

3 - 2 - 82

H B - 159

H B . 595

H B 832

Alaska State Legislature



MEMBERS:
TERRY MARTIN, CHAIRMAN
BERNARD BYLSMA, VICE CHAIRMAN
RICHARD RANDOLPH
TERRY GARDINER
BRIAN ROGERS

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OFFICIAL BUSINESS

House of Representatives LABOR AND COMMERCE COMMITTEE

Contact: Joan Mathews
465-3657/3783

FOR IMMEDIATE RELEASE

REGULATION OF CONTRACTORS SUBJECT OF TELECONFERENCE

The House Labor & Commerce Committee has scheduled a statewide teleconference hearing of HB 832 on Tuesday, March 23, at 1:00 pm PST (Juneau time).

House Bill 832 addresses problems that some consumers have had in their dealings with home contractors and specialty home contractors, as well as concerns of legitimate contractors that a small minority of contractors are giving the entire industry a bad name. The bill was originally requested by the Consumer Protection Agency.

The bill would expand registration requirements of general home or specialty home contractors to include construction experience and business history. This information would be available for public inspection.

The bill would also create a home construction surety account. A person who has a complaint against a home contractor for loss of money, personal property, or real property could file a claim for loss against this fund.

Claims could be made for loss resulting from misrepresentation; nonpayment to materialmen, subcontractors, or laborers; defective

materials, or negligent workmanship, among other things.

Terry Martin, chairman of the House Labor & Commerce Committee, said the teleconference hearing had been scheduled after several groups and individuals had indicated they wished to give additional testimony.

"We're hearing a lot of horror stories about problems consumers have had with builders," Martin said. "Many builders, as well, are concerned that a few bad contractors might undermine the reputations of all builders. We hope this bill will resolve some of those problems."

Persons interested in testifying should contact the House Labor & Commerce Committee in Juneau, or call their local Legislative Information Office.

~~Gilbert~~
~~Barry~~

3/2/82

HB 595
HB 832
HB 159

1:08

000

Call to order. Have brief intro to both bills

004

Rogers added that HB 159 is also ready to pass from committee;
Rogers moved to adopt CS HB 159 & report bill out of comm.; withdrew
Mo to wait till end of mtg when comm can sub bill.

HB 595
~~HB 832~~
018

Martin moved not to continue WB; send ltr to spks & gov
(listen to tape) necessary corres be xmted to approp people.
Rogers objected; trying to get more info before taking action.
Discussion; Martin noted that all corres. wd be forwarded
with bill when reported from committee.

Vote: for Randolph Bycoma Martin Opposed - Rogers
Mo passed.

HB 832
053

Martin asked Barry for overview.

056

Barry - bill is technically deregulation.
first set say contractors will register; says what type work
they will be in business to perform.
Also gives ^{registers.} officers of company as public
sets forth surety fund ^{so} people have redress for damages;
o establish mechanism making st responsible for taking
approp. action.

093

Terry Dale - Reg Reform Pgm, Ofc of Special Projects, Govt -
identified problem areas bet contractors & ind's;
went over ^{past} attempts to rectify problems, & ~~total~~ progress
to date, & what they had planned at time bill
was int'd. Think bill is in right direction, but may
have problems.

130 Rogers asked if his office helped draft bill; DeLo said partly.
Discussion of some sections of bill Rogers focuses difficulties with.

155 Connie Sikes, Asst Atty, Consumer Protection - have handled cases such as those addressed in bill. Went over examples. Drafted bill for gov's consideration, but took it out in Dec. Spoke with people affected, got suggestions. Concern about surety fund - gave examples. ~~Some~~ ^{some} builders, ^(Ane) supported testing concept, some even on statewide basis, rather than surety fund. ~~Dept~~

223 Dept of Revenue had gotten re surety fund; said Phil Wall, Dept Rev, should speak to that.

230 Feels bill is step in right direction, but might need further work, more input. Supports ideas of bill, especially public information portions. Industry feels there should be more involvement of lending institutions, perhaps AHFC - they have interest in seeing homes are well-built. Feels, except on owner-built home, certification of licensing, bonding, etc, should be done by VA.

- 1) certificates of occupancy
- 2) proof of licensure of contractor/subcontractor
- 3) cert'n by contractor that home is built to code

280 Rogers - concerned abt bill, but more concerned abt alternatives suggested. Next to impossible to devise state wide rules dealing w/homes that take into account regional building differences. A test might make sense in larger cities, but local govts shd do that. Gave examples of other problems.

300 ~~Discussion~~ Response by Sikes - clarified what surety fund wd cover. Discussion of surety fund, & funding of fund.

Rogers suggested setting fund up similar to medical malpractice (^{fund}) fund.

360 Gardiner asked how this wd affect owner-built homes.

Sikes felt it shd not directly affect them. Saw possible abuse if owner built home every summer & sold it every winter. Discussion of possible sitns.

395 Rogers concerned that defn of contractor means building more than ^{house} one per yr. Gave example of sitn.

Martin asked abt some kind of bond to be posted at time of sale. Talked about options.

457 Joe Guthrie - had difficulties w/ contractor last yr.

~~Comment~~ Think bill is excellent; will help people solve serious problems. Need regulation. Problem probably can't be remedied by testing; product of bad faith, gross negligence, cutting corners, misrepresentation, extortion, etc.

500 Referred to sections dealing w/ ^{customer} public valuations - p. 2, 6 14-15 shd ^{have} be stmt that customer complaints & valuations shd be kept in file; shd not be limited to incidents arising after date of act; shd apply to previous experiences as well.

571 re p. 4, l. 17 re liens - feels that ~~too~~ home const contractors
(materialmen, subcontractors, & laborers)
& those wkg for contractors should not be allowed to file
mechanics liens - failure of contractors to pay is one
I had problems w/ owner paying for liens filed by
materialmen, subcontractors, & laborers. Owner has no
control over contractor paying them.

640 p. 7, l. 4-7, ^{re} contractor not required to furnish waiver until
dispute is settled; one is unable to get permanent
financing wk. mechanics lien exists against home.
Contractors use this to force pymt; ~~the~~ used as
extortion.

704 p. 7, l. 22 re estimated date of completion - this shd be a definite
date.

p. 8, l. 2 - ^{there} shd be some kind of agmt between parties
^{wk} re, although necessary

Side B
005 p. 9, 9-15 - doesn't solve problem when dispute concerns
quality of work.

023 Gardner - wants assessment of how widespread these problems are.
Guthrie said Sikes might have more info; thought area worthy of
study. Discussion.

