

HB

338

HFIN

FILE

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 338(L&C)
(H) Publish Date: 2/17/06

Revision Date/Time (Note if correction): _____ Department: Labor and Workforce Development
Title: Certificate of Fitness for Explosive Handlers RDU: Labor Standards and Safety
Sponsor: Representative Chenault Component: Mechanical Inspection
Requester: House Labor & Commerce Component Number: 346

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: None
Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation requires criminal history and background checks for a Certificate of Fitness for explosive handlers. There is no anticipated financial impact to the department as a result of this legislation.

Prepared by: Grey Mitchell, Director Phone: (907) 465-4855
Division: Labor Standards & Safety Date/Time: 1/5/06 2:41 PM
Approved by: Greg O'Claray, Commissioner Date: 1/5/2006
Agency: Department of Labor and Workforce Development

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSHB 338(L&C)
(H) Publish Date: 2/17/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title An Act relating to certificates of fitness RDU Statewide Support
for explosives handlers Component Criminal Records and ID
Sponsor Representative Chenault
Requester Labor & Commerce Committee Component No. 1190

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill creates a process for the certification of explosives handlers by the Department of Labor and Workforce Development. This process includes the requirement that the applicant for a certificate submit fingerprints and fees for a national criminal history check to be performed by the Department of Public Safety under AS 12.62.400. The language of this bill is consistent with other statutes for criminal history checks that have been approved by the FBI.

The Department of Public Safety will be able to perform these additional criminal history checks with no fiscal impact.

Prepared by: Director David Schade Phone 269-0202
Division: Statewide Services Date/Time 1/17/06 1:30 PM
Approved by: Commissioner William Tandeske Date 1/17/2006
Agency: Department of Public Safety

STATE OF ALASKA

Department Of Labor and Workforce Development

FRANK H. MURKOWSKI, GOVERNOR

P. O. Box 21149
Juneau, AK 99802-1149
Phone: (907)465-2700
Fax: (907)465-2784

OFFICE OF THE COMMISSIONER

February 1, 2006

The Honorable Tom Anderson
House Labor and Commerce Committee
M/S 3100
Juneau, AK 99801-1182

Dear Chairman Anderson,

I am writing in support of HB 338. This legislation aims to minimize threats to public safety and unsafe work sites by requiring a finger print based national criminal history check before issuing an explosives handler's license under AS 08.52. This bill does not apply to explosives handlers in the mining industry, as these workers are specifically excluded from the licensing requirement under AS 08.52.070.


Currently, the department has no statutory authority to require an explosives handler's license applicant to submit to a criminal history check. The Federal Bureau of Alcohol, Tobacco, Firearms and Explosives does not require explosives handlers (employee possessors) to provide fingerprints for a national criminal history check. HB 338 provides the necessary authority to improve the security of Alaskans.

The State of Alaska currently requires fingerprint based national background checks for several occupations through authority granted under AS 12.62.400 (copy enclosed). The occupations listed, including security guards, nurses, teachers, school bus drivers and attorneys, perform work requiring a high level of public trust.

A person licensed to handle and detonate explosives on construction sites, which can be in close proximity to schools and other public facilities and residential areas, also performs work requiring a high level of public trust. The state has a responsibility to take appropriate measures to minimize risks to public safety. HB 338 will provide a vital tool to help the department meet its responsibilities.

I urge your support of this legislation. Thank you for your time and attention.

Sincerely,



Greg O'Claray
Commissioner

Enclosure

cc: Representative John Harris, Speaker of the House
Representative Mike Chenault
Members of the House Labor & Commerce Committee

HB 338 Sectional Analysis Explosive Handler Certificate of Fitness

Section 1 amends AS 08.52.030 to require an applicant for an explosive handler's certificate of fitness (license) to provide, in addition to existing information, fingerprints and fees for a nationwide criminal background check by the Alaska Department of Public Safety.

Section 2 establishes a new subsection (AS 08.52.035) to outline the authority and process for a nationwide criminal background check to be completed for an explosive handler's certificate of fitness. The applicant will be required to submit finger print cards and the required fees to the Alaska Department of Labor and Workforce Development. The Alaska Department of Labor and Workforce Development will then submit the finger prints and fees to the Alaska Department of Public Safety and request a nationwide criminal background check for criminal justice information on the applicant.

Section 3 amends AS 08.52.040 defining the standards for issuing an explosive handler's certificate to include the applicant's criminal background check.

Section 4 amends AS 08.52.040 to add a new subsection prohibiting the department from issuing an explosive handler's certificate of fitness to an individual convicted of a felony within 10 years of the date of application.

