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HOUSE COMMITTEE REPORT

(7)

Date Referred: March 21, 1990

FURTHER REFERRALS:

Date of Committee Action: 5/3/90

The LABOR & COMMERCE Committee considered: CSSB 492(LABOR & COMMERCE)

CS SENATE BILL NO. 492 (L&C) BOILER/PRESSURE VESSEL INSPECTION CODES

"An Act relating to the inspection standards for boilers and pressure vessels."

RECOMMENDATIONS:

- [] be replaced with _____ [] the same title
- [] _____ [] a new title
- [] have attached amendment(s)
- [] do pass
- [] do not pass
- [] no recommendation
- [] individual recommendations
- [] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- [] fiscal impact _____
- [] zero fiscal note _____
- [] zero with analysis _____

- [] fiscal note(s) _____
- [] zero fiscal note(s) Dept of Labor ^{3/5/90}
- [] zero fn/analysis _____

SIGNING DO PASS:

SIGNING:

(Check approp. column)

Do Not Pass
No Rec
Amend

<u>James D. Donley</u> Donley				
<u>John H. Finkelstein</u> Finkelstein				
<u>Max M. Gruenberg</u> Gruenberg				
<u>John A. Boucher</u> Boucher				

James D. Donley
Chairman's Signature

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU ALASKA 99811
907.465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 2, 1990

SUBJECT: Inclusion of certain new material
in CSSB 492 (L&C)

TO: Senator Steve Frank
Attn: Rick Solie

FROM: Theresa L. Bannister *TB*
Legislative Counsel

You have asked whether the addition of certain material to CSSB 492 (L&C) would violate the title expression requirement in Art. II, sec. 13, of the Alaska Constitution. This provision requires that the subject of a bill be expressed in the title of the bill. The purpose of the rule is to provide the reader with notice of what is in the bill. A bill will only be set aside for violating the provision if the violation is substantial and plain. Griffin v. Sheldon, 78 F.Supp. 466, 11 Alaska 605, 615-616, 469-70 (D. Alaska 1948), rev'd on other grounds 174 F.2d 382, 12 Alaska 329, (9th Cir. 1949). In this case, I believe that the addition would violate the constitutional requirement and that it would be a substantial and plain violation.

The new material creates an exemption for certain automatic utility hot water heaters from AS 18.60.180 - 18.60.390, the article dealing with boilers and pressure vessels. The title of CSSB 492 (L&C) relates "to the inspection standards for boilers and pressure vessels". The new material pulls in all of the provisions of AS 18.60.180 - 18.60.390, and these provisions include more than standards for inspection. They include, among other things, a prohibition against installing and operating certain boilers and pressure vessels, unless they conform to department regulations on construction and installation. The title, therefore, would not provide the reader with notice that any other provision of AS 18.60.180 - 18.60.390 than inspection standards was included in the bill. This appears to be a substantial and plain violation of the expression requirement.

Senator Steve Frank

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May 2, 1990

Although it is possible to argue that the term "standards" could be interpreted to include any rule related to inspection and that the department must inspect an item to determine if it violates the prohibition, this is a weak and unpersuasive argument. This interpretation requires manipulation of the meaning of the title to such a degree that the title does not give the reader the requisite notice of all of the new added material.

Therefore, it appears that the addition of the new material under the present title would cause a substantial and plain violation of the constitutional expression requirement. If I can be of further assistance, please advise.

TLB:gc
G14/055

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION CS SB 492 (L&C)

PUBLISH DATE: 3/6/90

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Labor
 Title: "An Act relating to the inspection of boilers and pressure vessels." BRU: Labor Standards & Safety
 Sponsor: Frank, Coghill, Sturgulewski Components: Mechanical Inspection
 Requestor: Senate Labor & Commerce

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Note: There will be no impact on FY 90.