086 Rogus asked ^{good} contractors independently assessing themselves
\$1,000 + advertising. Builders wd keep bad apples out;
self-regulating. Wd eliminate need for laws.
Guthrie felt that was ~~the~~ best solution.

124 Martin said he'd like to set up telecon w/ Ane & Fox
o allow add'l time for public input.

138 ~~Paul~~ Paul Troch - p. 3, sec. 5 (a) - all for requiring
we use for contractors; however, discreet problem -
can't get comp ins unless you have an employee. One
can be a contractor & have no emp's at all. ~~Paul~~
Rogers asked if this cd be corrected by chng "as" to "if".

186 Jim Mc Conegy - Pres, Gen Homebuilders Assoc - (spoke from
prepared testimony & first spoke to comm. govt) -
Almost never have satisfied customer because of misplaced
expectations & human nature.

216 (from stmt:) Said most builders only make 4-5% profit.
HB 833 attempt to control Crooks in homebuilding industry.
Local homebuilders want this, too. High % of local
builders participate in national educational pgms. Don't
get much ~~also~~ assistance from banks, govt entities.

- 1) new classes of gen & specialty contractors unnecessary
& under : : .
- 2) listing supervisory employees not sensible; chng freqly
& have no interest
- 3) p. 2, l. 16 - ~~oppose~~
- 4) new fee schedule shd apply to all classes of contractor
- 5) 08.18.02 (p. 3, l. 15) - commented
- 6) p. 8, l. 16 - compared to maintaining similar types of
records for politicians in effort to show that this wd
be unfair to builder.

322 ~~§~~ Requested committee not pass bill.

329 Discussion of ~~Bill~~ ~~in response to condition~~
builder's problems & consumers complaints.

410 Rogers asked if Homebuilders Assoc wd consider coordinating
statutes w/ other Assns to self-insure & try to keep
out undesirable types.

_____ felt they wd, & spoke of past attempts to do such
things. Rogers felt that wd eliminate need for surety
fund in legislation. Discussion of. _____ wasn't sure
how that wd work w/o ins backing them.

496 Martin said again they'd set up teleconf
Rogers suggested homebuilders meet w/ AEs to discuss
possibility of setting up self-insured type of pgm.
_____ asked we contact him.

H3159
525 Rogers moved to adopt & report out CS HB 157 LLC
w/ FN^{10/11} - \$32,000 ^{6^{1/2}} _{en und} \$450,000 ad Inj Ind
No obj; Acm - passed unanimously.

567 Adjourned 2:32

SIGN-IN SHEET

HB832

Name (please print)	Address	Representing	Testify? (YES or NO)	Phone Number
OK Terry Dale	Pouch A Juneau	Regulatory Reform Program		465-3538
Judy Gilmore	Pouch A Juneau 99811	Regulatory Reform Program	No.	465-3538
Steve Hamilton	P.O. Box 985 Aniak Bay Ak.	Quick Draw Const.		784-0258
Thomas Nordin	P.O. Box 2786 Juneau	Nowhere CDWYO.		789-2729
J.D. Knight	P.O. Box 971 Aniak Bay, AK. ⁹⁹⁸²¹	Quick Draw Const.		789-0052
Walter Swanson	P.O. Box 3172 Juneau	Century 21-Nugget Realty		789-0992
Daniel Dees	Box 2206 Juneau 99803	Deed Const		789-9767
Kenneth Moore	Pouch D Juneau	Div of Ins		465-2515
HARRY TREAGER	Pouch D Juneau	Div. Occ Lic		465-2534
Jacine McClintock	P.O. Box 1149 Juneau	Div. of Unempl. Comp.	?	465-2790
Judy Knight	✓	Dept. of Labor	?	465-2700
LEE VAN SICKLE	Box 1044 ANIAK BAY	CONTRACTOR		799-9995
Connie J Sipe	420 L St Anchorage #100	CAW - Cons. Protection	yes	2763550
DWIGHT PERKINS	P.O. Box 2868 Juneau	Plumbers and Pipefitters 2.U. 262		586-2874
Tom Cashen	3200 Foster Juneau	IBEW Local 1547		586-3050
DARLENE STEPHENS	600 W WILCOUGHBY	CAPITAL REALTY		586-2300

LABOR & COMMERCE COMMITTEE
DAILY COMMITTEE HEARING

Date: 3/2/82

Place: _____

<u>Members</u>	<u>Present</u>	<u>Absent</u>	<u>Time Arrived</u>	<u>Time Left</u>
Rep. B. Bylsma, V. Chair	✓		1:00	
Rep. D. Randolph	✓		1:00	
Rep. B. Rogers	✓		1:00	
Rep. T. Gardiner	✓			
Rep. T. Martin, Chair	✓		1:17	
			1:00	

Subject Matter:

House Bill No. 595 832 159 _____

Senate Bill No. _____

Special Orders:

MR. CHAIRMAN,
Members of the Committee;

One of the few things that I remember from my college education is that you should always proceed from the known to the unknown. With that in mind I am going to make a few statements that may, at first glance, appear to be unrelated to the matter before this group, but please bear with me and I will try to reach the main point quickly.

There are many things that everyone knows. For example:

1. Everyone knows that all Puerto Ricans and Cubans are dope smugglers.
2. Everyone knows that all teenagers are no good rebels that should either be drafted or placed in reform school.
3. Everyone knows that all bureaucrats are drones and parasites.
4. There is a growing concensus that all politicians are "on the take".
5. And certainly everyone knows that all homebuilders are not only incompetent but are outright cheats and frauds.

After all the current Reader's Digest states on page 81, (Building Your Own Home Makes Sense), "But even those who just act as contractors and finish the insides of their homes can save from 30 percent to 45 percent of what a developer built home would cost."

Let me digress a moment. The real truth revealed in a nation wide study is that less than 10% of all builders are able to exceed a 10% profit margin. The vast majority are in the 4 to 5 percent profit margin. One well known local real estate agent told me that he was not in the side line of building homes because, "it would be stupid to invest that much money for a 3 month period then have to stand behind the product for at least 1 year for no more than a real estate commission." Now I will return to my theme.

House Bill No. 832, before you today, is an effort to control all of the crooks in the home building business. I assure you that the local Homebuilders Association as well as the State and National groups are in sympathy with that objective over the last 4 or 5 years, ~~We~~ have consistently urged enforcement of the existing

regulations

legislation because we believe that the out-of-state fly-by-night builder is not good for the local business man; he is not good for the consumer; and he is not good for the state. Generally he does not even buy a vehicle license, but takes all wages and profits back outside with him while leaving everyone else with the problems. Beyond our opposition to the unlicensed builders we have continuously striven for adherence to a strict code of ethics and business practice among the licensed contractors. A very high percentage of our local builder members participate in the nationwide education programs.

