue on plastic pipe: The proposed current plumbing code does not permit plastic pipe. Based on ICBO research, input during code formulation, etc., plastic pipe was deleted from the code as an approved material by the experts on code promulgation and enforcement. Most of the jurisdictions adopting the ICBO family of codes have accepted the deletion. However, that does not mean that the proposed plumbing code cannot be amended to address the use of plastic piping. Again, this is a matter to be addressed by regulation during the process of amending, not only the plumbing code, but all of the proposed codes as may be required in addressing Alaskan concerns. *My own personal opinion is that we shouldn't arbitrarily alter standard codes; considerable time and effort go into compiling national standards and we should benefit from that effort and expertise.*

4. Accessibility Standards: It was suggested that barrier free design, commonly referred to as "Handicap Accessibility", should not be applicable to non-government funded projects in some or all rural areas. *I personally object strongly to this suggestion for two reasons, at least: I have served in the past as a member of the Governor's Committee on the Employment of the Handicapped and to say that considerable effort has gone into educating the public on barrier free design and providing employment access in both the public and private sectors would be an understatement. The proposed Federally Accessibility Standard based on the ANSI A117.1 standard required for Federally funded facilities, is currently being adopted by DOT/DF and the Municipality of Anchorage (currently the ANSI Standard is applicable in both entities).*

The public's acceptance of barrier free design has come a long way in the past ten years nationally and in the state. Discussion or even consideration of non-applicability of accessibility standards in some rural facilities would be a tremendous setback. It could jeopardize possible state funded projects, such as

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stringent, not less stringent, as he suggests. We agree that some codes might have extraneous provisions, but these items should be addressed in the normal code revision process.

e. Section 3-18.61030: The intent of this provision is to require code enforcement personnel, such as plan reviewers and field inspectors, to pass competency examinations and acquire certification by a recognized and department designated entity, such as National ICEO. The details of these requirements should be set forth in state regulations and not be included in state statutes, similar to other licensing.

f. Section 3-18.61040: Mr. Woodman's concerns about the number of board members constituting a quorum, voting majority, administrative support locations and times of meetings are the purview of the compilation of applicable state regulations and *should not* be in the statute. The committee has not overlooked such questions, but feel that at the time such regulations are up for formulation, discussion and review, his concerns, suggestions and participation will probably be most welcome.

Alarm and Signal/Communication expertise was not intentionally omitted from the board's make-up. The board of eleven members is cumbersome and counsel recommended that the number be established at nine. However, eleven was arrived at as a compromise in part because of the vast state area and the committee's concept that a reduced number would be sitting for a quorum for conducting business. The disciplines or categories of board member expertise was based on issues generally addressed by a building regulations board. The makeup of the board in no way precludes Alarm and Signal/Communications expertise from participating in the code process, as it does not exclude other disciplines such as acoustical engineers, lighting consultants, kitchen or theater disciplines, or other members of the design and construction industries.

g. Administrative Appeal: The committee carefully considered and debated "administrative appeal". Basically, this is the present condition, and the reason that a Buildings Regulation Board is proposed in the first place. In fact, the proposed appeals process is a key-stone of the Bill. To better explain, let me give this example: A field inspector cites a contractor for code violation during construction. If the contractor disputes the inspector's code conclusion, of course the contractor would ask the Administrative Official to make a determination. If the Administrative Official upholds his inspector's citation, then the contractor must appeal to the board for a code interpretation. The department head or commissioner cannot (as the bill provides) and should not be involved in any jurisdiction in code interpretation and subsequent discretionary power in these matters. *Quite frankly, this is one of the problems facing the design, construction and enforcement sectors now.*

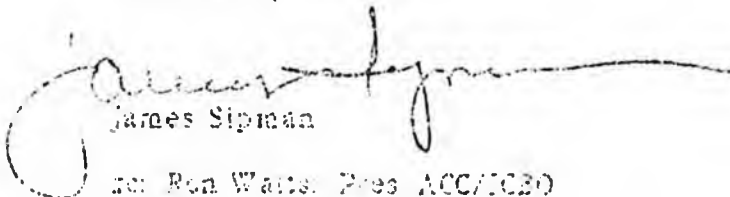
JAN 21 1988 11:45 AM - 4448 27-5116
Memo
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01/20/88
Page 6

h. The committee discussed at great length ways to implement the building regulation board's hearings, locations, quorums, etc., whether it be by mini-sub-boards, TeleConferencing, or utilizing existing building boards now functioning in such municipalities of Fairbanks, Anchorage or Juneau or other existing communities. We feel that this item should be addressed by state regulation, not statute.

i. Section 12.15.70.100(a) This provision is inserted in the bill as a housekeeping item; it already exist as statute. It was not the committee's intent to alter basic legal statutes and we believe legal counsel has only altered this provision editorially. However, I am sure we will all defer to counsel's comments on this item.

In conclusion, I would like to say that the comments and interest shown by Mr. Woodman and other participants in your TeleConference have been noted and appreciated. Thanks again to you, your committee and the Bill's sponsor for providing us this opportunity to participate in the legislative process. At least most if not all agree on the need of regulatory reform; code consolidation is one step in this direction. The committee member's two year concentrated effort on this issue surely demonstrates a need for and a commitment to the proposed Bill. Please do not hesitate to contact the committee's chair or me if you have any questions.

Respectfully submitted:



James Sipman

cc: Ron Watts, Pres ACC/ICBO
Chair APDC Committee

encl: Sipman Teleconf notes 01/20/88

James Sipman
P.O. Box 213333
Anchorage AK 99521-3333

(907) 337-8360

COPY

PREPARED TELECONFERENCE NOTES: 33SB 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

COPY

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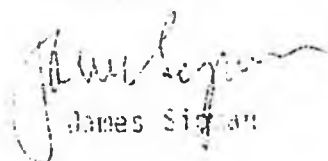
make them more applicable to Alaskan conditions, and at the time regulations are promulgated for each applicable code, additional public input will occur to allow an end result acceptable to most if not all interested parties. To repeat, the passage of this bill will not preclude those parties who might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

Building Codes and Standards are established to promote the general health, safety and welfare of the residents of a specific jurisdiction. Hence, such codes and standards should be uniform and equally applied throughout the 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 sectors. 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.

Submitted:


James Sipman

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

EXPLANATION CONCERNING LEGISLATIVE ACTION ON CONSOLIDATION

By Ron Watts
June 1987

As has been stated several times in meetings and in publications, there is a serious effort to bring about consolidation of building regulations and functions within the State of Alaska. There is strong support throughout the design and construction industry for building regulation consolidation and reform.

Senator Jan Faiks agreed to sponsor a bill to accomplish consolidation. A bill was drafted and introduced as Senate Bill 300 during the 1987 regular session of the State Legislature by Senator Faiks.

The bill generally covers the five major objectives of

- (1) establishing a procedure to adopt the latest editions of the basic family of building codes;
- (2) consolidate all State functions and programs covering building design, building plan review, building construction, and inspection from all departments of the State into one department;
- (3) establish a building regulations board to act as a quasi-judicial appeals board for decisions made by state code officials;
- (4) placing all construction contractor, electrical contractor, architect, engineer and land surveyor licensing functions into the same department with building regulations;
- (5) permitting code adoption and enforcement by local jurisdictions and municipalities.

November 10, 1987

**CONSOLIDATION
OF
STATE OF ALASKA BUILDING CODE REGULATIONS AND FUNCTIONS**

PROBLEMS

1. Building codes are only partially adopted in the State of Alaska.
2. No private or public buildings outside local code areas have to meet earthquake or structural codes.
3. There is lack of uniformity in administering and enforcing partially adopted codes.
4. Fragmentation occurs within nine or more departments administering building regulations.
5. Lack of uniform procedures for passing information between State departments and to the public.
6. There is no appeals process from decisions of State officials to an independent appeals board.
7. Costly duplication of effort and overlapping of administration and enforcement in building codes.

SOLUTIONS

1. State needs to unify and simplify the code adoption process.
2. Adopt latest edition of codes as a "family" of State building codes.
3. Establish an appeals process and an appeals board.
4. Consolidate all building regulation activities and functions into one State department.
5. Establish a one-stop review and permit service.
6. Cross train personnel to perform functions in related areas to minimize duplication.
7. Establish a phased plan of implementation for consolidation.

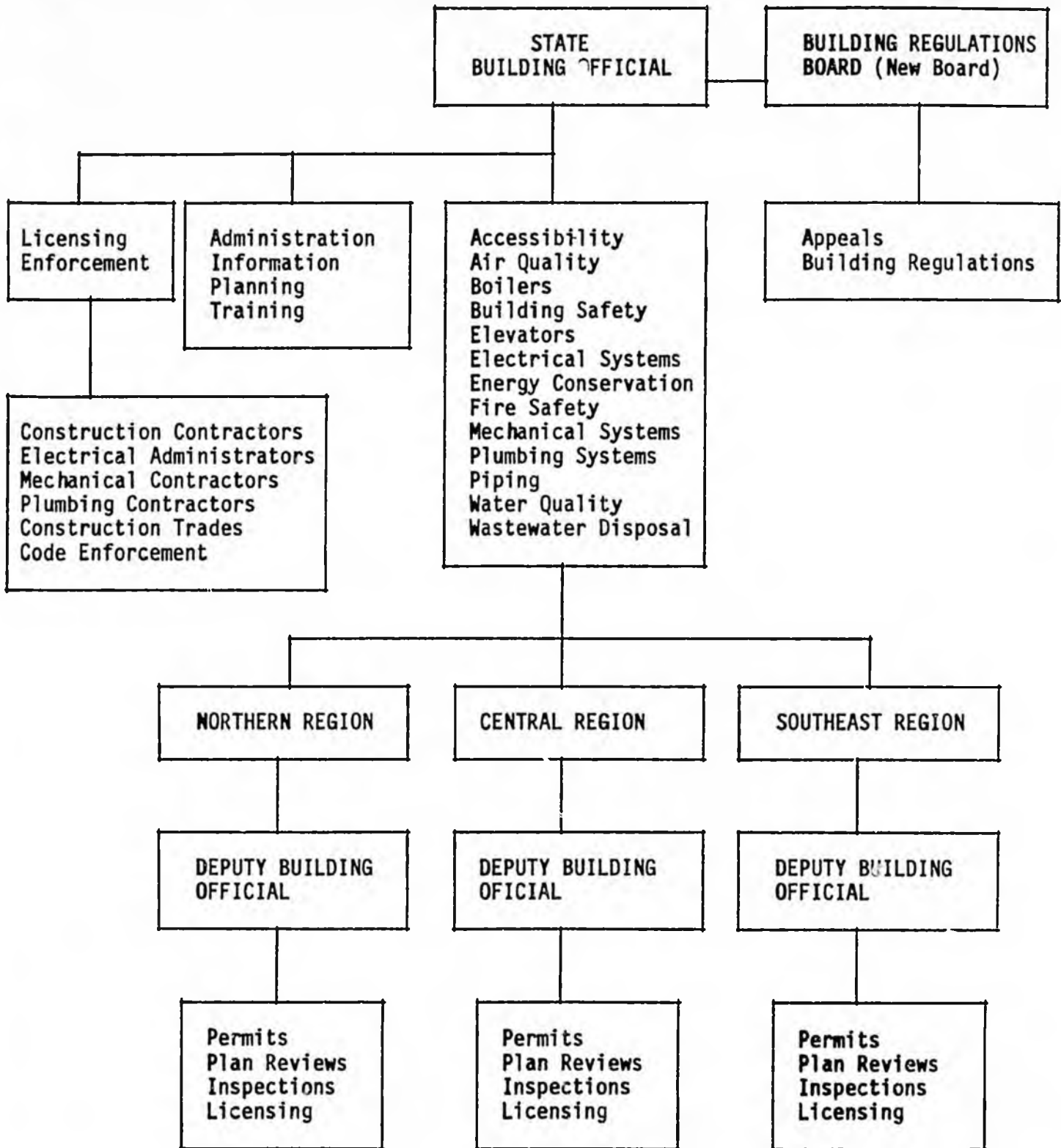
ADVANTAGES OF STATEWIDE CONSOLIDATED BUILDING CODES

1. There will be one group of updated Statewide building codes.
2. Architects, engineers, and contractors would be obligated to design and build to codes, even if there is no enforcement for inspections.
3. Better fire and life safety protection for the public.
4. Consolidation of all State activities will mean dealing with only one agency instead of several.
5. Provide more efficient service to the public.
6. Reduce cost of State government by reducing personnel duplication.
7. Local jurisdictions will know that the State will be using latest codes.

**FRAGMENTED BUILDING REGULATIONS
ADMINISTERED WITHIN THE STATE OF ALASKA**

<u>DEPARTMENT</u>	<u>DIVISION</u>	<u>ACTIVITY</u>
COMMERCE & ECONOMIC DEVELOPMENT	Occupational Licensing	Architects, Contractors, Electric Admin., Engineers, Land Surveyors
	Measurement Standards	Mobile Home Inspection
COMMUNITY AND REGIONAL AFFAIRS	Community Development	Energy Conservation in Residential Buildings
	Energy	Grants, Loans
EDUCATION	Education Finance Support Services	School Construction, Plan Reviews
ENVIRONMENTAL CONSERVATION	Environmental Quality	Drinking Water, Plan Reviews, Inspections, Wastewater, Disposal, Plan Reviews, Inspections
HEALTH & SOCIAL SERVICES	Planning	Health Care, Construction, Plan Reviews
LABOR	Labor Standards	Amusement Rides, Ski Lifts, Boilers, Electrical, Elevators, Plumbing, Permits, Boiler Certification, Elevator
	OSHA	Safety Compliance, Voluntary Compliance, Industrial Hygiene, Powder Handling, Hazardous Materials
PUBLIC SAFETY	Fire Prevention	Arson Investigation, Fire Code Inspection, Building Plan Reviews, Fire Service, Training, Fireworks Permits, Hazardous Materials
REVENUE	Alaska Housing Finance Corp.	Loans for Residential Construction, Business Loans
TRANSPORTATION AND PUBLIC FACILITIES	Design and Construction	Building Plan Reviews, Building Construction Inspection, Permit Reviews, Harbors & Waters

**SUGGESTED CONSOLIDATED ORGANIZATION
OF BUILDING AND FIRE**



COMMITTEE ON REWRITE OF
SENATE BILL 300 REFERENCE
CONSOLIDATION OF STATE BUILDING REGULATIONS & FUNCTIONS

Raj Bhargava	Bhargava & Associates	301 E. Fireweed, Anch. 99503	276-3768
Tom Carberry	Spendard Builders	4412 Lois Drive, Anch. 99517	563-3141
Donald Cather	State Dept. of Labor	Mech. Sec., Box 107021, Anch. 99510	264-2447
Earl Fullingim	Private Architect	7233 Madelynne Dr., Anch. 99510	337-6458
Alexis Gabay	Sen. Jan Faiks' Office	3111 C St. #525, Anch., 99503	561-7610
Walter Gardner	Electrical Consultant	7731 Island Dr., Anch., 99504-2776	333-0771
Roger Head	State DOT/PF	Pouch 6900, Anch., 99518	266-1680
John McCool	McCool-McDonald Architects	901 W. 29th Ave., Anch., 99503	563-8474
Jack McGary	State Fire Marshal's Office	5700 E. Tudor Rd., Anch., 99507	269-5486
Richard Meyer	State Dept. of Health	3601 C St., #578, Anch., 99503	561-4211
Bill Morrow	VECO, Inc.	5151 Fairbanks St., Anch., 99503	561-1701
Clai Porter	N.C.P. Architectural & Constr.	118 E. Int'l Airport Rd., Anch., 99518	562-2283
*James Sipman	Private Architect	P.O. Box 213333, Anch., 99521-3333	337-5360
Ron Watts	Municipality Building Safety	P.O. Box 196650, Anch., 99519-6650	786-8307
Jim Wertman	CTA Architects & Engineers	Box 211749, Anch., 99521-1749	563-3229

*Chairman

STATE OF ALASKA THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 7, 1988

SUBJECT: Draft Sponsor Substitute SB 300 (Dated January 7, 1988); shortcomings of this version of the bill

TO: Senator Jan Faiks

FROM: George Utermohle *GU*
Legislative Counsel

This memorandum accompanies draft SSSB 300, dated January 7, 1988, and outlines perceived shortcomings of this abbreviated version of the draft bill.

