

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672  
5369 SLAB SB 287 - SB 300 (file 1) 941

Congress Person Tim Kelly

I am writing concerning a Bill SB 287  
As I understand, in the new definition  
of the "practice of veterinary medicine," the words  
"for compensation" are to be left out.

I believe this to be a mistake.

With out the words "for compensation" most  
dog and cat owners may become criminals  
under this bill. Most of us can not afford to take  
pets to a Vet for every minor illness or injury  
anymore than we can take ourselves to a  
doctor for colds and scratches.

I believe the wording of this bill will  
punish the majority for the crimes of a few  
and may lead to less care being given to pets.

Secondly, Section 4 should be deleted if  
it's more restrictive in time duration and  
numbers of permits to out-of-state veterinarians.  
These types of restrictions do nothing to  
improve veterinary care and may hurt  
organizations like the Iditarod and  
Yukon Quest.

John  
Calk

Sherman J. Nodler  
5545 Old Ridge Trail  
Fairbanks, Ak 99709

789-9456  
From: Laura Else  
P.O. Box 33464  
Juneau, AK 99803

To: The Honorable Tim Kelly, Chairman  
Senate Labor and Commerce Committee  
P.O. Box V  
Juneau, AK 99811

Date: 01/19/20

Dear Chairman,

I would like to call your attention to the flaws and or omissions in Committee Substitute SB 287. Although I applaude recognition of the deficiencies of the original Senate Bill, the Substitute would omit the critically needed "For Compensation" in Section 6, Paragraph B. This must be left in to protect pet owners, kennels, mushers, Humane Societies and others that must treat their animals in the course of routine or emergency care. This also applies to people living in bush or outlying areas where a licensed veterinarian just is'nt available to them.

I am also concerned with Section 4, Locum Tenens Permit. The severe limitations proposed on this section would drastically inhibit veterinary care and professional objectives. I urge you to drop the proposed section and instead, add the following language to the current Section 08.98.186 after, "...absent from practice", or act as consultant or assistant to a person with a state license."

Again, please leave "For Compensation" in the propped bill as stated in this letter and drop (or change as recommended) Section 4, Locum Tenens Permit. Even the simplest, most routine of animal care will be affected by this bill. Let's make this beneficial, rather than detrimental to our animals.

Sincerely,

*Laura Else*

Laura Else  
Box 33464  
Juneau, AK 99803

cc: The Honorable Jan Faiks  
cc: The Honorable Jim Duncan  
cc: The Honorable Dick Eliason  
cc: The Honorable Rick Halford  
cc: The Honorable Rick Uehling  
cc: The Honorable Mike Szymanski  
cc: The Honorable Bettye Fahrenkamp

January 21, 1988

The Honorable Tim Kelly, Chairman  
Senate Labor and Commerce Committee  
Alaska State Legislature  
P.O. Box V  
Juneau, Alaska 99811

Re: SB 287, Relating to the Practice of Veterinary Medicine

Dear Senator Kelly:

SB 287 is scheduled to be heard in your committee on January 22, 1988. Before taking any further action on this bill, I strongly urge the Committee to carefully investigate the ramifications of this bill as it will affect all animal owner, animal care givers and even people who talk about animals, all across the state. In that respect, it will affect most of us. Unfortunately, it will be in a highly negative way.

As a long time animal lover and owner, Iditarod supporter, 10 year resident of the "bush", and former member of that city's Animal Control Study Committee I have gained a fair amount of knowledge regarding the reality of animal care in Alaska as well as the laws associated with them. In an attempt to understand why the Veterinary Board found it necessary to propose such sweeping changes, I have gathered a great deal of information, studied years of tapes of their meetings, asked many questions and asked others to do likewise. I would gladly make this information available to the Committee. I think you would be as shocked as I was.

