

importers' license required only of importers of malt beverages.

(S. B. 110)

Be it Enacted by the Legislature of the Territory of Alaska: tion 35-4-21 ACLA 1949 is hereby repealed.

Section 1. Subsection (J) of Sec-

Approved March 28, 1955

CHAPTER 132

AN ACT

To provide for the safety of life, limb, and property, and to create a Board of Boiler Rules to serve without salary and to formulate rules and regulations for the safe and proper construction, installation, repair, use and operation of boilers and for the safe and proper construction, installation and repair of unfired pressure vessels; to provide for the enforcement of the rules and regulations promulgated by the Board of Boiler Rules; to provide for the examination and appointment of boiler inspectors; to provide for the inspection of boilers and unfired pressure vessels, the fees to be charged, and the reports to be made thereof; to provide for inspection certificates; to provide for appeals; to establish a fund; and to provide a penalty for the violation of the provisions of this act.

(S. B. 118)

Be it Enacted by the Legislature of the Territory of Alaska: missioner of Labor, who shall be chairman and administrative officer of the Board, the Commissioner of Mines, the Superintendent of Public Works, the Insurance Commissioner and one member appointed by the Governor and approved by the legislature for a term of four years, who shall be a

Section 1. **Board of Boiler Rules Created.** (a) There is hereby created within the Department of Labor a Board of Boiler Rules, which shall hereafter be referred to as the "Board", consisting of the Com-

mechanical engineer on the faculty of the University of Alaska. Regular meetings of the Board shall be held in Juneau in January of each year. Special meetings may be called whenever necessary.

(b) Members of the Board shall serve without salary, but shall receive transportation and per diem for time away from home on a travel status.

(c) **Rules and Regulations.** The Board shall formulate definitions, rules and regulations for the safe and proper construction, installation, repair, use and operation of boilers and for the safe and proper construction, installation and repair of unfired pressure vessels in the Territory. The definitions, rules and regulations so formulated shall be based upon, and, at all times, follow the generally accepted nation-wide engineering standards, formulae, and practices established and pertaining to boiler and unfired pressure vessel construction and safety, and the Board may by resolution adopt an existing published codification thereof, known as The Boiler Construction Code of the American Society of Mechanical Engineers, with the amendments and interpretations thereto made and approved by the Council of the Society, and may likewise adopt the amendments and interpretations subsequently made and published by the same authority; and when so adopted the same shall be deemed incorporated into, and to constitute a part of the whole of the definitions, rules and regulations of the Board.

Amendments and interpretations to the Code so adopted shall be adopted immediately upon being promulgated, to the end that the definitions, rules and regulations shall at all times follow the generally accepted nation-wide engineering standards.

(2) The Board shall promulgate rules and regulations for the safe and proper installation, repair, use and operation of boilers, and for the safe and proper installation and repair of unfired pressure vessels which were in use or installed ready for use in this Territory prior to the date upon which the first rules and regulations under this Act pertaining to existing installations became effective, or during the twelve months period immediately thereafter.

(d) **Effective Date of Rules and Regulations** (1) The rules and regulations formulated by the Board shall have the force and effect of law, except that the rules applying to the construction of new boilers and unfired pressure vessels shall not be construed to prevent the installation thereof until twelve months after their approval by the Board.

(2) Subsequent amendments in the rules and regulations adopted by the Board shall be permissive immediately and shall become mandatory twelve months after such approval.

Section 2. New Boilers and Unfired Pressure Vessels. No power

boiler, low pressure boiler, or unfired pressure vessel which does not conform to the rules and regulations formulated by the Board governing new construction and installation shall be installed and operated in this Territory after twelve months from the date upon which the first rules and regulations under this Act pertaining to new construction and installation shall have become effective, unless the boiler or unfired pressure vessel is of special design or construction, and is not covered by the rules and regulations, nor is in any way inconsistent with such rules and regulations, in which case a special installation and operating permit may at its discretion be granted by the Board.

