

HOUSE BILL NO. 387

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES CRAWFORD, Tuck, Buch

Introduced: 2/23/10

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing a Board of Electrical Examiners and a Board of Mechanical**
2 **Examiners."**

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

4 *** Section 1.** AS 08.01.010 is amended by adding new paragraphs to read:

5 (39) Board of Electrical Examiners (AS 08.40.012);

6 (40) Board of Mechanical Examiners (AS 08.40.212).

7 *** Sec. 2.** AS 08.03.010(c) is amended by adding new paragraphs to read:

8 (23) Board of Electrical Examiners (AS 08.40.012) - June 30, 2014;

9 (24) Board of Mechanical Examiners (AS 08.40.212) - June 30, 2014.

10 *** Sec. 3.** AS 08.40 is amended by adding a new section to read:

11 **Sec. 08.40.012. Board of Electrical Examiners.** (a) The Board of Electrical
12 Examiners is created. The board is composed of five members appointed by the
13 governor and confirmed by the legislature. Two members shall be electrical
14 administrators licensed under this chapter, two members shall be journeymen holding

1 certificates of fitness issued by the Department of Labor and Workforce Development
2 under AS 18.62 in electrical wiring, and one member shall be a licensed electrical
3 administrator who has 10 years of professional experience as an electrical inspector
4 employed by the state under AS 18.60.580 - 18.60.660.

5 (b) The board shall hold at least one meeting each year. The board may hold
6 special meetings at the call of a majority of the members. A majority of board
7 members constitutes a quorum. If a quorum is present, a majority vote of those present
8 is sufficient to establish the decision of the board.

9 * **Sec. 4.** AS 08.40.045 is amended to read:

10 **Sec. 08.40.045. Categories of licenses.** The **board** [DEPARTMENT] may
11 adopt regulations establishing categories of electrical administrators, qualifications for
12 those categories, and the content of examinations for applicants for each category.

13 * **Sec. 5.** AS 08.40.050 is amended to read:

14 **Sec. 08.40.050. Regulations.** The **board** [DEPARTMENT] shall adopt
15 regulations subject to AS 44.62 (Administrative Procedure Act), relating to the
16 examination and licensing of electrical administrators and the establishing of the
17 continued competency of an applicant for license renewal and reinstatement.

18 * **Sec. 6.** AS 08.40.060 is amended to read:

19 **Sec. 08.40.060. Examinations.** A licensing examination shall be offered by
20 the **board** [DEPARTMENT] at least twice during each year at appropriate places in
21 the state.

22 * **Sec. 7.** AS 08.40.120(b) is amended to read:

23 (b) If an applicant for a license submits proof satisfactory to the **board**
24 [DEPARTMENT] that the applicant is licensed as an electrical administrator or the
25 equivalent by another state or territory, that the applicant meets qualifications
26 established by the **board** [DEPARTMENT] under AS 08.40.045, and that the
27 applicant has passed an examination equivalent to the test administered under (a) of
28 this section, the **board** [DEPARTMENT] shall waive all of the examination required
29 under (a) of this section.

30 * **Sec. 8.** AS 08.40.170(a) is amended to read:

31 (a) The **board** [DEPARTMENT] may take the disciplinary actions set out in

1 (d) of this section upon a finding that

2 (1) the license application is fraudulent or misleading;

3 (2) the licensee has knowingly violated AS 08.40.005 - 08.40.200, the
4 minimum electrical standards established under AS 18.60.580 - 18.60.590, or a lawful
5 order or regulation of the **board** [DEPARTMENT];

6 (3) the licensee is incompetent, or has engaged in fraudulent practices.