To date our pleading has met with very little response. The City and Borough flatly refuses to even ask for the contractors license number on a building permit application. The banks have been no help whatsoever. The Juneau office of the Department of Occupational Licensing does not have adequate staff; occasionally when inspectors are brought in from Anchorage, they do nothing but check on contractors that are already licensed. Therefore, we are glad to see some thought being given to our problems.

In making a few specific comments on HBE32 I would observe the following;

- a.) The new classifications of "general home contractor" and "specialty home contractor" are not necessary because the current classifications are adequate, The new classifications, are not desirable because of the vast amount of paper work and staff required to establish and maintain the distinction. There is probably an organization chart already in existence that shows a Director and Assistant Director of the Division of Home Contracting.
- b.) The listing of "supervisory employees" to obtain the construction experience and history of the applicant make no sense to me as these people change constantly and have no financial stake in the business apart from their day to day jobs.
- c.) Line 16 of page 2 indicates that the applicants file will be more of a matter of public record and open to more public inspection than is normal for such information.

d.) If the new fee schedule is valid for General Contractors because of increased cost of administration it should be valid for all classifications. Again, I do not believe that the new classifications are justified.

e.) It would be easy to discuss the proposed Section 08. 18. 102 for at least an hour, but I will limit myself to 3 comments:

- 1. There is no protection given the consumer that he does not already live under existing contract law. The new feature is that he does not have to use due process of law to prove damages, *and collect money*
- 2. In view of the over all intent of the legislation, I suppose we should be thankful for the nice after thought at line 17 on page 5 where the contractor shall be given an opportunity to present evidence in opposition to the claim.
- 3. May I rephrase the requirements of paragraph 6 on page 8 in terms that you might identify with more closely?

SECTION 08, 18, 107 REQUIRED PRACTICES FOR STATE LEGISLATORS

- 6) provide to a prospective voter a brochure which the opposition party shall prepare providing the following information:
 - (A) a statement that the candidacy of the politician is not an endorsement or an evaluation of that candidates qualifications.
 - (B) an evaluation form (to be filled out after 2 years).
 - (C) the address and phone number of at least two party offices where all voter opinions, complaints and accusations regarding the candidate are maintained and routinely circulated to the press.
 - (D) an explanation of complaint procedures, including instructions on how to tap ^{the} political surety account established by AS 08. 18. 102.

Ladies and gentlemen, the point is this: If you watched the McNeil Lehrer Report last night you must realize that the American Home Builder is currently an endangered species _____ please do not put a \$20,000 bounty on his hide.

774.

It has often been said that it is impossible to make a silk purse out of a sow's ear. Likewise, it is impossible to make House Bill No. 832 into legislation that is acceptable to the Home Builders Association. We respectfully request a strong "do not pass" endorsement from this committee. Thank you.

Bill No.

House Bill 832

Date

March 2, 1982

Title

"An Act Relating to the Regulation of Contractors and providing for an effective date."

Contact:

Judy Knight
Judy Knight
465-2700

The Department of Labor supports the proposed addition to AS 08.18.101, which would require contractors to provide evidence of Workers' Compensation insurance coverage before a certificate of registration is issued. While there are triggers in the Workers' Compensation Act to provide for the department to be notified when an employer cancels or fails to renew his Workers' Compensation insurance coverage, historically it has been difficult to identify those employers who do not initially secure the required insurance. The provision proposed in House Bill 832 in this regard will assist the department in identifying uninsured employers and in enforcing the provisions of AS 23.30.045.

The department also supports the concept of a single agency assuming responsibility for both contractor licensing and enforcement functions. The existing separation of these functions is confusing to the public and creates a variety of administrative barriers which hamper effective enforcement of the licensing requirements. A lack of funding has prevented the department from developing an enforcement plan for contractor's licensing; however, the department's inspectors and investigators do enforce contractor licensing in connection with other inspections or investigations.

POSITION PAPER/Department of Labor

CENTRALIZED LICENSING ACT, AS 08.01

MISCELLANEOUS PROVISIONS, AS 08.02

TERMINATION, CONTINUATION AND REESTABLISHMENT
OF REGULATORY BOARDS, AS 08.03

**CHAPTER 01
CENTRALIZED LICENSING**

Section

- 10. Applicability of chapter
- 20. Board organization
- 25. Public members
- 30. Quorum
- 40. Transportation and per diem
- 50. Administrative duties of department
- 60. Application for license
- 70. Administrative duties of boards
- 80. Department regulations
- 87. Powers and duties of department
- 90. Applicability of the Administrative Procedure Act
- 100. License renewal, lapse and reinstatement
- 105. Penalty for improper payment
- 110. Definitions

Sec. 08.01.010. Applicability of chapter. This chapter applies to the

- (1) Board of Public Accountancy;
- (2) Board of Barbers and Hairdressers;
- (3) Repealed by Sec. 6 ch 32 SLA 1971.
- (4) Board of Chiropractic Examiners;
- (5) Board of Dental Examiners;
- (6) Board of Electrical Examiners;
- (7) State Board of Registration for Architects, Engineers and Land Surveyors;
- (8) State Medical Board;
- (9) Board of Nursing;
- (10) Board of Examiners in Optometry;
- (11) Board of Pharmacy;
- (12) Real Estate Commission;
- (13) Board of Veterinary Examiners;
- (14) Board of Psychologist and Psychological Associate Examiners;
- (15) Collection Agency Board;
- (16) Board of Welding Examiners;
- (17) Board of Marine Pilots;
- (18) Board of Dispensing Opticians;
- (19) Guide Licensing and Control Board;
- (20) State Physical Therapy Board. (Sec 1 ch 59 SLA 1966; am Sec 2 ch 136 SLA 1967; am Sec 2 ch 101 SLA 1968; am Sec 6 ch 143 SLA 1968; am Sec 2 ch 151 SLA 1968; am Sec 1 ch 106 SLA 1970; am Sec 6 ch 32 SLA 1971; am Sec 4 ch 179 SLA 1972; am Sec 2 ch 45 SLA 1973; am Sec 14 ch 65 SLA 1973; am Sec 1 ch 43 SLA 1975; am Sec 1 ch 43 SLA 1977; am ch 159 SLA 1980)

Effect of amendments.—The first 1973 amendment added paragraph (18).

The second 1973 amendment inserted "and Psychological Associate" in paragraph (14).

The 1975 amendment added paragraph (19).