Prepared by: Tom Stuart, Director Phone: 465-2712
 Division: Labor Standards & Safety Date: 3/5/90
 Approved by Commissioner: Jim Sampson Date: 3/5/90
 Agency: Department of Labor

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

Changes in CSSB492 (L+C) have no fiscal impact. This fiscal note is appropriate. Projections of no fiscal impact would continue through 1996.

page 1 of 1

STEVE FRANK
DISTRICT K
SEAT A

119 N. Cushman, Rm. 213
Fairbanks, Alaska 99701

While in Juneau
P.O. Box V
Juneau, Alaska 99811
(907) 465-3709
Capitol Rm. 514

Alaska State Legislature



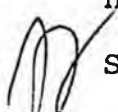
Senate

MEMBER
Finance Committee
Resources Committee
Legislative Council
Special Committee on Banking &
Economic Development

VICE-CHAIR
Community & Regional
Affairs Committee

MEMORANDUM

TO: Representative Dave Donley, Chairman
House Labor & Commerce Committee

FROM:  Senator Steve Frank

RE: Request for Scheduling, CS SB 492 "An Act relating
to the inspection of boilers and pressure vessels."

DATE: March 22, 1990

The Senate recently passed SB 492 unanimously and it is now in the Labor & Commerce Committee awaiting scheduling. I respectfully request that you calendar it for a hearing at your earliest convenience.

The legislation will allow the Department of Labor to adopt the National Board Inspection Code (NBIC) Manual for Boiler and Pressure Vessel Inspectors. The National Board Code is intended to "...maintain the integrity of such boilers and pressure vessels after they have been placed into service..."

Currently, the Department only operates under the American Society of Mechanical Engineers (ASME) code, which establishes the rules of safety governing the design, fabrication and inspection during construction of boilers and pressure vessels. These two codes are intended to be complementary and allow for a complete safety inspection program both before, during and after construction.

The Department of Labor supports this legislation as do the impacted industries, such as, ARCO Alaska, Fairbanks Municipal Utilities System and the Alaska Pulp Corporation.

Without SB 492, the Department tells us that they cannot adopt the new code because they do not have the statutory authority.

Thank you for your consideration.

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION CS SB 492 (L&C)

PUBLISH DATE: 3/6/90

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Labor
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Note: There will be no impact on FY 90.

Prepared by: Tom Stuart, Director Phone: 465-2712
 Division: Labor Standards & Safety Date: 3/5/90
 Approved by Commissioner: Jim Sampson Date: 3/5/90
 Agency: Department of Labor

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

Changes in CS SB 492 (L+C)
 have no fiscal impact. This
 fiscal note is appropriate.
 Projections of no fiscal impact
 would continue through 1996.

page 1 of 1

DOL & Fiscal Note CS(L&C)

SENATE FINANCE COMMITTEE REPORT

DATE: 3/6/90

FURTHER:

DATE TURNED INTO OFFICE: 3/15/90

The Finance Committee considered

SB 492

~~SENATE FINANCE COMMITTEE REPORT~~

"An Act relating to the inspection of boilers and pressure vessels."

and recommended:

- replace with _____ CS same title
- or adopt _____ CS SB 492 (LPC) new title
- attached amendment(s) technical title change (HB only)
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):

Dept/Date:

fiscal note(s) _____

zero fiscal note(s) _____

appropriation-no fiscal note

APPROVES PREVIOUS:

Dept/Date:

fiscal note(s) _____

zero fiscal note(s) _____

Dolanor 3/5/90

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

J. Duncan
[Signature]
[Signature]
Paul Grail
John Kelly (DO PASS)

1.

2.

