

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672
5370 SLAB SB 300 (file 1) - (file 2) 942

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

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

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

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

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

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

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

27 * Sec. 24. The revisor of statutes shall

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

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

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

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

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

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11 repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ISSUES TO BE DECIDED BY THE COMMITTEE:

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

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 30, 1988

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

TO: Senator Tim Kelly

FROM: George Utermohle *GU*
Legislative Counsel

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 18.61.020 provides that municipalities may adopt, administer, and enforce municipal building, construction, and safety codes. If a municipality adopts a code adopted by the Department of Commerce and Economic Development under AS 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 by the department to enforce a state building, construction, or safety code to obtain, and maintain through continued education, appropriate certificates of competency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

access to public buildings and facilities by handicapped persons.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Senator Kelly
Page 8
January 30, 1988

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

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

GU:mkr
023/wkb2

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

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

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

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

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

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

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

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

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

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

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

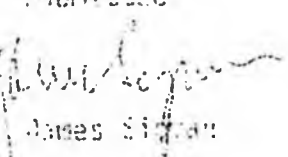
This bill is of major interest to many of us in the design and construction sector. I think that I can speak for many of my colleagues in saying we urge your careful consideration and passage of the bill in its currently presented format. Thank you again for your time and patience.

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

Nothing states that standards are conditional in nature, the goal is to establish a goal and whether or not the standards of a specific statute be met. The standards are not conditional, they are a goal and the standards are not conditional in nature, they are a goal.

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

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

Submitted:

James Sipman

JAN 22 1988

MEMORANDUM

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

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

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

DATE: January 21, 1988

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

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

Before I proceed with my additional comments, I would like to make you aware of my qualifications. I have been a participant in all, save one, of the meetings of the IUBO/APDC Committee, as a representative of the electrical industry. I have been an Alaskan resident for the past 30 years, working in the industry all of that time. I served as Alaska State Code Committee Chairman for the National Electrical Contractors Association for 4 years, a member of the International Association of Electrical Inspectors for 12 years, Chairman of the local chapter for 4 years, presently a member of the Northwestern Section of IAEI Executive Committee for 6 years, a Certified Inspector General for 7 years, a member of IBEW/NECA Apprenticeship Committee for 6 years, a member of Municipality of Anchorage Building Board for 7 1/2 years, a member of the National Fire Protection Association, Electrical Section for 5 years and member of the State of Alaska Board of Electrical Examiners for 2 years, Chairman for approximately 1 year, until "sunsetted". Presently, I am a self-employed Electrical Consultant, for the past 6 years.

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

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

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

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

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

3- Accessibility Standards was noted to be an issue:

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

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

4- Comments by Mr. Kent Lee Woodman:

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

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

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

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

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

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

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

E- Section 2. See above paragraph H.

F- Section 3. Section 18.61.010(c).

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

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

G- Section 3. Section 18.61.030.

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

H- Section 3. Section 18.61.040.

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

2. See above H-1.

3. To be established.

4. All is presently established in the Department.

of Commerce.

5. See above H-1.

6. This item would be the subject of Regulations.

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

8. To be answered/implemented by Regulations.

I- Section 12 18.70.100(a) Violations.

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

J- Section 21.

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

Very truly yours,

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

535-0791

Mr. Don Watts, Chairman 300 Code Enforcement Committee

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

5-1004X
Utermohle
1/7/88



BY FAIKS

1 IN THE SENATE

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 300

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

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

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

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

1 Development from the Department of Labor.

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

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

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

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

18 CHAPTER 61. BUILDING, CONSTRUCTION AND SAFETY CODES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HARD FOR MUNICIPAL OFFICIALS TO DO THIS

EMPLOYEE PERSON

1 structures;

2 (3) a mechanical engineer;

3 (4) an electrical engineer;

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

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

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

9 (8) a mechanical contractor;

10 (9) an electrical administrator;

11 (10) a fire protection consultant; and

12 (11) a public member.

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

19 (d) The board shall

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

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

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

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

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

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

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

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

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

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

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

1 days after the hearing.

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

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

7 Sec. 18.61.190. DEFINITIONS. In this chapter

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (a) A person who violates a [ANY] provision of AS 18.70.010 -
5 18.70.100 or the published regulations or orders adopted under those
6 sections [IT] from which an [NO] appeal has not been taken within 30
7 days after the issuance of a final order is [, SEVERALLY, FOR EACH
8 VIOLATION,] guilty of a misdemeanor, and is punishable by a fine of
9 not more than \$500, or by imprisonment for not more than six months,
10 or by both. A person aggrieved by a final order of the department
11 [DEPARTMENT OF PUBLIC SAFETY] may appeal to the superior court within
12 30 days after the issuance of the order. The imposition of one pen-
13 alty for a violation does not excuse the violation and a person guilty
14 of a violation shall correct the violation within a reasonable time.
15 [WHEN NOT OTHERWISE SPECIFIED, EACH 10 DAYS THAT A PROHIBITED CONDI-
16 TION IS MAINTAINED IS A SEPARATE OFFENSE.]

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

18 Sec. 18.70.990. DEFINITIONS. In this chapter

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 * Sec. 23. Notwithstanding AS 18.62.020, as amended by sec. 8 of this
13 Act, a certificate of fitness issued before the effective date of this
14 section is valid for the term for which the certificate was issued.

15 * Sec. 24. The revisor of statutes shall

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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STEVEN SHOWS -
GROUP ASSES W/ CONSIDERATION
? OR TO WRITE

?
WHAT ABOUT RULE AREAS


~~W~~

BRYCE GOODWIN - VOIRIE BUREAU
WANTS CODE IN SPILL THROUGHOUT STATE
OUTSIDE CITIES - OUBS SHE DESIGN & LEAD TO CODE
CITIES & MONITOR CHAIRMAN W/ SELF DISCIPLINE

Ken WOODRUM CONDENSED - Answer
IND. & ITC COMMUNITY ASSES.