Section 5 amends AS 12.62.400 to add a new subsection that allows the Alaska Department of Public Safety to conduct a nationwide criminal background check for the purpose of issuing a certificate of fitness to handle explosives under AS 08.52.

Section 6 provides for an immediate effective date.

**Alaska Department of Labor Workforce Development
Labor Standards Safety Division**

**Summary of Explosive Handlers
License Requirements by State**

State	Explosives License Test Required	Criminal History Check
Alabama	yes	yes
Colorado	yes	yes
Connecticut	yes	yes
Delaware	yes	yes
District of Columbia	no	yes
Florida	yes	yes
Georgia	yes	yes
Hawaii	yes	yes
Illinois	yes	yes
Iowa	no	yes
Kansas	no	yes
Kentucky	yes	yes
Louisiana	yes	yes
Maine	no	yes
Maryland	yes	yes
Massachusetts	yes	yes
Michigan	no	yes
Minnesota	no	yes
Nebraska	yes	yes
Nevada	yes	yes
New Hampshire	yes	yes
New Jersey	yes	yes
New York	yes	yes
Oklahoma	yes	yes
Oregon	yes	yes
Pennsylvania	yes	yes
South Carolina	yes	yes
South Dakota	no	yes
Vermont	no	yes
Virginia	yes	yes
Washington	yes	yes
West Virginia	yes	yes
Wisconsin	yes	yes
Wyoming	yes	yes

Source of Information:
Institute of Makers of Explosives
website: <http://www.ime.org>

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ALASKA MINERS ASSOCIATION, INC.

3305 Arctic Blvd., #105, Anchorage, Alaska 99503 • (907) 563-9229 • FAX: (907) 563-9225 • www.alasminers.org

January 18, 2006

Honorable Mike Chenault
Alaska State House of Representatives
Capitol Building
Juneau, AK 99801

RE: HB-338, Certificate of Fitness for Explosive Handlers

Dear Representative Chenault,

Thank you for the opportunity to comment on House Bill 338, which would make changes to the existing statute dealing with applications, qualifications and background checks for persons handling explosives.

Based on our initial review, HB-338 appears in large part to be a duplication of the Bureau of Alcohol Tobacco & Firearms (BATF) requirements. In addition to criminal history and background checks, Section 08.52.040 of the bill also requires the State to develop a procedure to determine that an individual is "found competent by reason of training, experience, and physical fitness" to handle explosives.

We fully agree with the need to ensure that explosives do not get into the wrong hands. However, we suggest that there may be another means for accomplishing this goal while not duplicating a requirement for business and not raising costs for state government.

BATF already requires a criminal background check, passport photo, finger prints and personal information on all "responsible persons" listed under a federal explosive permit. Criminal background checks and personal information is also required on all "employee possessors" under a federal explosive permit. Also, the Mine Safety and Health Administration already requires training and documentation for any person who handles explosive materials on a mine site. A State program would require development of a process to assess the training, experience and physical fitness of applicants. All of which would add cost to both business and state government.

An alternative to creating a new program would be to establish a link with BATF that would utilize the existing BATF results and thereby keep all requirements within that one agency. This would remove the duplication and still provide the information to the State.

Thank you for the opportunity to comment on this bill.

Sincerely,

Steven C. Borell, P.E.
Executive Director

EXAMPLES FROM
OTHER STATES



The Department of Military Affairs and Public Safety

OFFICE OF THE STATE FIRE MARSHAL

1207 Quarrier St, 2nd Floor
Charleston, WV 25301

APPLICATION FOR INDIVIDUAL BLASTER'S PERMIT

In compliance with West Virginia State Code, Chapter 29-3-12/12b and the State Fire Code, application is hereby made for an individual State Explosive Handler's Permit of the type and class indicated below. Please circle the type of permit you wish to apply for.

<u>Type Permit</u>	<u>Class</u>	<u>Blasting Authorized</u>	<u>Annual Permit Fee</u>
Unlimited	A	All types of blasting	\$ 75.00
Gen. Aboveground	B	All blasting operations in quarries, open pit mines, and aboveground construction	\$ 75.00
Gen. Underground	C	All blasting operations in underground mines, shafts, tunnels and drifts. Exception: underground coal mining	\$ 75.00
Demolition	D	All blasting in demolition projects	\$ 75.00
Seismic	E	All blasting in seismic prospecting	\$ 50.00
Agriculture	F	All blasting in agriculture – limited to no more than 50 lbs per blast	\$ 15.00
Special	G	Special blasting operations limited to indication on permit (i.e. coal only – law enforcement – well drilling, etc.)	\$ 40.00

Applicant Name					
Address		City, State & Zip			
Home Phone () _____ - _____		Work Phone () _____ - _____			
Soc.Sec.No.		Date of Birth			
Drivers License No.:		State of Issue			
Applicant Data		Height	Weight	Gender	Male ___ Female ___