SB 287 is aimed at making all animal care, including verbal, a crime, unless done by an Alaska licensed veterinarian, from recommending someone get their dog spayed to flea dips to you-name-it. They are also trying to close the door on other veterinarians coming up here. The draft CS I have seen is not much better. They know exactly what they are doing, and repeatedly offer "board discretion" as the protection we have against prosecution. It is this same board that is deliberately seeking to deceive the legislature as to its real intentions, writes laws to be able to prosecute specific groups and individuals, and lies to and misleads both the public and other members of their profession as to the content and intent of this legislation. These are the people whose "discretion" we are supposed to put our faith in. Even their "supporters" do not know what this bill is about, because they believed what the board told them instead of gathering their own information.

I can neither trust nor support this board. They have forgotten both their professional and board objectives. To quote a Wisconsin veterinarian commenting on regulations this board recently proposed, "As veterinarians remember that our veterinary oath is to protect animals from diseases not protect our pocket books. ...stop trying to monopolize the health care in your state."

Some suggested changes are enclosed. I would welcome the opportunity to work with staff on this legislation.

Sincerely,



Martha Fischbach  
P.O. Box 34496  
Juneau, Alaska 99803

cc: Senators Eliason, Uehling, Fahrenkamp and Szymanski

WORK  
DRAFT  
(with comments)

5-0814B ✓  
Utermohle  
12/15/87

Original sponsor: Faiks

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 287 ( )  
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 the practice of veterinary medi-  
7 cine."

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

9 \* Section 1. AS 08.98.165(a) is amended to read:

10 (a) An applicant is qualified to receive a license as a veter-  
11 inarian who

12 (1) is a graduate of an accredited veterinary school or who  
13 has satisfied [PASSED] the requirements [EXAMINATION] of the American  
14 Veterinary Association's Education Commission for Foreign Veterinary  
15 Graduates;

16 (2) has passed an examination prepared by the National  
17 Board of Veterinary Medical Examiners or an equivalent examination as  
18 determined by the board, or qualifies for an exemption under (b) of  
19 this section;

20 (3) has passed the written examination of the state;

21 (4) has passed a practical examination of skills, if re-  
22 quired by the board; and

23 (5) does not have a [HAS NO] disciplinary proceeding,  
24 unresolved complaint, or professional association review proceeding  
25 pending at the time a license is to be issued, and has not had a  
26 veterinarian license revoked for cause in another jurisdiction.

27 \* Sec. 2. AS 08.98.180 is amended to read:

28 Sec. 08.98.180. TEMPORARY LICENSE. A person is entitled to a  
29 temporary license after applying for examination, if the person (1)

(at time of application)

1 [WHO] meets the requirements of AS 08.98.165(a)(1) and (5); (2) has a  
2 reported score on an examination required under AS 08.98.165(a)(2),  
3 (3), or (4) or the clinical competency test that is not lower than the  
4 minimum score required for licensure in this state, if the person has  
5 taken any of these examinations or the clinical competency test; and  
6 (3) [IS ENTITLED TO BE TEMPORARILY LICENSED AFTER APPLYING FOR EX-  
7 AMINATION, IF THE PERSON] works under the supervision of a licensed  
8 veterinarian. A license issued under this section is valid until the  
9 results of the examinations are published. A person may not receive  
10 more than one temporary license. An application for a temporary  
11 license must be signed by the supervising veterinarian and accompanied  
12 by the temporary license fee required under AS 08.98.190.

13 \* Sec. 3. AS 08.98.184 is amended to read:

14 Sec. 08.98.184. LICENSURE BY CREDENTIALS. The board shall  
15 approve the issuance of a license to an applicant who holds a valid  
16 license to practice veterinary medicine in another state, territory,  
17 or country; with licensing requirements substantially similar to or  
18 higher than those of this state which were in effect at the time the  
19 applicant obtained a license in the other jurisdiction if the appli-  
20 cant

21 (1) has graduated from an accredited school of veterinary  
22 medicine or has satisfied [SUCCESSFULLY PASSED] the requirements  
23 [EXAMINATION] of the American Veterinary Association's Education  
24 Commission for Foreign Veterinary Graduates;

25 (2) has been engaged in the active practice of veterinary  
26 medicine for at least five of the seven years before filing the appli-  
27 cation;

28 (3) has not failed the state written or practical examina-  
29 tion;

