

SENATE CS FOR CS FOR SS FOR HOUSE BILL NO. 249(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 4/28/93
Referred: Finance

Sponsor(s): REPRESENTATIVE G.DAVIS

A BILL

FOR AN ACT ENTITLED

1 "An Act reestablishing the Board of Electrical Examiners and extending the
2 termination date of the Board of Mechanical Examiners; relating to electrical and
3 mechanical administrators; and providing for an effective date."

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

5 * Section 1. AS 08.01.110(2) is amended to read:

6 (2) "commissioner" means the commissioner of commerce and
7 economic development except that, with respect to the Board of Mechanical
8 Examiners, the Board of Electrical Examiners, and licensing by those boards,
9 "commissioner" means the commissioner of labor;

10 * Sec. 2. AS 08.01.110(3) is amended to read:

11 (3) "department" means the Department of Commerce and Economic
12 Development except that, with respect to the Board of Mechanical Examiners, the
13 Board of Electrical Examiners, and licensing by those boards, "department"
14 means the Department of Labor;

- 1 * **Sec. 3.** AS 08.03.010(c)(15) is amended to read:
2 (15) Board of Mechanical Examiners (AS 08.40.220) - June 30, 1994
3 [1992];
- 4 * **Sec. 4.** AS 08.03.010(c) is amended by adding a new paragraph to read:
5 (25) Board of Electrical Examiners (AS 08.40.011) - June 30, 1994.
- 6 * **Sec. 5.** AS 08.40.011(a) is amended to read:
7 (a) There is created the Board of Electrical Examiners consisting of three
8 members appointed by the governor, subject to confirmation by the legislature,
9 including a [, TWO OF WHOM ARE] licensed electrical administrator, a
10 professional engineer registered under AS 08.48, [ADMINISTRATORS] and [ONE
11 OF WHOM IS] a public member. The governor shall provide for geographical
12 distribution in the appointments.
- 13 * **Sec. 6.** AS 08.40.011 is amended by adding a new subsection to read:
14 (c) Notwithstanding AS 08.01.035, the members of the board shall serve
15 staggered terms of three years.
- 16 * **Sec. 7.** AS 08.40.090(a) is amended to read:
17 (a) A person may not act as an electrical administrator in the state without a
18 license issued by the department unless the person is covered by an exclusion under
19 AS 08.40.190.
- 20 * **Sec. 8.** AS 08.40.135(b) is amended to read:
21 (b) A lapsed license may be reinstated upon proof of continued competency,
22 and by payment of all unpaid renewal fees and any penalty fee established under
23 AS 08.01.100(b), unless the license has been lapsed for more than four [TWO] years.
24 If a person's license has been lapsed for more than four [TWO] years, the person is
25 required to take an examination under AS 08.40.120.
- 26 * **Sec. 9.** AS 08.40.180 is amended to read:
27 Sec. 08.40.180. VIOLATION OF AS 08.40.010 - 08.40.200. A person who
28 knowingly violates AS 08.40.005 - 08.40.200, or who knowingly violates a valid rule,
29 regulation, or order of the board, is guilty of a violation [MISDEMEANOR, AND
30 UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN \$300,
31 OR BY IMPRISONMENT FOR NOT MORE THAN 60 DAYS OR BY BOTH].

1 * Sec. 10. AS 08.40.200(2) is amended to read:

2 (2) "department" means the Department of Labor [COMMERCE AND
3 ECONOMIC DEVELOPMENT];

4 * Sec. 11. AS 08.40.220(a) is amended to read:

5 (a) There is created the Board of Mechanical Examiners consisting of three
6 members, including a licensed mechanical administrator, a professional engineer
7 registered under AS 08.48, and a public member [. EACH MEMBER OF THE
8 BOARD SHALL RESIDE IN A DIFFERENT JUDICIAL DISTRICT OF THE
9 STATE. TWO MEMBERS OF THE BOARD SHALL BE LICENSED
10 MECHANICAL ADMINISTRATORS AND ONE MEMBER SHALL BE A PUBLIC
11 MEMBER. ONE OF THE LICENSED MECHANICAL ADMINISTRATOR
12 MEMBERS OF THE BOARD SHALL BE A RESIDENT OF A COMMUNITY
13 WITH A POPULATION OF LESS THAN 5,000 PERSONS].

14 * Sec. 12. AS 08.40.260(a) is amended to read:

15 (a) A person may not act as a mechanical administrator without a license
16 unless the person is covered by an exclusion under AS 08.40.390.

17 * Sec. 13. AS 08.40.330 is amended to read:

18 Sec. 08.40.330. INVESTIGATIONS. The department [EITHER THE
19 DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT OR THE
20 DEPARTMENT OF LABOR] may investigate alleged or apparent violations of
21 AS 08.40.210 - 08.40.490. The [A] department, upon showing proper credentials, may
22 enter, during regular hours of work, a construction site where it appears that
23 mechanical work is being done. The [A] department may make inquiries about the
24 identity of the mechanical administrator or the person acting in the capacity of a
25 mechanical administrator. Upon demand, a mechanical administrator or person acting
26 in the capacity of a mechanical administrator, or that person's representative, shall
27 produce evidence of current licensure.

28 * Sec. 14. AS 08.40.340 is amended to read:

29 Sec. 08.40.340. ISSUANCE OF CITATIONS. The department [EITHER
30 THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT OR
31 THE DEPARTMENT OF LABOR] may issue a citation for a violation if there is

1 probable cause to believe a person has violated AS 08.40.210 - 08.40.490. Each day
2 a violation continues after a citation for the violation has been issued constitutes a
3 separate violation.