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SUNSET RITE ON ELEC. BOARD - GOES FROM TO HEAD
12.6.030 NOT CLEAR

040. BOARD -
NEED TO BE ENFORCED

BAL REVIEWS - ALL
SUGGEST CONCEPT - ETHIC, CIPD OR PS
DISTIC UNIFORM  IND. RESPONSIBILITY SPANNAID P. 32.43

RUD WILSON DETIPE -

JOHN McLOOL - AFE'S ADJUSTING SUPPLYING CODES IS FORECAST
②
③ EST. APPROX. PROCEDURE

ANCIT

LARRY TEAGUE - PALMER

CEED INAPPROPRIATE - S/K P.S.

CLAY PORTER - CONTRACTOR

FAVOR CONCEPT

WALT GARBER - ANCIT

ICED - ACBE

VERNON WILSON

HOW MANY HRS PUT INTO THIS - VERNON

GET ACCUMULATE

HOW MANY HRS PUT INTO THIS - VERNON

Alaska State Legislature



PRESIDENT
907-465-3755

IAN FAIKS
POST OFFICE BOX V
JUNEAU, ALASKA 99811

Senate

August 17, 1987

MEMORANDUM

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

FROM: Senator Jan Faiks
President of the Senate

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

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

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

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

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

OUT OF SESSION

6060 YUKON DRIVE ANCHORAGE, ALASKA 99516 907-274-6611

Attached is a background memo which analyzes this bill. If I can provide further information, please do not hesitate to let me know. Your consideration of my request is appreciated.

Alaska State Legislature



PRESIDENT
907-465-3755

JAN FAIKS
POST OFFICE BOX V
JUNEAU, ALASKA 99811

Senate

August 17, 1987

MEMORANDUM

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

FROM: Senator Jan Faiks *Jan Faiks*
President of the Senate

SUBJECT: Background on Senate Bill 300
An Act relating to building, construction, and safety codes; consolidating building regulations; and transferring certain functions to the Department of Labor.

Senate Bill 300, relating to the consolidation of building regulations, has been referred to your committee for consideration.

The purpose of this legislation is to establish uniformity of application, interpretation, and enforcement of all building regulations. Senate Bill 300 seeks to consolidate the major building regulation functions by moving all licensing functions dealing with construction design and contracting into the same department (Department of Labor) that will be enforcing the building construction codes. Additionally, this bill provides for the adoption of uniform building and safety codes and establishes a state building regulations board.

All functions and programs covering building design, building plan review, building construction and inspection, and energy conservation would be moved from the Department of Transportation and Public Facilities, Department of Community and Regional Affairs, and Department of Public Safety into the Department of Labor.

OUT OF SESSION

6060 YUKON DRIVE ANCHORAGE, ALASKA 99516 907-274-6611

The fragmentation of the present system constantly creates confusion for the professionals and members of the public who become involved with the various codes and governing departments.

Specifically, Senate Bill 300 proposes the following:

Section 1. Amends AS 08.01.065(d) (Business and Professions; Centralized Licensing; Fees established by regulation) by requiring the Commissioner of Administration to separately account for the occupational licensing fees deposited in the general fund by each department, and allows the legislature to make appropriations to the appropriate department to carry out its activities under this title.

Section 2. Amends the definition of "commissioner" in AS 08.01.110(2) (Business and Professions; Centralized Licensing; Definitions) to refer to the commissioner of Commerce and Economic Development with respect to a board or occupation under that department; or to the commissioner of Labor with respect to a board or occupation under that department.

Section 3. Amends the definition of "department" under AS 08.01.110(3) (Business and Professions; Centralized Licensing; Definitions) to refer to either the Department of Commerce and Economic Development or the Department of Labor with respect to a board or occupation under the appropriate department.

Section 4. Amends AS 08.18.011(a) (Business and Professions; Construction Contractors; Registration Required) by replacing the reference to the Department of Commerce and Economic Development with the Department of Labor.

Section 5. Amends AS 08.18.041 (Business and Professions; Construction Contractors; Fees) by replacing the Department of Commerce and Economic Development with "department", to indicate the appropriate department (either Labor or Commerce and Economic Development) to collect fees.

Section 6. Amends AS 08.18.116 (Business and Profession; Construction Contractors; Investigations) to reference the appropriate department to investigate alleged violations.

Section 7. Amends AS 08.18.117 (Business and Professions; Construction Contractors; Issuance of Citations) to reference the appropriate department to issue citations for violations.

Section 8. Amends AS 08.18.118(c) (Business and Professions; Construction Contractors; Procedure and form of citation issuance and procedure) to reference the appropriate department to maintain citation books.

Section 9. Amends AS 08.18.118(d) (Business and Professions; Construction Contractors; Procedure and form of citation issuance and procedure) to reference the appropriate department to maintain citation books.

Section 10. Amends AS 08.18.118(e) (Business and Professions; Construction Contractors; Procedure and form of citation issuance and procedure) to reference the appropriate department to keep all damaged citations and records of the disposition of all issued citations by the court.

Section 11. Amends AS 08.18.121(f) (Business and Professions; Construction Contractors; Suspension and revocation of registration) to reference the appropriate department to give written notice of suspension.

Section 12. Amends AS 08.18.121(g) (Business and Professions; Construction Contractors; Suspension and revocation of registration) to reference the appropriate department against which equitable relief may be sought.

Section 13. Amends AS 08.18.131 (Business and Profession; Construction Contractors; Injunction) to reference the appropriate department which may enjoin a person from acting in the capacity of a contractor in violation of this chapter.

Section 14. Amends AS 08.18.141(b) (Business and Professions; Construction Contractors; Violations) to reference the appropriate department which may seek civil penalties in addition to the criminal penalties provided.

Section 15. Amends the definition of "commissioner" in AS 08.18.171(1) (Business and Professions; Construction Contractors; Definitions) to refer to the commissioner of Labor, instead of the commissioner of Commerce and Economic Development.

Section 16. Amends the definition of "department" in AS 08.18.171(4) (Business and Professions; Construction Contractors; Definitions) to mean the Department of Labor.