Answer any and all of the following questions:

US Citizen	yes ___ no ___	If not state nationality:
Are you addicted to narcotics, intoxicants or similar drugs ?	yes ___ no ___	
Have you ever been refused an Explosive Handler's license in any state ?	yes ___ no ___	
Have you ever been convicted of a felony ?	yes ___ no ___	*
Are you currently under indictment for a felony ?	yes ___ no ___	*
How many years / months have you had experience in handling explosives ?		
Please indicate at least one previous employer as a reference:		

Current Employer:

Company Name:	Address:
Company Phone:	Job Title:
Employed since:	Name of Supervisor:

Application Review Fee: \$ 40.00 (initial application only – does not apply for renewal within 3 yrs of expiration)

License Fee (see pg 1): \$ _____

Total Amount Due: \$ _____

This application must be officially notarized as follows:

I hereby swear/affirm under oath that the aforementioned questions have been answered truthfully to the best of my knowledge; that I have adequate training and field experience in the safe handling / use of explosive material in the class authorized by this permit; that I have not been convicted of a violation of any explosive law or regulation; that I am not currently under indictment or have pled to an information for/or have been convicted of a crime punishable by imprisonment for a term exceeding one (1) year; that I am not a fugitive from justice, that I am not addicted to narcotics or dangerous drugs, that I have never been adjudicated as a mental defective nor do I have a physical defect that would interfere with the safe and proper handling of explosives; that I do not advocate or knowingly belong to any organization or group that advocates violent overthrow of or violent action against any federal, state, or local government, and that no misrepresentation of any of the facts or information contained herein was made to fraudulently obtain this permit to use; and that I will adhere to and abide by all the rules and regulations as promulgated in the West Virginia State Fire Code, Section 4, which pertains to explosives, and shall be responsible for the results and any other consequences that may arise from my handling, loading or firing of any explosive material. *I also agree that a record check on my behalf shall be made and I am authorizing the State Fire Marshal's Office to obtain any police record found.*



Applicant Signature	Date
Notarized By	Seal

For office use only:
Application was ___ approved ___ disapproved by _____

FORM: FM2004EXP001

FINGERPRINT CARD

All applicants for a Blaster's Certificate of Competence are required to submit a fingerprint card. All applicants must contact the Department of Labor at the phone number given in the heading to receive a fingerprint card.



Complete the fingerprint card, glue one 1½ x 1½ photograph to the reverse side of the card directly under the words "For Submitting Agency Use" and bring the card to the nearest local or state police office where your fingerprints will be taken. The card should be sent with all other application material to the License and Certificate Unit.

FEES

The total fee is \$219.00. It consists of \$120.00 for the certificate application and \$99.00 for the DCJS and FBI fingerprints record search. These fees are non-refundable.



Applicants holding both a blaster certificate and a NYS explosives license will only be required to pay for the fingerprint fee once during the year when both the certificate and license are renewed.

PAYMENT

A check or money order made payable to the Commissioner of Labor in the amount outlined above.

SUBMISSION

An original application and the total fee, the notarized waiver in duplicate, the notarized Appendix to a License Application, and the fingerprint card must be mailed to the License and Certificate Unit.

GENERAL INFORMATION

Term of Certificate

The Certificate is valid for three years from the date of issuance.

Type of Certificates

Class A - Holder may supervise and perform the preparation for and the detonation of **any** blast.

Class B - Holder may supervise and perform the preparation for and the detonation of any **above** ground blast.

Class C - Holder may supervise and perform the preparation for and the detonation of any **underground** blast.

Carry Certificate

Carry the Certificate at all times when working with explosives. Failure to produce such certificate upon request will be presumptive evidence that the blaster is not certified.

Change of Address

You must notify the License and Certificate Unit of any change in your address. Failure to send in this information may prevent delivery of your certificate or your renewal application.

Denial of Certificate

Any applicant whose application for a Certificate of Competence has been denied may request a hearing before the examining board. The applicant must submit the request in writing to the Commissioner of Labor within 30 days after the mailing or personal delivery of the notice of denial.

IMPORTANT NOTICE:

To purchase, own, possess and/or transport explosives, it will be necessary to obtain a license for these purposes. Applications may be obtained from the NYS Department of Labor, License and Certificate Unit, Building 12, Room 290A, State Campus, Albany, NY 12240.

Sec. 12.62.400. National criminal history record checks for employment, licensing, and other noncriminal justice purposes.