The 1977 amendment added paragraph (20).

The 1980 amendment created the Board of Barbers and Hairdressers.

Sec. 08.01.020. Board organization. Unless otherwise provided, all board members are appointed by the governor and serve at his pleasure. Unless otherwise provided, the governor shall designate the chairman of the board, and all other officers shall be elected by the board members. (Sec 1 ch 59 SLA 1966)

Sec. 08.01.025. Public members. No public member of a board may:

- (1) be engaged in the occupation which the board regulates;
- (2) be associated by legal contract with a member of the occupation which the board regulates except as a consumer of the services provided by a practitioner of the occupation; or
- (3) have a direct financial interest in the occupation which the board regulates. (Sec 1 ch 258 SLA 1976)

Sec. 08.01.030. Quorum. A majority of the membership of a board constitutes a quorum unless otherwise provided. (Sec 1 ch 59 SLA 1966)

Sec. 08.01.040. Transportation and per diem. A board member is entitled to transportation expenses and per diem as set out in AS 39.20.180. (Sec 1 ch 59 SLA 1966)

Sec. 08.01.050. Administrative duties of department. (a) The department shall provide the following administrative and budgetary services when appropriate:

- (1) collect fees and issue receipts;
- (2) maintain records and files;
- (3) issue and receive application forms;
- (4) notify applicants of acceptance or rejection of applicants as determined by the board;
- (5) designate dates examinations are to be held and notify applicants;
- (6) public notice of examination;
- (7) arrange space for holding examinations;
- (8) notify applicants of results of examinations;
- (9) issue licenses and certificates or temporary licenses or certificates as authorized by the board;
- (10) except as otherwise provided in this title, issue duplicate licenses or certificates upon proof by the licensee of loss of the original and payment by the licensee of a fee of \$2;
- (11) notify licensees of renewal dates at least 30 days before the expiration date of their licenses;
- (12) compile and maintain current a register of licenses;
- (13) answer routine inquiries;

- (14) maintain files relating to individual licensees;
- (15) arrange for printing and advertising;
- (16) purchase supplies;
- (17) employ secretarial help when needed;
- (18) perform other services which may be requested by the board;

(19) provide investigative services to the boards established under (AS 08.13) AS 08.20, AS 08.36, AS 08.64, AS 08.68, AS 08.71, AS 08.72, AS 08.80, AS 08.84, and AS 08.88, for the purpose of assisting those boards in matters of professional discipline.

(b) The form and content of a license, authorized by a board listed in Sec. 10 of this chapter, including any document evidencing renewal of a license, shall be determined by the department after consultation with and consideration of the views of the board concerned. (Sec 1 ch 59 SLA 1966; am Sec 1 ch 102 SLA 1976; am Sec 39 ch 218 SLA 1976; am Sec 2 ch 258 SLA 1976; am ch 49 SLA 1980)

Sec. 08.01.060. Application for license. All applications for examination or licensing to engage in the business or profession covered by this chapter shall be made in writing to the department. (Sec 1 ch 59 SLA 1966)

Sec. 08.01.070. Administrative duties of boards. Each board shall perform the following duties in addition to those provided in its respective law.

- (1) keep minutes and records of all proceedings;
- (2) hold a minimum of one meeting each year;
- (3) hold at least one examination each year;
- (4) request, through the department, investigation of violations of its laws and regulations;
- (5) prepare and grade examinations;
- (6) pass on qualifications of applicants for examination and license;
- (7) forward minutes of meetings to the department within 20 days;
- (8) forward results of examinations to the department;
- (9) notify the department of meeting dates at least 15 days before meeting. (Sec 1 ch 59 SLA 1966)

Sec. 08.01.080. Department regulations. The department shall adopt regulations to carry out the purposes of this chapter including but not limited to describing

- (1) how an examination is to be conducted;
- (2) what is contained in application forms;

(3) how a person applies for an examination or license. (Sec 1 ch 59 SLA 1966)

Sec. 08.01.087. Powers and duties of department (a) The department may, upon its own motion, conduct investigations to determine whether any person has violated a provision of this chapter or a regulation adopted under it or a provision of a charter in this title dealing with one of the boards listed in Sec. 10 of this chapter or a regulation adopted by one of those boards, or to secure information useful in the administration of this chapter.

(b) If it appears to the commissioner that a person has engaged in or is about to engage in an act or practice in violation of a provision of this chapter or a regulation adopted under it, or any of the laws pertaining to or regulations adopted by the boards listed in Sec. 10 of this chapter, he may, if he considers it in the public interest, and after notification to all board members by telephone or telegraph of a proposed order or action unless a majority of the members of the board object within 10 days;

(1) issue an order directing the person to stop the act or practice; however, reasonable notice of and an opportunity for a hearing must first be given to the person, except that the commissioner may issue a temporary order before a hearing is held; a temporary order remains in effect until a final order affirming modifying, or reversing the temporary order is issued or until 15 days after the person receives the notice and has not requested a hearing by that time; a temporary order becomes final if the person to whom the notice is addressed does not request a hearing within 15 days after receiving the notice; the commissioner or his designee shall be the hearing officer at the hearing and shall issue a final order within 10 days after the hearing;

(2) bring an action in the superior court to enjoin the acts or practices and to enforce compliance with this chapter, a regulation adopted under it, or an order issued under it, or any of the laws pertaining to or regulations adopted by the boards listed in Sec. 10 of this chapter;

(3) examine or have examined the books and records of any person whose business activities require licensure by a board listed in Sec. 10 of this chapter and he may require that person to pay the reasonable costs of the examination; and

(4) issue subpoenas for the attendance of witnesses, and the production of books, records and other documents. (Sec 3 ch 258 SLA 1976)

Sec. 08.01.090. Applicability of the Administrative Procedure Act. The Administrative Procedure Act (AS 44.62) applies to regulations adopted and proceedings held under this chapter, except those under AS 08.01.087(b). (Sec 1 ch 59 SLA 1966; am Sec 4 ch 258 SLA 1976)

Sec. 08.01.100. License renewal, lapse and reinstatement. (a) Except as otherwise provided in this title, licenses shall be renewed biennially on the dates set by the department with the approval of the respective board.