First: The draft sponsor substitute incorporates proposed language relating to appeals to the Building Regulations Board. Though the proposed language is highly favored by its proponents, the language does not adequately address the powers and procedures of the board.

The board does not have discretion to refuse to hear an appeal. This could result in overloading the appeals process because:

- 1) the board hears appeals of every decision made by an inspector; the number of appealable decisions that an inspector makes during the construction season may number in the thousands so if only a small fraction of each inspector's decisions are appealed, the board would have to hold hundreds of hearings during the year;
- 2) the board is very large for a board with adjudicatory functions; the problem of getting a majority of the board together to hear an appeal on the short notice required in the bill will be significant; and,
- 3) the membership of the board consists of uncompensated citizens who have jobs and businesses on which they depend for a livelihood; since most construction

activities in the state occur in the relatively short construction season, most appeals will arise at the time that these people must be at their jobs and businesses, so the members of the board may not be available to obtain a quorum to hear the appeal.

The bill does not address what happens when the board cannot convene a hearing within the time required.

The bill requires the board to issue an oral decision at the end of the hearing and to issue a written decision within a few days. The intent is to have a quick resolution of the dispute. There is an implied assumption that a hearing will not take long and the board will immediately announce its decision. However, the language of the bill does not require the board to issue its decision immediately after a hearing. The language of the bill would allow the board to take evidence from the parties and then to continue the hearing to some later time. The bill does not limit the time that the board could take to reconvene the hearing in order to conclude the hearing and issue its oral decision.

In order to overcome these potential problems, the board should have the discretion to refuse a hearing if the board decides that the subject of the appeal is trivial or if the board does not have time to schedule and hold a hearing on the matter. The board can be required to issue its decisions in a timely manner by setting a deadline for a decision that is based on so many days after the appeal is filed, rather than a time determined by when the board considers the hearing to be concluded. These concepts were included in the version of the sponsor substitute dated 12/16/87.

Another matter related to this subject is the amount of time that a hearing could take. The board is subject to the adjudicatory provisions of the Administrative Procedure Act (APA). Formal hearings under the APA on a simple matter could last a whole day or more. The board may need authority to utilize informal procedures that could shorten the length of hearings before the board.

Second: This version of the bill transfers the Division of Fire Prevention from the Department of Public Safety to the Department of Commerce and Economic Development. In order to keep the bill short, a provision transferring the Alaska State Fire Commission was deleted from this version of the

Senator Jan Faiks
Page 3
January 7, 1987

bill. The effect of this approach is that the Fire Commission is left in a department that has no fire prevention or fire protection responsibilities. The Fire Commission should be moved to a more appropriate department.

Third: Amendments to AS 08.18, construction contractors, and AS 08.40, electrical administrators, that repealed the remaining authority of the Department of Labor to regulate these professions were deleted from this bill in order to keep the bill short. As long as the Department of Labor is responsible for enforcing building codes, it is logical that the department have a role in enforcing contractor licensing and electrical administrator licensing because the department has an established system of inspectors who visit construction sites, and who are in the best position to ensure compliance with licensing statutes. However, once responsibility for enforcing building codes is transferred to another department, the Department of Labor will not have the inspectors available to enforce licensing requirements. The residual authority of the Department of Labor to enforce AS 08.18 and AS 08.40 should be repealed if this version of the bill is enacted.

Enclosure

GU:bb
wkb1/015

STATE OF ALASKA THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 7, 1988

SUBJECT: Draft Sponsor Substitute for SB 300 (dated January 7, 1988); issues not addressed by the current version of the bill

TO: Senator Jan Faiks

FROM: George Utermohle *GU*
Legislative Counsel

During the course of the teleconference on draft SSSB 300 and during the preparation of the new draft version of the bill, issues arose that may need to be addressed by the bill. This memorandum briefly discusses those issues.

First: During the course of the teleconference, there was discussion on whether the Boiler Construction Code and the National Electric Code adopted under the bill provides for inspection of existing boilers and electrical wiring. If the present statutes relating to inspection of boilers and electrical wiring are repealed as proposed in this version of the bill and if the boiler code and the electrical codes do not provide for inspections, the state could lose its ability to enforce these codes. Should the bill address the issue of inspections in these instances or should the legislature rely on the department to handle any oversights in drafting through its authority to adopt an inspection code under the "catch-all" provision of AS 18.61.010(a)(17)?

Second: Also during the teleconference, someone noted that by virtue of their location in the Department of Public Safety, employees of the Division of Fire Prevention are commissioned as special officers and receive training at the trooper academy. There was some concern that these employees may lose their commissions if they are transferred out of the Department of Public Safety. The Department of Public Safety may issue commissions to employees of other departments and provide them with training at the trooper academy. This is already done with fish and game biologists and state park rangers. However to allay any fears

concerning the legal authority of employees of the Division of Fire Prevention once it is transferred to the Department of Commerce and Economic Development, a provision may be inserted into the bill to require that they receive special officer commissions from the Department of Public Safety.

Third: There are provisions included in AS 18.60 that refer to codes and standards other than those mentioned in the current version of the bill. These provisions relate to high voltage lines (AS 18.60.670-18.60.695), safety glazing (AS 18.60.750-18.60.780), and piping codes (AS 18.60.850). These provisions have not been included in any version of the bill so far, because they do not contain language assigning responsibility for their enforcement. It may be implied that the Department of Labor enforces these provisions because it enforces the other provisions of AS 18.60, but the provisions themselves are unclear as to what agency is responsible for their enforcement. Should these provisions be addressed by the bill? Should responsibility for enforcing these provisions be given to the Department of Commerce and Economic Development?

Fourth: In regard to hearings on appeals to the Building Regulations Board, the bill is silent as to the bases on which the appeal is to occur. Should the appeal be on the record developed below, i.e. the permit denial or notice of violation and the affirmation by the administrative official, or de novo? A de novo hearing would require considerably more time, which the board may not have, but would seem to be what the proponents of the bill have in mind.

Fifth: During the teleconference there were recurring references to transferring regulations of the Department of Environmental Conservation. This bill transfers responsibility for enforcing statutes and authority to adopt regulations relating to building codes but no regulations will be transferred by the bill. The Department of Environmental Conservation does not have any responsibility for adoption or enforcement of building codes; it does have authority to establish standards for environmental sanitation and food handling. Under this authority the department has established certain standards that relate to the design, construction, and operation of certain facilities like food stores, day care centers, swimming pools, barber shops, inter alia. The concern over the department's regulations probably arises because of

Senator Jan Faiks
Page 3
January 7, 1988

conflicts between the regulations and various codes. This issue was addressed by AS 18.05.040(b) when responsibility for environmental sanitation and food handling was in the Department of Health and Social Services. AS 18.05.040(b) prohibited the Department of Health and Social Services from adopting a regulation that duplicated, conflicted with, or was inconsistent with the plumbing codes. When these responsibilities were transferred to Department of Environmental Conservation the limitation imposed by AS 18.05.040(b) was not included, so the department is not required to conform with the plumbing codes. A provision similar to AS 18.05.040(b) could be included in the bill to require that the Department of Environmental Conservation follows the plumbing code in developing its environmental sanitation and food handling regulations.

GU:gc
WKG1:015

Legal Services

TO:	Name <i>George Utermuhle</i>	Dept./Div./Sect. <i>Legislative affairs</i>	Mail Stop
FROM:	Name <i>Don Cather</i>	Dept./Div./Sect. <i>HS&S - m?</i>	Telephone
SUBJ.:	<i>SB 300</i>		Date <i>1/13/88</i>

George : Language of this type eases my
 fears that there will be combining
 inspections of Boilers, Electrical
 & Recreational Devices...
 Everything else can be handled
 via regulations.

C. Watts:

Thanks IDC

AS POWER AND DUTIES OF THE DEPARTMENT. The department;

(1) may promulgate regulations to carry out the purposes of this chapter;

(2) may inspect new electrical installations in any place of employment or in any public structure. (Currently AS 18.60.580)

(3) is responsible for the inspection and certification of recreational devices. (Currentlt AS 05.20.010)

(4) shall formulate definitions, rules and regulations for the safe and proper construction, sale, installation, repair, use and operation of boilers and unfired pressure vessels. The definitions and regulations must be based upon and shall follow the generally accepted nationwide engineering standards, formula, and practices established for boiler and unfired pressure vessel construction and safety.

NEW BOILERS AND UNFIRED PRESSURE VESSELS. A power boiler, low pressure boiler, or unfired pressure vessel that does not conform to the regulations adopted by the Department of Labor governing new construction and installation may not be installed and operated unless it is of special design or construction, and is not covered by the rules and regulations, or is not in any way inconsistent with the regulations, in which case the Department may issue a special installation and operating permit.

Exemptions:

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

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

(3) air tanks located on vehicles operating under the regulations of another state authority and used for carrying passengers or freight;

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

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

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

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

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

(b) The following boilers and unfired pressure vessels are exempt from the requirements.

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

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

(3) unfired pressure vessels containing only cold water under pressure for domestic supply purposes, including those containing air, the compression of which serves only as a cushion or airlift pumping system;

(4) unfired pressure vessels containing liquefied petroleum gas;

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

(A) a heat input of 200,00 British thermal units per hour (57,143 watts);

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

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

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

(c) Notwithstanding (a)(8) of this section, an antique manually fired boiler may not be used for exhibition purposes without a special operating permit issued by the Department of Labor. (Currently AS 18.60.180-220)

(5) Carry out those duties pursuant to 18.61.010.

CS SB 300

* P9 221 - SEC 12

ON A PUBLIC BLDG IF ~~IF~~ AREN'T THERE IS THERE
SUFF TIME TO CORRECT THE PROBLEM
S/ WE HAVE A WAIVER SYSTEM

T STEWART - LABOR DEPT - CONSOLIDATED ADMINISTRATION

IDEA HAS MERIT :

NOT SURE WHAT IS EFFECT OF ADOPTING FULL CODES

SOME CODES HAVE POPULATION MINIMUMS

DIDN'T ACCT FOR VARIOUS DUTIES OF PERSONNEL INVOLVED

BOARD SIZE - OVERWORKED

ALSO MAY BECOME EXPENSIVE TO DO IT ALL

DEPT OF LABOR HAS 22 PEOPLE IN BLDG INSPECTING

Tom Castner - IBEW

GOOD IDEA

* DON'T WANT TO TAKE FUNCTIONS FROM D. OF LABOR

Dwight Perkins - Plumbers

P4 112 - SINGLE FAMILY & CERTIFICATE OF FITNESS

BOARD MAKE-UP - COMBINE 1/2 ; 6 ET

MOVE 1 ADPT FROM LABOR - 2 PUBLIC

PREFER DEPT. OF LABOR

PLUMBING CODE - RESSAUS COMMENT

2/1
JOE MEROLE - RETIRED CONTRACTOR - KETCHIKAN

IDEA LONG OVERDUE

DON'T MAKE TOO MANY CHANGES TO IT

DON'T BELONG IN COMMERCIAL - S/B LABOR

OCCUPATIONAL LICENSING DOESN'T CARE

S. F. WHO IS RESPONSIBLE FOR PAYMENT IS INSPECTOR IS IN ERROR?

ANY BLDG W/ STATE \$ S/B INSPECTED INCLUDING AHFC

ANY BLDG USED FOR PROFIT S/B INSPECTED

SEP. 5 WHAT IF 40% IS TURNED TO CONDO -

HOWARD HACKNEY - SOLDOTNA

GOOD IDEA

NEED MORE INSPECTORS ON BOARD

S/B ALL RESIDENTS ? ALL BLDGS

Wm CARR - VALDEZ

GOOD IDEA

BRUCE GARDON - BLDG OFFICIAL OF KODIAK

ARCHITECTS ? ENGINEERS S/B LIABLE WHEN NO MUNICIPAL CONTROL

BILL SCHLECTER - FISKE

APPEALS BUSIEST AT BUSIEST TIME - IN FALL

WALT GARDNER - ARCH

P.4 L5 ECONOMIC CONDITIONS S/N MATTER

P.4 L10 OIL

P.4 L12

P.4 L14 THWARTS INTENT OF BILL

P.6 L10 WANTS QUORUM TO BE 7

* P.9 L22 IS APPEAL AN APPROPRIATE WORD

HANDICAP ACCESSIBILITY S/N BE LEFT OUT

DRG. AIR FOR BARRIERS FREE ENVIRONMENT

FAVORS BILL

BUT WANTS ACCESSIBILITY STANDARD

PUT STANDARD BACK IN

ALREADY IN ALL STATE & FED PROJECTS

Jim Sigman - ARCH ARCH.

HANDICAP CODE S/N INSERT

SIZE OF KIDGS S/N BE ADDRESS'D IN STATUTE

P.4 L4-5 - NO ECONOMIC CONCERNS

L12 -

P.5 BOARD MAKE UP

PUTTING INSPECTORS ON TS FOX OVER CHICKEN COOP

NO STATE OR MUNICIPAL PEOPLE ON IT

P.6 - L6-12 QUORUM S/N BE IN STATUTE

P.9 - L21-24 - APPEAL BEFORE VIOLATION

KEEP IT IN COMMERCIAL

McGLAWLIN - ARCH IN ANCH

DEPT DOESN'T REALLY MATTER PROFESSIONAL P.S.
PNT IN HANDICAP STANDARDS

RON WATTS

INTENT TO REDUCE BUREAUCRACY NOT EXPAND IT

LEGISLATIVE OVERSIGHT SECTION CREATES A PROBLEM

* PG 2 B MAKE COLLECTION OR MAKE PROVISION
TO CORRECT THE VIOLATION

JOHN McCOOL - ANCH

WOODMAN - ANCH

WANTS ALL BODIES INCLUDED

* WHAT ABOUT LICENSES - WHO NEED WHAT

? WANT ADMIN APPEAL BETWEEN

DON'T TIE UP BOARDS W/ SMALL APPEALS

MEYER - ANCH

TO OBSERVE

NAME/REPRESENTING ADDRESS PHONE #

- 1.
- 2.
- 3.
- 4.
- 5.

2 TESTIFIED
 0 UNABLE
 0 OBSERVED
 2 TOTAL

3:23P/5:00P START/END TIME

* DELIVER TO: LSNCLCO *
 * ORIGINAL *
 * SENT: 01/19/98 TIME: 16:40 *
 * FROM: LIDC01V *
 * SUBJECT: H&C L&C, WORK'S-COMP, F-S, 1-19 *
 * PRINT DATE: 01/23/98 TIME: 10:00 *
 *

*** FINAL TELECONFERENCE STATISTICS ***

DATE: _____
 ORGANIZATION: _____
 SUBJECT: _____
 LOCAL MODERATOR: _____

OBSERVED:

NAME/REPRESENTING ADDRESS PHONE #

NAME/REPRESENTING	ADDRESS	PHONE #
BOB WESTER	16010 EASY STREET	ANCH 99501 272-0373
C. MCKEE	338 E 12TH AVE	ANCH 99501 272-0397
✓ R FULTS	6311 DEBARR RD #124	ANCH 99504 339-3992
JEFF DAY	1400 BENSON #350	ANCH 277-5454
JERRY BAYDEN	422- R STREET	ANCH 99503 562-2266
H.P. GAZAWAY	1521 W 14TH AVE	ANCH 99501 277-2073
✓ ED HITE	5653 RENEE CL	ANCH 99504 333-0254
NICHELE HOSKINS	8050 PIONEER	ANCH 338-0750

TESTIFIED: 00
 OBSERVED: 08
 TOTAL: 08

START TIME: 3:00PM
 END TIME: 5:30PM

* DELIVER TO: LKNCLD

* ORIGINAL

* SENT: 01/19/88 TIME: 17:14

* FROM: LIOCSIT

* SUBJECT: HSL&C;FS;WKRS COMP,1-19-88

* PRINT DATE: 01/21/88 TIME: 09:53

JANUARY 12, 1988

U.S. LABOR & COMMERCE COMMITTEE

MONITORING COMMISSION

SITKA

MODERATOR-ELAINE SURDE

CORRECTED FINAL STATS TO REFLECT CORRECT COMMITTEE

THERE WERE NO PARTICIPANTS IN SITKA.

