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VOLUME, SUNSET REVIEWS

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G. Complaints

Eight of the twelve complaints filed with the administrative agency from January, 1976 through June, 1979 were complaints against the Board regarding its examination procedures. The remaining four cases consisted of complaints that individuals were practicing barbering without a license. Although these were filed in 1976 and 1977, only one has been closed. All complaints against the Board (filed in 1978) remain open.

H. Professional Qualifications

None. Most states require barber training or schooling as a prerequisite to licensure.

II. Analysis

- A. To what extent has the Board of Barber Examiners operated in the public interest?

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The Board is statutorily required to issue licenses and permits to qualified individuals or schools, to examine applicants for a barber teacher license, and to regulate conduct and standards of teaching facilities. The Board also has general powers which it may exercise: (1) adoption of examinations in accordance with nationally recognized standards; (2) adoption of reasonable rules and regulations relative to sanitation - ultimate control over health and sanitary conditions is expressly cited as being with the Department of Health and Social Services; (3) suspension of licenses for failure to maintain sanitary standards; (4) inspection of shops; (5) adoption of rules concerning Board operations; (6) delegation of examination, inspection and enforcement powers; and (7) other acts and things necessary to carry out the purposes of AS 08.12.

The Board of Barber Examiners has experienced several problems with its past examinations and procedures. Eight of twelve complaints filed with the administrative agency from January, 1976, through June, 1979, were complaints against the Board regarding its examination.

All applicants for licensure must take an examination. No statutory authority exists by which the Board may license through endorsement or reciprocity. In addition to the written portion of the examination, a practical portion is given consisting of four parts: haircut, shampoo, shave and massage. A passing grade of 75% must be attained on the written portion and on all parts of the practical portion. If any part of the practical is failed, the applicant must retake all four parts.

The written examination given by the Board in the past has contained a variety of types of questions (i.e., multiple choice, short essay, fill-in-the-blank). No key was utilized by the Board in grading which appears to have resulted in some inconsistencies. The test utilized in April, 1979, was provided by the National Board of Barber Examiners of America. Two out of twelve applicants passed that examination and complaints were received regarding the relevancy of some questions. The Board is currently developing a pool of test questions, with answers, from which the Division of Occupational Licensing can formulate future examinations. In this way standard procedures will be established yet each exam will be different in content.

Administration of the practical examination has also met with considerable criticism. In August of 1978 a meeting was held with the Board, representatives of the Department of Law and Division of Occupational Licensing and a representative from the Office of the Governor. The purpose of the meeting was to review allegations of impropriety on the part of the Board and to develop guidelines to assist the Board in its future operations. One Board member, who owns a barber school in the State, was advised to refrain from grading students of his facility.

The member has complied with this advice, however, he has participated in grading of other applicants. Because scores are averaged, such a procedure could work to the disadvantage of "nonstudents." A review of files of applicants who have been licensed since mid-1974 (and are still active) indicate that a significant percentage (84%) were given exactly the same passing grade (75) on all parts of the practical examination by one member of the Board. In a few of these instances the proportionate points given did not total 75 and in one case proper addition would have failed the applicant.

Past Board procedure has been to review the examinations the day after they are given. Scores on some examination papers have been changed either at the time of scoring or during the Board review process. The Board has been made aware of the potential problems this procedure could generate and has been advised to discontinue this practice. The Board has also been advised to establish standard grading criteria for its own benefit as well as that of the applicants.

The Board has adopted regulations for the conduct of the practice of barbering in accordance with reasonable standards of sanitation. However, it does not inspect facilities or ensure that the regulations are being adhered to. Standards for barber schools and colleges also have been established by regulations as have application procedures and some examination information. AS 08.12.030(2) specifically provides that the Department of Health and Social Services have "ultimate control over health and sanitary conditions for all licensees under this chapter..." At its April, 1979, meeting the Board resolved not to involve itself in inspection activities but rather to leave this to other agencies.

The Board may suspend licenses for failure to maintain sanitation standards. There is no record of such an instance having come before the Board in recent years.

Applicants for licensure must submit evidence of good moral character (certified attestation by two parties), a health certificate, and "other information required" by regulation. There is no requirement that an applicant have attended barber school or training, or that (s)he have barbering experience. The Board has proposed statutory amendments which would establish an apprentice program and which would require either 1,500 hours or two years of schooling and/or training.

Statutory exemptions from licensure are licensed cosmetologists, persons engaged in barbering within a military reservation and persons barbering in a community of less than 1,000 persons, or more than 25 miles from such a community. (In analyzing the need for regulation of this profession, one may note that the public in small isolated communities apparently does not need protection.) The Board has also requested a statutory amendment which would delete the latter exception from licensure.

Temporary permits "shall" be issued by the Board to persons entering the State or transferring from exempt status who have either a barber college diploma or a license issued by another jurisdiction. While new graduates from another state may be issued a temporary permit, none is provided for in-State graduates. The Board has, however, been issuing permits to these individuals. Permits are valid until the next examination and are nonrenewable (except that those failing the April, 1979 examination were reissued permits).