1 (4) does not have a [HAS NO] disciplinary proceeding,  
2 unresolved complaint [COMPLAINTS], or professional association review  
3 proceeding [PROCEEDINGS] pending at the time a license is to be is-  
4 sued, and has not had a veterinarian license revoked for cause in  
5 another jurisdiction; and

6 (5) has paid required fees.  
7 \* Sec 4. ~~AS 08.98.186 is repealed and reenacted to read:~~  
*AS 08.98.186 is amended to read:*

"or act as consultant or assistant to a person with a state license" *insert*

**Sec. 08.98.186. Temporary permit.** A person licensed to practice veterinary medicine in another state who meets the requirements of AS 08.98.165(a)(1) and (5) may be granted a temporary permit to conduct the practice of a person licensed in the state who is absent from practice. An application shall be signed by the person who is or will be absent from practice and by the applicant. A temporary permit is valid for no longer than 60 days after issuance but may be renewed. (§ 11 ch 130 SLA 1980)

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 66, SLA 1982.

1 locum tenens permit issued under (a)(2) of this section is valid for  
2 60 consecutive days but may be renewed once within a two-year period.

3 (d) An application for a locum tenens permit must be accompanied  
4 ~~by the locum tenens permit fee.~~

5 \* Sec. 5. AS 08.98.190 is amended to read:

6 Sec. 08.98.190. FEES. The department shall set fees under  
7 AS 08.01.065 for the following:

- 8 (1) application;  
9 (2) examination;  
10 (3) investigation of credentials;  
11 (4) license;  
12 (5) license renewal;  
13 (6) temporary license;  
14 (7) locum tenens [TEMPORARY] permit.

15 \* Sec. 6. AS 08.98.250(6) is amended to read:

16 (6) "practice of veterinary medicine"

17 (A) means for compensation to

18 (i) [TO] diagnose, treat, correct, change, re-  
19 lieve, or prevent animal disease, deformity, defect, injury,  
20 or other physical or mental condition, including the pre-  
21 scription or administration of a drug, biologic apparatus,  
22 anesthetic, or other therapeutic or diagnostic substance;

23 (ii) [TO] use a manual or mechanical procedure for  
24 testing for pregnancy or correcting sterility or infertili-  
25 ty; [OR].

26 Sec. 6. (iii) provide emergency veterinary services; or  
27 (iv) [TO] render advice or recommendation with  
28 regard to a [ANY] matter listed in (i), (ii), or (iii) [(i)  
29 OR (ii)] of this subparagraph;

move to  
(D)(vi)  
(next page)

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28 regard to a [ANY] matter listed in (i), (ii), or (iii) [(i)  
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move to  
(D)(vi)  
(next page)

From:  
Ronald J. Gould  
4558 Chena Hot Springs Road  
Fairbanks, Alaska  
99712

To:  
BETTYE FAHRENKAMP  
515 7TH AVENUE  
SUITE 130  
FAIRBANKS, ALASKA 99701

COPY

Date: 10-28-1987

Re: SB 287 AN ACT RELATING TO THE PRACTICE OF VETERINARY MEDICINE

I AM CONCERNED AS TO THE REASON TO CONSIDER CHANGING THE "FOR COMPENSATION" LINE AS IT CURRENTLY EXISTS IN SECTION 7. I WOULD NOT LIKE TO SEE A CHANGE OR DELETION OF THIS DEFINITION.

ALSO SECTION 7 WHICH ALLOWS OWNERS LATITUDE IN CARE OF THEIR ANIMALS IN ROUTINE FARMING AND ANIMAL HUSBANDY, SHOULD MAKE SIMILAR ALLOWANCES FOR KENNEL OWNERS AND DOG MUSHERS. GIVING FREEDOM OF ACTION TO FARMERS IN THIS STATE WHICH HAS ESSENTIALLY NO FARMERS, AND NOT GRANTING IT FOR THE DOG TEAM OWNER OF WHICH THERE ARE THOUSANDS ACROSS THE STATE IS NOT IN KEEPING WITH A REALISTIC VIEW OF WHO HAS ANIMALS THAT NEED INEXPENSIVE OWNER ADMINISTERED HEALTH CARE.