Section 17. Amends AS 08.40.010 (Business and Professions; Electrical Administrators; Creation and Membership of Board) by establishing the board within the Department of Labor.

Section 18. Amends AS 08.40.175 (Business and Professions; Electrical Administrators; Cease and Desist Order) to specify that the commissioner (of Labor) may issue a cease and desist order prohibiting further action by the person as an electrical administrator.

Section 19. Amends AS 08.40.178 (Business and Professions; Electrical Administrators; Injunctive Relief) to specify that the commissioner (of Labor) may seek an injunction in the superior court.

Section 20. Amends AS 08.40.200 (Business and Professions; Electrical Administrators; Definitions) by adding new definitions for "commissioner and "department", to refer to the Department of Labor.

Section 21. Amends AS 08.48.011(a) (Business and Professions; Architects, Engineers and Land Surveyors; Board Created) by moving the State Board of Registration for Architects, Engineers, and Land Surveyors from the Department of Commerce and Economic Development to the Department of Labor.

Section 22. Amends AS 08.48.071(a) (Business and Professions; Architects, Engineers and Land Surveyors; Records and Reports) to refer to the Department of Labor.

Section 23. Amends AS 08.48.071(e) (Business and Professions; Architects, Engineers and Land Surveyors; Records and Reports) to refer to the Department of Labor.

Section 24. Amends AS 08.48.071(f) (Business and Professions; Architects, Engineers and Land Surveyors; Records and Reports) to refer to the Department of Labor.

Section 25. Amends AS 08.48.265 (Business and Professions; Architects, Engineers and Land Surveyors; Fees) to refer to the Department of Labor.

Section 26. Amends AS 08.48.341 (Business and Professions; Architects, Engineers and Land Surveyors; Definitions) by defining "department" as the Department of Labor.

Section 27. Amends AS 18.60.180 (Health and Safety; Safety; Boilers; Regulations) by providing the department with the authority to formulate regulations for the sale of boilers, and eliminates the authority to promulgate definitions and regulations regarding the safe and proper construction, installation and repair of unfired pressure vessels.

Section 28. Amends AS 18.60.200 (Health and Safety; Safety; Boilers; New boilers and unfired pressure vessels) by adding a new subsection (b) requiring a person who installs a new boiler or unfired pressure vessel to inform the Department of Labor of the installation.

Section 29. Amends AS 18.60.210(a) (Health and Safety; Safety; Boilers; Exemptions) by adding that the licensing of boiler operators does not apply to the items enumerated in (a) of this statute.

Section 30. Amends AS 18.60.210(b) (Health and Safety; Safety; Boilers; Exemptions) by expanding the exemption in (3) to include all unfired pressure vessels containing only cold water under pressure (the current statute applies only to those vessels for domestic supply purposes).

Section 31. Amends AS 18.60.220 (Health and Safety; Safety; Boilers; Duties of the Department of Labor) by adding AS 18.60.395 (Licensing of Boiler Operators) to the list of duties.

Section 32. Amends AS 18.60.230 (Health and Safety; Safety; Boilers; Appointment of Deputy Inspectors) by adding language to govern the employment of trainee inspectors.

Section 33. Amends AS 18.60.230 (Health and Safety; Safety; Boilers; Appointment of Deputy Inspectors) by adding a new subsection (b) allowing trainee inspectors the opportunity to progressively develop their skills.

Section 34. Amends AS 18.60.240 (Health and Safety; Safety; Boilers; Appointment and Qualifications of Special Inspectors) by adding language to include trainee inspectors, and to enable the department to issue a state commission to an inspector of a company or municipality to operate as a special inspector to inspect boilers and pressure vessels.

Section 35. Amends AS 18.60.250 (Health and Safety; Safety; Boilers; Compensation for special inspectors prohibited) by adding language referencing municipalities.

Section 36. Amends AS 18.60.260 (Health and Safety; Safety; Boilers; Duty of special inspectors) by deleting language which exempts the owner and user of a boiler or unfired pressure vessel inspected by its special inspector from the payment of the inspection fees.

Section 37. Amends AS 18.60.260 (Health and Safety; Safety; Boilers; Duty of special inspectors) by adding a new subsection (b) which requires each special inspector employed by a municipality to inspect all boilers and unfired pressure vessels subject to inspection within the municipality.

Section 38. Amends AS 18.60.280 (Health and Safety; Safety; Boilers; Right of Inspection) by including reference to AS 18.60.395 (licensing of boiler operators).

Section 39. Amends AS 18.60.300(b) (Health and Safety; Safety; Boilers; Revocation or suspension of state commission) by referencing AS 18.60.940 (Appeals).

Section 40. Amends AS 18.60.320 (Health and Safety; Safety; Boilers; Inspection of boilers and unfired pressure vessels) by adding new subsections (c) and (d) which allows for an extension of the interval between internal inspections of utility and petrochemical boilers upon the approval of the inspection agency having jurisdiction.

Section 41. Amends AS 18.60.340(a) (Health and Safety; Safety; Boilers; Inspection Certificates) by eliminating language specifying how the certificate must be posted, so long as it is posted in a location convenient to the boiler of unfired pressure vessel.

Section 42. Amends AS 18.60.360(a) (Health and Safety; Safety; Boilers; Inspection fees) by simplifying the language of the fee provision.

Section 43. Amends AS 18.60.360 (Health and Safety; Safety; Boilers; Inspection fees) by adding new subsections (d) and (e) which exempts from payment of the inspection fees the owner or user of a boiler or unfired pressure vessel that is inspected by a special inspector employed by an insurance company or the owner of the boiler or unfired pressure vessel. However, inspection fees must be paid where a boiler or unfired pressure vessel has been inspected by a special inspector employed by a municipality.

Section 44. Amends AS 18.60.390 (Health and Safety; Safety; Boilers; Inspection Certificate Required) to reference AS 18.60.395 (Licensing of Boiler Operators) and replaces the criminal penalties with a civil fine.

Section 45. Amends AS 18.60.395(b) (Health and Safety; Safety; Boilers; Licensing of Boiler Operators) by specifying that licenses shall be provided for categories of operators of steam boilers.