We believe that termination of the Board of Barber Examiners and cessation of State regulation of this profession would not have any significant impact on public well-being. No complaints have been received from the public or regarding any threat to public safety. Barbers do not utilize strong chemical agents. Monetary costs of services to the consumer are relatively minor. A bill was introduced during the 1979

Legislative session, SB 215, which would abolish the Board and relevant statutes (See Appendix A). This bill is now in the Senate Commerce Committee.

- B. To what extent has the operation of the Board of Barber Examiners been impeded or enhanced by existing statutes, procedures and practices which it has adopted, or any other matter, including budgetary, resource and personnel matters?

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The greatest impediment to efficient Board operation has been its examination procedures. As previously noted, this has been discussed with the Board and suggestions were made to correct past deficiencies. The fact that the Board can license only by examination has created problems when individuals have demanded licensure by endorsement or reciprocity.

The Board has indicated that it feels the statutory exemption for barbers in small outlying communities is inappropriate. It has also requested that barber schooling or training be made a statutory requirement for licensure.

There is no term of membership provided for board members. The restriction on Board membership for only persons who have been licensed in the State for five years should be reexamined.

The Board of Barber Examiners has experienced some difficulty with respect to personnel and budgetary restrictions. Support staff is provided by the Division of Occupational Licensing and is presently adequate to serve Board needs; however, past employee turnover has impeded continuity and follow-up on Board requests. Fees and revenues for all boards and commissions under the jurisdiction of the Division of Occupational Licensing are collected through the Division and are deposited into a general fund. Monies deposited and withdrawn are identified by codes so that direct Board revenues and expenses may be determined.

The Board has encountered the same difficulties as have all other boards and commissions with respect to investigative services provided by the administrative agency. During FY'78 two investigator positions were vacant; as a result, one position was abolished by the Legislature. At the present time, two investigators are located in Anchorage with a Chief Investigator located in Juneau. An additional investigator position was approved in the FY '80 budget but will probably not be filled immediately due to vacancy factors incorporated into the personal service category of the budget. Procedural constraints of the administrative adjudication article of the Administrative Procedure Act (AS 44.62.330-630), while necessary, restrict timely disposition of litigation. Prioritization based on time, staffing and nature of alleged offense results in pursuit of only the most flagrant and potentially injurious licensing complaints. The administrative agency will continue to address the need for initial assessment and follow through on complaints with emphasis on magnitude of offense as it relates to public safety.

- C. To what extent has the Board of Barber Examiners recommended statutory changes which are generally of benefit to the public interest?

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No amendments of consequence have been made to AS 08.12 since 1960.

If regulation of the profession is determined to be of benefit to the public interest, the following amendments requested by the Board would further those interests: (1) provisions for apprenticeship programs; (2) requirements for schooling or training as licensure qualifications; and (3) deletion of exemption for persons barbering in a community having less than 1,000 persons, or more than 25 miles from such a community.

- D. To what extent has the Board of Barber Examiners encouraged interested persons to participate in and report to it concerning the making and effect of its regulations and decisions, or to report to it concerning the effectiveness, economy, and availability of service which it has provided?

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Notices of pending meetings and new or amended regulations are published in newspapers in the State by the administrative agency. Board regulations have not been amended since 1964. Meeting minutes for the past three years indicate no interest or participation by other than persons seeking examination privileges from the Board.

Public interests would be furthered by the presence of public members on the Board. "In recent years a number of states have added one or more public members (citizens with no particular interest in the occupation or profession governed by the board) to licensing boards in an effort to ensure that the interest of the public would be represented in decision-making."<sup>1</sup> The State of California, which provides for a one-third public membership on health care boards and a public majority on others, has indicated that its experience with public members has been highly rewarding.

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<sup>1</sup>Shimberg, B. and Roederer, D., Occupational Licensing: Questions a Legislator Should Ask, The Council of State Governments, Lexington, Kentucky, March, 1978, p. 20.

- E. How efficiently are public inquiries or complaints regarding the activities of the Board of Barber Examiners processed and resolved?

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Twelve complaints were filed with the administrative agency from January, 1976, through June, 1979; eight were from applicants regarding Board examination procedures, and four involving unlicensed activity were initiated by the agency. One of these cases had been closed (in September of 1978) as of June 30, 1979.

The administrative agency has been addressing investigative procedures and the need for timely disposition of complaints.

- F. To what extent does the Board of Barber examiners present qualified applicants to serve the public?

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The only method the Board has of assuring qualification is the examination procedure. Applicants are not required to have schooling, training or experience and the Board is unable to accept verification of licensure in another jurisdiction for licensure without examination in Alaska. Past examination procedures, however, have not proved satisfactory as measurements of ability either. The administrative agency and the Board will continue to work toward valid examination and grading standards.

- G. To what extent have State personnel practices, including affirmative action requirements, been complied with by the Board of Barber Examiners in its own activities, and in its area of activity or interest?