Section 3. Existing Boilers and Unfired Pressure Vessels. (a) All boilers and unfired pressure vessels which were in use, or installed ready for use in this Territory prior to the date upon which the first rules and regulations under this Act pertaining to existing installations became effective, or during the twelve months period immediately thereafter, shall be made to conform to the rules and regulations of the Board governing existing installations, and the formulae prescribed therein shall be used in determining the maximum allowable working pressure for such boilers and unfired pressure vessels.

(b) This Act shall not be construed as in any way preventing the use or sale of boilers or unfired pressure vessels as referred to in

subsection (a) of this section, provided they have been made to conform to the rules and regulations of the Board governing existing installations, and provided, further, that they have not been found upon inspection to be in an unsafe condition.

Section 4. Exemptions. (a) This Act shall not apply to the following boilers and unfired pressure vessels:

1. Boilers and unfired pressure vessels under federal regulation.

2. Unfired pressure vessels meeting the requirements of the Interstate Commerce Commission for shipment of liquids or gases under pressure.

(3) Air tanks located on vehicles operating under the rules of other territorial authorities and used for carrying passengers, or freight.

(4) Air tanks installed on the right of way of railroads and used directly in the operation of trains.

(5) Unfired pressure vessels having a volume of 5 cubic feet or less when not located in places of public assembly.

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

(b) The following boilers and unfired pressure vessels shall be exempt from the requirements of Sections 9, 10, 11 and 12 of this

Act:

(1) Boilers or unfired pressure vessels located on farms and used solely for agricultural purposes.

(2) Steam boilers used exclusively for heating purposes carrying a pressure of not more than 15 pounds per square inch gauge and which are located in private residences or in apartment houses of less than six families.

(3) Hot water heating boilers carrying a pressure of not more than 30 pounds per square inch and which are located in private residences or in apartment houses of less than six families.

(4) Unfired pressure vessels containing only water under pressure for domestic supply purposes, including those containing air, the compression of which serves only as a cushion or airlift pumping systems, when located in private residences or in apartment houses of less than six families.

(5) Unfired pressure vessels containing liquefied petroleum gases.

Section 5. Powers and Duties of Commissioner. The Commissioner of Labor, if authorized by the Board is hereby charged, directed and empowered:

(1) To cause the prosecution of all violators of the provisions of this Act.

(2) To issue, or to suspend, or revoke for cause, Inspection Certificates as provided for in Sec-

tion 11 of this Act.

(3) To take action necessary for the enforcement of the laws of the Territory governing the use of boilers and unfired pressure vessels and of the rules and regulations of the Board.

(4) To keep a complete record of the type, dimensions, maximum allowable working pressure, age, condition, location, and date of last recorded internal inspection of all boilers and unfired pressure vessels to which this Act applies.

(5) To do any other thing necessary to carry out the purposes of this Act.

Section 6. Deputy Inspectors: How Appointed. The Commissioner of Labor shall employ Deputy Inspectors who shall have had at time of appointment not less than five years practical experience in the construction, maintenance, repair, or operation of high pressure boilers and unfired pressure vessels as a mechanical engineer, steam engineer, boilermaker, or boiler inspector, and who shall have passed the examination provided for in Section 8 of this Act.

Section 7. Special Inspectors: How Appointed—Duties. (a) In addition to the Deputy Boiler Inspectors authorized by Section 6 of this Act, the Commissioner of Labor shall, upon the request of any company authorized to insure against loss from explosion of boilers and unfired pressure vessels in this Territory, or upon the request of any

company operating unfired pressure vessels, issue to any inspectors of said company commissions as Special Inspectors, provided that each such inspector before receiving his Commission shall satisfactorily pass the examination provided for in Section 8 of this Act, or, in lieu of such examination, shall hold a Certificate of Competency as an inspector of boilers and unfired pressure vessels for a State that has a standard of examination substantially equal to that of the Territory of Alaska or a Certificate as an inspector of boilers from the National Board of Boiler and Pressure Vessel Inspectors. A commission as a Special Inspector for a company operating unfired pressure vessels in this Territory shall be issued only if, in addition to meeting the requirements stated herein, the inspector is continuously employed by the company for the purpose of making inspections of unfired pressure vessels used, or to be used, by such company.