-Q-TOTAL

-Q-OBSERVED

-Q-UNABLE

-Q-NOTIFIED

DIDN'T DIAL IN-START/END TIME

* DELIVER TO: LKNCLD

* ORIGINAL

* SENT: 01/19/88 TIME: 17:27

* FROM: LIOCFBX

* SUBJECT: HSL&C;FS;WORKMENS COMP,1-19-88

* PRINT DATE: 01/21/88 TIME: 09:53

*****FINAL STATS*****

DATE: _____ JANUARY 19, 1988 _____

SITE: _____ FAIRBANKS _____

SPONSOR: _____ JOINT LABOR & COMMERCE COMMITTEE _____

SUBJECT: _____ HE 352 & SB 322; WORKER'S COMPENSATION _____

MODERATOR: _____ FRAN _____

TESTIFY:

NAME \ REPRESENTING _____ ADDRESS _____ PHONE: # _____

OBSERVE:

NAME REPRESENTING	ADDRESS	PHONE #
1. RON WILLIS	1716 SOUTHERN, FBKS, 99709	456-7554
2. MIKE ANDREWS	408 HAINES, FBKS, 99701	456-7254
3. TERRY DUSZYNSKI	AIDE TO SEN. FANNING	452-7624
4. FRED PRATT	P.O. BOX 72981 FBKS, 99707	452-3061
5. JUDITH HANNIG	626 2ND ST., FBKS, 99701	456-8717
6. ART ROBERTSON	600 UNIVERSITY AVE., FBKS, 99712	456-6901
7. CINDY SEARVANT	1017 W. ARDEN, INTL. BELL	456-7761
8. JIM WILSON	AIDE TO SEN. FARENKAMP	452-4882

TESTIFIED _____ 0 _____
 OBSERVED _____ 8 _____
 TOTAL _____ 8 _____

TIME START ___3:10 P.M.
 TIME END ___5:00 P.M.

A REPORT ON

**CONSOLIDATION
OF STATE
BUILDING REGULATIONS**

**ALASKA CENTRAL CHAPTER
INTERNATIONAL CONFERENCE
OF BUILDING OFFICIALS**

DECEMBER 11, 1986

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INTRODUCTION

One of the basic responsibilities of government is the protection of the life, safety, and health of its citizens and the protection of their properties and possessions. The State of Alaska under its Constitution carries out this responsibility through its various agencies and through delegation of authority to local jurisdictions.

Police protection is provided at the state and local levels to deal with crimes of violence, theft, vandalism, arson, substance abuse, traffic violations, etc.

Safety protection is provided at the state and local levels through examination of the qualifications of persons in various professions and occupations and through inspection of work places. Safety protection also is provided through agencies for fire prevention and fire fighting.

Health protection is provided at the state and local levels to deal with food production, processing, preparation, distribution and dispensing. Health protection also is provided at the state and local levels through examination, licensing, and certifications of persons and businesses concerned with personal services, medical services, drug dispensing, and other health-related occupations and through inspection and certification of hospitals, clinics, and other health-care facilities.

Fire, life safety, health, and property protection is provided at the state and local levels through examination of the qualifications of persons in various professions and occupations, through review of construction drawings and specifications, and through inspection of construction sites and work places.

Fire, life safety, health, and property protection is a major concern of those who are involved in the design, code review, construction, and maintenance of buildings and facilities. These buildings and facilities range through the whole spectrum of single family residences, high-rise hotels and apartment buildings, office buildings, schools, government facilities, hospitals, prisons, shopping centers, commercial and industrial structures, etc.

A great number of state and local agencies have adopted regulations covering the design, construction, and maintenance of buildings and facilities and the various occupations, trades, and professions involved. These many agencies have produced great numbers of regulations and, in the process, have adopted a vast array of codes and standards. Most of these regulations are

* "The people's safety is the highest law. - Roman legal and political maxim". Dr. Laurence J. Peter, THE PETER PYRAMID (New York: William Morrow and Company, 1986), p. 150.

highly-technical, but in many cases have been created independently and without knowledgeable coordination. This has resulted in an overlapping of regulations, with conflicts of enforcement by different agencies and jurisdictions, and with inconsistencies between the codes and standards.

Building and construction regulations in Alaska have grown too large, complex, and conflicting. Their enforcement is inconsistent, repetitive, time-consuming, and expensive. The costs and time delays created by these regulations have become too great for the government, the design professionals, the construction industry, and the consumers to bear in these days of diminished revenues and increasing operating and capital costs.

The Alaska Central Chapter International Conference of Building Officials together with other professional organizations and construction industry groups is concerned about the many regulations, codes and standards covering the construction industry and the increasing complexities of their enforcement. There is concern about the deepening of frustrations faced by construction industry personnel and government employees as they face multiplying inconsistencies and duplications of regulations. There is concern that these frustrations could lead to further disregard for sound practices and provisions that are intended to protect the life, safety, and health of the people of Alaska and its visitors.

The Committee on State Building Codes of the Alaska Central Chapter International Conference of Building Officials has been working since January, 1986, to delineate the full scope of the building regulations problems and to formulate methods of solving those problems in ways that will help to reduce the code enforcement costs to governments, construction industry enterprises and to the public while maintaining standards to assure protection of life, safety, and health and to preserve property assets.

Other states have faced these same problems. Arizona, Indiana, Oregon, and Montana each recently have reorganized their fragmented code-enforcement and permit agencies into single, consolidated departments. The success of these other states indicate that the State of Alaska can be successful also in achieving these cost-saving and time-saving goals.

* "In government and out, there are vast realms of bureaucracy dedicated to seeking more information, in perpetuity, if need be, in order to avoid taking action. - Peg Greenfield", Dr. Laurence J. Peter, THE PETER PYRAMID (New York: William Morrow and Company, 1986), p. 72.

HISTORICAL BACKGROUND

BUILDING REGULATIONS

The regulation of building construction is not a recent phenomenon. It can be traced throughout recorded history for over 4000 years. The concern for peoples' safety has increased with the development of civilizations from early, nomadic societies, through mercantile and industrial cities, to our present concern with "high-rise" building fires and toxically "sick" homes and workplaces.

The purpose of rules and regulations covering building design, construction, and use is to provide minimum standards to safeguard life or limb, health, property, and public welfare. These minimum standards are best defined through adoption of model codes and standards which have been developed and refined through a broad-based consensus of designers, constructors, materials producers, researchers, code enforcement officials, and building owners and users.

The State of Alaska and its local jurisdictions have been using such model codes and standards for decades. Most of the codes and standards that have been adopted have been the ones that also are most commonly used throughout the Western United States. The provisions of these codes and standards are known and understood by the construction industry in Alaska and the local and national suppliers to it.

Table 1 shows a list of the building regulations adopted by the State of Alaska, the year when first adopted, the department responsible for enforcement, the Alaska Statute authorizing adoption, the Alaska Administrative Code regulations for enforcement, and the model codes and standards adopted. This list is not complete nor does it include the many, many codes and standards referred to and made a part of these model codes and standards.

However, the adoption of such model codes and standards by the State of Alaska and its local jurisdictions have been fragmented, inconsistent, and out of time sequence. Different departments and agencies have established regulations that adopt codes and standards that are different from those adopted by other departments and agencies. Some have adopted portions of one model code or standard while others have adopted other

* "When you build a new house, make a parapet around your roof so that you may not bring the guilt of bloodshed on your house if someone falls from the roof". Deuteronomy 22:8, HOLY BIBLE, New International Version (East Brunswick NJ, New York International Bible Society, 1978).

* "All unenclosed floor and roof openings, - - - and roofs used for other than service of the building shall be protected by a guardrail". Section 1711, UNIFORM BUILDING CODE, 1985 Edition (Whittier CA, 1985), p. 82.

TABLE 1

BUILDING REGULATIONS ADOPTED BY THE STATE OF ALASKA

ACTIVITY	YEAR	DEPT	STATUTE	REGULATIONS	STANDARDS CURRENTLY ENFORCED
Architectural Barriers	1967	DOTPF	AS 35,10,015	17 AAC 50,010	ANSI A117.1, 1980 Specifications for Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People
Architect, Engineers & Land Surveyors	1972	Comm & Econ Dev	AS 08,48,011	12 AAC 36,010-250	--
Boiler & Pressure Vessels	1955	Labor	AS 18,60,180	08 AAC 80,010-900	ASME Boiler & Pressure Vessel Code, 1983
Certificate of Fitness	1974	Labor	AS 18,62,020	08 AAC 90,010-900	National Electrical Code, 1984 National Electrical Safety Code, 1984
Contractor Licensing	1968	Comm & Econ Dev	AS 08,18,011	12 AAC 21,010-300	--
Electrical Administrator	1960	Comm & Econ Dev	AS 08,40,010	12 AAC 02,010-900	National Electrical Code, 1984 National Electrical Safety Code, 1984
Electric Work	1969	Labor	AS 18,60,580	08 AAC 70,010-090	NFPA 70 National Electrical Code, 1984
Elevators	1976	Labor	AS 18,60,800	08 AAC 77,005-905	ANSI/ASME A17.1, 1984 Safety Code for Elevators, Dumb-walters, Escalators, and Moving Walks
Fire Prevention	1955 1973	Public Safety	AS 18,70,010	13 AAC 50,010-080	Uniform Building Code, 1985 Uniform Fire Code, 1985 Uniform Mechanical Code, 1985 NFPA 10, 13, 13A, 53M, 56A, 56B, 56C, 56F, 76A
Health Care Facilities	1949	Health & Soc Serv	AS 18,20,060	07 AAC 09,050-	NFPA 101 Life Safety Code National Electrical Code, 1984 Uniform Building Code, 1985 Uniform Mechanical Code, 1985 Uniform Plumbing Code, 1979 ANSI/ASME A17.1, 1984 Safety Code for Elevators, Dumb-walters, Escalators, and Moving Walks
High Voltage Lines	1972	Labor	AS 18,60,670	--	--
Occupational Safety & Health	1955 1973	Labor	AS 18,60,01 AS 08,52,010	08 AAC 61,010-960 08 AAC 62,010-070 08 AAC 75,010-030	Occupational Safety & Health Explosive Handlers Bldg Safety Regulations
Piping	1970	Labor	AS 18,60,850	--	ASME B31.1 Power Piping, 1967 ASME B31.2 Fuel Gas Pipe, 1968 ASME B31.3 Petroleum Pipe, 1966 ASME B31.4 Liquid Petrol Piping, 1966 ASME B31.4a L P Piping, Transport, 1968 ASME B31.8 Gas Transmission, 1968
Plumbing Code	1972	Labor	AS 18,60,705	08 AAC 63,010-030	Uniform Plumbing Code, 1979
Recreational Devices	1967	Labor	AS 05,20,010	13 AAC 15,160-320	ASME B77.1, 1960 Safety Code for Aerial Passenger Trunways Uniform Building Code, 1967 NFPA 101 Life Safety Code, 1967
Water & Wastewater Quality	1971	Environ Conserv	AS 46,03,020	18 AAC 50,010-900 18 AAC 70,010-110 18 AAC 72,010-990 18 AAC 75,010-900 18 AAC 80,010-900	Air Quality Control Water Quality Standards Wastewater Disposal Oil & Hazardous Substance Pollution Control Drinking Water

portions of the same code or standard. This has resulted in codes and standards dealing with building regulations being scattered through many nine different departments of the State of Alaska. Table 2 shows nine departments involved with building regulations, the enforcing divisions, and the construction activity or business use involved.

LOCAL ADOPTION OF BUILDING REGULATIONS

Local jurisdictions within the State of Alaska also have adopted building regulations. The major municipalities of Anchorage, Fairbanks, and Juneau have established building safety divisions with plan review, permit issuing, and code inspection services, and quasi-judicial boards of appeal. Other cities have partial permit issuing and inspection services. Other localities depend entirely upon state agencies for building regulation and enforcement.

Some of the model codes and standards used by the State of Alaska have been adopted by acts of the Legislature. Others have been adopted in regulations established in the Alaska Administrative Code. Adoption at the local levels have been by city councils, borough assemblies and municipal assemblies. Amendments to the model codes and standards have been made at state and local levels. The model codes and standards adopted have been adopted by the different local and state agencies at different times and off different editions. The amendments have not been coordinated between agencies nor between local and state levels.

BUILDING REGULATION REFORM IN OTHER STATES

Four other states within recent years have undertaken major reform of their building regulations and the enforcement agencies. The State of Arizona recently combined the Office of Manufactured Housing and the Office of the State Fire Marshal into a new Department of Building and Fire Safety. The State of Oregon revised its building code system in the early 1970's. The State of Indiana undertook that task in 1984-1985. The State of Montana began this process in 1985.

Oregon:*

The State of Oregon faced a situation during the 1950's and 1960's very similar to that being experienced by the State of Alaska today. There were four state agencies enforcing building regulations with code conflicts, duplications, and differences of interpretation.

The Health Department enforced the plumbing code, but without permit or inspection services.

* Walter M. Friday PE, OREGON'S EXPERIMENT IN STATEWIDE CODE CONFORMITY, THIRD YEAR (Oregon State Department of Commerce, September 1976)

TABLE 2

FRAGMENTED BUILDING REGULATIONS AS ADMINISTERED
WITHIN THE STATE OF ALASKA

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT	DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS	DEPARTMENT OF EDUCATION	DEPARTMENT OF ENVIRONMENTAL CONSERVATION	DEPARTMENT OF HEALTH AND SOCIAL SERVICES	DEPARTMENT OF LABOR
Division of Occupational Licensing	Division of Community Development	Education Finance and Support Services	Division of Environmental Quality	Division of Planning	Division of Labor Standards
Architects Contractors Electric Admin Engineers Land Surveyors	Energy Conservation In Residential Buildings	School Construction Plan Reviews	Drinking Water Plan Reviews Inspections Wastewater Disposal Plan Reviews Inspections	Health Care Construction Plan Reviews	Amusement Rides Ski Lifts Boilers Electrical Elevators Plumbing Permits -- Boiler Certification -- Elevator
Division of Measurement Standards	Division of Energy				OSHA
Mobile Home Inspection	Grants Loans				Safety Compliance Voluntary Compliance Industrial Hygiene Powder Handling Hazardous Materials
DEPARTMENT OF PUBLIC SAFETY	DEPARTMENT OF REVENUE	DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES			
Division of Fire Prevention	Alaska Housing Finance Corp	Design and Construction			
Arson Investig Fire Code Inspection Building Plan Reviews Fire Service Training Fireworks Permits Hazardous Materials	Loans for Residential Construction Business Loans	Building Plan Reviews Building Const Inspection Permit Reviews Harbors & Waters			

The Bureau of Labor enforced the electrical code, boiler code, and elevator code.

The State Fire Marshal enforced the fire and exit requirements. There were minimal state codes and no structural or mechanical codes were enforced.

Cities and counties usually adopted the Uniform Building Code, but amended it at their discretion. There was no continuity or uniformity of policy in building regulation matters.

Except for the larger cities, there was little regulation of mechanical systems.

Legislation was proposed in 1971, but not enacted, to establish a unified building code system. The existing state building regulations and enforcement agencies were unified into a single department by administrative action. Legislation was passed in 1973 that mandated a statewide building code regulatory agency in one department. The building code regulatory reform in Oregon has proven to be very successful. It has reduced the duplications and inconsistencies, eliminated costly construction delays, and fewer, but more qualified code enforcement employees. Key points in the adopting legislation called for:

Statewide building code uniformity at all levels of government.

Adoption of model codes and standards.

Local code enforcement.

Certification of Building inspectors and officials.

Plumbing permit fee and inspection system.

Indiana:*

Indiana Public Law 8-1984 established a new Department of Fire Prevention and Building Safety and a new Fire Prevention and Building Safety Commission. The new department would combine all state building and fire regulation activities into one agency and would create an umbrella agency to coordinate, prioritize, and unify all sub-agency operations.

* Charles W. Coffee, Consolidated Fire and Building Department Enforcement - A Success Story, BUILDING STANDARDS (Whittier, CA: International Conference of Building Officials, September - October 1986), pp. 24-27.

The new 15-member (unpaid) Fire Prevention and Building Safety Commission has consolidated the myriad codes and standards into a unified code system and has acted as an appeals board to resolve code disputes between the public and code administrative officials.

COMPARISON OF ALASKA WITH OTHER STATES

Table 3 shows the complexities of building regulation enforcement in the State of Alaska - through its many different departments - compared with Arizona, Indiana, Oregon, and Montana who use single, unified agencies.