Section 46. Repeals and reenacts AS 18.60.580 (Health and Safety; Safety; Electrical Safety; Minimum electrical standards). The department shall adopt regulations, based on national standards, for the minimum electrical standards.

Section 47. Repeals and reenacts AS 18.60.705 (Health and Safety; Safety; Plumbing Code), adopting portions of the Uniform Plumbing Code, the Uniform Solar Energy Code, and the Uniform Swimming Pool, Spa and Hot Tub Code as the minimum plumbing code for the state.

Section 48. Amends AS 18.60.715(e) (Health and Safety; Safety; Plumbing Code; Administration) by deleting references to fees.

Section 49. Amends AS 18.60.735 (Health and Safety; Safety; Plumbing Code; Borough or city regulation) by deleting unnecessary language.

Section 50. Amends the definition of "code" in AS 18.60.740(1) (Health and Safety; Safety; Plumbing Code) to mean the plumbing code adopted under AS 18.60.705 (Health and Safety; Safety;

Section 51. Repeals and reenacts AS 18.60.800(a) (Health and Safety; Safety; Elevator Safety Standards) to adopt minimum elevator standards.

Section 52. Amends AS 18.60.800(c) (Health and Safety; Safety; Elevator Safety Standards) by requiring that elevator inspections by the department follow the procedures set out in the National Safety Practice for the Inspection of Elevators and Escalators.

Section 53. Amends AS 18.60.800(d) (Health and Safety; Safety; Elevator Safety Standards) by requiring a municipality to enforce the standards that it adopts, else the department may assume enforcement.

Section 54. Adds new articles to AS 18.60, relating to Fire and Life Safety Criteria, Inspections and Enforcement, and establishing a Building Regulations Board.

Article 14 (Fire and Life Safety Criteria)

Section 18.60.860 (Adoption of Codes) The department shall adopt the Uniform Building Code, the Uniform Mechanical Code, and the Uniform Fire Code as the minimum fire and life safety criteria for the state.

Section 18.60.870 (Violation of Fire and Life Safety Criteria)

(a) A violation of a code is a misdemeanor, punishable by a fine of up to \$500 and/or imprisonment of up to six months.

(b) The Department of Labor may still enforce the removal of the prohibited conditions that constitute a safety hazard.

Article 15 (Inspections and Enforcement)

Section 18.60.900 (Inspection and Enforcement of Compliance)

(a) The Department of Labor may enter premises subject to inspection by the department during reasonable hours for the purposes of conducting an inspection to determine compliance with building, construction, and safety codes.

(b) Written notice shall be given to the owner of the premises of each violation discovered during an inspection.

(c) Unless the violation is corrected, or the owner appeals the notice of violation to the Building Regulations Board within 15 days after receipt of written notice, the matter will be turned over to the attorney general for prosecution.

(d) The commissioner may order a reinspection of a premises.

(e) The department may order the immediate abatement of an imminent danger to health or safety due to a code violation.

Section 18.60.910 (Fees) The commissioner may establish reasonable fees for fire and safety plan checks.

Section 18.60.920 (Code Adoption and Enforcement by Municipalities)

(a) Codes adopted by the department are not intended to preempt codes established by municipalities.

(b) Home rule or general law municipalities may prescribe standards that are not less stringent than those established by the department.

Section 18.60.930 (Civil Penalty) The commissioner may assess a civil penalty of up to \$1,000 for each violation

that is not corrected within 15 days after receiving written notice of violation.

Article 16 (Building Regulations)

Section 18.60.935 (Building Regulations Board)

(a) Creates the Building Regulations Board in the Department of Labor.

(b) The board is comprised of nine members with experience and training in matters relating to building construction and building service equipment. Members are appointed by the governor for a term of 4 years, and serve without compensation, but are entitled to travel expenses and per diem.

(c) The commissioner of labor is a non-voting, ex officio member of the board.

(d) The board shall interpret codes, recommend modifications of codes, serve as a board of appeals, and adopt regulations governing the conduct of the board and procedures for appeals to the board.

Section 18.60.940 (Appeals)

(a) A person aggrieved by an order or act of the department may appeal to the Building Regulations Board within 15 days after receiving the order. The board must hold a hearing within 30 days of the appeal, and shall give at least 10 days' notice of the hearing to all interested parties. A decision shall be issued within 30 days.

(b) A decision by the Board may be reviewed by the superior court. The petition for review must be filed within 30 days after the board issues its decision.

Section 55. Amends AS 18.70.010 (Health and Safety; Fire Protection; General function of Department of Labor with respect to fire protection) by replacing the Department of Public Safety with the Department of Labor.

Section 56. Amends AS 18.70.020 (Health and Safety; Fire Protection; Duties of Department of Labor) by replacing the Department of Public Safety with the Department of Labor.

Section 57. Amends AS 18.70.030 (Health and Safety; Fire Protection; Investigation of fires resulting from crime) by replacing the Department of Public Safety with the Department of Labor.

Section 58. Amends AS 18.70.040 (Health and Safety; Fire Protection; Cooperation with fire insurance companies) by replacing the Department of Public Safety with the Department of Labor.

Section 59. Amends AS 18.70.050 (Health and Safety; Fire Protection; Power of department to inspect buildings) by replacing the Department of Public Safety with the Department of Labor.

Section 60. Amends AS 18.70.060 (Health and Safety; Fire Protection; Removal of property from fire) by replacing the Department of Public Safety with the Department of Labor.

Section 61. Amends AS 18.70.070 (Health and Safety; Fire Protection; Abatement of fire hazards) by replacing the Department of Public Safety with the Department of Labor.

Section 62. Amends AS 18.70.080 (Health and Safety; Fire Protection; Regulations) by replacing the Department of Public Safety with the Department of Labor, and eliminating the language of (2) of the current statute, which calls for the adoption of regulations to establish minimum standards for fire and life safety criteria in commercial, industrial, business, institutional or other public building, and buildings used for residential purposes containing four or more dwelling units.