I AM NOT OPPOSED TO VETERINARY CARE WHERE TRUE SKILL AND TRAINING IS NEEDED FOR THE BENEFIT OF THE ANIMAL, BUT 90 % OF CARE RELATING TO DOG MUSHING IS ISSUING WORMING MEDICATIONS AND VACCINATIONS THAT REQUIRE LITTLE SKILL THAT CAN NOT BE SELF TAUGHT. AS I AM SURE YOU KNOW THE DOGS TEND TO BE RURAL OR BUSH AND THE VETS TEND TO BE IN THE TOWNS AND CITIES AND BRINGING THESE TWO ENTITIES TOGETHER IN AN AFFORDABLE WAY IS NOT POSSIBLE FOR THE VILLAGER OR RURAL PERSON AND NOT OFFERED ON ANY SORT OF ROUTINE BASIS BY THE VETERINARIANS.

AN UNFORTUNATE OCCURANCE THAT THE VETERINARIANS INFLICTED ON THE DOG OWNER SEVERAL YEARS AGO WAS THEIR STAND PRECLUDING THE DISPENSATION OF PARVOVIRUS VACCINE BY THE LAY VACCINATORS IN COMBINATION WITH THE PHS SANITARIANS. DISTEMPER AND RABIES HAD BEEN HANDLED THIS WAY FOR YEARS, BUT FOR REASONS THAT I JUDGE TO BE FINANCIAL SELF INTEREST THE VETS PRESSURED THE RABIES CONTROL PERSONNEL IN THE STATE OFFICES TO NOT ALLOW THIS VACCINE TO BE ADDED. THE VACCINE COULD EVEN BE PURCHASED IN A COMBINED VACCINE FORM SO THAT NO ADDITIONAL EQUIPMENT OR EXPENSE WOULD BE ADDED FOR SYRINGES AND NEEDLES. SO NOW THE DOG OWNER CAN GET THE ITINERANT SANITARIAN TO VACCINATE THE DOG AT COST OR USE THE VILLAGE LAY VACCINATOR PROGRAM FOR RABIES AND DISTEMPER BUT MUST CONTACT A NON-ITINERANT VET IN TOWN TO MAIL OUT PARVOVIRUS VACCINE AT A GREATER EXPENSE.

I HAVE LOOKED WITH GREAT SUSPICION ON THE VETERINARY PROFESSION SINCE THIS DECISION AND SUGGEST YOU DO THE SAME WHEN EVALUATING REQUESTED CHANGES IN LAW OR REGULATION THAT WILL AFFECT OWNER ADMINISTERED MEDICATIONS TO THEIR OWN ANIMALS.

THANK YOU FOR ANY INFORMATION THAT YOU CAN PROVIDE AS TO THE MOTIVATION OF REQUESTING PERSONS OR GROUPS REQUESTING CHANGES IN THE CURRENT VETERINARY LAWS.

S B

2 9 9

STATE OF ALASKA 1987 LEGISLATIVE SESSION

FISCAL NOTE

SENATE

BILL VERSION: CSSB 299 (HESS)

PUBLISH DATE: 5/13/87

REQUEST

Bill/Resolution No. : SB 299  
 Title : Group Disability Insurance

Sponsor : Senator Rick Uehling  
 Requestor : Senator Rick Uehling  
 Date of Request : May 13, 1987

FISCAL DETAIL

Agency Affected : HESS  
 BRU : \_\_\_\_\_

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

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING : (Thousands of Dollars)

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

POSITIONS :

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS : Attach a separate page if necessary

*Paul Fischer*

Prepared by : Senator Paul Fischer, Chairman HESS Phone : 465-3791  
 Division : Senate Health, Education & Social Services Date : 5-13-87

Approved by Commissioner : \_\_\_\_\_ Date : \_\_\_\_\_  
 Agency : \_\_\_\_\_

Distribution (by Agency preparing fiscal note) :

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

SB

300

(FILE 1)