(b) Such Special Inspector shall receive no salary from, nor shall any of their expenses be paid by, the Territory and the continuance of a Special Inspector's Commission shall be conditioned upon his continuing in the employ of a boiler insurance company duly authorized as aforesaid or upon continuing in the employ of a company operating unfired pressure vessels in this Territory and upon his maintenance of the standards imposed by this Act.

(c) Such Special Inspectors shall

inspect all boilers and unfired pressure vessels insured or all unfired pressure vessels operated by their respective companies and, when so inspected, the owners and users of such boilers and unfired pressure vessels shall be exempt from the payment of the inspection fees as provided for in Section 12 of this Act.

(d) Each company employing such Special Inspectors shall within thirty days following each internal boiler or unfired pressure vessel inspection made by such inspectors, file a report of such inspection with the Commissioner of Labor upon appropriate forms as promulgated by the American Society of Mechanical Engineers. Reports of external inspections shall not be required except when such inspections disclose that the boiler or unfired pressure vessel is in a dangerous condition.

(e) The Commissioner of Labor, or any Deputy or Special Inspector, shall have free access, during reasonable hours, to any premises in the Territory where a boiler or unfired pressure vessel is being constructed, or is being installed or operated, for the purpose of ascertaining whether such boiler or unfired pressure vessel is constructed, installed and operated in accordance with the provisions of this Act.

Section 8. Examination for Deputy and Special Inspectors. (a) Examinations for Deputy or Special Inspectors shall be in writing and shall be held by the Board, or by

at least two members of the Board. Such examinations shall be confined to questions the answers to which will aid in determining the fitness and competency of the applicant for the intended service. In case an applicant for an inspector's appointment or Commission fails to pass the examination, he may appeal to the Board for another examination which shall be given by the Board within ninety days. The record of an applicant's examination shall be accessible to said applicant and his employer.

(b) A Commission may be suspended or revoked after due investigation and recommendation by the Commissioner of Labor to the Board for the incompetence or untrustworthiness of the holder thereof, or for wilful falsification of any matter or statement contained in his application or in a report of any inspection. A person whose Commission has been suspended or revoked, except for untrustworthiness, shall be entitled to apply to the Board for reinstatement or, in the case of a revocation, for a new examination and Commission after ninety days from such revocation.

A person whose Commission has been suspended or revoked shall be entitled to an appeal as provided in Section 14 of this Act and to be present in person and represented by counsel on the hearing of the appeal.

(c) If a Certificate or Commission is lost or destroyed a new Certificate or Commission shall be issued in its place without another

examination.

Section 9. Inspection of Boilers and Unfired Pressure Vessels. (a)

On and after July 1, 1955 each boiler and unfired pressure vessel used or proposed to be used within this Territory, except boilers or unfired pressure vessels exempt in Section 4 of this Act, shall be thoroughly inspected as to their construction, installation, condition and operation, as follows:

(1) Power boilers shall be inspected annually both internally and externally while not under pressure and shall also be inspected annually externally while under pressure if possible;

(2) Low pressure heating boilers shall be inspected both internally and externally biennially where construction will permit;

(3) Unfired pressure vessels subject to internal corrosion shall be inspected both internally and externally biennially where construction will permit, except that the Board may, in its discretion, provide for longer periods between inspections.

(4) Unfired pressure vessels not subject to internal corrosion shall be inspected externally at intervals set by the Board, but internal inspections shall not be required of unfired pressure vessels, the contents of which are known to be noncorrosive to the material of which the shell, head, or fittings are constructed, either from the chemical composition of the con-

tents or from evidence that the contents are adequately treated with a corrosion inhibitor, provided that such vessels are constructed in accordance with the rules and regulations of the Board or in accordance with standards substantially equivalent to the rules and regulations of the Board, in effect at the time of manufacture;

Provided, That in the case of power boilers a grace period of two months longer than the twelve months period may elapse between internal inspections of a boiler while not under pressure or between external inspections of a boiler while under pressure; in the case of low pressure heating boilers not more than twenty-six months shall elapse between inspections, and in the case of unfired pressure vessels not more than two months longer than the period between inspections prescribed by the Board shall elapse between internal inspections.