(b) A registration, license, permit or certificate requiring renewal to continue effective must be renewed on or before the date set by the department or it will lapse. A penalty of \$10 shall be charged in addition to all delinquent renewal fees for reinstatement for a registration, license, permit or certificate which remains lapsed for more than 60 days. (Sec 1 ch SLA 1966; am Sec 2 ch 94 SLA 1968)

Sec. 08.01.105. Penalty for improper payment. An applicant shall pay a penalty of \$10 each time a negotiable instrument is presented to the department in payment of an amount due and payment is subsequently refused by the named payor. (Sec 3 ch 258 SLA 1976)

Sec. 08.01.110. Definitions. In this chapter

- (1) "board" includes the boards and commissions listed in Sec. 10 of this chapter;
- (2) "department" means the Department of Commerce and Economic Development;
- (3) "commissioner" means the commissioner of commerce and economic development;
- (4) "license" means any license, certificate, permit, or registration or similar evidence of authority issued by one of the boards listed in Sec. 10 of this chapter;
- (5) "licensee" means any person who holds a license;
- (6) "occupation" means any of the trades or professions for which licensure is required by one of the boards listed in Sec. 10 of this chapter. (Sec 1 ch 59 SLA 1966; am Sec 40 ch 218 SLA 1976; am Sec 5 ch 258 SLA 1976)

**CHAPTER 02
MISCELLANEOUS PROVISIONS**

Section

10. Professional designation requirements
20. Limitation of liability for members of licensing boards

Sec. 08.02.110. Professional designation requirements. (a) A person licensed in the state as a chiropractor as defined in AS 08.20.220, a dentist as defined in AS 08.36.360, a medical practitioner or osteopath as defined in AS 08.64.380, a professional nurse as defined in AS 08.68.410, an optometrist as defined in AS 08.72.300(3), a registered pharmacist under AS 08.80, a registered physical therapist under AS 08.84, or a psychologist under AS 08.86, shall professionally identify himself by the use of appropriate letters or a title after his name which represents his specific field of practice. The letters or title shall appear on all signs, stationery or other advertising in which the person offers or displays his professional services to the public. In addition, a person engaged in the practice of medicine or osteopathy under AS 08.64.380(2), or a person engaged in any manner in the healing arts who diagnoses, treats, tests, or counsels other persons in relation to human health or disease and identifies himself by using the letters "M.D." or the title "doctor" or "physician" or any other title which tends to show that the person is willing or qualified to diagnose, treat, test or counsel another person, shall clarify the letters or title by adding the appropriate specialist designation, if any, such as "dermatologist," "radiologist," "audiologist," "naturopath," or the like.

(b) A person subject to (a) of this section who fails to comply with the requirements of (a) of this section shall be given notice of his noncompliance by his appropriate licensing board. If, after a reasonable time, with opportunity for a hearing, his noncompliance continues, the board may suspend or revoke his license or registration, or administer other disciplinary action which in its determination is appropriate. (Sec 1 ch 6 SLA 1973)

Sec. 08.02.020. Limitation of liability for members of licensing boards. No person is liable for damages or other relief in an action by reason of his performance of a duty, function, or activity as a member of a licensing board or by reason of a recommendation or action of the board when the person acts in the reasonable belief that his action or recommendation is warranted by facts known to him or to the board after reasonable efforts to ascertain the facts upon which the action or recommendation is made. (Sec 45 ch 102 SLA 1976)

**CHAPTER 03
TERMINATION, CONTINUATION AND REESTABLISHMENT
OF REGULATORY BOARDS**

Under Sec. 08.03.010, the following boards have the following termination dates:

Guide Licensing and Control Board.	June 30, 1980
Collection Agencies.	June 30, 1980
Board of Welding Examiners.	June 30, 1981
Board of Psychologist and Psychological Associate Examiners	June 30, 1982
Board of Electrical Examiners.	June 30, 1982
Board of Dental Examiners.	June 30, 1982
Real Estate Commission	June 30, 1982
Board of Marine Pilots.	June 30, 1983
State Medical Board	June 30, 1983
Board of Nursing.	June 30, 1983
Architects, Engineers and Land Surveyors.	June 30, 1984
Board of Pharmacy	June 30, 1984
Board of Optometry	June 30, 1984
Board of Public Accountancy	June 30, 1984
Board of Barbers and Hairdressers.	June 30, 1984
Board of Chiropractic Examiners	June 30, 1984
Board of Dispensing Opticians.	June 30, 1985
Board of Veterinary Examiners.	June 30, 1985
Board of Nursing Home Administrators	June 30, 1986
Physical Therapy Board.	June 30, 1986

Section 08.03.020. Procedures governing termination, transition and continuation. (a) Upon termination, each board listed in AS 08.03.010 shall continue in existence until June 30 of the next succeeding year for the purpose of concluding its affairs. During this period, termination does not reduce or otherwise limit the powers or authority of each board. One year after the date of termination, a board not continued shall cease all activities.

(b) The termination, dissolution, continuation or reestablishment of a regulatory board shall be governed by the legislative oversight procedures of AS 44.66.050.

(c) A board scheduled for termination under this chapter may be continued or reestablished by the legislature for a period not to exceed four years unless the board is continued or reestablished for a longer period under AS 08.03.010. (Sec 2 ch 74 SLA 1979; am ch 42 SLA 1980)

**CHAPTER 99
BOARD OF WELDING EXAMINERS**

Section

- 10. Creation and membership of board
- 20. Term of office
- 30. Source of appointments
- 40. Removal from office
- 50. Qualifications of board members
- 60. Meetings
- 70. Quorum
- 80. Powers and duties of the board
- 90. Applicability of Administrative Procedure Act
- 100. Expenses
- 110. Codes
- 120. Penalty

Section 08.99.010. Creation and membership of board. There is created the Board of Welding Examiners, consisting of seven members appointed by the governor. (Sec 1 ch 151 SLA 1968)

Sec. 08.99.020. Term of office. Board members serve a term of five years. However, of the members first appointed, one shall be appointed for a term of one year, one for two years, one for three years, one for four years, and three for terms of five years. (Sec 1 ch 151 SLA 1968)

Sec. 08.99.030. Source of appointments. The governor shall appoint board members from a list of persons prepared by the Alaska Chapter of the American Welding Society and the Alaska Society of Professional Engineers and submitted at least 30 days before the expiration of a term and not more than 60 days after a vacancy occurs in an unexpired term. The list shall contain not less than two recommended candidates for each appointment. The governor shall make appointments within 30 days after receiving the list. (Sec 1 ch 151 SLA 1968; am Sec 1 ch 151 SLA 1970)

Sec. 08.99.040. Removal from office. Each member holds office at the pleasure of the governor notwithstanding the member's term. (Sec 1 ch 151 SLA 1968)