To obtain a national criminal history record check for determining a person's qualifications for a license, permit, registration, employment, or position, a person shall submit the person's fingerprints to the department with the fee established by AS 12.62.160. The department may submit the fingerprints to the Federal Bureau of Investigation to obtain a national criminal history record check of the person for the purpose of evaluating a person's qualifications for

- (1) a license or conditional contractor's permit to manufacture, sell, offer for sale, possess for sale or barter, traffic in, or barter an alcoholic beverage under AS 04.11;
- (2) admission to the Alaska Bar Association under AS 08.08;
- (3) licensure as a collection agency operator under AS 08.24;
- (4) licensure to practice nursing or certification as a nurse aide under AS 08.68;
- (5) a position involving supervisory or disciplinary power over a minor or dependent adult for which criminal justice information may be released under AS 12.62.160 (b)(9);
- (6) a teacher certificate under AS 14.20;
- (7) licensure as a security guard under AS 18.65.400 - 18.65.490;
- (8) a concealed handgun permit under AS 18.65.700 - 18.65.790;
- (9) licensure as an insurance producer, managing general agent, reinsurance intermediary broker, reinsurance intermediary manager, surplus lines broker, or independent adjuster under AS 21.27; .
- (10) serving and executing process issued by a court by a person designated under AS 22.20.130;
- (11) a school bus driver license under AS 28.15.046 ;
- (12) licensure as an operator or an instructor for a commercial driver training school under AS 28.17;
- (13) registration as a broker-dealer, agent, investment adviser representative, or state investment adviser under AS 45.55.030 - 45.55.060.

STATE OF ALASKA

DEPARTMENT OF MILITARY
AND VETERANS AFFAIRS
DIVISION OF HOMELAND SECURITY
AND EMERGENCY MANAGEMENT


FRANK MURKOWSKI, GOVERNOR

P.O. Box 5750
Ft. Richardson, AK 99505-5750
Phone: (907) 428-7000
Fax: (907) 428-7009
Toll Free: (800)478-2337
www.ak-prepared.com

January 31, 2006

The Honorable Mike Chenault
Representative
State Capitol, Room 507
Juneau, AK 99611

The Honorable Bob Lynn
Representative
State Capitol, Room 415
Juneau, AK 99801-1182

Through: 
Gen. Craig E. Campbell
Commissioner
Department of Military & Veteran's Affairs

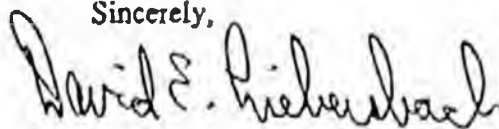
Dear Mr. Chenault and Mr. Lynn:

The Department of Military and Veterans Affairs, Division of Homeland Security and Emergency Management supports HB 338. This legislation will authorize fingerprint based national criminal history checks for explosives handler's licensed under AS 08.52.020. To reduce the potential for identity fraud, fingerprints must be used to verify an individual's identity and criminal history. By controlling access to industrial explosives and detonation devices, this bill will assist our efforts to reduce threats to homeland security in Alaska.

Alaskans deserve the peace of mind and security to know that individuals licensed by the State of Alaska to work with explosives are qualified, responsible individuals. Alaska, with its vast national energy supply and strategic military and shipping facilities, has several potential targets for those who might attempt to acquire and use explosives to cause harm to the peace and security of Alaskans and the rest of the nation. Wherever possible, we all have the responsibility to protect Alaska and the nation by seeking out and eliminating security weaknesses.

I urge your support of this legislation.

Sincerely,



David E. Liebersbach
Director

del:clj



Alaska State Legislature

Please enter into the record my testimony to the _____

HB 338

Committee name

Committee on _____

HF IN

, dated _____

3-1-06

Bill/Subject

HB 338

Griz Smith

I am the charter president of the Alaska pyrotechnic guild and president of Fire art by Griz. And Vice President of the Western States Pyrotechnic Association. The Alaska Pyrotechnic guild has 84 members and 600 associate members. Every one that handles explosives is mandated by ATF to fill out the user permit at present only the manufacturers or importers are required to submit fingerprint cards and photo ID's along with the ATF user permit. My concern is this HB338 which is associated with blasting will spill over to the pyrotechnic field simply because we are all classified under the ATF explosives division. And I just wanted to commit at present the Department of public safety does not regulate pyrotechnics, it is currently regulated by the Alaska state fire marshal. Currently under division I explosives groups 1.1 and 1.2 are high explosives and 1.3 is display fireworks and 1.4 is consumer fireworks, I don't that you should be grouping us with the higher explosive division and having us adhere to the stricter policy changes coming into affect due to the Patriot Act.

Signed:

Griz Smith

Testifier

ALASKA PYROTECHNIC GUILD INC

Representing (Optional)

Rx 0584 BIG LAKE 99652

Address

892-7700

Phone number