Co-Chairs: Signatures and Recommendations

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: 2/12/90

FURTHER: Finance

Date of 5-Day Notice: 3/1/90
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3/6/90

L & C Committee considered SB 492

"An Act relating to the inspection of boilers and pressure vessels."

and recommended:

- replace with _____ CS SB 492 (L+C) same title
 - attached amendment(s) new title
 - _____ letter of intent adopted
- + maj of Cmttee rec ap*

- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to _____

PKM

ATTACHES NEW FISCAL NOTE(S):

Department(s)/Date:

Department(s)/Date:

fiscal note(s) _____

zero fiscal note(s) _____
Dept of Labor 3/5/90
(for SB 492 + CSSB492 (L+C))

appropriation-no fiscal note

Governor's bill w/fiscal note

SIGNING DO PASS:

[Signature]
[Signature]
Walter Bodley

OTHER RECOMMENDATIONS:

2 Jan Feb No Rec

[Signature]
Chair: Signature and Recommendation

STATE OF ALASKA

DEPARTMENT OF LABOR

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

P.O. BOX 21149
JUNEAU, ALASKA 99802-1149
PHONE: (907) 465-2700

FAX: (907) 465-2784

March 5, 1990

The Honorable Dick Eliason, Chairman
Labor & Commerce Committee
Alaska State Senate
P.O. Box V
Juneau, AK 99811


Dear Senator Eliason:

The Department has reviewed the draft committee substitute for Senate Bill 492 (L&C), which adopts the 1989 National Board Inspection Code Manual for boilers and pressure vessels.

We have worked closely with the sponsor on this bill, and support it.

Thank you.

Sincerely,



Eileen Plate
Special Assistant

EP:kh

Municipal Utilities System

March 2, 1990

Senator Steve Frank
Alaska State Legislature
P.O. Box V
Juneau AK 99811

Dear Senator Frank:

I have had the opportunity to review the Labor and Commerce Committee Substitute for Senate Bill No. 492. The original Senate Bill 492 and the Labor and Commerce Committee Substitute both address a present legislative need for the State of Alaska. The owners and users of pressure vessels throughout the state and the Department of Labor all recognize the necessity for adoption and use of the National Board Inspection Code Manual for boiler and pressure vessel inspectors. However, the legislative procedure has not existed which would allow the Alaska Department of Labor to administratively adopt applicable portions or all of the National Board Inspection Code. The Committee Substitute for Senate Bill No. 492 clearly paves the way and provides the necessary vehicle the Department of Labor needs to continue to perform a valuable service to the citizens of Alaska.

I heartily support the Labor and Commerce Committee Substitute for Senate Bill No. 492 and certainly hope that the remaining necessary steps are completed and fruitful so as to allow the bill to become a very useful piece of legislation.

Sincerely,



Marty M. Lanum
Fairbanks Municipal Utilities System
Electric Utility Superintendent

bj



ALASKA PULP CORPORATION

4600 SAWMILL CREEK ROAD
SITKA, AK 99835-9801

January 24, 1990

The Honorable Richard Eliason
Alaska State Senate
Room 417, Capitol
P.O. Box V
Juneau, Alaska 99811

Dear Senator Eliason:

Some time ago, I spoke to you about urgent need for Alaska adopting a Uniform Boiler and Pressure Vessel Safety bill.

There is a good deal of interest statewide on this issue because of the arbitrary and constantly changing interpretation of the current law by the Department of Labor. As an example, Department of Labor has required proof testing on boilers and pressure vessels after even very minor repairs. This practice leads to premature leaking and is a step backwards as a safety practice. Boiler manufacturers, insurance underwriters, and the National Board disagree with the State's implementation of this practice of proof testing.

The Municipality of Fairbanks Utilities is currently drafting a bill, and we understand that that bill will be forwarded to the Legislature very shortly.

There is widespread support around the State for this law change. Fundamentally, it would adopt National standards and implement a boiler and pressure vessel law similar to what is currently in use in most of the other states. The current Alaska law was adopted in 1955, which was before the time when there was much in the way of pressure vessel or industrial application in the State.

In any event, we hope that you will be able to support the law revisions when the bill is drafted and gets to your committee.

Very truly yours,

ALASKA PULP CORPORATION

Franklin C. Roppel
Executive Vice President

FCR:lc

cc: Joh.evich

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