Sec. 08.99.050. Qualifications of board members. Each member of the board shall be a citizen of the United States and a resident of the state. At least three members shall be persons with engineering degrees or registration as an engineer and each engineer member shall have at least five years engineering experience. All members shall have extensive experience in welding. (Sec 1 ch 151 SLA 1968; am Sec 2 ch 151 SLA 1970)

Sec. 08.99.060. Meetings. The board shall meet at least once a year. (Sec 1 ch 151 SLA 1968)

Sec. 08.99.070. Quorum. A majority of the board constitutes a quorum. (Sec 1 ch 151 SLA 1968)

Sec. 08.99.080. Powers and duties of the board. (a) The board shall

- (1) establish and promulgate rules and regulations concerning certification of welders in the state;
- (2) establish and define certification tests as they apply to various types and categories of work done in or for the state;

(3) work with federal and private agencies and specifying engineers to establish uniform testing and certifying methods for all welders throughout the state;

(4) work with federal agencies and the agencies of other states to establish reciprocity agreements;

(5) set up criteria and define experience and documentary requirements which may be accepted in lieu of physical certification tests in the state;

(6) set the fees for the welder certification tests;

(7) examine, certify, and renew the certification of qualified applicants;

(8) keep a record of its proceedings, and submit annual reports to the governor and the legislature;

(9) promulgate regulations concerning the quality of welds and qualifications of welders required in specific areas of industry and construction and designate reporting procedures necessary to certify compliance with these quality standards;

(10) designate and approve persons qualified to administer welding tests, and designate and approve persons qualified to administer welding tests, and designate and approve shops, laboratories, or other establishments qualified for testing coupons and weldments.

(b) The board may request technical personnel from the Department of Labor for the purpose of reviewing and analyzing reports and may request field inspection by the department for the purpose of assuring compliance with, and enforcement of the regulations, rules and orders promulgated under Secs. 10-110 of this chapter. (Sec 1 ch 151 SLA 1968; am Secs. 3-5 ch 151 SLA 1970)

Sec. 08.99.090. Applicability of Administrative Procedure Act. The board shall comply with the Administrative Procedure Act (AS 44.62). (Sec 1 ch 151 SLA 1968)

Sec. 08.99.100. Expenses. Members of the board are entitled to the per diem and travel expenses allowed by law. (Sec 1 ch 151 SLA 1968)

Sec. 08.99.110. Codes. The United States of America Standards Institute Codes listed below are established as the piping codes for the state:

(1) B 31.1.0 - 1967 power piping;

(2) B 31.2 - 1968 fuel gas piping;

(3) B 31.8 - 1968 gas transmission and distribution piping system;

(4) B 31.3 - 1966 petroleum refining piping;

(5) B 31.4 - 1966 and B 31.4a - 1968 liquid petroleum transportation piping systems. (Sec 6 ch 151 SLA 1970)

Sec. 08.99.120. Penalty. A person who violates a regulation adopted under Secs. 10-110 of this chapter is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$500. (Sec 7 ch 151 SLA 1970)

VOCATIONAL REGULATIONS 12 AAC 72.

BOARD OF WELDING EXAMINERS

CHAPTER 72
BOARD OF WELDING EXAMINERS

Authority: AS 08.99.080(a)(1), (2),
(5), and (9)

Article

- 1. Codes
- 2. Welders
- 3. Welding Inspectors
- 4. General Provisions

12 AAC 72.020. Repealed 8/21/78.

12 AAC 72.025. REQUIREMENTS FOR
WELDER QUALIFICATION CERTIFICATE. (a)
Testing of welders shall be done under the direct
supervision of a licensed welding inspector.

ARTICLE 1
CODES

(b) An applicant for a welder qualification certi-
ficate or a company desiring to have a welder quali-
fied shall

Section

- 5. Rating
- 10. (Repealed)

(1) submit to the welding inspector the weld-
ing procedure specifications or the welding perfor-
mance specifications, or both when indicated, for the
appropriate rating; and

12 AAC 72.005. RATING FOR WELDERS.
Ratings for welders shall be governed by the code
requirements in the job specifications. In the absence
of code requirements, welders shall be certified in
accordance with the applicable American Welding
Society Code. (Eff. 8/21/78, Reg. 67)

(2) complete the welding test for the appro-
priate rating according to the terms of the welding
procedure specifications or the welding performance
specifications, or both when indicated.

Authority: AS 08.99.080(a)(1), (2)
and (9)

(c) Prequalified procedure specifications may be
used for test administration according to applicable
codes. (Eff. 8/21/78, Reg. 67)

12 AAC 72.010. Repealed 8/21/78.

ARTICLE 2
WELDERS

Authority: AS 08.99.080(a)(1), (2),
(5) and (9)

Section

- 15. Welder qualification certificate required
- 20. (Repealed)
- 25. Requirements for welder qualification certi-
ficate
- 30. (Repealed)
- 35. Welder qualification certificate issued
- 40 (Repealed)
- 45. Requirements for maintaining a current welder
qualification certificate

12 AAC 72.030. Repealed 8/21/78.

12 AAC 72.035. WELDER QUALIFICATION
CERTIFICATE ISSUED. The welding inspector
shall issue the welding qualification certificate in the
appropriate rating to the applicant or company upon
the applicant's successful completion of the exa-
mination. (Eff. 8/21/78, Reg. 67)

Authority: AS 08.99.080(a)(1), (7)
and (10)

12 AAC 72.015. WELDER QUALIFICATION
CERTIFICATE REQUIRED. A person may not
perform a welding operation in the state for compen-
sation, in which the failure would involve hazard to
life or property or cause economic loss unless he or
she holds a current, valid welder qualification certi-
ficate in the appropriate rating. (Eff. 8/21/78, Reg. 67;
am 12/10/81, Reg. 80)

12 AAC 72.040. Repealed 8/21/78.

12 AAC 72.045. REQUIREMENTS FOR MAIN-
TAINING A CURRENT WELDER QUALIFICA-
TION CERTIFICATE. (a) A welder qualification cer-
tificate is valid if it is kept current in compliance with
the code under which it is issued unless stated other-

wise in the job specification. (Eff. 8/21/78, Reg. 67; am 12/10/81, Reg. 80)

Authority: AS 08.99.080(a)(1), (5)
and (10)

**ARTICLE 3
WELDING INSPECTORS**

Section

- 50. (Repealed)
- 55. Welding inspector license required
- 60. (Repealed)
- 65. Requirements for welding inspector license
- 70. (Repealed)
- 75. Application for welding inspector license
- 80. (Repealed)
- 85. Examination of welding inspector license
- 90. (Repealed)
- 95. Welding inspector license issued
- 105. Welding inspector license expiration and renewal
- 115. Duties and responsibilities of welding inspector
- 125. Prohibited conduct of welding inspector