BUILDING REGULATION REFORM IN ALASKA

Beginning in the early 1970's there was concern within the State of Alaska for some degree of uniformity in building codes and regulations and code enforcement. Concerned individuals and groups expressed an interest in consolidating the building regulation functions. Task forces were formed, studies were made and reports were published. Legislative bills were introduced. Regulatory reform recommendations came from within the State administration, from within the Legislature, from private organizations, professional societies, and individuals. The recommendations ranged from establishing better planning and coordination among the various state and local agencies to consideration of existing agency functions into one state-wide agency.

During 1979-1982 an administrative attempt at regulatory reform was made by the Regulatory Reform Action Plan. Included in it were provisions to: eliminate duplicative and/or contradictory regulations at all levels to avoid "layering"; streamline the regulatory process, abolish all rules, reports, permits, codes, and licenses that did not have a "public interest"; and to consolidate the primary building regulation functions into one agency. However, legislation was not enacted and the Plan died.

The second Task Force on Fire Prevention and Control was created by the 1984 Legislature to look at the entire fire problem in the State of Alaska. Among the mandates of this task was to study the activities of the various fire protection groups in the state and submit a report making recommendations to improve fire prevention and control. The report stated:

"The state shall promote a uniform interagency system for building and safety code enforcement to encompass all aspects of construction and building maintenance, including but not limited to fire, electrical, structural, plumbing, sanitation, energy, handicapped and accident safety, and the program of incentives for local jurisdictions to administer their own programs."

* Report of the Second Task Force on Fire Prevention and Control, FIRE, ALASKA'S PUBLIC SAFETY CRISIS (December, 1984) p. 53-54.

TABLE 3 ALASKA BUILDING REGULATIONS COMPARED TO OTHER STATES

- Enforced
- Now by Department of Law
- By other agencies

ALASKA
 Department of Commerce and Economic Development
 Department of Community and Regional Affairs
 Department of Education
 Department of Environmental Conservation
 Department of Health and Social Services
 Department of Labor
 Department of Public Safety
 Department of Revenue
 Department of Transportation and Public Facilities
 (State-funded buildings only)

Municipality of Anchorage
 City of Fairbanks
 City and Borough of Juneau

ARIZONA
 Department of Building and Fire Safety

INDIANA
 Department of Fire Prevention and Building Safety

MONTANA
 Department of Commerce, Building Codes Bureau

OREGON
 Department of Commerce, Building Codes Division

APPLICATION	MODEL CODE OR STANDARD	ALASKA	ANCHORAGE	FAIRBANKS	JUNEAU	ARIZONA	INDIANA	MONTANA	OREGON
Access/use by disabled/agud	ANSI Access Standard	●							
Code administration	Uniform Admin Code		●	●					
Door/window security	Uniform Security Code		●	●					
Dwelling construction	BOCA 1-2 Dwelling Code								
Dwelling construction	Uniform Housing Code		●						
Elevator/escalator safety	ANSI Elevator Code					●	●	●	●
Energy conservation	ASHRAE Energy Standard	●				●			
Energy conservation	Uniform Energy Code								
Electrical safety	ANSI Elect Safety Code		●	●	●	●	●	●	●
Electrical systems	NFPA Electrical Code		●	●	●	●	●	●	●
Fire safety	Uniform Fire Code		●	●	●	●	●	●	●
Institutional safety	NFPA Life Safety Code		●	●	●	●	●	●	●
Mechanical systems	Uniform Mech Code		●	●	●	●	●	●	●
Mobile home manufacturing	NFPA Mobile Home Std	□	●	●	●	●	●	●	●
Plumbing systems	Uniform Plumbing Code		●	●	●	●	●	●	●
Sign construction	Uniform Sign Code		●	●	●	●	●	●	●
Structural/life safety	Uniform Building Code		●	●	●	●	●	●	●
Substandard structures	Uniform Abatement Code		●	●	●	●	●	●	●
Aerial tramways			●						
Air quality		●							
Boilers			●						
Carnival rides			●						
Construction safety			●						
High voltage lines			●						
Industrial housing			●						
Pipe lines			●						
Pollution control			●						
Ski lifts			●						
Water quality			●						
Wastewater disposal			●						
Professional registrations									
Architect		●							
Engineer		●							
Land Surveyor		●					○	○	○
Occupational licenses									
Construction Contractor		●							
Electrician			●	●	●	●	●	●	●
Electrical Administrator		●							
Mechanical			●	●	●	●	●	●	●
Plumbing			●	●	●	●	●	●	●

BUILDING REGULATION REFORM ACTIVITIES BY THE ALASKA CHAPTERS OF THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS

During 1985 the three Alaska chapters of the International Conference of Building Officials held a teleconference and a number of meetings to discuss the the problems of and the need for building regulation reform within the State of Alaska. In January, 1986 the Alaska Central Chapter ICBO decided to form the Committee on State Building Codes to be the nucleus for a state-wide effort to instigate the changes needed in the ways the State of Alaska and its local jurisdictions were adopting and enforcing (or not enforcing) building regulations.

The objectives of this state-wide effort are to streamline procedures for adopting building regulations, codes, and standards within the State of Alaska, to consolidate the fragmented state code agencies into one, unified code enforcement agency, to streamline the enforcement of building regulations, and to establish an effective, quick-acting appeals process for code and regulation disputes.

INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS

The International Conference of Building Officials (ICBO) is a non-profit organization, headquartered in Whittier, California, which has been publishing the Uniform Building Codes and Standards since 1922. The Uniform "family" of codes and standards have been adopted by the Municipality of Anchorage, the State of Alaska, and government units throughout Alaska and the Lower 48 states. Agencies of State of Alaska, the Municipality of Anchorage, City of Fairbanks, City and Borough of Juneau, and many other Alaska cities and boroughs are Class A (voting) members of ICBO.

There are three, independent chapters of ICBO in Alaska. Each is affiliated with the International Conference of Building Officials. Members of these chapters include building officials, fire officials, architects, engineers, builders, contractors, material suppliers, and others interested in codes and standards for better design and construction and who work toward improvement of the safety of buildings and structures throughout Alaska.

The Alaska Central Chapter ICBO was formed in 1979 and organized as a non-profit corporation in Alaska in 1984. Its geographic area is generally south of the Denali Highway and Norton Sound and west of the Richardson Highway. The Alaska Northern Chapter ICBO was formed in 1985. Its geographic area is generally north of Norton Sound, the Denali Highway, and the Wrangell Mountains and east of the Richardson Highway. The Alaska Southeastern Chapter ICBO was formed in 1985. Its geographic area is generally southeastern Alaska.

PROBLEM STATEMENTS

UNKNOWN EXTENT OF BUILDING REGULATIONS

Many, many state, federal, and local departments, division agencies, boards and commissions administer an uncounted number of rules, regulations, codes and standards covering the construction industry. As previously stated, Table 2 shows an incomplete list of the jurisdiction of state departments and the segments of the construction process covered.

There is not available to the public a comprehensive list of the rules, regulations, codes and standards that apply to the design, construction, and use of buildings and structures within the State of Alaska.

The latest known outline of the government regulatory permits currently required in Alaska is given in the 360-page book "DIRECTORY OF PERMITS". This publication disclaims being the "final authority on permits in Alaska" because of "inadequate information and time constraints". It was prepared by the Alaska Department of Environmental Conservation, but it costs \$85.00 per copy and is available only from the publisher in Seattle.

The only other known current recap of statutes and regulations relating to building construction is in "DESIGN STANDARD MANUAL FOR BUILDINGS", published by the Alaska Department of Transportation and Public Facilities. It was last revised in February, 1984 and usually is available only to design professionals who are performing services for this agency.

An overview of permits required for civil engineering work in the Municipality of Anchorage is in "PROCEDURES FOR OBTAINING MUNICIPAL AND STATE PERMITS IN THE MUNICIPALITY OF ANCHORAGE". It was published privately by DUWL Engineers in November, 1984 for the use of its staff and consultants. It is not available to the general public.

An outdated list is in "ALASKA BUILDING CODE SURVEY AND DIRECTORY OF CODE ENFORCEMENT OFFICIALS", published June 1, 1981 by the Codes and Standards Committee, Alaska Chapter The American Institute of Architects.

PROBLEM: How can the State of Alaska and its local jurisdictions expect design professionals, contractors, developers, suppliers, and the general public to comply with building regulations the extent of which even the code enforcement personnel do not know?

* DIRECTORY OF PERMITS, State of Alaska, Department of Environmental Conservation (Seattle, WA: (Book Publishing Company, 1985), Title page.

UNCOORDINATED ADOPTION OF MODEL CODES AND STANDARDS

Model building codes and standards are published by a number of non-profit organizations. The most commonly used in Alaska and the Western United States are the "Uniform" codes and standards, published by the International Conference of Building Officials (ICBO). Other codes and standards in common use are those published by the National Fire Protection Association (NFPA), American National Standards Institute (ANSI), American Society for Testing Materials (ASTM), American Concrete Institute (ACI), American Institute for Steel Construction (AISC), and similar organizations.

These codes and standards usually are revised on an annual basis using a consensus method with nation-wide participation. New editions are published periodically - usually every three years. The latest editions reflect the most modern state of the art of building design, product manufacture, construction techniques, and safety protection. These codes and standards commonly inter-relate to each other. The latest revision to one usually reflected by a corresponding revision in others.

An incomplete review of current and past statutes, regulations, rules, and ordinances shows that state agencies and local jurisdictions sometimes have adopted different codes or standards covering the same subjects.

EXAMPLE: An agency of the State of Alaska adopted a code that differed from all the others in current use at that time and that was then out of print and had been for a decade or more.

State of Alaska agencies and local jurisdictions often adopt different editions of the same codes and standards. This creates conflicts when code provisions have been revised in the latest editions.

EXAMPLE: A state agency was using an edition of a model code that was nine years older than that used by local jurisdictions. The old edition was out of print and had not been available for six years.

State of Alaska agencies and local jurisdictions often adopt only parts of codes and standards without due consideration for other related provisions within the code or standard.

EXAMPLE: The Division of Fire Prevention has adopted only portions of the 1985 editions of the Uniform Building Code, Uniform Fire Code and related standards in the Alaska Fire Prevention Code. Some of the deleted provisions have been adopted and enforced by other agencies, but some have not. All are important for protection of people and property.

Some agencies adopt codes and standards but only enforce portions of them.

EXAMPLE: The Division of Fire Prevention previously had adopted chapters concerning structural design and construction in the 1979 editions of the Uniform Building Code and Uniform Building Code Standards in the Alaska Fire Prevention Code. This agency, however, did not review drawings for compliance of the structural design nor did it do field inspections for compliance of the construction.

PROBLEM: How can the State of Alaska and its local jurisdictions expect design professionals, contractors, developers, suppliers, and the general public to comply with building regulations based on model codes and standards that conflict?

FRAGMENTED ADOPTION OF BUILDING REGULATIONS

State agencies and local jurisdictions adopt rules, regulations, codes and standards and revisions to them by different methods and at different times. Some are adopted by legislative action, some by administrative action, some by actions of local governmental units.

EXAMPLE: Revisions to the State Plumbing Code are made only by legislative action to amend applicable sections of Alaska Statutes. Revisions to the Alaska Fire Prevention Code are made administratively to amend applicable provisions in the Alaska Administrative Code.

The time required for adoption of revisions of state rules and regulations to adopt the latest editions of model codes and standards can be very lengthy resulting in confusions during design and construction of buildings and facilities and certifications of materials and equipment used in them.

EXAMPLE: The Alaska Plumbing Code still utilizes portions of the 1979 edition of the Uniform Plumbing Code and standards. Most local jurisdictions in Alaska and most jurisdictions in other western states have been using the 1982 editions for 3 or more years. Many have adopted or are in the process of adopting the 1985 editions.

EXAMPLE: Until recently^{*}, the Alaska Fire Prevention Code utilized portions of the 1979 editions of the Uniform Building Code and Uniform fire Code and related codes and standards. Most local jurisdictions in Alaska and most jurisdictions in other western states have been using the 1982 editions for 3 or more years. Many had adopted or were in the process of adopting the 1985 editions.

* The latest revisions to the Alaska Fire Prevention Code, incorporated in Title 13 AAC 50, 51, 53, and 55, became effective October 1, 1986, but still were not available to the general public at the time that this was written.

PROBLEM: How can the State of Alaska and its local jurisdictions expect design professionals, contractors, developers, suppliers, and the general public to comply with building regulations that overlap in jurisdiction and conflict with others?

INCONSISTENCIES AND CONFLICTS

Problems are created when the jurisdictions of different agencies overlap and conflicting provisions from different code or standard or from different editions of the same code or standard are applied to the same project. What is allowed in one code or standard may be prohibited in different code or standard and vice versa. These conflicts may arise during the review of the design, during construction, and - in the worst case - after construction is completed and the building is occupied.

EXAMPLE: Until recently, the 1979 edition of the Uniform Building Code, as utilized in the Alaska Fire Prevention Code, allowed stair risers to be a maximum of 7.5 inches high and stair treads at least 10.5 inches wide. The 1985 edition, as utilized by the Municipality of Anchorage, only allows stair risers up to 7.0 inches high and stair treads at least 11 inches wide. Thus a 10 foot story height in Eagle River (under the State Fire Marshal's Jurisdiction) would require only 16 risers and 15 treads. In nearby Mountain View (within a municipal service area) there would have to be at least 18 risers and 17 treads. These differences are compounded in stairs connecting multiple stories. The reconstruction cost to correct inadvertent discrepancies can be very expensive.

Problems are created when a provision in one code or standard is negated by another code or standard. Each agency usually insists upon compliance with the minimum requirements of its own regulations. This will result in extended construction delays while individuals and firms try to resolve inter-agency differences or will result in the overbuilding far in excess of the intention when the construction must meet both codes.

EXAMPLE: One governmental unit nearly lost its federal funds due to non-compliance with federal regulations while use of a building element was delayed for months by a dispute between state and local agencies.

Problems are created when the latest edition of a code or standard is adopted by one agency or jurisdiction while another is still using an older edition of the same or related code or standard. These editions may differ by 3 to 6 years.

EXAMPLE: The Alaska Division of Fire Prevention had adopted the 1970 editions of the Uniform Building Code, Uniform Fire Code and related standards in the Alaska Fire Prevention Code. The Greater Anchorage Area Borough and then the Municipality of Anchorage adopted and enforced the 1970, 1973, 1976, and 1979 editions. Parts of the Borough (and then the Municipality) were covered by the latest editions while the rest of it was under the older (out of print) version.

FRAGMENTED METHODS OF ADOPTION OF BUILDING REGULATIONS

Problems are created when different methods of adoption are used. Meaningful public testimony and input can be difficult. The process often involves decisions by officials who do not have adequate understanding of the complex, technical issues. When public testimony by knowledgeable individuals is restricted by time or geographic constraints, conflicts and inconsistencies can be added in regulations or amendments to model codes and standards without expert testimony or in response to testimony only by restrictive special interest groups.

EXAMPLE: House Bill 63 of the 1986 Legislature amended the 1985 edition of Uniform Plumbing Code, as utilized in the Alaska Plumbing Code, but did not provide for the effects it would have on provisions of other model codes such as the National Electrical Code as adopted by the state and local jurisdictions. This bill was vetoed by the Governor and, hopefully, will be re-introduced in an improved version.

Problems are created when different agencies are constrained from enforcing provisions of state and local regulations which lie outside of an agency's principal area of power. During the review of drawings, specifications, or documents, an agency may discover violations of the regulations of other agencies, but must approve the submittals to their agency and are prevented or hindered from reporting the violations discovered.

EXAMPLE: The Division of Fire Prevention, during review of drawings and specifications, may discover design defects and violations of the regulations of the Department of Commerce and Economic Development, the Department of Labor, or other state agency. The State Fire Marshal is prohibited from disapproving the drawings based on those defects. They may be reviewed only for fire exiting and fire-resistive construction. If the drawings meet those minimum requirements, they must be approved, even if they have violated other state laws.

Problems are created when an agency may discover violations of the regulations of other agencies, but are forced to approve the submittals under the jurisdiction of the agency and is prevented or hindered from reporting other violations discovered.