7 * **Sec. 9.** AS 08.40.170(d) is amended to read:

8 (d) The **board** [DEPARTMENT] may take the following disciplinary actions
9 under (a) of this section, singly or in combination:

10 (1) refuse to issue a license;

11 (2) permanently revoke a license;

12 (3) suspend a license for a specified period;

13 (4) censure or reprimand a licensee;

14 (5) impose limitations or conditions on the professional practice of a
15 licensee;

16 (6) require a licensee to submit to peer review;

17 (7) impose requirements for remedial professional education to correct
18 deficiencies in the education, training, and skill of the licensee;

19 (8) impose probation requiring a licensee to report regularly to the
20 department on matters related to the grounds for probation.

21 * **Sec. 10.** AS 08.40.170(e) is amended to read:

22 (e) The **board** [DEPARTMENT] may withdraw probationary status if the
23 deficiencies that required the sanction are remedied.

24 * **Sec. 11.** AS 08.40.170(f) is amended to read:

25 (f) The **board** [DEPARTMENT] may summarily suspend a license before a
26 final hearing is held or during an appeal if the **board** [DEPARTMENT] finds that the
27 licensee poses a clear and immediate danger to the public health and safety. A person
28 is entitled to a hearing conducted by the office of administrative hearings
29 (AS 44.64.010) to appeal the summary suspension within seven days after the order of
30 suspension is issued. A person may appeal an adverse decision of the department on
31 an appeal of a summary suspension to a court of competent jurisdiction.

1 * **Sec. 12.** AS 08.40.170(g) is amended to read:

2 (g) The **board** [DEPARTMENT] may reinstate a suspended or revoked
3 license if, after a hearing, the **board** [DEPARTMENT] finds that the licensee is able
4 to practice the profession with skill and safety.

5 * **Sec. 13.** AS 08.40.170(h) is amended to read:

6 (h) The department may accept the voluntary surrender of a license. A license
7 may not be returned to the person who surrendered the license unless the **board**
8 [DEPARTMENT] determines that the person is competent to resume practice and the
9 person pays the appropriate renewal fee.

10 * **Sec. 14.** AS 08.40.170(i) is amended to read:

11 (i) The **board** [DEPARTMENT] shall seek consistency in the application of
12 disciplinary sanctions. The **board** [DEPARTMENT] shall explain a significant
13 departure from prior decisions involving similar facts in the order imposing the
14 sanction.

15 * **Sec. 15.** AS 08.40.180 is amended to read:

16 **Sec. 08.40.180. Violation of AS 08.40.005 - 08.40.200.** A person who
17 knowingly violates AS 08.40.005 - 08.40.200, or who knowingly violates a valid
18 regulation or order of the **board** [DEPARTMENT] or a minimum electrical standard
19 established under AS 18.60.580 - 18.60.590 that was in effect at the time that the
20 installation or repair was made, is guilty of a misdemeanor, and upon conviction is
21 punishable by a fine of not more than \$5,000.

22 * **Sec. 16.** AS 08.40.200 is amended by adding a new paragraph to read:

23 (6) "board" means the Board of Electrical Examiners.

24 * **Sec. 17.** AS 08.40 is amended by adding a new section to read:

25 **Sec. 08.40.212. Board of Mechanical Examiners.** (a) The Board of
26 Mechanical Examiners is created. The board is composed of five members appointed
27 by the governor and confirmed by the legislature. Two members shall be mechanical
28 administrators licensed under this chapter, two members shall be journeymen holding
29 certificates of fitness issued by the Department of Labor and Workforce Development
30 under AS 18.62 in plumbing, and one member shall be a licensed mechanical
31 administrator who has 10 years of professional experience working as a mechanical

1 inspector employed by the state under AS 18.60.230 and 18.60.235.

2 (b) The board shall hold at least one meeting each year. The board may hold
3 special meetings at the call of a majority of the members. A majority of board
4 members constitutes a quorum. If a quorum is present, a majority vote of those present
5 is sufficient to establish the decision of the board.