Section 63. Amends AS 18.70.081 (Health and Safety; Fire Protection; Approval of fire protection systems) by replacing the Department of Public Safety with the Department of Labor.

Section 64. Amends AS 18.70.090 (Health and Safety; Fire Protection; Enforcement of regulations) by replacing the Department of Public Safety with the Department of Labor.

Section 65. Amends AS 18.70.100 (Health and Safety; Fire Protection; Violation)

(a) Eliminates the language in the current statute which holds a person severally liable for each violation of the prevention and investigation provisions (AS 18.70.010 - 18.70.100), so that punishment for noncompliance is classified as a misdemeanor which is limited to a single fine of up to \$500 and/or imprisonment of up to six months.

(b) Replaces the Department of Public Safety with the Department of Labor and eliminates the language specifying the removal of prohibited conditions that constitute a fire or life safety hazard.

Section 66. Amends AS 18.70.310(a) (Health and Safety; Fire Protection; Hazardous materials and waste placards) by replacing the Department of Public Safety with the Department of Labor.

Section 67. Amends AS 18.70.310(b) (Health and Safety; Fire Protection; Hazardous materials and waste placards) by replacing the Department of Public Safety with the Department of Labor.

Section 68. Amends AS 18.70.310(c) (Health and Safety; Fire Protection; Hazardous materials and waste placards) by replacing the Department of Public Safety with the Department of Labor.

Section 69. Amends AS 18.70.310(d) (Health and Safety; Fire Protection; Hazardous materials and waste placards) by replacing the Department of Public Safety with the Department of Labor.

Section 70. Amends AS 18.70 by adding a new section of definitions (Section 18.70.990), defining "building" and "department".

Section 71. Amends the definition of "fire safety code" in AS 18.72.050(2) (Health and Safety; State Regulation of Fireworks) by replacing the Department of Public Safety with the Department of Labor.

Section 72. Amends AS 29.10.200 (Municipal Government; Home Rule Municipalities; Home Rule Limitations) by adding a new paragraph [(49) AS 29.35.085] to reference building and safety code enforcement.

Section 73. Amends AS 29.35 (Municipal Government; Municipal Powers and Duties) by adding a new section (Section 29.35.085 - Municipal Building and Safety Codes) which provides that standards adopted by a municipality for building and safety may not be less stringent than the codes adopted by the Department of Labor.

Section 74. Amends AS 29.35.500(a) (Municipal Government; Municipal Powers and Duties; Reporting) by replacing the Department of Public Safety with the Department of Labor.

Section 75. Amends AS 29.35.530(a) (Municipal Government; Municipal Powers and Duties; Duties of division of fire prevention) by replacing the Department of Public Safety with the Department of Labor.

Section 76. Amends AS 29.35.530(c) (Municipal Government; Municipal Powers and Duties; Duties of division of fire prevention) by eliminating the language which would allow the Department of Labor to request copies of inventories of hazardous materials submitted under AS 29.35.500, and from providing educational materials related to hazardous materials and hazardous wastes. These functions would be performed by either the Department of Environmental Conservation or the Department of Health and Social Services.

Section 77. Amends AS 29.35.590 by adding a new definition of "department" to indicate the Department of Labor.

Section 78. Amends AS 44.31.020 (State Government; Department of Labor; Duties of department) by adding language to place additional responsibilities upon the department to enforce the codes; plan and implement programs for energy conservation; adopt energy performance standards for public facilities of the state; provide planning assistance to school districts and regional educational attendance areas to develop and implement standards for the design, construction and operation of rural educational facilities; and publish and distribute plans to public or private entities or persons.

Section 79. Amends AS 44.41.100 (State Government; Department of Public Safety; Alaska State Fire Commission) by replacing the Department of Public Safety with the Department of Labor.

Section 80. Amends AS 44.62.330(a) (State Government; Administrative Procedure; Administrative Adjudication) by adding a new paragraph (55) to reference the Building Regulations Board.

Section 81. Amends AS 46.11.010 (Water, Air, Energy, and Environmental Conservation; Conservation of energy and materials; Thermal and lighting energy standards for public buildings) by replacing the Department of Transportation and Public Facilities with the Department of Labor.

Section 82. Amends AS 46.11.040 (Water, Air, Energy, and Environmental Conservation; Conservation of energy and materials; Applicability of thermal and lighting energy standards to private buildings) by replacing the commissioner of Community and Regional Affairs with the commissioner of Labor.

Section 83. Amends the definition of "department" in AS 46.11.900(2) (Water, Air, Energy, and Environmental Conservation; Conservation of energy and materials) by replacing

Department of Commerce and Economic Development with the Department of Labor.

Section 84. Amends the definition of "thermal and lighting energy standards" in AS 46.11.900(9) (Water, Air, Energy, and Environmental Conservation; Conservation of energy and materials) by replacing the commissioner of Transportation and Public Facilities and the commissioner of Community and Regional Affairs with the commissioner of Labor.

Section 85. Repeals the following statutes:

1. AS 18.60.280 - Department of Health and Safety;
Boilers; Right of Inspection Development
with the Department of Labor
2. AS 18.60.330 - Department of Health and Safety;
Boilers; Rules of Inspection
3. AS 18.60.370 - Department of Health and Safety;
Boilers; Appeals
4. AS 18.60.440 - Department of Health and Safety;
Refrigerators and Similar Equipment;
Appeals
5. AS 18.60.590 - Department of Health and Safety;
Electrical Safety; Borough and City
Electrical Safety Codes
6. AS 18.60.630 - Department of Health and Safety;
Electrical Safety; Enforcement of
Compliance
7. AS 18.60.650 - Department of Health and Safety;
Electrical Safety; Penalty for
violations
8. AS 18.60.720 - Department of Health and Safety;
Plumbing Code; Cost of permits
9. AS 18.60.725 - Department of Health and Safety;
Plumbing Code; Enforcement of Compliance
10. AS 18.60.725 - Department of Health and Safety;
Plumbing Code; Penalty for violations
11. AS 18.70.080(b) - Department of Health and Safety;
Fire Protection; Regulations
12. AS 18.70.300 - Department of Health and Safety;

General Provisions; Definition of
"building"

13. AS 44.42.020(a)(14)(15) - State Government; Department of Transportation and Public Facilities; Powers and Duties
14. AS 44.47.050(18) - State Government; Department of Community and Regional Affairs; General Powers and Duties

Section 86. Savings Clause. Any cases, investigations, or other proceedings under a law amended or repealed by this Act shall continue in effect.