(b) Subject to the applicable grace period provided in subsection (a) of this section, the rules and regulations formulated by the Board applying to the inspection of unfired pressure vessels may be modified by the Board to reduce or extend the interval between required inspections where the contents of the vessel or the material of which it is constructed warrant special consideration.

(c) The inspections herein required shall be made by a Deputy Inspector, or by a Special Inspector

provided for in this Act.

(d) If at any time a hydrostatic test shall be deemed necessary to determine the safety of a boiler or unfired pressure vessel, same shall be made, at the discretion of the inspector, by the owner or user thereof.

(e) All boilers and all unfired pressure vessels to be installed in this Territory after the twelve months period from the date upon which the Rules and Regulations of the Board shall become effective shall be inspected during construction as required by the applicable rules and regulations of the Board by an inspector holding a Certificate from the National Board of Boiler and Pressure Vessel Inspectors, or a Certificate of Competency as an inspector of boilers for a state that has a standard of examination substantially equal to that of this territory as provided in section 8.

Section 10. Inspection Certificates. (a) If, upon inspection, a boiler or an unfired pressure vessel is found to comply with the rules and regulations of the Board, the owner or user thereof shall pay directly to the Deputy Inspector the sum of \$2 in the case of a boiler, and \$1 in the case of an unfired pressure vessel, and the Commissioner of Labor, or his duly authorized representative, shall issue to such owner or user an Inspection Certificate bearing the date of inspection and specifying the maximum pressure under which the

boiler or unfired pressure vessel may be operated. Such Inspection Certificate shall be valid for not more than fourteen months from its date in the case of power boilers and twenty-six months in the case of low pressure heating boilers, and for not more than two months longer than the authorized inspection period in the case of unfired pressure vessels. Certificates shall be posted under glass in the room containing the boiler or unfired pressure vessel inspected. If the boiler or unfired pressure vessel is not located within the building, the certificate shall be posted in a location convenient to the boiler or unfired pressure vessel inspected, or in the case of a portable boiler or unfired pressure vessel the certificate shall be kept in a metal container to be fastened to the boiler or vessel or in a tool box accompanying the boiler or unfired pressure vessel.

(b) No Inspection Certificate issued for an insured boiler or unfired pressure vessel inspected by a Special Inspector shall be valid after the boiler or unfired pressure vessel, for which it was issued, shall cease to be insured by a company duly authorized by this Territory to carry such insurance.

(c) The Commissioner of Labor or his authorized representative may at any time suspend an Inspection Certificate when, in his opinion, the boiler or unfired pressure vessel for which it was issued, cannot be operated without menace to the public safety, or when

the boiler or unfired pressure vessel is found not to comply with the rules and regulations herein provided. A Special Inspector shall have corresponding powers with respect to Inspection Certificates for boilers or unfired pressure vessels insured or unfired pressure vessels operated by the company employing him. Such suspension of an Inspection Certificate shall continue in effect until such boiler or unfired pressure vessel shall have been made to conform to the rules and regulations of the Board, and until said Inspection Certificate shall have been reinstated.

Section 11. Inspection Certificate Required: Penalty. After twelve months following the date on which this Act become effective, it shall be unlawful for any person, firm, partnership or corporation to operate under pressure in this Territory a boiler or unfired pressure vessel, to which this Act applies, without a valid Inspection Certificate as provided for in this Act. The operation of a boiler or unfired pressure vessel without such Inspection Certificate, or at a pressure exceeding that specified in such Inspection Certificate, shall constitute a misdemeanor on the part of the owner, user, or operator thereof and be punishable by a fine not exceeding \$1,000, or imprisonment not to exceed 6 months, or both, at the discretion of the court. Each day of such unlawful operation shall be deemed a separate offense.