6 * **Sec. 18.** AS 08.40.230 is amended to read:

7 **Sec. 08.40.230. Categories of licenses.** The **board** [DEPARTMENT] may
8 adopt regulations establishing categories of mechanical administrators, qualifications
9 for those categories, and the content of examinations for applicants for each category.

10 * **Sec. 19.** AS 08.40.240 is amended to read:

11 **Sec. 08.40.240. Regulations.** The **board** [DEPARTMENT] shall adopt
12 regulations under AS 44.62 (Administrative Procedure Act) relating to the
13 examination and licensing of mechanical administrators and the establishing of the
14 continued competency of licensees for license renewal and reinstatement.

15 * **Sec. 20.** AS 08.40.250 is amended to read:

16 **Sec. 08.40.250. Examinations.** The **board** [DEPARTMENT] shall conduct
17 licensing examinations at least twice each year at appropriate places in the state.

18 * **Sec. 21.** AS 08.40.270(b) is amended to read:

19 (b) If an applicant for a license submits proof satisfactory to the **board**
20 [DEPARTMENT] that the applicant is licensed as a mechanical administrator or the
21 equivalent by another state or territory, meets qualifications established by the **board**
22 [DEPARTMENT] under AS 08.40.230, and has passed an examination equivalent to
23 the test administered under (a) of this section, the **board** [DEPARTMENT] shall
24 waive all of the examination required under (a) of this section.

25 * **Sec. 22.** AS 08.40.320(a) is amended to read:

26 (a) The **board** [DEPARTMENT] may take the disciplinary actions set out in
27 (d) of this section upon a finding that

28 (1) the license application is fraudulent or misleading;

29 (2) the licensee has knowingly violated AS 08.40.210 - 08.40.490, a
30 code listed in AS 08.40.490(3)(A), or an order or regulation of the **board**
31 [DEPARTMENT]; or

1 (3) the licensee is incompetent or has engaged in fraudulent practices.

2 * **Sec. 23.** AS 08.40.320(d) is amended to read:

3 (d) The **board** [DEPARTMENT] may take the following disciplinary actions
4 under (a) of this section, singly or in combination:

5 (1) refuse to issue a license;

6 (2) permanently revoke a license;

7 (3) suspend a license for a specified period;

8 (4) censure or reprimand a licensee;

9 (5) impose limitations or conditions on the professional practice of a
10 licensee;

11 (6) require a licensee to submit to peer review;

12 (7) impose requirements for remedial professional education to correct
13 deficiencies in the education, training, and skill of the licensee;

14 (8) impose probation requiring a licensee to report regularly to the
15 department on matters related to the grounds for probation.

16 * **Sec. 24.** AS 08.40.320(e) is amended to read:

17 (e) The **board** [DEPARTMENT] may withdraw probationary status if the
18 deficiencies that required the sanction are remedied.

19 * **Sec. 25.** AS 08.40.320(f) is amended to read:

20 (f) The **board** [DEPARTMENT] may summarily suspend a license before a
21 final hearing is held or during an appeal if the **board** [DEPARTMENT] finds that the
22 licensee poses a clear and immediate danger to the public health and safety. A person
23 is entitled to a hearing conducted by the office of administrative hearings
24 (AS 44.64.010) to appeal the summary suspension within seven days after the order of
25 suspension is issued. A person may appeal an adverse decision of the department on
26 an appeal of a summary suspension to a court of competent jurisdiction.

27 * **Sec. 26.** AS 08.40.320(g) is amended to read:

28 (g) The **board** [DEPARTMENT] may reinstate a suspended or revoked
29 license if, after a hearing, the **board** [DEPARTMENT] finds that the licensee is able
30 to practice the profession with skill and safety.

31 * **Sec. 27.** AS 08.40.320(h) is amended to read:

1 (h) The **board** [DEPARTMENT] may accept the voluntary surrender of a
 2 license. A license may not be returned to the person who surrendered the license
 3 unless the **board** [DEPARTMENT] determines that the person is competent to resume
 4 practice and the person pays the appropriate renewal fee.