Section 87. AS 44.41.100; 44.41.110; 44.41.120; and 44.41.130 shall be transferred to AS 18.70 as a new article.

Section 88. Effective date.

Alaska State Legislature



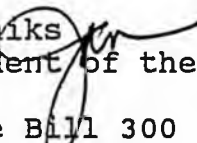
PRESIDENT
907-465-3755

JAN FAIKS
POST OFFICE BOX V
JUNEAU, ALASKA 99811

Senate

September 18, 1987

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

From: Jan Faiks 
President of the Senate

Subject: Senate Bill 300

Enclosed is a copy of the latest rewrite of Senate Bill 300, relating to the consolidation of building regulations.

A group of building professionals meets bimonthly to review this bill. This rewrite was generated from those meetings. The substance of the legislation is relatively unchanged; the format has been organized into five groupings of related topics: adoption of codes; building regulations board; consolidation of building regulations and enforcement of building codes; licensing of trades and professions; and "housekeeping" measures.

Of course, the final version of the bill will not take this form, but this will give you an idea of the general direction of this rewrite process. Basically, I would like to present a bill to the committee which will be more concise and easier-to-follow than the bill which was introduced.

I understand that the Senate Labor and Commerce Committee has tentatively scheduled a work session to discuss this bill next month. If you need additional materials or have any questions in preparation for that meeting, please contact Alexis Gabay of my staff at 561 7610.

OUT OF SESSION

6060 YUKON DRIVE ANCHORAGE, ALASKA 99516 907-274-6611



2/2/21

IN THE SENATE

BY FAIKS

SENATE BILL NO. 300

IN THE LEGISLATURE OF THE STATE OF ALASKA
FIFTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to building, construction, and safety codes; consolidating building regulations; and transferring certain functions to the Department of Public Safety."

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

ARTICLE 1. ADOPTION OF CODES

Section 1. CODES ADOPTED

Until suspended or repealed as authorized by this Section, the following shall be adopted as the minimum standards for the State of Alaska, effective upon adoption:

- A-Uniform Administrative Code
- B-Uniform Building Code
- C-National Electric Code (ANSI/NFPA 70)
- D-National Electrical Safety Code (ANSI C-2)
- E-Uniform Fire Code
- F-Uniform Mechanical Code
- G-Uniform Plumbing Code
- H-Uniform Solar Energy Code
- I-Uniform Swimming Pool, Spa & Hot Tub Code
- J-Uniform Sign Code
- K-Uniform Code for the Abatement of Dangerous Buildings.

L-Boiler Construction Code (ASME)

M-Safety Code for Elevators and Escalators (ANSI/ASME
A17.1)

N-Thermal & Lighting Energy Standards for Residential
and Commercial Buildings [Need publication number.]

O-Recreational Devices.[Need publication number.]

P-Uniform Federal Accessibility Standards

Section 2. EFFECTIVE DATE OF CODES.

The Department shall adopt the above Codes and Standards as minimum requirements by the end of the calendar year following the year in which the first printing of the latest edition of Codes and Standards is first published.

Section 3. AMENDMENTS TO CODES.

The Department shall make provisions to modify, amend or delete provisions of the Codes and Standards to conform to certain climatic conditions that exist in the State of Alaska.

Section 4. CODE ADOPTION AND ENFORCEMENT BY MUNICIPALITIES AND LOCAL JURISDICTIONS.

(a) Building, construction, and safety codes adopted by the department under this chapter are not intended to duplicate or preempt administration or enforcement of building, construction, and safety codes by municipalities.

(b) A home rule or general law municipality may prescribe by ordinance, rule, or order, standards that are not less stringent than those established by the department under authority of this chapter.

ARTICLE 2. BUILDING REGULATIONS BOARD.

Section 1. CREATION OF BUILDING REGULATIONS BOARD.

Sec. 18.60.935. BUILDING REGULATIONS BOARD. (a) There is created the Building Regulations Board in the Department of Public Safety.

(b) The board shall consist of eleven persons appointed by the governor for a term of three years. The persons appointed to the board shall have knowledge, experience and training in matters related to building construction and building service equipment. Members of the board serve without compensation but are entitled to travel expenses and per diem established for boards under AS 39.20.180.

(c) The board shall consist of the following:

Architect

Architect

General Contractor (Commercial)

General Contractor (Residential)

Mechanical Engineer

Mechanical Contractor

Electrical Engineer

Electrical Administrator

Fire Protection ^{CONSULTANT} Engineer (not an AK reg'd prof' l)

Structural Engineer (Civil Engineer)

Public Member

(d) The Administrative Official is an ex officio member of the board and shall serve as secretary to the board. The Administrative official is not a voting member of the board.

(e) The board shall

- (1) provide assistance in interpretations of building, construction, and safety codes enforced by the department;
- (2) recommend modifications of codes enforced by the department;
- (3) serve as a board of appeal under AS 18.60.940;
- (4) adopt regulations under AS 44.62 governing the conduct of the board and procedures for appeals to the board.

Section 2. APPEALS.

Sec. 18.60.940. APPEALS. (a) A person aggrieved by an order or act of the Department of Public Safety under this chapter or AS 18.70 may appeal to the Building Regulations Board within 15 calendar days after receiving the order or after the act occurs. The board shall hold a hearing within 30 calendar days of appeal and shall give at least 10 calendar days' notice of the hearing to all interested parties. Board decisions shall be rendered verbally at the conclusion of the hearing and issue a written decision within 15 calendar days.