EXAMPLE: The Division of Fire Prevention, during the review of drawings, specifications, or documents, may discover that that one or more of the designers is not be licensed to practice in Alaska. The State Fire Marshal is allowed to report the non-licensing violation to the Division of Occupational Licensing. The Division of Occupational Licensing may investigate and find that there is illegal practice and refer it to the Attorney General for action. The Attorney General may (but usually doesn't) take action in the courts. Meanwhile the building has been built based on approvals only for fire exits and fire resistive construction. It may contain structural, environmental, or other defects due to the lack of appropriate technical knowledge by the unlicensed party.

Problems are created when two or more agencies have overlapping jurisdiction and the plan reviewers, field inspectors, and supervisors of the different agencies do not have corresponding levels of training, and state-of-the-art knowledge of codes, standards, and construction techniques.

EXAMPLE: Drawings may be reviewed and approved by an experienced, long-time plan reviewer in one agency. Construction according to the approved plans may be inspected by a field inspector from another agency who has some construction experience but limited code enforcement experience. The field inspector may reject the construction technique or equipment and insist on reconstruction based on the way the inspector thinks that it should be done. A later inspection may require that the work be reconstructed yet again according to the approved plans.

DELAYS AND DUPLICATIONS

Multiple permits, design reviews, and code compliance inspections usually are required for an individual building to be constructed. The offices of the various agencies involved usually are in a different location, often in a different city or region.

There are duplications of permit processing, agency review, and field inspection. Two or more agencies may perform the same or related review of drawings, specifications, and other documents. Many agencies may perform the same or related field inspection of buildings and facilities - some during construction and some after.

Delays are created when agency personnel visit the construction site at different times to perform overlapping and duplicate code compliance inspections.

Problems of duplication are created when multiple sets of drawings, specifications, and other documents must be submitted to different agencies that have overlapping jurisdiction. Comments noted on the review set returned from one agency have to be correlated with the comments on another review set from another agency. During the rush of design, bidding, and construction, human errors can compound problems when conflicts or violations are not resolved and corrected.

Delays are created when there are conflicts between agencies over interpretation and application of code and standards provisions. These delays are compounded when mail between cities is delayed. These delays can be extensive when resolution of conflicts must be referred to higher levels of agencies.

ADDITIONAL COSTS

There is duplication of services with increased personnel and administrative costs when two or more one agencies perform the same or closely-related reviews.

EXAMPLE: The Alaska Division of Fire Prevention, Alaska Department Transportation, the City of Seward, and other agencies performed review of the State Prison in Seward with a duplication of plan review fee. The City of Seward used an out-of-state code review service. Many agencies performed on-site field inspections, most of which were redundant. There were additional costs to resolve the conflicts between the various agencies due to different interpretations of code provisions.

There are increased travel and personnel costs when two or more agencies perform the same or closely-related field inspections on the same project.

There are increased costs when design professionals, general contractors, specialty contractors, builders, and code officials have to research the current, applicable rules and regulations concerning building design and construction. The current, fragmented regulatory structure is extremely wasteful in time and money in a period of declining revenues and increased competition.

In many cases, current, detailed knowledge of the fragmented regulatory structure is beyond the personnel resources and budgets of the individuals, firms, and agencies concerned.

Frustrations with the fragmented regulatory structure can lead to willful non-compliance with the rules, regulations, codes, and standards with the hope that the violations may not be discovered. This often results in wasteful redesign and reconstruction, and/or increased life safety danger. In many cases the discovery is made long after the construction is complete and correction must be made at the owner's expense.

APPEALS OF DECISIONS

Most model codes provide for establishment of an independent Appeals Board to consider appeals of code interpretation by officials and to provide for alternate materials and methods of construction. The members of these appeals boards usually are knowledgeable about design and construction and with code provisions. Many local jurisdictions in Alaska and state-wide agencies in most other states have appointed such appeals boards as a low-cost, quick-acting means of resolving code enforcement disputes.

The various state agencies in Alaska have deleted such appeals boards when adopting the model codes. The appeals usually go only to the division head or the department commissioner. These individuals usually do not have the technical expertise to make the necessary judgements. The case then must be appealed to the court system. This adds to the overburden of the court system with lengthy delays in construction or - more likely - the construction proceeds, based on the official ruling which may not be correct and often unnecessary and expensive. Meanwhile frustration builds because of the lack of speedy due process.

The construction seasons are critically short in many regions of Alaska. Many of the component parts and equipment items are fabricated in other states. The shipping distances to most project sites from the fabrication plants are very long. These factors create a denial of due process when dealing with the existing administrative appeal processes. Too often, arbitrary, erroneous enforcement decisions are complied with at higher construction cost because due process through the courts would mean extensive delays at even higher cost or (more likely) abandonment of the project.

RECOMMENDATIONS

UNIFY MODEL CODES AND STANDARDS

It is recommended that the State of Alaska unify and simplify the use of model codes and standards by adopting the latest editions of codes and standards that are most commonly used throughout the western United States and whose provisions are most known and understood by the construction industry in Alaska and the national suppliers to it.

Model building codes and standards recommended to be adopted initially would include the following codes and standards that have been adopted previously by the State of Alaska in these or earlier editions and have been adopted already by some of the local jurisdictions:

- ANSI A17.1, 1984, Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks.
- ANSI A117.1, 1986, Providing Accessibility and Usability for Physically Handicapped People.
- ASHRAE 90A- 1980, 90B-1975, and 90C-1977, Energy Conservation in New Building Design.
- NATIONAL ELECTRICAL CODE, 1984 edition,
- NATIONAL ELECTRICAL SAFETY CODE, 1984 edition,
- UNIFORM ADMINISTRATIVE CODE, 1985 Edition
- UNIFORM BUILDING CODE, 1985 Edition
- UNIFORM BUILDING CODE STANDARDS, 1985 Edition
- UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1985 Edition
- UNIFORM FIRE CODE, 1985 Edition
- UNIFORM FIRE CODE STANDARDS, 1985 Edition
- UNIFORM MECHANICAL CODE, 1985 Edition
- UNIFORM PLUMBING CODE, 1985 Edition
- UNIFORM SOLAR ENERGY CODE, 1985 Edition
- UNIFORM SWIMMING POOL, SPA, AND HOT TUB CODE, 1985 Edition

The latest editions of standards published by the National Fire Protection Association that are currently in use throughout Alaska should be adopted initially.

CONSOLIDATE BUILDING REGULATIONS

The building regulations are recommended to be effective throughout the entire State of Alaska.

The building regulations that are now scattered throughout the Alaska Statutes and the Alaska Administrative Code are recommended to be consolidated in one title of the Alaska Administrative Code with appropriate consolidation of the authorizing Alaska Statutes.

SIMPLIFY REGULATION ADOPTION PROCEDURES

All revisions to the building regulations of the State of Alaska are recommended to be adopted as amendments to the Alaska Administrative Code. There must be written announcement of the proposed amendments, public hearings and teleconferences for public comment, and adoption by the decision of a building code board.

ESTABLISH A SINGLE CODE ADMINISTRATIVE AGENCY

All code enforcement is recommended to be consolidated within a new Division of Building Safety. This would be a single state-wide agency, with regional offices for convenient public access to staff and services and reduced travel costs.

The plan review and field inspection personnel would be cross-trained for to avoid duplication of staff services and travel with regular staff training for uniformity of code interpretations and standardization of field inspection. Appropriate certifications of code enforcement personnel would be implemented.

CONSOLIDATE PERMIT PROCESSES

It is recommended that the single agency provide one-stop permit application services, expedited plan review services, and access to code enforcement staff for clarifications.

Regional offices are recommended to be established in the Anchorage, Fairbanks, and Juneau with appropriate satellite offices in smaller communities.

SIMPLIFY APPEALS PROCESSES

It is recommended that a Building Regulations Board, composed of technically-qualified persons, be established that would act as a quasi-judicial appeals board to consider appeals concerning code interpretations and the decisions of code officials.

Public hearings would be held after due notice and testimony taken in person or by teleconference from other locations. The decisions of such Building Regulations Board would be appealable to the court system.

ALLOW LOCAL BUILDING REGULATION ENFORCEMENT

It is recommended that the local code enforcement agencies in Anchorage, Fairbanks, and Juneau have code enforcement delegated to their jurisdictions with expanded scope to include all activities for which they provide qualified services. Other cities could assume such duties as may be appropriate.

IMPLEMENTATION

PHASED PLAN OF IMPLEMENTATION

The building regulation reform in the State of Alaska must be accomplished in a phased sequence of steps that will allow the continued enforcement of building regulations within the State of Alaska and allow the orderly consolidation of building regulations and code enforcement functions. The steps listed below are in general, chronological order of priority.

UNIFY ADOPTION OF BUILDING REGULATIONS

Legislation must be drafted that will determine the process by which building regulations are written. Provisions must be made that all new building regulations and the revisions to existing regulations will be adopted as amendments to the Alaska Administrative Code. The process must be similar to that presently used by the Departments of Labor and Public Safety. This would include published announcements and letters describing the proposed amendments, public hearings concerning them to in major cities, and teleconferences for public comment. The final language of the regulations and revisions must be the decision of a new Building Regulations Board.

UNIFY CODE ADMINISTRATION

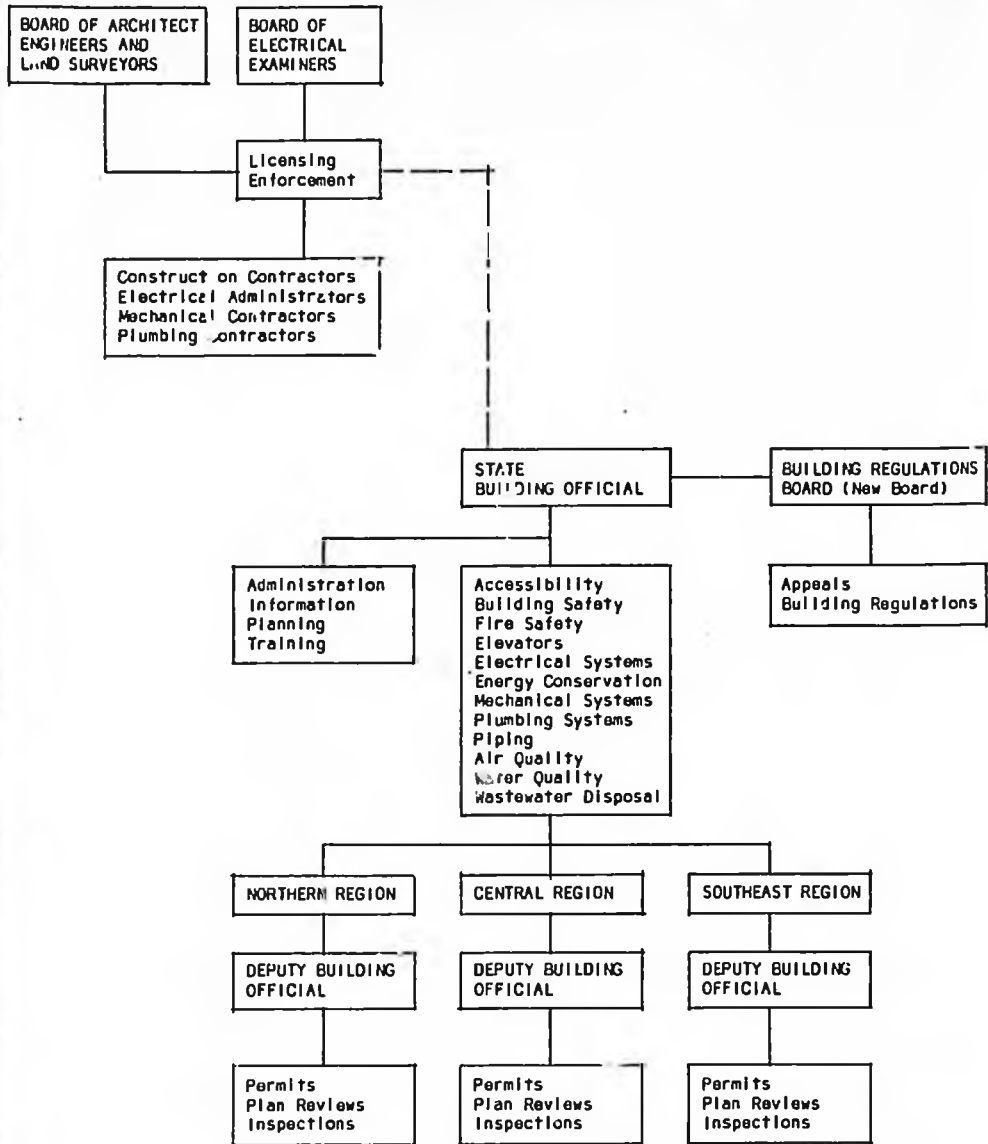
Legislation must be drafted that will establish a new Division of Building Safety within one of the existing departments of the State of Alaska. Table 4 shows a suggested organization for this agency. Provision must be made for consolidation of all building regulation activities that now are scattered among nine or more departments. These code enforcement services would include permit application and issuing, plan review, field inspection, certifications, licensing, appeals processing, and related functions.

The first consolidation should be the building regulation activities currently under the Departments of Labor and Public Safety since these departments contain a major portion of code enforcement functions. Additional building regulations activities and functions from other departments should be combined with them in an orderly manner.

Consolidation of field inspection services would take place over an extended period of time to allow continuity of inspections for construction currently under way and for orderly transfers of personnel. Time must be allowed for cross-training of some field personnel.

TABLE 4

SUGGESTED DIVISION OF BUILDING SAFETY



Code enforcement functions currently performed by local jurisdictions would continue until full consolidation is completed. Consideration should be given for contracting of state field inspections within certain regions by personnel of such local jurisdictions as a means of reducing travel expenses and avoiding construction delays.

UNIFY MODEL CODES AND STANDARDS

Legislation must be drafted that will accomplish the consolidation of in an orderly manner. New regulations must be put into effect that will supercede all existing regulations. The latest editions of the recommended model codes and standards presently in use in Alaska and that are known and understood by the construction industry in Alaska and the national suppliers to it.

Legislation must be drafted that latest edition of all such model codes and standards must be adopted, with amendments appropriate for Alaska's climate and conditions, by the end of the calendar year following the year of the first printing of the latest edition. This usually occurs in a three-year cycle.

EXAMPLE: The 1988 Edition of the UNIFORM BUILDING CODE most probably will be first printed in May, 1988. This edition would have to be adopted, with amendments appropriate for Alaska's climate and conditions, by December 31, 1989.

ESTABLISH A BUILDING REGULATIONS BOARD

Legislation must be drafted that will establish a new Building Regulations Board. This new Board would act as a quasi-judicial appeals board to consider appeals concerning code interpretations and the decisions of code officials. All of its appeal decisions would be appealable to the court system.

It also would have the authority to consider revisions to the building regulations, to conduct hearings concerning proposed revisions to building regulations, and to decide the final language of such revisions.

The new Building Regulations Board would be composed of nine technically-qualified persons, appointed by the Governor and confirmed by the Legislature, who would serve three-year, staggered terms. The members should be selected from among architects, engineers, constructors, developers, code officials, and others knowledgeable about building design and construction and code enforcement. This new Board would be similar to appeal boards now existing in Anchorage, Fairbanks, and Juneau.

ESTABLISH BUILDING LICENSING LIAISON

Legislation must be drafted that will transfer the administration of the existing Board of Registration for Architect, Engineers, and Land Surveyors, and the Board of Electrical Examiners into the same state department with the new Division of Building Safety.

Transfer of this administrative functions into the same department would improve the inter-agency efforts to enforce the existing provisions for professional licensing and practice and for licensing and certification of construction-related business and occupations.

DELEGATE AUTHORITY TO LOCAL JURISDICTIONS

Legislation must be drafted that will allow code enforcement authority to be delegated to cities, boroughs, and municipalities that have assumed such services. These services could include permit application and issuing, plan review, field inspection, certifications, licensing, appeals processing, and related functions.

Local jurisdictions would continue to have the power to adopt local amendments to the state-wide building regulations provided that they are no less stringent.

Local appeal boards could act as a quasi-judicial body concerning building regulation matters within the local jurisdiction and, if specifically delegated, within the same region. All decisions of the local appeal boards would be appealable to the state-wide Building Regulations Board.