4 * **Sec. 15.** AS 08.40.350(c) is amended to read:

5 (c) The department is [DEPARTMENT OF COMMERCE AND ECONOMIC
6 DEVELOPMENT AND THE DEPARTMENT OF LABOR ARE] responsible for the
7 issuance of books containing appropriate citations [,] and [EACH] shall maintain a
8 record of each book issued and each citation contained in it. The [EACH] department
9 shall require and retain a receipt for every book issued to an employee of the [THAT]
10 department.

11 * **Sec. 16.** AS 08.40.350(d) is amended to read:

12 (d) The department [THAT ISSUES A CITATION UNDER AS 08.40.340]
13 shall deposit the original or a copy of the citation with a court having jurisdiction over
14 the alleged offense. Upon its deposit with the court, the citation may be disposed of
15 only by trial in the court or other official action taken by the magistrate, judge, or
16 prosecutor. The department [THAT ISSUED THE CITATION] may not dispose of
17 a citation [IT] or copies of it or of the record of its issuance except as required under
18 this subsection and (e) of this section.

19 * **Sec. 17.** AS 08.40.350(e) is amended to read:

20 (e) The department [DEPARTMENT OF COMMERCE AND ECONOMIC
21 DEVELOPMENT AND THE DEPARTMENT OF LABOR] shall require the return
22 of a copy of every citation issued [BY THE RESPECTIVE DEPARTMENT] under
23 AS 08.40.340 and of all copies of every citation that has been spoiled or upon which
24 an entry has been made and not issued to an alleged violator. The department
25 [DEPARTMENTS] shall also maintain, in connection with every citation issued [BY
26 THE RESPECTIVE DEPARTMENT], a record of the disposition of the charge by the
27 court where the original or copy of the citation was deposited.

28 * **Sec. 18.** AS 08.40.360 is amended to read:

29 Sec. 08.40.360. CEASE AND DESIST ORDER. (a) If the commissioner of
30 labor [COMMERCE AND ECONOMIC DEVELOPMENT] determines that a person
31 is acting as a mechanical administrator in violation of AS 08.40.210 - 08.40.490, the

1 commissioner may issue a cease and desist order prohibiting further action by the
2 person as a mechanical administrator. The cease and desist order remains in effect
3 until the person has submitted evidence acceptable to the commissioner showing that
4 the violation has been corrected.

5 (b) A person affected by an order issued under (a) of this section may seek
6 equitable relief preventing the commissioner [OF COMMERCE AND ECONOMIC
7 DEVELOPMENT] from enforcing the order.

8 * Sec. 19. AS 08.40.370 is amended to read:

9 Sec. 08.40.370. INJUNCTIVE RELIEF. The commissioner of labor
10 [COMMERCE AND ECONOMIC DEVELOPMENT] may seek an injunction in the
11 superior court to enjoin a person from violating AS 08.40.210 - 08.40.490.

12 * Sec. 20. AS 08.40.380(a) is amended to read:

13 (a) A person who knowingly violates AS 08.40.210 - 08.40.490, or who
14 knowingly violates a regulation or order of the board or the department, is guilty of
15 a violation [MISDEMEANOR, AND UPON CONVICTION IS PUNISHABLE BY A
16 FINE OF NOT MORE THAN \$300, OR BY IMPRISONMENT FOR NOT MORE
17 THAN 60 DAYS, OR BY BOTH].

18 * Sec. 21. AS 08.40.490(1) is repealed and reenacted to read:

19 (1) "department" means the Department of Labor;

20 * Sec. 22. EXEMPTION FROM AS 44.66.050(e). This Act is exempt from
21 AS 44.66.050(e) to the extent that AS 44.66.050(e) provides that no more than one board may
22 be continued or reestablished in a legislative bill.

23 * Sec. 23. TRANSITION. (a) Except to the extent that they are inconsistent with this Act,
24 the regulations of the Board of Electrical Examiners that were in effect on the day before the
25 effective date of this Act, shall govern licensing by the Board of Electrical Examiners
26 reestablished under this Act until the regulations are amended or repealed by the board.

27 (b) Notwithstanding AS 08.40, as amended by this Act, or the terms of a license, the
28 license of an electrical administrator that is valid on the effective date of this Act remains
29 valid until December 31, 1993, or until revoked or suspended by the Board of Electrical
30 Examiners, whichever occurs earlier, if the licensee submits an application for license renewal
31 to the board before August 1, 1993.

1 (c) Notwithstanding AS 08.40.220(a), as amended by sec. 11 of this Act, the members
2 of the Board of Mechanical Examiners who hold office on the effective date of this Act, retain
3 their membership on the board until the expiration of their terms, their resignation, or their
4 removal by the governor, whichever occurs earlier. After the effective date of this Act, the
5 governor shall make appointments to the board as vacancies occur so that AS 08.40.220(a),
6 as amended by sec. 11 of this Act, is implemented expeditiously.

7 (d) Litigation, hearings, investigations, and other proceedings pending under a law
8 amended or repealed by this Act, or in connection with functions transferred by this Act,
9 continue in effect and may be continued and completed notwithstanding a transfer or
10 amendment or repeal provided for in this Act.

11 (e) Contracts, rights, liabilities and obligations created by or under a law amended or
12 repealed by this Act and in effect on the effective date of this Act, remain in effect
13 notwithstanding this Act's taking effect. Records, equipment, appropriations, and other
14 property of agencies of the state whose functions are transferred under this Act shall be
15 transferred to implement the provisions of this Act.

16 * Sec. 24. This Act takes effect immediately under AS 01.10.070(c).