(b) A person aggrieved by a decision of the board under (a) of this section may file a petition for review in the Superior Court. The petition for review must be filed within 30 calendar days after the person receives the written decision of the board.

(c) There shall be subcommittees established from the Building Regulations Board to expeditiously hear urgent request from agrieved parties. There shall be at least ³two members present with knowledge in the field that is being contested. There shall be established Electrical, Mechanical, and Architectural-Structural subcommittees.

ARTICLE 3. CONSOLIDATION OF THE STATE FUNCTIONS DEALING WITH BUILDING REGULATIONS AND ENFORCEMENT OF BUILDING CODES.

Section 1. CONSOLIDATION.

(a) The following shall be consolidated into the Department of Public Safety:

BUILDING CODE	STATUTE DEPARTMENT	REGULATIONS	STANDARDS ENFORCED
ASME Boiler & Pressure	AS 18.60.180	08 AAC 80.010 - 900	ASME Boiler & Pressure Vessel Code, 1983 Ed.
Electrical Safety	AS 18.60.580	08 AAC 70.010 - 090	National Electric & National Electric Safety Code, 1984 Ed.
Elevator Safety	AS 18.60.800	08 AAC 77.005 - 905	Safety Code for Elevators, Dumbwaiters, Escalators & Moving Walks. ANSI/ASMF/A17.1-1987
Plumbing Code	AS 18.60.705	08 AAC 63.010 - 030	Uniform Plumbing Code 1979 Edition
Recreational Devices	AS 05.20.010	13 AAC 15.160 - 320	Safety Code for Aerial Passenger tramways, B77.1 1960 - Ch 2, Uniform Bldg Code, 1967 - NFPA 101 1967
Hi Voltage Lines	AS 18.60.670	None	
Certificate of Fitness	AS 18.62.010	08 AAC 90.010 - 900	National Electric & National Electric Safety Codes, 1984 Ed.
Contractor Licensing	AS 08.18.011	12 AAC 21.010 - 300	Construction Contractors
Electrical Administrator	AS 08.40.010	12 AAC 02.010 - 900	National Electric & National Electric Safety Code, 1984
Architect, Engineers & land surveyors	AS 08.48.011	12 AAC 36 010 - 250	

BUILDING CODE	STATUTE DEPARTMENT	REGULATIONS	STANDARDS ENFORCED
Fire Protection	<i>Repeal</i> AS 18.70.010	13 AAC 50 010 - 080	Code & Standards (NFPA 10, 13, 13A, 53M, 56A, 56B, 56C, 56F, 76A)
	AS 18.72.010	13 AAC 51.010 - 060 13 AAC 52.010 - 040 13 AAC 55.010 - 150	Fireworks Fire Services General Provisions
Architectural Barriers Act			ANSI 117.1 1980

Section 2. FEES.

(a) A fee structure shall be established by the department for services rendered and permits issued.

(b) AS 08.01.065(d) is amended to read:

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

ARTICLE 4. LICENSING OF TRADES AND PROFESSIONS

§3 Add electrical examiners AS 08.40.088

Section 1. LICENSING ~~OF~~ TRADES: *PROFESSIONS*

(a) *professionals* Licensing and support functions for all construction related trades shall be transferred from the Department of Commerce and Department of Labor to the Department of Public Safety.

(b) Consolidation of all trades *profession* related licensing function shall be into the same division and building regulations.

~~(c) The Department shall set licensing and renewal fees. Fees shall be placed into the general fund.~~

Section 2. ARCHITECTS, ENGINEERS, AND LAND SURVEYORS BOARD.

AS 08.48.011(a) is amended to read:

There is ^{established} [CREATED] the State Board of Registration for Architects, Engineers, and Land Surveyors in the department of Public Safety. The board shall administer the provisions of this chapter and comply with the Administrative Procedure Act (AS 44.62).

AS 08.48.071(a) is amended to read:

The following record of the board's proceedings and of all applications for registration or authorization shall be kept by the department [DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT] under AS 08.01.050:

- (1) the name, age, and last known address of each applicant;
- (2) the date of application;
- (3) the place of business of the applicant;
- (4) the educations, experience, and other qualifications;
- (5) the type of examination required;
- (6) whether or not the application was rejected;
- (7) whether or not a certificate of registration or authorization was granted or endorsed;
- (8) the date of the action of the board;
- (9) other action taken by the board;
- (10) other information that [WHICH] may be considered necessary by the board.

(c) AS 08.48.071(e) is amended to read:

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

(d) AS 08.48.071(f) is amended to read:

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

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

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

(3) the number of persons making application for registration as a professional architect, engineer, or land surveyor over a five-year period;

(4) an account of registration fees collected under AS 08.48.201(b);

(5) a measure of the correspondence workload of a [ANY] licensing examiner employed by the department to carry out this chapter.

(e) AS 08.48.265 is amended to read:

Section 08.48.265. FEES. The department [DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT] shall set fees under AS 08.01.065 for examinations, registrations, certificates of authorization, and renewals of a certificate.

ARTICLE 5. DEFINITIONS

ARTICLE 6. HOUSE CLEANING

[Should we eliminate all house cleaning or do selected and critical house cleaning or put all in this section?]



Alaska Northern Chapter of ICBO

P.O. Box 73437 • Fairbanks, Alaska 99707-3437

Governor Steve Cowper
Box A
Juneau, AK 99811

March 8, 1988

RE: SB 300, Building Code Adoption and Consolidation

Dear Governor Cowper:

The Alaska Northern Chapter of ICBO is a concerned group of architects, code officials, contractors, engineers, and the like having extensive knowledge about building code application. We wholeheartedly endorse SB 300 only as currently submitted by Senator Faiks. We request your support of this bill for the betterment of the public and the state.

There is a need for state government to consolidate, streamline and update the code adoption, enforcement and review process. Currently, builders, contractors and design professionals must go through a maze of state agencies that enforce different editions of the codes causing conflicts and time delays. We do not advocate a larger code enforcement staff that adds a significant cost to the state. However, the creation of an appeals process and a building regulations board as set forth by SB 300 can resolve conflicts efficiently and effectively in a timely manner so that contractors and the state do not have to resort to costly and time consuming litigation.