APPENDIX

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DIRECTORY OF ORGANIZATIONS

ALASKA CENTRAL CHAPTER ICBU
7233 Madelynn Drive
Anchorage, Alaska 99504-4656
907-337-6315

ALASKA NORTHERN CHAPTER ICBU
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Fairbanks, Alaska 997707-3437
907-452-1881-2241

ALASKA SOUTHEAST CHAPTER ICBU
PO Box 211411
Auk Bay, Alaska 99821
907-586-5231

AMERICAN NATIONAL STANDARDS INSTITUTE, INC. (ANSI)
1430 Broadway
New York, New York 10018
212-354-3300

Safety Code for Elevators and Escalators
Energy Conservation in New Building Design
Standard for Providing Accessibility and Usability
for Physically Handicapped People
Other specialized standards that often are cited
in other codes.

AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM)
1961 Race Street
Philadelphia, Pennsylvania 19103
215-299-5400

AMERICAN SOCIETY OF HEATING, REFRIGERATING AND
AIR-CONDITIONING ENGINEERS, INC.
1791 Tullie Circle NE
Atlanta, Georgia 30329
404-636-8400

ASHRAE Standard for Energy Conservation
in New Building Design

BUILDING OFFICIALS & CODE ADMINISTRATORS,
INTERNATIONAL (BUCA)
4051 West Flossmoor Road
Country Club Hills, Illinois 60477
312-799-2300

COUNCIL OF AMERICAN BUILDING OFFICIALS (CABO)
5203 Leesbury Pike, Suite 708
Falls Church, Virginia 22041
703-931-4533

INTERNATIONAL ASSOCIATION OF PLUMBING AND
MECHANICAL OFFICIALS (IAPMO)
5032 Alhambra Avenue
Los Angeles, California 90032
213-223-1471

INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS (ICBO)
5360 South Work Mill Road
Whittier, California 90601.
213-699-0541

Uniform Administrative Code
Uniform Building Code
Uniform Fire Code
Uniform Mechanical Code
Uniform Plumbing Code
Uniform Sign Code
Uniform Code for the Abatement of Dangerous Building
Uniform Swimming Pool, Spa, and Hot Tub Code
Uniform Building Security Code
Uniform Solar Energy Code.
Related standards

NATIONAL CONFERENCE OF STATES ON BUILDING
CODES AND STANDARDS (NCSBCS)
481 Carlisle Drive
Herndon, Virginia 22070
703-437-0100

NATIONAL FIRE PROTECTION ASSOCIATION (NFPA)
Batterymarch Park
Quincy, Massachusetts 02269
617-328-9290

National Electrical Code
Life Safety Code
Other related standards that often are cited
in other codes.

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V Kay Larson	Construction Manager
John McCool	Architect
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Senate Labor and Commerce Committee

Senator Tim Kelly, Chairman

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FIRE

Wm SCHAEFER - FISKS MARSHALL

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THE UNITED STATES OF AMERICA

1954

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UNITED STATES DEPARTMENT OF THE ARMY
HEADQUARTERS, ARMY AIRCRAFT DIVISION

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DATE: [Illegible]

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MEMORANDUM

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

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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 ICBO/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 "sunsetting". 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 would 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 Administrator's. It will have little, or nothing, to do with Senate Bill 300.

B-Mr. Woodman's assertion that the information 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 AEICA. Had anyone been interested, the information was available

from any member of the AFDC 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 PCN "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 PCN "slot" for the Certificate of Fitness for the electricians and plumbers.

E- Section 2. See above paragraph C.

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 (electrical) would be the requirements for grounding, by the use of a ground rod, on the North Slope. The perma-frost content of the soil will not allow the ground rod 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 designee. (Inspectors and Plan Reviewers)

H- Section 3. Section 18.61.040.

1. The Uniform Administrative Code allows, under Section 294, the Board to adopt rules of procedure, normally the Robert's Rules of Order, under Chapter 3 Paragraph 3, and would govern. This would be established in Regulations.

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 "Mini-Board", for a determination, within 8 days; Third, appeal the determination to the Full Board, for resolution within the 33 day case 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/supplemented in Regulations.

I- Section 12. 18.70.100(a) Violations.

The existing Statute AS 08.09.080 is applicable, as presently written. The filing would be against the Electrical Administrator.

J- Section 21.

Am unable to comprehend the implication, or substance, of Mr. Woodman's paragraph relating to the Thermal and Lighting Energy Standards.

Very truly yours,

Walter S. Gardner
Electrical Consultant
7731 Island Drive
Anchorage, Alaska 99504-2776

333-0771
cc: Ron Watts, Chairman APDC Code Consolidation Committee

LEGISLATIVE TESTIMONY: SSB 300 - 20 Jan 88

My name is Kent Lee Woodman. I am an electrical contractor, engineer, journalist and an Alaskan since 1953. My remarks are presented on my own behalf and for the ALASKA INDEPENDENT ELECTRICAL CONTRACTOR'S ASSOCIATION, for which I am the Director of Administration.

Our Association is over 10 years old, is non-profit and is dedicated to safer and more economical electrical contracting and products in Alaska. We operate one of 2 Apprenticeship Training Courses approved by the U.S. Department of Labor.

NOT 2
P. 10

A short comment on a parallel activity of which you should be aware: HB 116 by Sund, which would have extended the Board of Electrical Examiners last year prior to the sunset of that group, is alive and well. Though no copies have been made available to the public yet, the first hearing was held Monday on a complete re-write of this bill. which if approved, would RE-ESTABLISH THE BOARD AGAIN! My comments on that debacle will be presented at appropriate hearings downstream. Meantime, we should all bear in mind that that bill goes HEAD-TO-HEAD with this one. While this one attempts to cure many long lingering problems, that one would divide and drag us back down into the darkness of past, unfortunate episodes. It is actively promoted by a Board past president and another gentleman described by a staffer as "Real big in the IBEW."

And now to SSB 300: A complete typed copy of my testimony, together with the text of the several language changes we recommend, will be turned in here today.

We would note that this new sponsor substitute bill only became available to the public on the 13th of this month, leaving precious little time to absorb its sweeping changes. We comment with the caveat that more detailed study may develop more comment; which we will forward of course.

We generally FAVOR the concept of the bill. This Association has long advocated a streamlining of the regulation and inspection of our trade. In the past, with both the Departments of Labor and Commerce each getting into the act, as well as the now sunsetted Board of Electrical Examiners, we had triplication and much lack of coordination and communication among the parties.

Especially in these austere times, it is timely and proper to consider any consolodations which will reduce costs, not to mention the painful cross-purpose tasking which we have enjoyed until now.

This Association FAVORED sunset of the Board and FAVORED combining all the aspects of our trade into one Department. Until now we had leaned towards LABOR because that's where MOST OF THE EFFORT: LICENSING, INSPECTION AND INVESTIGATION WAS HOUSED.

It is still not clear why the MANY from Labor must move to the FEW of Commerce, but if in the Legislature's considered opinion, and with the concurrances of the Departments, we'll abide.

Here are our comments and questions in the same order as presented in the draft we received on the 13th:

Section 1, PURPOSE: We concur in the stated purpose near the end of this paragraph which calls for CONSOLIDATION of governmental functions. Though we do not have the resources to do whole-sale research, we hope that this bill leaves no stone unturned, and that we will not be surprised later to learn that one obscure reference still gives some other department some misc authority to license, inspect etc.

It is very important that the testing, licensing, inspection and administration of the ELECTRICAL ADMINISTRATORS also be vested in the same Department....perhaps Division, as the workers; i.e. the Journeymen, Apprentices etc. We'd hope that CONTRACTOR'S LICENSES will also come from this same place. By the way, why could we not obtain business licenses there as well and avoid applying, receiving, mailing back and applying again? **CENTRAL LICENSING,**

Section 2, TRANSFER OF AUTHORITY: As in the introduction above, we only question why the MANY move to the FEW instead of the reverse.

Section 3, 18.61.010 ADOPTION: We note that this provision would have appropriate codes adopted by Departmental Regulation rather than as items of legislative action. This is **IMPORTANT**: don't change it. May we remind you that we are still operating under the 1979 Plumbing Code? The regulation process will provide ample opportunity for comment, and relieve the Legislature of technical detail.

Section 3, 18.61.010(c): Taken literally, this section allows the Department to make **LESS STRINGENT** the provisions of the several codes. This is important because it cannot be done at the Municipal level. Most codes contain superfluous or inappropriate provisions from which we must be saved. Don't change this section.

Section 3, 18.61.020(b): This section about Municipal elections of Code enforcement, ends with an **extremely awkward double negative** that takes about 5 readings to comprehend. We recommend that if the meaning there is intended and correct, that language be amended to:

"A municipality shall not amend a code to cause it to be less stringent than one adopted by the department."

LANGUAGE IS OK

Section 3, 18.61.030: This section is unclear. In the case of electrical, would the enforcement official be at least a licensed ADMINISTRATOR, or are we talking Journeyman or something altogether different? We are concerned that this be pinned down firmly now, and not be left to whim and Departmental neglect or selective enforcement later.

Section 3, 18.61.040: BUILDING REGULATION BOARD. We generally concur with the concept and the construction of the Board as stated, however we find several items missing which need inclusion:

1. How many members constitute ^{the} a quorum to do business?
(Suggest 8)

2. How many members constitute a majority for voting?
(Suggest 7)

3. How many minimum to sit on a non-expedited appeal?
(Suggest 8)

4. Who provides the administrative support to operate this Board, publish its activity, keep the files etc?

5. Where will it meet? Will there be an alternating cycle or will they be out of reach of the bulk of the population they serve by meeting in Juneau with the Department HQ? Will the members be geographically appointed? It needs to be put here or in intent.

6. Why are ALARM and SIGNAL/COMMUNICATIONS expertise left out of this Board? We (and the Department of Labor's Mechanical Inspection Section) have repeatedly called for licensing of these important, high-tech fellow tradespersons: now is the time to fix the whole thing. (We have recommended language appended)

7. We'd propose that an ADMINISTRATIVE APPEAL process be open prior to rolling all the costs of the Board. If a contractor gets a notice to stop or change something, it may be that a carefully written letter to the Department may clear up a misunderstanding and save

lots of time and money. The hard requirement to go to the Board can be used to great inconvenience and expense on normal work, let alone Bush jobs. (recommended language is appended)

8. If the event being appealed occurred in Fairbanks or Anchorage, what are the chances that the appellant will need to fly to Juneau along with all the rest of the retinue for the hearing? Who pays the costs if the Appellant prevails? What ARE hearing and appeal costs? Will regulation set them at prohibitive levels? Need to set them or deny them here!

Section 7, 18.62.010: CERTIFICATE OF FITNESS REQUIRED. It appears that the effect of this section will be to require Utility employees to obtain licenses. Is that the purpose? If so, we concur.

Section 12, 18.70.100(a): VIOLATIONS. We feel that the language, as presented in the draft, lacks flexibility. As written, each infraction, no matter how severe, no matter how infrequent or inconsequential, MUST BECOME a misdemeanor with fine and imprisonment or both. We can think of countless instances where an honest difference of opinion on a code matter, a personality conflict between contractor and inspector, or an out and out error or overstepping of one party or the other, could result in a Cease and desist order that is cleared up quickly and to mutual advantage. To FORCE this as the automatic next step is NOT IN THE PUBLIC INTEREST. There needs to be inserted some language which escalates the program and leaves options to the Department, prior to whacking the contractor with an axe. (suggested language is appended)

Additionally, who is the guilty party when a notice is placed against a contractor; the Administrator? Owner? Officers? It's hard to send a company to prison.

Section 31, SAVING CLAUSE. The last sentence in this paragraph, as written, would appear to provide an umbrella under which the Department may retain non-complying regulations forever. Some deadline needs established, or contractors will be torn between new law and old regulations. *OK SECTION*

MISC: Where are the fiscal notes for this bill? It cannot be done without cost. What are the specific line item job numbers which will be moved, deleted etc? If we are going to save money, let's see it and let's hold them to it! *IS THERE A PROPOSED ORGANIZATIONAL CHART?*

CONCLUSION: As you can see, our concerns are primarily language and intent, and not major policy. We are saddened that the time allowed us to participate in this was ABSOLUTELY MINIMUM. We'd be pleased to work with anyone drafting final legislation or regulations to follow.

Thank you for your interest. I would be pleased to answer questions.

SUGGESTED LANGUAGE FOR INCLUSION IN SSB 300

SECTION 18.61.040: BUILDING REGULATION BOARD.

Suggest the section be amended by adding:

- (11) a contractor exclusively engaged in the installation of alarm, communications and low voltage equipment.
- (12) a public member

SECTION 18.61.050 HEARINGS.

Suggest this section be amended as shown, to include one administrative appeal step prior to gearing up a full Board action:

(a) A person who is denied a permit or issued a notice of violation under a code adopted under AS 18.61.010 may submit an administrative appeal to the Commissioner of the Department within 15 days after said denial or notice of violation. The appeal must be in writing and must communicate the conditions for the appeal, including remedial action taken, if any. If the situation has been remedied to the satisfaction of the Department and the complainant, no further action need be taken.

(b) A person who has exhausted the Administrative Appeal in section (a) above, or who elects not to exercise the Administrative Appeal, may appeal the denial of the permit or notice of violation to the board within 15 calendar days after the denial of the permit or the notice of violation is affirmed by the administrative official, or within 15 calendar days after receiving final notice of action under section (a) above.

SECTION 18.70.100(a): VIOLATIONS.

Suggest this language be amended to prevent mandatory misdemeanor charges coming of public record in those cases with a satisfactory resolution.

(a) A person who violates a [ANY] provision of AS 18.70.010 - 18.70.100 or the published regulations or orders adopted under those sections and for which no satisfactory resolution of the violation has been reached [IT] from which an [NO] appeal has not been taken within 30 days after the issuance of a....(continue)

end end end

(AIECA: January 1988)

PREPARED TELECONFERENCE NOTES:

NSSB 300

01/20/88

Sipman

My name is James Sipman; the last name is spelled S-I-P-M-A-N. I am an architect in private practice here in Washington.

Thank you for providing us the opportunity to participate in this teleconference and allowing us to express our views on the bill.

As you all know, regulatory reform has been a major issue for many years, through at least the Carter administration. The bill covers a broad range of regulatory activities, for example, it covers both the executive and legislative sectors of the government.

SB 300 is a very important bill. It is a comprehensive bill that covers a wide range of regulatory activities. If not all of the bill's provisions are adopted, it is still a very important bill. It is a bill that is long overdue.

Currently, the bill is in the Senate. The bill is a very important bill. It is a bill that is long overdue. It is a bill that is long overdue. It is a bill that is long overdue. It is a bill that is long overdue.

Another important provision of the bill is the establishment of a regulatory review board. This board will provide a check and balance on the regulatory process. It will also provide a forum for the public to express its views on the regulatory process.

The current draft bill also contains provisions for the consolidation of all rules and regulations. This will help to reduce the complexity of the regulatory process and make it easier for the public to understand.

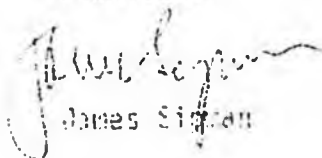
make them more applicable to Alaskan conditions, and at the time regulations are promulgated for each applicable code, additional public input will occur to allow an end result acceptable to most if not all interested parties. To repeat, the passage of this bill will not preclude those parties who might 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 one 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.

Submitted:


James Sipman

International Conference of Building Officials

ALASKA CENTRAL CHAPTER

7233 Madelynne Drive

Anchorage, Alaska 99504-4656

907-337-6315

DATE: January 22, 1988

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

FROM: Ron Watts, Chairman, Building Code Adoption and Consolidation Task Force

COPY: Senator Richard I. Eliason, L & C Committee
 Senator Bettye M. Fahrenkamp, L & C Committee
 Senator Mike Szymanski, L & C Committee
 Senator Rick Uehling, L & C Committee
 Senator Jan Faiks, Senate President and Bill Sponsor

SUBJECT: SSSB 300 - Building Code Adoption and Consolidation

This is followup to our teleconference on January 20, 1988. I will attempt to be as brief and concise as possible. As Chairman of the Building Code Adoption and Consolidation Task Force of the Alaska Chapters International Conference of Building Officials working under the Alaska Professional Design Council, the following positions stated are what I believe are a majority consensus opinion of the many diverse organizations and groups concerned about consolidation.