Section 12. Inspection Fees. (a)

The owner or user of a boiler or pressure vessel required by this Act to be inspected by the Deputy Inspector, shall pay directly to the Deputy Inspector, upon completion of inspection, fees in accordance with the following schedule:

(1) Power Boilers—

Internal Inspections

Boilers of 5 h.p. or less, or 50 sq. ft. or less of heating surface\$5.00
Boilers over 5 h. p., or over 50 sq. ft. of heating surface ...\$12.00

External Inspections

Boilers over 50 sq. ft. of heating surface\$5.00
Low Pressure Heating Boilers—
Inspection of heating boilers..\$5.00
Not more than \$15 shall be charged or collected for any and all inspections, as above, of any boiler in any one year.

Hydrostatic Tests—

Where it is necessary to make a special trip to witness the application of a hydrostatic test \$5.00
Biennial or Required Inspection of Unfired Pressure Vessels—

Fees to be based on the maximum length of vessel times the maximum width or diameter.

Internal and/or external inspection of each unfired pressure vessel subject to inspection having a cross sectional area of 50 sq. ft. or less\$5.00

For each additional 100 sq. ft. of area in excess of 50 sq. ft., \$5.00

Provided, That not more than \$25 shall be paid per day for the actual inspection time of each inspector on any one vessel.

A group of pressure vessels, such as the rolls of a paper machine or dryer operating as a single machine or unit, shall be considered as one pressure vessel.

(2) Shop inspections, or the inspection of second hand or used boilers or pressure vessels by the Deputy Inspector shall be charged for at the rate of not less than \$15 for one-half day of four hours, and \$25 for one full day of eight hours.

“Second hand” shall mean an object which has changed ownership and location after primary use.

(b) **Disposition of Fees.** The Commissioner of Labor, by the Deputy Inspector, shall give an official receipt for said fees and shall transfer all sums so received to the Treasurer of the Territory to be covered into the fund established in Section 15.

Section 13. Deputy Inspectors to Furnish Bond. Each of the Deputy Inspectors, employed and paid by the Territory, shall furnish a bond in the sum of \$5,000 conditioned upon the faithful performance of their duties and upon a true account of moneys handled by them respectively and the payment thereof to the proper recipient. The cost of said bonds shall be paid by the Board.

Section 14. Appeals. Any person

aggrieved by an order or act of the Commissioner of Labor, or any Deputy Inspector, under this Act may, within fifteen days after notice thereof, appeal from such order or act to the Board which shall, within thirty days thereafter, hold a hearing after having given at least ten days written notice to all interested parties. The Board shall, within thirty days after such hearing, issue an appropriate order either approving or disapproving said order or act. A copy of such order by the Board shall be given to all interested parties. Within thirty days after any order or act of the Board any person aggrieved thereby may file a petition in the District Court for a review thereof. The Court shall summarily hear the petition and may make any appropriate order or decree.

Section 15. Creation of Boiler Fund. There is hereby created a fund, designated as the "Boiler Fund" to be administered by the

Commissioner of Labor under the direction of the Board of Boiler Rules. The Territorial Treasurer shall be custodian of the fund. The fund shall be composed of the money hereafter derived from inspection fees, fees paid by applicants for examination, and money appropriated to carry out the purposes of this Act. Payments from the fund for all expenses and other disbursements necessary to carry out the purposes of this Act shall be made upon vouchers approved by the Commissioner of Labor. The Fund shall be continuous until otherwise provided by law.

Section 16. Severability. The fact that any section, sub-section, sentence, clause, or phrase of this Act is declared invalid for any reason shall not affect the remaining portions of this Act.

Section 17. Effective date. This Act shall take effect July 1, 1955.

Approved March 28, 1955

CHAPTER 133

AN ACT

Designating November 30th as Anthony J. Dimond Day

(S. B. 141)

Be it Enacted by the Legislature of the Territory of Alaska:

Section 1. It is the intent of this Act to honor the memory of An-