12 AAC 72.050. Repealed 8/21/78.

12 AAC 72.055. WELDING INSPECTOR LICENSE REQUIRED. A person may not test a welder for the purpose of issuing a welder qualification certificate or inspect a welding operation in the state in which weldment failure would involve hazard to life or property or cause economic loss unless he or she holds a current, valid welding inspector license. (Eff. 8/21/78, Reg. 67; am 12/10/81, Reg. 80)

Authority: AS 08.99.080(a)(7)
and (10)

12 AAC 72.060. Repealed 8/21/78.

12 AAC 72.065. REQUIREMENTS FOR WELDING INSPECTOR LICENSE. (a) An applicant for a welding inspector license must

(1) be a high school graduate or hold a state or military approved high school equivalency diploma;

(2) have no less than five years's experience at the technical level in an occupational function that directly involved

(A) design experience such as preparation of plans and drawings for weldment construction according to a code, standard or specification;

(B) construction experience such as actual construction or fabrication and erection of weldments in accordance with a code, standard, specification or drawing;

(C) maintenance experience such as detection and measurement of weld inadequacies or discontinuities in accordance with specified procedures; and

(D) repair experience such as repair or replacement of welds that were determined inadequate or defective by reference to a code, standard, specification or drawing;

(3) be familiar with and understand the fundamentals of shielded metal arc welding, stud arc welding, submerged arc welding, flux cored arc welding, electroslag welding, oxyfuel gas welding, brazing, thermal cutting and mechanical cutting;

(4) be capable of writing clear and concise reports and maintaining records;

(5) pass an eye examination to prove natural or corrected near distance acuity for reading J-1 letters at a distance of not less than 12 inches on Jaeger's standard test type chart for near vision, or equivalent test, and natural or corrected far distance acuity of 20/40 as evidenced by a written, signed statement from a physician or an optometrist;

(6) pass a closed book test on welding inspection fundamentals such as welding processes, non-destructive testing methods, and interpretation;

(7) pass an open book test on general code or standard requirements such as fabrication tolerances and preheat requirements;

(8) pass a demonstration of competence in the use of tools, gauges, and instruments pertaining to weld inspection; and

(9) submit evidence of having previously passed on all position welding qualification test in at least one welding process.

(b) The requirements of (a)(1)–(8) of this section will be waived for an applicant possessing a current welding inspector certificate issued by the American Welding Society in accordance with AWS QC 1-78 "Standard for Qualification and Certification of Welding Inspectors."

(c) An applicant may substitute up to two years of post-high-school education for two years of the five-year experience relevant to any of the functions covered by (a)(2) of this section and approved by the board. (Eff. 8/21/78, Reg. 67; am 7/22/79; Reg. 71)

Authority: AS 08.99.080(a)(5)
and (10)

12 AAC 72.070. Repealed 8/21/78.

12 AAC 72.075. APPLICATION FOR WELDING INSPECTOR LICENSE. Application for a welding inspector license must be made to the department on a form provided by the department and must be accompanied by a fee of \$50. (Eff. 8/21/78, Reg. 67; am 12/10/81, Reg. 80)

Authority: AS 08.99.080(a)(6)
and (10)

12 AAC 72.080. Repealed 8/21/78.

12 AAC 72.085. EXAMINATION FOR WELDING INSPECTOR LICENSE. Examinations for welding inspector licenses will be conducted four times a year. Additional examinations may be conducted if the applicant furnishes all necessary facilities and pays all expenses incurred by the examiners. (Eff. 8/21/78, Reg. 67)

Authority: AS 08.99.080(a)(1), (2),
(7) and (10)

12 AAC 71.090. Repealed 8/21/78.

12 AAC 72.095. WELDING INSPECTOR LICENSE ISSUED. The department will issue a welding inspector license to an applicant who meets the requirements of Sec. 65 of this chapter. (Eff. 8/21/78, Reg. 67)

Authority: AS 08.99.080(a)(7)
and (10)

12 AAC 72.105. WELDING INSPECTOR LICENSE EXPIRATION AND RENEWAL. (a) A welding inspector license is valid until March 1 of each even-numbered year unless revoked for reasons stated in 12 AAC 72.125 or unless the license lapses under (d) of this section.

(b) Application for renewal of a welding inspector license must be made to the department on a form provided by the department no later than March 1 of each even-numbered year and must be accompanied by a fee of \$50.

(c) An application for renewal of a welding inspector license must contain

(1) proof of a current welding inspector certificate issued by the American Welding Society as specified in 12 AAC 72.065(b); or

(2) evidence of compliance with the requirement of 12 AAC 72.065(a); and

(3) evidence of employment as a welding inspector in the form of

(A) a signed statement of an employer;

(B) payroll records indicating the position held; or

(C) affidavits of two fellow employees attesting to employment activity of the applicant.

(d) A license issued to a welding inspector on the basis of American Welding Society QCI certification under 12 AAC 72.065(b), or renewed on that basis under (c)(1) of this section, lapses 60 days after the

date of expiration of the inspector's American Welding Society certification unless before that date the inspector provides proof to the department of renewal of that certification.

(e) Application for renewal of a welding inspector license that has lapsed for any reason is considered a new application. (Eff. 8/21/78, Reg. 67; am 12/10/81, Reg. 80)

Authority: AS 08.99.080(a)(7)
and (10)

12 AAC 72.115. DUTIES AND RESPONSIBILITIES OF A WELDING INSPECTOR. (a) A welding inspector shall, when applicable

- (1) keep the department advised of his current address for the mailing of renewal notices;
- (2) verify that the work inspected conforms to the requirements of the applicable codes, standards and job specifications;
- (3) verify that the base materials and consumable welding materials conform to the specification requirements and that the specified welding filler metals are used on each base metal or combination of base metals;
- (4) verify that the welding equipment to be used for the work is that which is specified in the welding procedure and has the capability to produce the specified welds;
- (5) verify that the welding procedures are as specified, and are qualified and available to the welders for reference;
- (6) verify that the welds have been properly qualified in accordance with the applicable codes and standards and that their qualification authorities them to use the welding procedures specified for the work;
- (7) observe the qualification tests when qualifying welders;
- (8) verify that only specified and properly qualified welding procedures are used for the work;
- (9) verify that the joint preparation and fit-up meets the requirements of the welding procedure and drawings;
- (10) verify that the specified filler metals are used and that the filler metals are maintained in proper condition for use as specified;
- (11) observe the technique and performance of each welder;
- (12) examine the work for conformance to the requirements of the applicable codes, standards, specifications and drawings;
- (13) identify the work inspected with specified marking methods or appropriate records;
- (14) perform the necessary visual inspections;
- (15) verify that the required visual and other nondestructive examinations have been performed by qualified personnel in the specified manner and review the resulting information to assure that the results are complete;
- (16) perform nondestructive examinations that are specified, if he or she is qualified in accordance with the specified requirements;
- (17) prepare clear and concise reports and keep necessary records of the welding procedure, the welding procedure qualifications, the welder qualifications, the control of welding materials and the results of inspection and tests;
- (18) act with complete integrity in professional matters and be forthright and candid to the board or its representative on matters pertaining to this standard;
- (19) to preserve the health and well-being of the public by performing the duties required of weld inspection in a conscientious and impartial manner to the full extent of his or her responsibilities and qualifications;
- (20) undertake and perform assignments only when qualified by training, experience, and capability;