I. GENERAL COMMENTS

It is significant to note that there has been thousands of work hours by architects, engineers, code officials, contractors, material supplies and state officials exerted from late 1985 until present over the issues of code adoption and consolidation. Every aspect and ramification of code adoption and consolidation has been researched and discussed excluding cost of consolidation. Consolidation has been discussed with every major organization affected and with some organizations several times. The accumulated number of direct code related experience years of the professionals involved in this consolidation effort would add up to thousands. The recommendations have not been put forward lightly, but only after extensive research and debate.

Most agree that there is a great need for building code regulatory reform and that reform is overdue. The proposed Senate Bill 300 will solve many of the major concerns and problems. The task force committee felt that this bill and most bills that are placed into the state statutes, should be broad and general in nature and a statute that sets guidelines and general directions. The committee also felt that regulations should then deal with specifics, especially in dealing with technical code changes and state regional code needs. To this end the current sponsor substitute bill very accurately reflects the intent of thousands of work hours put into this consolidation effort.

II. PRIORITIES

The overall priorities of the building code adoption and consolidation effort in this bill are stated in priority as follows:

(1)

SSSB 300 Building Code Adoption and Consolidation,
January 22, 1988
Page 2

- A. Adoption of a unified set of state building codes with a time schedule for updating.
- B. Establishment of an appeals process and building regulations board.
- C. Consolidation of present fragmented building code activities into one state department.

III. MAJOR REASONS FOR NEEDED CONSOLIDATION

- A. Fragmentation of codes occur in approximately 8 or 9 different state departments.
- B. Presently the state only partially adopts building codes.
- C. There are no earthquake or structural building codes presently in the State of Alaska except in local jurisdictions.
- D. Presently there is no appeals process to an independent body or board.
- E. There is a desperate need to solve problems facing architects, engineers, contractors, building owners and local enforcement officials that have to deal with the fragmented state code enforcement agencies.

IV. INTENT OF THE CODE ADOPTION AND CONSOLIDATION EFFORTS - SSSB 300

- A. Not to expand present state bureaucracy but to consolidate, reduce, and save the State money.
- B. Not to expand state code enforcement at this time beyond what presently exists.
- C. Not to make any major changes in policy of enforcement except by consolidating code activities (within state government).
- D. Not to change or add any enforcement requirements to Bush communities.
- E. That newly adopted codes would not apply to Bush homes unless the community so chose or unless there were a special state mandate such as energy requirements, etc.
- F. Obtain legislation that will require code adoption and consolidation within the State of Alaska.
- G. Allow technical professionals to set up and regulate the required changes to the codes and regional requirements by the public input and regulation process.

(2)

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V. PROBLEMS AND QUESTIONS ADDRESSED

A. What are the effects of Senate Bill 300 on Bush communities?

Comments:

1. As has been stated, it is not the intent of this bill to have complete statewide building codes apply to every structure constructed in the State of Alaska. That is completely unrealistic and probably not even possible at this time.
2. It is recommended that details of how the codes should be administered in Bush areas be permitted to go through the public hearing process and be determined through regulations.
3. If the committee and legislature feels that an exception must be placed into this bill, then we recommend that the exemptions be for four-dwelling units (four-plex) or less. All commercial buildings larger than four dwelling units would require architects, engineers, and contractors to construct buildings according to State building codes even if there are not complete inspections around the state. Another point is that state statutes presently require all buildings of a five plex or greater to be designed by a registered professional in the State of Alaska.
4. It has been strongly recommended that an exclusion by population not be placed into this bill. A population exclusion could conceivably exclude public buildings from any type of design, review, and compliance with any building codes.

B. How would the new Building Regulations Board work and how much would it cost?

1. The committee recommended an 11 person combined multi-disciplined Board.

Reasons: A tremendous amount of research and debate has occurred over this topic. It was felt that a larger combined multi-disciplined board could serve the functions of several smaller boards. It was not recommended that a separate board be set up for electrical, mechanical, plumbing, or fire and life safety.

2. All code changes would go through this technical board and have public hearings, debates, etc.
3. This technical quasi-judicial board would rule on matters of interpretations, alternate materials, appeals, code changes, etc.

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4. All appeals from this quasi-judicial board would go to Superior Court, not to an elected body or to an administrative official.

Comments: All national codes are set up so as to prevent highly technical building code matters from being debated or influenced by the political process in elected municipal or state legislative bodies. It is felt nationally that there is no more appropriate way or group of people more qualified to make judgement on technical code matters than a group of independent, private professionals appointed to a building board and that are not associated with the governing agencies or the political process.

5. What is the cost of supporting this new independent state board?

Comments: The cost could range from a few thousand dollars to many thousands of dollars annually depending on how the board is set up and structured. This is a very important issue that the committee felt needed to be resolved. However, it was determined that placing specific procedural requirements in Senate Bill 300 was inappropriate. The details of procedures and functions should be worked out by appropriate knowledgeable individuals within the administration who would be responsible for insuring that the board is set up and functions properly. Item #6 makes some suggestions for minimizing cost.

6. Suggestions for establishing a functional building board process and minimizing cost.

Comments: It has been suggested that the presently established qualified boards in Anchorage, Fairbanks, and Juneau be designated as regional state boards in addition to their municipal functions. If there was a need for the state to utilize one of these regional boards, the state would ask for their appeal or concern to be placed before the board and the state should reimburse the local jurisdiction for the time that any board spent on state appeals or other matters. It has also been suggested that three or four members from each of the Anchorage, Fairbanks, and Juneau boards be designated by the governor as a state board to specifically hear and make judgment on local regional requirements and changes to the state codes through the regulations process. Most matters could be handled by teleconference and possibly only require one or two joint meetings per year of the combined board.

7. Should there be a combined multi-disciplined board or separate boards in the State?

Comments: As has been stated earlier, it was strongly recommended that there not be separate electrical, mechanical, plumbing, or fire

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and life safety boards set up or legislated in the state. A combined multi-disciplined board can function adequately and perform the required functions of separate boards. This would prevent significant administrative problems and save cost.

C. Specific comments by Kent Woodman reference Building Regulations Board:

1. The specific details of quorum, majority voting, appeals, administrative support, files, etc. should be handled by rules of procedure for the board. These rules of procedure are set up to include all such details. These type details should not be included in this bill and should not be placed into statute. Many things can change that would require another bill before the legislature in order to undo restrictions or obstructions to efficient functioning of this board.
2. In response to Mr. Woodman's question about why are alarm and signal communications expertise left out of this board is because the composition was made up and recommended based on the greatest need and greatest number of appeals that normally come before such board. This specialized field is a very minute portion of the electrical code and probably only possibly would have one appeal in every five years come before the board on these subjects. As a consequence, it would not justify placing an individual to take up an important position on a board for which their particular discipline may only very rarely be encountered.
3. In response to Mr. Woodman's comment about proposing an administrative appeal process. That presently is the way that the state operates now. Any appeal to a higher supervisor in any department is an administrative appeal. That process can go completely to the commissioner or governor. That is a very inefficient and inappropriate way to handle appeals. All appeals, prior to going to the building regulation board, would be reviewed by an administrated official who normally is designated as the Building Official. That official determines that they agree or do not agree with the state inspector and that if aprivate individual or party did not agree with that official's decision, they would have the option of appealing to an independent board.
4. In response to the question concerning cost of appeals. It is recommended that appeal cost not be included in this bill. The reason is because cost may fluctuate depending on many factors. If cost were determined to be unreasonable, then the board would rule upon appropriate cost or the legislature could step in and set a maximum fee if they were not satisfied with the fees. However, this should be done after the problem has arisen as a fix to the problem and not creating a problem in advance.

5

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3. In response to Mr. Woodman's comment about proposing an administrative appeal process. That presently is the way that the state operates now. Any appeal to a higher supervisor in any department is an administrative appeal. That process can go completely to the commissioner or governor. That is a very inefficient and inappropriate way to handle appeals. All appeals, prior to going to the building regulation board, would be reviewed by an administrated official who normally is designated as the Building Official. That official determines that they agree or do not agree with the state inspector and that if a private individual or party did not agree with that official's decision, they would have the option of appealing to an independent board.
 4. In response to the question concerning cost of appeals. It is recommended that appeal cost not be included in this bill. The reason is because cost may fluctuate depending on many factors. If cost were determined to be unreasonable, then the board would rule upon appropriate cost or the legislature could step in and set a maximum fee if they were not satisfied with the fees. However, this should be done after the problem has arisen as a fix to the problem and not creating a problem in advance.
- D. Should there be a state handicap code? Presently the bill proposes a handicapped standard to be established as a state code. The state definitely needs this standard in order to comply with state and federal requirements, in particular those that are federally funded or receive partial federal funds. If the legislature so chooses, then there could be a code placed that says the handicapped requirement would only apply to federally funded projects as is presently the case.
- E. Why not move all code agencies physically together but leave each separate entity reporting to the same departments as they presently report to?
1. The primary purpose of this bill is to minimize the problems created by this present fragmentation of building codes throughout several state agencies.
 2. We would have the same problems and inefficiencies as exist today except there would simply be more confusion under one roof. This is an unmanageable type organization that would probably create more problems than we presently have.

(6)

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F. How can enforcement be improved in the state and not add significant cost to the state budget?

Suggestions:

1. Enforcement of state building codes in proximity to local jurisdictions that already have qualified inspectors could go out at the request of the state and inspect in their geographical regions. This would provide a greater and larger base of operation for local regional communities and would provide better enforcement of state codes outside of local jurisdictions.
2. Also the local jurisdiction could be reimbursed for the expense of sending local inspectors to perform state work. This would solve the problem of tremendous transportation cost to the state and the practice of the state flying in to a local community, raising havoc and then flying away.

G. Which department should consolidation occur in?

The department in which consolidation occurs is probably a lesser if not the least of the priorities and concerns of the majority of professionals that are interested and concerned with consolidation. There has been a tremendous opposition to consolidation occurring in the Department of Labor. There is more support for the consolidation to occur in Public Safety. However, the Department of Commerce is a viable alternative. It definitely makes sense to have the licensing functions of the professionals and trades located in the same department as the building codes.

In conclusion, I would like to emphasize that there is a tremendous amount of support for this consolidation effort around the State of Alaska. If the legislature will establish the mandate for code adoption and consolidation, we can assure you there are specific rules and regulations set forth in the national model codes to insure that local due process will occur and that technical details and local regional concerns will be handled in an orderly and professional manner.

Please do not hesitate to contact me if you have any questions or if I can be of any assistance. My telephone number is 786-8307.

Respectfully submitted,

Ron Watts

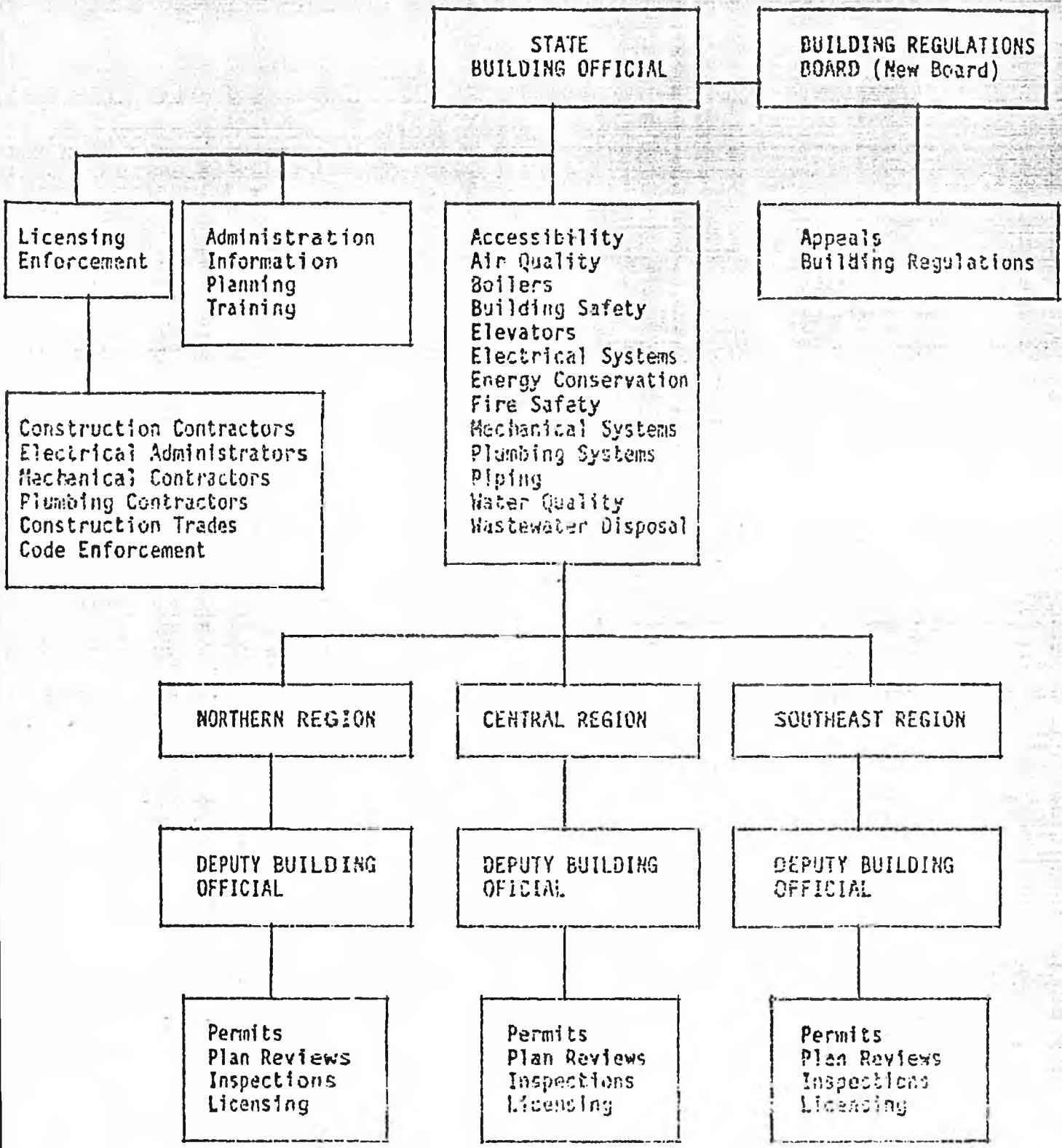
Ron Watts, Chairman
Alaska Professional Design Council
Building Code Consolidation Task Force

FRAGMENTED BUILDING REGULATIONS
ADMINISTERED WITHIN THE STATE OF ALASKA

<u>DEPARTMENT</u>	<u>DIVISION</u>	<u>ACTIVITY</u>
COMMERCE & ECONOMIC DEVELOPMENT	Occupational Licensing	Architects, Contractors, Electric Admin., Engineers, Land Surveyors
	Measurement Standards	Mobile Home Inspection
COMMUNITY AND REGIONAL AFFAIRS	Community Development	Energy Conservation in Residential Buildings
	Energy	Grants, Loans
EDUCATION	Education Finance Support Services	School Construction, Plan Reviews
ENVIRONMENTAL CONSERVATION	Environmental Quality	Drinking Water, Plan Reviews, Inspections, Wastewater, Disposal, Plan Reviews, Inspections
HEALTH & SOCIAL SERVICES	Planning	Health Care, Construction, Plan Reviews
LABOR	Labor Standards	Amusement Rides, Ski Lifts, Boilers, Electrical, Elevators, Plumbing, Permits, Boiler Certification, Elevator
	OSHA	Safety Compliance, Voluntary Compliance, Industrial Hygiene, Powder Handling, Hazardous Materials
PUBLIC SAFETY	Fire Prevention	Arson Investigation, Fire Code Inspection, Building Plan Reviews, Fire Service, Training, Fireworks Permits, Hazardous Materials
REVENUE	Alaska Housing Finance Corp.	Loans for Residential Construction, Business Loans
TRANSPORTATION AND PUBLIC FACILITIES	Design and Construction	Building Plan Reviews, Building Construction Inspection, Permit Review, Harbors & Waters

8

SUGGESTED CONSOLIDATED ORGANIZATION OF BUILDING AND FIRE



9

5-1004P
Utermohle
3/3/88

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, an
7 safety codes; consolidating building regulation;
8 transferring certain functions to the Department of
9 Labor; relating to fire protection; relating to the
10 division of fire prevention; relating to certificates
11 of fitness; and providing for an effective date."