Past experience has shown us that adoption of building codes is best left out of the political arena. Legislators generally are not familiar with the technical aspects to be considered and often rely on special interest groups for information to make their decisions.

We advocate the assignment of the consolidated department to commerce or public safety if a new department cannot be created. This bill has been scrutinized and approved by many in the private and public sectors that see this as an opportunity for constructive and needed change. Failure to support this effort will show that the state bureaucratic machine will not try to change to fit the needs of the public it is supposed to serve. Thank you for your time.

Sincerely,

Vince Meurlott, President
Alaska Northern Chapter of ICBO

xc: Senators Kelly, Eliason, Fahrenkamp, Faiks, Szymanski and Uehling
APDC
Interior Delegation

SB

300

(FILE 2)

1 IN THE SENATE

BY FAIKS

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 300

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6
7 For an Act entitled: "An Act relating to building, construction, and
8 safety codes; consolidating building regulation;
9 transferring certain functions to the Department of
10 Commerce and Economic Development; and providing for
11 an effective date."

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

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

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

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

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

1 Development from the Department of Labor.

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

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

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

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

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

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

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

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

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

29 (4) Uniform Mechanical Code, published by the International
30

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

structures;

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

(c) Members of the board serve a term of three years. A member of the board serves until a successor is appointed. An appointment to fill a vacancy on the board is for the remainder of the unexpired term. Members of the board serve without compensation but are entitled to per diem and travel expenses authorized by law for boards under AS 39.20.160.

(d) The board shall

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

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

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

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

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

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

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

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

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

days after the hearing.

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

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

Sec. 18.61.190. DEFINITIONS. In this chapter

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

(2) "code" means a building, construction, or safety code or standard adopted under AS 18.61.110;

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

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

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

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

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

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

(b) A regulation may not be adopted under (a) of this section that duplicates, conflicts with, or is inconsistent with the plumbing codes adopted under AS 18.01.010 (AS 18.00.035 - 18.00.040).

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

Sec. 18.62.010. CERTIFICATE OF FITNESS REQUIRED. In connection with work performed subject to the electrical codes and plumbing codes adopted under AS 18.01.010 (STANDARDS ESTABLISHED IN AS 18.60.530 AND

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

read:

(49) Building Regulations Board (AS 13.67.040).

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

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

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

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

(55) Building Regulations Board (AS 13.67.040).

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

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

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

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

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

[(A)] by the commissioner of commerce and economic

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

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

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

* Sec. 24. The revisor of statutes shall

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

(2) delete 'Public Safety' and insert 'Commerce and Economic Development' in AS 18.70.210; AS 18.72.050(2); and AS 19.35.500(a) and 19.35.530(a);

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

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

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

* Sec. 26. AS 18.60.100, 18.60.110, 18.60.120, 18.60.130, 18.60.140, 18.60.150, 18.60.160, 18.60.170, 18.60.180, 18.60.190, 18.60.200, 18.60.210, 18.60.220, 18.60.230, 18.60.240, 18.60.250, 18.60.260, 18.60.270, 18.60.280, and 18.60.295 are repealed.

* Sec. 27. AS 18.60.320, 18.60.330, 18.60.340, 18.60.350, 18.60.360, 18.60.370, 18.60.380, 18.60.390, 18.60.400, 18.60.410, 18.60.420, 18.60.430, 18.60.440, 18.60.450, 18.60.460, 18.60.470, 18.60.480, 18.60.490, 18.60.500, 18.60.510, 18.60.520, 18.60.530, 18.60.540, 18.60.550, 18.60.560, 18.60.570, 18.60.580, 18.60.590, 18.60.600, 18.60.610, 18.60.620, 18.60.630, 18.60.640, 18.60.650, 18.60.660, 18.60.670, 18.60.680, 18.60.690, 18.60.700, 18.60.710, 18.60.720, 18.60.730, 18.60.740, 18.60.750, 18.60.760, 18.60.770, 18.60.780, 18.60.790, 18.60.800, 18.60.810, 18.60.820, 18.60.830, 18.60.840, 18.60.850, 18.60.860, 18.60.870, 18.60.880, 18.60.890, 18.60.900, 18.60.910, 18.60.920, 18.60.930, 18.60.940, 18.60.950, 18.60.960, 18.60.970, 18.60.980, 18.60.990, and 18.60.1000 are repealed.

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

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

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

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

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

(b) Section 26 of this Act takes effect on the effective date of regulations adopting the Boiler Construction Code under AS 18.61.010, as enacted by sec. 2 of this Act.

(c) Section 27 of this Act takes effect on the effective date of regulations adopting the National Electrical Code and the National Electrical Safety Code under AS 18.61.011, as enacted by sec. 2 of this Act.

(d) Sections 6 and 13 of this Act take effect on the effective date of regulations adopting the Uniform Plumbing Code under AS 18.61.012, as enacted by sec. 2 of this Act.

(e) Section 28 of this Act takes effect on the effective date of regulations adopting the Uniform Building Code under AS 18.61.013, as enacted by sec. 2 of this Act.

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

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

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

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

International Conference of Building Officials

ALASKA CENTRAL CHAPTER

7233 Madelynne Drive

Anchorage, Alaska 99504-4656

907-337-6315

DATE: January 22, 1988

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

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

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

SUBJECT: SSSB 300 - Building Code Adoption and Consolidation

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

I. GENERAL COMMENTS

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

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

II. PRIORITIES

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

SSSB 300 Building Code Adoption and Consolidation

January 22, 1988

Page 2

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

III. MAJOR REASONS FOR NEEDED CONSOLIDATION

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

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

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

(2)

SSSB 300 Building Code Adoption and Consolidation
January 22, 1988
Page 3

V. PROBLEMS AND QUESTIONS ADDRESSED

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

Comments:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Suggestions:

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

- G. Which department should consolidation occur in?

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

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

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

Respectfully submitted,

Ron Watts

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