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

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

FISCAL NOTE

REQUEST:

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

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

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

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

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

FISCAL NOTE

REQUEST:

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

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

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

KCS  
Mud  
1/25/88

Prepared by: Gordon E. Brunton  
Division: Fire Prevention

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

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

Date: 2-1-88

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

## STATE OF ALASKA -- BUDGET UNIT SUMMARY

SALSFRMA 12:03 1/04/88

AGENCY: DEPARTMENT OF PUBLIC SAFETY  
CATEGORY: PUBLIC PROTECTION

PROGRAM: FIRE PREVENTION

LEG. FIN.

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

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

STATE OF ALASKA -- COMPONENT BUDGET

SYSTEMS 12:05 1/04/88

AGENCY: DEPARTMENT OF PUBLIC SAFETY  
 CATEGORY: PUBLIC PROTECTION

PROGRAM: FIRE PREVENTION  
 SUB-PROGRAM: FIRE PREVENTION PROGRAMS

LEG. FIN.

FISCAL YEAR 1988

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

NEW POSITIONS...

TITLE	LOCATION	TYP	C	O	S	T	F	U	N	D	I	N	G	REQ	GV	HS	SN	CC	FN
1 DEP FIRE MARSHALL I	ANCHORAGE	F	01	PERS.	SERV.		64.1	1004	GEN	FUND		64.1		1	1	0	0	0	
				POS'N	COST		64.1												
2 DEP FIRE MARSHALL I	FAIRBANKS	F	01	PERS.	SERV.		71.0	1004	GEN	FUND		71.0		1	1	0	0	0	
				POS'N	COST		71.0												
3 CLK IV	JUNEAU	F	01	PERS.	SERV.		30.0	1004	GEN	FUND		30.0		1	1	0	0	0	
				POS'N	COST		30.0												
** NEW POSITION TOTALS			**	TOTAL	COST		165.1							3	3	0	0	0	

3 OF 4

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

STATE OF ALASKA -- COMPONENT BUDGET SUMMARY

SALSFRMA 12:03 1/04/88

AGENCY: DEPARTMENT OF PUBLIC SAFETY  
 CATEGORY: PUBLIC PROTECTION

PROGRAM: FIRE PREVENTION  
 SUB-PROGRAM: FIRE SERVICE TRAINING

LEG. FIN.

FISCAL YEAR 1989

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

NEW POSITIONS...

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

4 OF 4

**FISCAL NOTE**

**REQUEST:**

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

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

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

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

**FUNDING:** (Thousands of Dollars)

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

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** (Attach a separate page if necessary)

This bill does not affect this agency.

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

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

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

FISCAL NOTE

REQUEST:

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

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

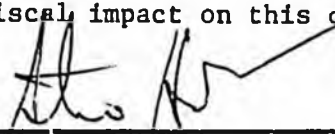
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

This bill has no fiscal impact on this department.

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

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

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

FISCAL NOTE

REQUEST:

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

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

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

SEE ATTACHED

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

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

Distribution (by preparer):

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

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

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

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

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

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

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

BUILDING REGULATIONS BOARD

PERSONAL SERVICES:

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

79.2

TRAVEL:

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

Location of 11-Member Board:

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

Full Board (10 hearings/meetings)

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

Expedited Hearings (12 hearings) - 3 members:

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

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

Board	\$59,012.00
Hearings	6,510.00
Staff	<u>5,256.00</u>

TRAVEL TOTAL: \$70,778.00

CONTRACTUAL:

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

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

TOTAL: \$ 5,900.00

COMMODITIES:

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

EQUIPMENT: (one time costs only)

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

TOTAL: \$ 5,700.00

A M E N D M E N T

Offered in the SENATE

To: CSSSSB 300(L&C)

Page 1, lines 21 - 22:

Delete all material.

Renumber the following paragraphs accordingly.

Page 2, line 13, after "welfare":

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

Page 4, line 21, after "010":

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

Page 5, line 6, after "18.61.010":

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

Page 6, lines 4 - 7:

Delete all material.