5 * **Sec. 28.** AS 08.40.320(i) is amended to read:

6 (i) The **board** [DEPARTMENT] shall seek consistency in the application of
 7 disciplinary sanctions. The **board** [DEPARTMENT] shall explain a significant
 8 departure from prior decisions involving similar facts in the order imposing the
 9 sanction.

10 * **Sec. 29.** AS 08.40.380(a) is amended to read:

11 (a) A person who knowingly violates AS 08.40.210 - 08.40.490, or who
 12 knowingly violates a regulation **of the board, an** [OR] order of the department, or a
 13 code listed in AS 08.40.490(3)(A) that was in effect at the time that the installation or
 14 repair was made, is guilty of a misdemeanor, and upon conviction is punishable by a
 15 fine of not more than \$5,000.

16 * **Sec. 30.** AS 08.40.490 is amended by adding a new paragraph to read:

17 (6) "board" means the Board of Mechanical Examiners.

18 * **Sec. 31.** AS 08.01.010(17) is repealed.

19 * **Sec. 32.** The uncodified law of the State of Alaska is amended by adding a new section to
 20 read:

21 TRANSITION. (a) Notwithstanding AS 08.40, as amended by this Act, a license
 22 issued under AS 08.40 before the effective date of this Act is valid for the period issued and,
 23 on expiration, shall be subject to the renewal provisions of AS 08.40, as amended by this Act.

24 (b) Notwithstanding (a) of this section, the Department of Commerce, Community,
 25 and Economic Development, without prior approval of the Board of Electrical Examiners or
 26 the Board of Mechanical Examiners, may issue a license or renew a license on or after the
 27 effective date of this section and before the effective date of the regulations initially adopted
 28 by the

29 (1) Board of Electrical Examiners setting out procedures under which license
 30 applications and renewals are submitted for board review and approval; or

31 (2) Board of Mechanical Examiners setting out procedures under which

1 license applications and renewals are submitted for board review and approval.

2 (c) Litigation, hearings, investigations, and other proceedings pending under a statute
3 amended by this Act, or in connection with functions transferred from the Department of
4 Commerce, Community, and Economic Development to the Board of Electrical Examiners or
5 the Board of Mechanical Examiners by this Act, continue in effect and may be continued and
6 completed notwithstanding a transfer or amendment provided for in this Act.

7 (d) Contracts, rights, liabilities, and obligations created by or under a law amended by
8 this Act and in effect on the effective date of this Act, remain in effect notwithstanding this
9 Act taking effect. Records, equipment, appropriations, and other property of the Department
10 of Commerce, Community, and Economic Development the functions of which are
11 transferred under this Act shall be transferred to implement the provisions of this Act.

12 * **Sec. 33.** The uncodified law of the State of Alaska is amended by adding a new section to
13 read:

14 TRANSITIONAL PROVISIONS APPLICABLE TO THE BOARD OF
15 ELECTRICAL EXAMINERS. Notwithstanding AS 08.01.035, the members of the Board of
16 Electrical Examiners appointed under sec. 3 of this Act shall be appointed to staggered terms
17 in the first year, as follows:

18 (A) one member shall be appointed to serve one year;

19 (B) two members shall be appointed to serve two years; and

20 (C) two members shall be appointed to serve three years.

21 * **Sec. 34.** The uncodified law of the State of Alaska is amended by adding a new section to
22 read:

23 TRANSITIONAL PROVISIONS APPLICABLE TO THE BOARD OF
24 MECHANICAL EXAMINERS. Notwithstanding AS 08.01.035, the members of the Board of
25 Mechanical Examiners appointed under sec. 17 of this Act shall be appointed to staggered
26 terms in the first year as follows:

27 (A) one member shall be appointed to serve one year;

28 (B) two members shall be appointed to serve two years; and

29 (C) two members shall be appointed to serve three years.