(21) be objective, thorough and factual in any written report, statement or testimony of the work and include all relevant or pertinent information in such communiques or testimonials;

(22) sign only for work that he or she has inspected, or for work over which he or she has personal knowledge through direct technical control; and

(23) conscientiously avoid conflict of interests with the employer or client and disclose any business association, interests, or circumstances that might be so considered.

(b) If there is evidence that the welder's work does not conform to the requirements of the applicable code, standard or specification, the welding inspector may require requalification of the welder. The welding inspector shall require a requalification of a welder if that person's qualification is not current by the requirements of the applicable codes, standards or specifications.

(c) If the welding inspector is to perform nondestructive examinations other than visual, and there are no specified qualification requirements, he or she must be qualified and certified in accordance with the Recommended Practice No. SNT-TC-1A, "Personnel Qualification and Certification for Nondestructive Testing," June 1975. (Eff. 8/21/78, Reg. 67)

Authority: AS 08.99.080(a)(7),
(9) and (10)

12 AAC 72.125. PROHIBITED CONDUCT OF WELDING INSPECTOR. (a) A welding inspector licensed under this chapter is prohibited from performing acts including

(1) signing a blank welder qualification certificate;

(2) issuing a welding qualification certificate to a welder not tested under his or her direct supervision;

(3) delegating his or her responsibility in testing of welders;

(4) paying, soliciting, or offering directly or indirectly, any bribe or commission for professional employment with the exception of the usual commission required by employment agencies;

(5) falsifying, exaggerating, or indulging in the misrepresentation of personal academic and professional qualifications, past assignments, accomplishments, and responsibilities or those of his or her associates;

(6) issuing statements, criticisms, or arguments on weld inspection matters connected with public policy which are solicited or paid for by an interested party or parties, without first identifying the party and the speaker and disclosing any possible pecuniary interest;

(7) expressing an opinion on a weld inspection subject unless it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence pertinent to the subject and upon honest conviction of the accuracy and propriety of the statement;

(8) accepting compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties or their authorized agents;

(9) soliciting or accepting gratuities, directly or indirectly, from any party or parties dealing with the client or employer in connection with the welding inspector's work; and

(10) associating with or knowingly participating in a fraudulent or dishonest venture.

(b) The board will suspend, refuse renewal of or revoke the welding inspector's license, place the license holder on probation, or reprimand the holder if he or she is found to have engaged in prohibited conduct. (Eff. 8/21/78, Reg. 67)

Authority: AS 08.99.080(a)(7),
(9) and (10)

ARTICLE 4
GENERAL PROVISIONS

Section

899. Weld qualifier license

900. Definitions

12 AAC 72.899. WELD QUALIFIER LICENSE. A weld qualifier license issued under the authority of this chapter as it existed between August 2, 1978 and the effective date of this section is valid until six months after the effective date of this section and may not be renewed. (Eff. 8/21/78, Reg. 67)

Authority: AS 08.99.080(a)(7)

12 AAC 72.900. DEFINITIONS. (a) In this chapter

(1) "appropriate rating" means that rating which is required by the specific code designated in the job specifications; when there is no job specification or a specific code is not designated in the job specification, appropriate rating is not less than the all-position certification issued in accordance with the current edition of the American Welding Society Code;

(2) "board" means the Board of Welding Examiners;

(3) "code" means nationally recognized welding, nondestructive testing or engineering principles or rules published as guides or requirements or both by societies or agencies charged with establishing such guidelines;

(4) "continuous employment" means employment without interruption of more than 90 consecutive days unless otherwise specified in the code under which the certificate is being renewed;

(5) "coupon" means a piece of metal cut and sectioned for testing;

(6) "cutting process" means a process in which the severing or removing of metals is effected;

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

(8) "direct supervision" means being physically present at the work site and in personal charge of the work being performed;

(9) "job specifications" means the written document setting out the specific construction standards to be adhered to for the project;

(10) "rating" means a particular skill level in the art of welding;

(11) "responsibility" means being accountable to the board or its agents or both for one's action relating to the requirements of this chapter;

(12) "standards" means minimum acceptable guidelines established by societies or agencies or both charged with the responsibility for promulgating such guidelines;

(13) "technical level" means a level of work in welding using mathematics and science such as would require at least two years of post-high-school study at an accredited engineering school or technical institute or equivalent study;

(14) "valid" means having legal force and properly executed and binding under the law and is in compliance with the appropriate code, standard or specification;

(15) "weld testing methods" means the destructive or nondestructive means of evaluating the integrity of the weld metal or heat affected zone of the base material or both;

(16) "welder" means welder, welding operator and tacker;

(17) "welding" means the metal joining process used in making welds;

(18) "welding inspector" means a person meeting the requirements of Secs. 55-125 of this chapter;

(19) "welding performance specification" means a document required before testing, setting the criteria for demonstration of a welder's ability to produce welds meeting prescribed standards;

(20) "welding procedure" means a written document specifying the essential variables as listed in the appropriate welding or engineering code or both;

(21) "welding procedure specification" means a document required before welding on any structure, specifying the parameters and requirements which control the quality of the welding for that structure;

(22) "welding process" means the method of application of heat or filler metal or both to complete the joining process;

(23) "welding qualification certificate" means a certificate issued under the authority of the board by a licensed welding inspector to a person verifying that he or she has successfully performed one or more of the specific welding tests required for a certification to a particular welding or engineering code;

(24) "weldment" means an assembly whose component parts are joined by welding.

(b) Terms not defined in this section shall be construed in accordance with American Welding Society A3.0-76, "Terms and Definitions." (Eff. 8/21/78, Reg. 67)

Authority: AS 08.99.080(a)(1)
and (9)