Renumber the following bill sections accordingly.

Page 6, line 10:

Delete "and plumbing codes"

Page 6, lines 11 - 12:

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

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

Page 7, lines 2 - 3:

Delete "codes adopted under AS 18.61.010"

Insert "code under AS 18.60.705"

Page 7, lines 26 - 27:

Delete all material.

Renumber the following bill sections accordingly.

Page 8, line 6:

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

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

Page 8, line 8:

Delete "12"

Insert "11"

Page 8, line 11:

Delete "13"

Insert "12"

Page 8, lines 14 - 16:

Delete all material.

Reletter the following subsections accordingly.

Page 8, line 17:

Delete "15"

Insert "13"

Page 8, line 20:

Delete "3 - 5 and 10"

Insert "2 - 4 and 9"

Page 8, line 22:

Delete "Act,"

Insert "Act or"

Delete "13"

Insert "12"

Page 8, line 23:

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

Original sponsor: Faiks

1 IN THE SENATE

BY THE LABOR AND  
COMMERCE COMMITTEE

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

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to building, construction, and  
7 safety codes; relating to certificates of fitness;  
8 and providing for an effective date."

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

10 \* Section 1. AS 18 is amended by adding a new chapter to read:

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

12 Sec. 18.61.010. ADOPTION OF BUILDING, CONSTRUCTION, AND SAFETY  
13 CODES. (a) The Department or shall adopt by regulation the  
14 following codes as the minimum building, construction, and safety  
15 criteria for the state:

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

18 (2) Uniform Mechanical Code, published by the International  
19 Conference of Building Officials and the International Association of  
20 Plumbing and Mechanical Officials;

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

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

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

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

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

1 published by the International Conference of Building Officials;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (3) a mechanical engineer;

18 (4) an electrical engineer;

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

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

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

24 (8) a mechanical contractor;

25 (9) an electrical administrator;

26 (10) a fire protection consultant; and

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

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

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

5 (d) The board shall

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

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

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

11 (A) the procedures of the board; and

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

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

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

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

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

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

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

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

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

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

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

27 Sec. 18.61.190. DEFINITIONS. In this chapter

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

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

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

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

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

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

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

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

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

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

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

1 the department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Original sponsor: Faiks

1 IN THE SENATE

BY THE LABOR AND  
COMMERCE COMMITTEE

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

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to building, construction, and  
7 safety codes; consolidating building regulation;  
8 transferring certain functions to the Department of  
9 Commerce and Economic Development; relating to fire  
10 protection; relating to the division of fire preven-  
11 tion; relating to certificates of fitness; and pro-  
12 viding for an effective date."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Conference of Building Officials and Western Fire Chiefs Association;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15           (3) a mechanical engineer;

16           (4) an electrical engineer;

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

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

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

22           (8) a mechanical contractor;

23           (9) an electrical administrator;

24           (10) a fire protection consultant; and

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

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

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

3 (d) The board shall

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

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

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

9 (A) the procedures of the board; and

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

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

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

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

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

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

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the board.

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

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

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

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

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

Sec. 18.61.190. DEFINITIONS. In this chapter

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

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

1 or standard adopted under AS 18.61.010;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 latest.

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A M E N D M E N T

Offered in the SENATE

To: CSSSSB 300(L&C)

Page 3, lines 5 - 6:

Delete all material.

Renumber the following paragraphs accordingly.

Page 3, line 29, after "welfare":

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

Page 6, line 19, after "010":

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

Page 7, line 4, after "18.61.010":

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

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

Delete all material.

Insert "AS 18.60.705 is amended to read:

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

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

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

Sec. 18.60.740. DEFINITIONS. In AS 18.60.705 - 18.60.740

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

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

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

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

Renumber the following sections accordingly.

Page 8, line 17:

Delete "and plumbing codes"

Page 8, lines 18 - 19:

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

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

Page 9, lines 9 - 10:

Delete "codes adopted under AS 18.61.010"

Insert "code under AS 18.60.705"

Page 12, lines 26 - 29:

Delete all material.

Renumber the following bill sections accordingly.

