

**CS FOR HOUSE BILL NO. 338(L&C)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 2/17/06

Referred: Finance

Sponsor(s): REPRESENTATIVES CHENAULT AND LYNN

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to applications, qualifications, and criminal history and background**  
2 **checks for a certificate of fitness for explosives handlers; and providing for an effective**  
3 **date."**

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

5 \* **Section 1.** AS 08.52.030 is amended to read:

6 **Sec. 08.52.030. Application for and issuance of certificate.** The department  
7 shall issue certificates of fitness. A certificate may be issued only to an individual. An  
8 applicant for a certificate shall apply in writing, under oath, on a form prescribed by  
9 the department containing

10 (1) the name and address of the applicant;

11 (2) the applicant's age;

12 (3) the applicant's citizenship; [AND]

13 (4) **the applicant's fingerprints and fees for a criminal background**  
14 **check conducted under AS 08.52.035; and**

1                    (5) other information that the department requires.

2    \* **Sec. 2.** AS 08.52 is amended by adding a new section to read:

3                    **Sec. 08.52.035. Criminal justice information and records.** (a) An applicant  
4                    for the issuance or renewal of a certificate of fitness under this chapter shall submit to  
5                    the department, with the application, the applicant's fingerprints and the fees required  
6                    by the Department of Public Safety under AS 12.62.160 for criminal justice  
7                    information and a national criminal history record check. The department shall submit  
8                    the fingerprints to the Department of Public Safety to obtain a report of criminal  
9                    justice information under AS 12.62 and a national criminal history record check under  
10                   AS 12.62.400. The Department of Public Safety may submit the fingerprints to the  
11                   Federal Bureau of Investigation for a national criminal history record check. The  
12                   department shall use the information obtained under this section in its determination of  
13                   an applicant's qualification for issuance or renewal of a certificate of fitness.

14                   (b) In this section, "criminal justice information" has the meaning given in  
15                   AS 12.62.900.

16    \* **Sec. 3.** AS 08.52.040 is amended to read:

17                   **Sec. 08.52.040. Issuance and contents of certificate.** If, upon investigation  
18                   and examination by the department, the applicant is found competent by reason of  
19                   training, experience, **criminal history and background check**, and physical fitness,  
20                   the department shall issue a certificate of fitness. The certificate **must** [SHALL] set  
21                   out the competency of the applicant and provide for positive identification of the  
22                   applicant, and shall be carried on the person engaged in handling explosives.

23    \* **Sec. 4.** AS 08.52.040 is amended by adding a new subsection to read:

24                   (b) The department shall establish in regulation standards of competency  
25                   based on training, experience, criminal history and background checks, and physical  
26                   fitness for the issuance of a certificate of fitness.

27    \* **Sec. 5.** AS 12.62.400 is amended by adding a new paragraph to read:

28                   (14) a certificate of fitness to handle explosives under AS 08.52.

29    \* **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).