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

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

21 * Sec. 2. TRANSFER OF AUTHORITY. (a) The division of fire prevention
22 and its statutory powers and duties are transferred to the Department of
23 Labor from the Department of Public Safety. The responsibility for state
24 fire prevention and protection functions and for the regulation of fire-
25 works is transferred to the Department of Labor from the Department of
26 Public Safety.

27 (b) The authority to adopt and enforce regulations governing access
28 to public buildings and facilities by the physically handicapped, aged, and
29 infirmed is transferred to the Department of Labor from the Department of

1 Transportation and Public Facilities.

2 (c) The authority to adopt and enforce regulations governing thermal
3 and lighting energy standards for public and private buildings is trans-
4 ferred to the Department of Labor from the Department of Transportation and
5 Public Facilities and the Department of Community and Regional Affairs.

6 (d) The responsibility for licensing architects, engineers, land
7 surveyors, construction contractors, and electrical administrators is
8 transferred to the Department of Labor from the Department of Commerce and
9 Economic Development.

10 * Sec. 3. AS 08.01.065(d) is amended to read:

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

17 * Sec. 4. AS 08.01.110(2) is amended to read:

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

23 * Sec. 5. AS 08.01.110(3) is amended to read:

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

28 * Sec. 6. AS 08.18.011(a) is amended to read:

29 (a) It is unlawful for a person to submit a bid or work as a

1 contractor until that person has been issued a certificate of regis-
2 tration by the Department of Labor [COMMERCE AND ECONOMIC DEVELOP-
3 MENT]. A partnership or joint venture shall be considered registered
4 if one of the general partners or venturers whose name appears in the
5 name under which the partnership or venture does business is regis-
6 tered.

7 * Sec. 7. AS 08.18.041 is amended to read:

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

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

13 * Sec. 8. AS 08.18.116 is amended to read:

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

25 * Sec. 9. AS 08.18.117 is amended to read:

26 Sec. 08.18.117. ISSUANCE OF CITATIONS. The department [EITHER
27 THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT OR THE DEPARTMENT
28 OF LABOR] may issue a citation for a violation if there is probable
29 cause to believe a person has violated this chapter. Each day a

1 violation continues after a citation for the violation has been issued
2 constitutes a separate violation.

3 * Sec. 10. AS 08.18.118(c) is amended to read:

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

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

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

19 * Sec. 12. AS 08.18.118(e) is amended to read:

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

29 * Sec. 13. AS 08.18.121(f) is amended to read:

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

9 * Sec. 14. AS 08.18.121(g) is amended to read:

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

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

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

22 * Sec. 16. AS 08.18.141(b) is amended to read:

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

27 * Sec. 17. AS 08.18.171(2) is repealed and reenacted to read:

28 (2) "commissioner" means the commissioner of labor;

29 * Sec. 18. AS 08.18.171(4) is amended to read:

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

3 * Sec. 19. AS 08.40.175 is amended to read:

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

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

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

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

18 * Sec. 21. AS 08.40.200(1) is amended to read:

19 (1) "department" means the Department of Labor [COMMERCE
20 AND ECONOMIC DEVELOPMENT];

21 * Sec. 22. AS 08.40.200 is amended by adding a new paragraph to read:

22 (6) "commissioner" means the commissioner of labor.

23 * Sec. 23. AS 08.48.011(a) is amended to read:

24 (a) There is [CREATED] the State Board of Registration for
25 Architects, Engineers, and Land Surveyors in the Department of Labor.
26 The board shall administer the provisions of this chapter and comply
27 with the Administrative Procedure Act (AS 44.62).

28 * Sec. 24. AS 08.48.071(a) is amended to read:

29 (a) The following record of the board's proceedings and of all

1 applications for registration or authorization shall be kept by the
2 department [DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT] under
3 AS 08.01.050:

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

6 (2) the date of application;

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

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

9 (5) the type of examination required;

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

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

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

14 (9) other action taken by the board;

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

17 * Sec. 25. AS 08.48.071(e) is amended to read:

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

21 * Sec. 26. AS 08.48.071(f) is amended to read:

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

25 (1) the number of architects, engineers, and land surveyors
26 registered over a five-year period;

27 (2) the rate of passage of examinations administered by the
28 board;

29 (3) the number of persons making application for

1 registration as a professional architect, engineer, or land surveyor
2 over a five-year period;

3 (4) an account of registration fees collected under AS 08.-
4 48.201(b);

5 (5) a measure of the correspondence workload of a [ANY]
6 licensing examiner employed by the department to carry out this chap-
7 ter.

8 * Sec. 27. AS 08.48.265 is amended to read:

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

13 * Sec. 28. AS 08.48.341 is amended by adding a new paragraph to read:

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

15 * Sec. 29. AS 18 is amended by adding a new chapter to read:

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

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

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

23 (2) Uniform Building Code, published by the International
24 Conference of Building Officials;

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

27 (4) Uniform Mechanical Code, published by the Internationa-
28 l Conference of Building Officials and the International Association of
29 Plumbing and Mechanical Officials;

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

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

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

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

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

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

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

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

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

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

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

21 (16) Uniform Federal Accessibility Standard (41 C.F.R.
22 101-19.6, Appendix A);

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

26 (b) The department shall adopt the latest edition of each code
27 listed in (a) of this section by the end of the calendar year follow-
28 ing the calendar year in which the latest edition of the code is
29 published.

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

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

8 (1) a commercial, industrial, business, or institutional or
9 other public building; or

10 (2) a residential building containing three or more dwell-
11 ing units.

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

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

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

26 Sec. 18.61.030. CERTIFICATES OF COMPETENCY FOR CODE ENFORCEMENT
27 PERSONNEL. The administrative official shall require that an employee
28 of the department authorized to enforce a code adopted under AS 18.-
29 61.010 hold an appropriate certificate of competency and maintain

competency through continuing education.

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

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

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

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

(3) a mechanical engineer;

(4) an electrical engineer;

(5) a civil engineer experienced in structural design;

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

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

(8) a mechanical contractor;

(9) an electrical administrator;

(10) a fire protection consultant; and

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

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

(d) The board shall

(1) recommend modifications to building, construction, and

1 safety codes adopted by the department under AS 18.61.010;

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

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

5 (A) the procedures of the board; and

6 (B) the conduct of hearings before the board and
7 hearing committees.

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

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

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

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

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

27 Sec. 18.61.060. EXPEDITED HEARING. (a) If time is of the
28 essence, a person who is denied a permit or issued a notice of vio-
29 lation under a code adopted under AS 18.61.010 may appeal the denial

1 of the permit or notice of violation to the board and request an
2 expedited hearing by a hearing committee within eight calendar days
3 after the denial of the permit or the notice of violation is affirmed
4 by the administrative official. The appeal and request for an ex-
5 pedited hearing shall be in writing.

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

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

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

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

21 Sec. 18.61.190. DEFINITIONS. In this chapter

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

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

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

28 * Sec. 30. AS 18.05.040(b) is amended to read:

29 (b) A regulation may not be adopted under (a) of this section

1 that duplicates, conflicts with, or is inconsistent with the plumbing
2 codes adopted under AS 18.61.010 [AS 18.60.705 - 18.60.740].

3 * Sec. 31. AS 18.62.010 is amended to read:

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

12 * Sec. 32. AS 18.62.030 is amended to read:

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

21 * Sec. 33. AS 18.62.070 is repealed and reenacted to read:

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

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

29 * Sec. 34. AS 18.62 is amended by adding a new section to read:

1 Sec. 18.62.090. DEFINITION. In this chapter "department" means
2 the Department of Labor.

3 * Sec. 35. 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 and who, within 30 days after the issuance of a final order,
7 does not correct the violation or appeal [IT FROM WHICH NO APPEAL HAS
8 BEEN TAKEN WITHIN 30 DAYS AFTER] the issuance of a final order is [,
9 SEVERALLY, FOR EACH VIOLATION,] guilty of a misdemeanor, and is pun-
10 ishable by a fine of not more than \$500, or by imprisonment for not
11 more than six months, or by both. A person aggrieved by a final
12 order of the department [DEPARTMENT OF PUBLIC SAFETY] may appeal to
13 the superior court within 30 days after the issuance of the order.
14 The imposition of one penalty for a violation does not excuse the
15 violation and a person guilty of a violation shall correct the vio-
16 lation within a reasonable time. [WHEN NOT OTHERWISE SPECIFIED, EACH
17 10 DAYS THAT A PROHIBITED CONDITION IS MAINTAINED IS A SEPARATE OF-
18 FENSE.]

19 * Sec. 36. AS 18.70 is amended by adding a new section to read:

20 Sec. 18.70.990. DEFINITIONS. In this chapter "department" means
21 the Department of Labor.

22 * Sec. 37. AS 29.10.200 is amended by adding a new paragraph to read:

23 (49) AS 18.61.020 (building, construction, and safety code
24 adoption and enforcement)

25 * Sec. 38. AS 29.35.530(c) is amended to read:

26 (c) The division of fire prevention, the Department of Environ-
27 mental Conservation, or the Department of Health and Social Services
28 [, OR THE DEPARTMENT OF LABOR] may

29 (1) request copies of inventories submitted under AS 29.-

1 35.500; and

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

4 * Sec. 39. AS 35.10.015(a) is amended to read:

5 (a) The Department of Labor [DEPARTMENT] shall prepare, adopt,
6 and enforce regulations governing the construction of public buildings
7 and facilities by or for the state, including the University of
8 Alaska, and its political subdivisions, whether financed in whole or
9 in part by federal funds, to ensure that public buildings and facil-
10 ities are accessible to, and usable by, the physically handicapped,
11 aged, or infirm. The regulations of the department must conform to a
12 standard comparable to applicable provisions of federal law, regula-
13 tions, and standards.

14 * Sec. 40. AS 35.10.015(b) is amended to read:

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

29 * Sec. 41. AS 35.10.015(e) is amended to read:

1 (e) After June 25, 1976, a [NO] public building or facility in
2 the state may not be planned, designed, financed, constructed, opened
3 to public use, or otherwise placed in operation unless it meets the
4 standards established under (a) of this section. If the standards for
5 a public building or facility are not provided for in federal law,
6 regulation, or standards, the Department of Labor [DEPARTMENT] shall
7 determine the extent of, and adopt regulations setting the standards
8 for, access to and use of the public building or facility by the
9 physically handicapped, aged, or infirm.

10 * Sec. 42. AS 39.50.200(b) is amended by adding a new paragraph to
11 read:

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

13 * Sec. 43. AS 44.31.020 is amended by adding new paragraphs to read:

14 (5) adopt and enforce building, construction, and safety
15 codes;

16 (6) adopt and enforce energy conservation standards for
17 buildings.

18 * Sec. 44. AS 44.62.330(a) is amended by adding a new paragraph to
19 read:

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

21 * Sec. 45. AS 46.11.010 is amended to read:

22 Sec. 46.11.010. THERMAL AND LIGHTING ENERGY STANDARDS FOR PUBLIC
23 BUILDINGS. (a) All public facilities of the state [, THE CONSTRUC-
24 TION OF WHICH BEGINS AFTER JULY 1, 1980,] shall be designed to comply
25 with the thermal and lighting energy standards adopted by the Depart-
26 ment of Labor [TRANSPORTATION AND PUBLIC FACILITIES] under AS 44.31.-
27 020 [AS 44.42.020(a)(14)].

28 (b) By June 30, 1988, all public facilities of the state exist-
29 ing on July 1, 1980, shall be modified, to the extent economically

1 feasible, to comply with the thermal and lighting energy standards
2 adopted by the Department of Labor [TRANSPORTATION AND PUBLIC FACIL-
3 ITIES] under AS 44.31.020 [AS 44.42.020(a)(14)].

4 * Sec. 46. AS 46.11.900(9) is amended to read:

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

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

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

15 * Sec. 47. Notwithstanding AS 18.61.010(b), enacted by sec. 29 of this
16 Act, the Department of Labor shall adopt as the initial plumbing code for
17 the state under AS 18.61.010, the edition of the Uniform Plumbing Code that
18 is in effect under AS 18.60.705 on July 1, 1988.

19 * Sec. 48. Notwithstanding AS 18.62.030, as amended by sec. 32 of this
20 Act, a certificate of fitness issued before the effective date of this
21 section is valid for the term for which the certificate was issued.

22 * Sec. 49. The revisor of statutes shall

23 (1) delete "Department of Public Safety" and insert "department"
24 in AS 18.70.020, 18.70.030, 18.70.040, 18.70.050, 18.70.060, 18.70.070,
25 18.70.080, 18.70.081, 18.70.090, 18.70.100(b), 18.70.310(a), 18.70.310(b),
26 18.70.310(c), and 18.70.310(d);

27 (2) delete "Public Safety" and insert "Labor" in AS 18.70.010;
28 AS 18.72.050(2); and AS 29.35.500(a) and 29.35.530(a);

29 (3) delete "public safety" and insert "labor" in AS 18.70.-

1 080(b);

2 (4) delete "Community and Regional Affairs" and insert "Labor"
3 in AS 44.83.400(2)(B);

4 (5) delete "community and regional affairs" and insert "labor"
5 in AS 46.11.040(3)(B); and

6 (6) delete "Commerce and Economic Development" and insert "La-
7 bor" in AS 46.11.900(2).

8 * Sec. 50. AS 18.60.850, AS 18.70.300, and AS 44.42.020(a)(14) are
9 repealed.

10 * Sec. 51. AS 18.60.180, 18.60.190, 18.60.200, 18.60.210, 18.60.220,
11 18.60.230, 18.60.240, 18.60.250, 18.60.260, 18.60.270, 18.60.280, 18.60.-
12 290, 18.60.300, 18.60.310, 18.60.320, 18.60.330, 18.60.340, 18.60.350,
13 18.60.360, 18.60.370, 18.60.390, and 18.60.395 are repealed.

14 * Sec. 52. AS 18.60.580, 18.60.590, 18.60.600, 18.60.610, 18.60.620,
15 18.60.630, 18.60.640, 18.60.650, 18.60.660, 18.60.670, 18.60.675, 18.60.-
16 680, 18.60.685, 18.60.690, and 18.60.695 are repealed.

17 * Sec. 53. AS 18.60.705, 18.60.710, 18.60.715, 18.60.720, 18.60.725,
18 18.60.730, 18.60.735, and 18.60.740 are repealed.

19 * Sec. 54. AS 18.60.750, 18.60.755, 18.60.760, 18.60.765, 18.60.770,
20 18.60.775, and 18.60.780 are repealed.

21 * Sec. 55. AS 18.60.800 and 18.60.820 are repealed.

22 * Sec. 56. SAVINGS CLAUSE. Litigation, hearings, investigations, and
23 other proceedings under a law amended or repealed by this Act, or in con-
24 nection with functions transferred by this Act, continue in effect and may
25 be continued and completed notwithstanding a transfer or amendment or
26 repeal provided for by this Act. Regulations adopted under authority of a
27 law amended, transferred, or repealed by this Act remain in effect for the
28 term adopted or until repealed or otherwise amended under provisions of
29 this Act.

1 * Sec. 57. EFFECTIVE DATE. (a) Sections 1 - 29, 35 - 47, 49, 50, and
2 56 of this Act take effect July 1, 1988.

3 (b) Section 51 of this Act takes effect on the effective date of
4 regulations adopting the Boiler Construction Code under AS 18.61.010, as
5 enacted by sec. 29 of this Act.

6 (c) Section 52 of this Act takes effect on the effective date of
7 regulations adopting the National Electrical Code and the National Elec-
8 trical Safety Code under AS 18.61.010, as enacted by sec. 29 of this Act.

9 (d) Sections 30 and 53 of this Act take effect on the effective date
10 of regulations adopting the Uniform Plumbing Code under sec. 47 of this Act
11 and AS 18.61.010, as enacted by sec. 29 of this Act.

12 (e) Section 54 of this Act takes effect on the effective date of
13 regulations adopting the Uniform Building Code under AS 18.61.010, as
14 enacted by sec. 29 of this Act.

15 (f) Section 55 of this Act takes effect on the effective date of
16 regulations adopting the Safety Code for Elevators and Escalators under
17 AS 18.61.010, as enacted by sec. 29 of this Act.

18 (g) Sections 31 - 34 and 48 of this Act take effect on the effective
19 date of regulations adopting the Uniform Administrative Code under AS 18.-
20 61.010, as enacted by sec. 29 of this Act, the effective date of sec. 52 of
21 this Act, or the effective date of sec. 53 of this Act, whichever is lat-
22 est.