Page 13, lines 25 - 26:

Delete all material.

Renumber the following bill sections accordingly.

Page 14, lines 9 - 10:

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

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

Page 14, lines 17 - 19:

Delete all material.

Reletter the following subsections accordingly.

Page 14, line 20:

Delete "Section 30"

Insert "Section 29"

Page 14, line 23:

Delete "Section 31"

Insert "Section 30"

Page 14, line 26:

Delete "Sections 7 - 10"

Insert "Sections 8 - 11"

Page 14, line 28, after "this":

Delete "Act,"

Insert "Act or"

Page 14, line 29:

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

TELETYPE UNIT SHEET  
COMMUNICATIONS SECTION

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

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

BT: [illegible]

MEMORANDUM

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

Copy: Senator Richard J. Blumenthal, Member  
Senator Patrick J. Mahoney, Member  
Senator Mike Spagnoli, Member  
Senator Paul D. Cellino, Member  
Senator Joe Kelly, Member

*Handwritten signature/initials*

FROM: [Faint text]

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

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

I am in receipt of [Faint text]

The following [Faint text]

[Faint text]

[Faint text]

[Faint text]

[Faint text]

[Faint text]

[Faint text]

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[Faint text]

[Faint text]

[Faint text]

[Faint text]

[Faint text]

[Faint text]

CSSSSB 300 (L & C) January 28, 1968

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

2. 1. 1968

2. 2. 1968

22.)

repeated.

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

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

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

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

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

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

STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 18, 1988

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

TO: Senator Tim Kelly

FROM: George Utermohle *GU*  
Legislative Counsel

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

GU:mi  
wkmi2/006

JAN 20 1988

# STATE OF ALASKA THE LEGISLATURE

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

## LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 20, 1988

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

TO: Senator Jan Faiks

FROM: George Utermohle *GU*  
Legislative Counsel

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

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*Com. + Econ.  
Perkins*

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11/23/89

w/ GEORGE & CHRIS

1) WHAT BLDGS ARE INCLUDED?

1/15 INCLUDES ALL BLDG

NEW DRAFT TO BE ALL BLDGS & RESIDENCES OF SPLEXOR >

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

AGE WANTS OUT / BLDG OFFICIALS WANTS IT IN

CODE MAY APPLY ONLY TO PUBLICLY FUNDED BLDGS

NEW DRAFT DELETES IT

3) P 4 L 3-5 CLARIFY

NEW DRAFT - ENVIRONMENTAL OR ECONOMIC CONDITIONS

IN DIFFERENT REGIONS OF STATE

4) P 4 L 17-21

HOW DO LOCAL OFFICIALS HANDLE

INTENT WAS FOR STATE ONLY

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

5) BOARD OPERATION

NEW DRAFT - SPANISH LANGUAGE

MAJORITY = QUORUM - MAJORITY OF BOARD FOR PASSAGE

Original sponsor: Faiks

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IN THE SENATE

BY THE LABOR AND  
COMMERCE COMMITTEE

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

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIFTEENTH LEGISLATURE - SECOND SESSION

A BILL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Conference of Building Officials and Western Fire Chiefs Association;

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

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

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

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

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

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

16 *DELETED  
UNIFORM FIRE  
ACCESSORY STANDARDS*  
17 (10) Energy Conservation in New Buildings (ASHREA/IES 90);

18 *PLM 10*  
19 (11) National Electrical Code (ANSI/NFPA 70), published by  
20 the National Fire Protection Association;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PERSON

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

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

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

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

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

13 (3) a mechanical engineer;

14 (4) an electrical engineer;

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

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

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

20 (8) a mechanical contractor;

21 (9) an electrical administrator;

22 (10) a fire protection consultant; and

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

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

1 (d) The board shall

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

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

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

7 (A) the procedures of the board; and

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

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

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

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

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

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

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

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

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

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

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

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

23 Sec. 18.61.190. DEFINITIONS. In this chapter

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

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

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

Economic Development.

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

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

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

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

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

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

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

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

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

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

1 department to carry out the purposes of this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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