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Board staff consists of the support services of a licensing examiner employed by the Division of Occupational Licensing (also responsible for

four other regulated professions) who is hired through the State Personnel System and is subject to affirmative action requirements.

Affirmative action requirements are not applicable to statutory criteria for licensure.

H. To what extent are statutory, budgetary or other changes necessary to enable the Board of Barber Examiners to better serve the interests of the public?

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If the board is reestablished, the following statutory amendments are suggested: (1) deletion of the requirement that Board members come from separate senatorial districts and the five year Alaska license restriction, length of terms should be established and number of consecutive terms limited, § 010; (2) inclusion of public members on the Board while not increasing overall size, § 020; (3) requirements for schooling or training as a condition of licensure, § 070; (4) biennial rather than annual license fees, §§ 090, 100 and 110; (5) requirement of health certification as a condition of renewal; (6) provisions for issuance of temporary permits to in-State graduates pending examination, § 160; (7) endorsement of applicants licensed in another jurisdiction with similar qualifications; (8) repeal of § 180; (9) repeal of exemption for persons barbering in a community with less than 1,000 persons, or more than 25 miles from such a community, § 270; and (10) provisions for apprentice programs.

The Board should establish examination and grading standards. It should work to solicit the interest and participation of those it regulates. Temporary permits should be issued only in accordance with statutory authority until and unless an amendment is made.

Board and administrative expenses outweigh revenues collected through regulation of this profession. Fees collected are not adequate to cover transportation and per diem for meetings and examinations, and Division of Occupational Licensing overhead such as staff salaries and investigative services.

## Chapter 12. Barbers

### Article

1. Board of Barber Examiners (§§ 08.12.010-08.12.050)
2. Examination and Licensing (§§ 08.12.060-08.12.190)
3. Barber Schools and Colleges (§§ 08.12.200-08.12.240)
4. Unlawful Acts and Penalties (§§ 08.12.250-08.12.260)
5. General Provisions (§§ 08.12.270-08.12.280)

### Article 1. Board of Barber Examiners.

#### Section

10. Creation and membership of board
20. Qualifications of board members
30. General powers of board
40. Meetings and examinations
50. Board expenses

Sec. 08.12.010. Creation and membership of board. There is created the Board of Barber Examiners, referred to in this chapter as the board, composed of five members appointed by the governor. Four members of the board shall be from separate major senatorial districts. The fifth member shall be appointed from the district having the largest number of practicing licensed barbers. The members serve at the pleasure of the governor. (§ 1 art II ch 68 SLA 1957; am § 1 ch 168 SLA 1960)

Sec. 08.12.020. Qualifications of board members. Each member of the board shall be a practicing barber who has engaged in barbering in the state for at least five years prior to his appointment. Engaging in the practicing of barbering within a military reservation is not qualifying experience. (§ 2 art II ch 68 SLA 1957)

Sec. 08.12.030. General powers of board. The board may

(1) adopt examinations in accordance with standards provided by any nationally recognized manual of barber science and examine applicants for licenses to engage in the practice of barbering;

(2) adopt rules and regulations for the conduct of the practice of barbering in accordance with reasonable standards of sanitation which do not derogate from the ultimate control over health and sanitary conditions for all licensees under this chapter which is in the Department of Health and Social Services;

(3) suspend licenses for failure to maintain standards of sanitation prescribed by the board;

(4) conduct inspections of barber shops to insure that standards of sanitation are being maintained, except that the board may not

conduct a second inspection of the same shop within 90 days after the first inspection;

(5) adopt rules of procedure for its own organization and conduct of its meetings, examinations, and inspections;

(6) delegate its powers of examination, inspection, and enforcement to a member of the board to be exercised in the judicial district in which he resides;

(7) do such other acts and things necessary to carry out this chapter. (§ 3 art II ch 68 SLA 1957; am § 2 ch 168 SLA 1960; am § 6 ch 104 SLA 1971)

Sec. 08.12.040. Meetings and examinations. The board shall meet as often as necessary to conduct its business but shall hold at least one examination in each year in which applications for a license have been filed. (§ 4 art II ch 68 SLA 1957)

Sec. 08.12.050. Board expenses. Members of the board receive no salary, but are entitled to per diem and expenses authorized by law. (§ 5 art II ch 68 SLA 1957)

## Article 2. Examination and Licensing.

### Section

- 60. License required
- 70. Application
- 80. Examination fees
- 90. License fee for barbers
- 100. License fee for barber teachers
- 110. License fee for barber schools
- 120. Licenses
- 130. Display of licenses
- 140. [Repealed]
- 150. Reinstatement of lapsed license
- 160. Temporary permit
- 170. Issuance of temporary permit
- 180. License for certain resident barbers
- 190. Deposit of receipts

Sec. 08.12.060. License required. No person may engage in the practice of, or attempt to practice, barbering without a license or permit issued by the board. (§ 1 art III ch 68 SLA 1957)

Sec. 08.12.070. Application. A person wishing to practice barbering shall apply to the board by submitting

- (1) evidence of his good moral character;
- (2) a certificate of health from a physician; and
- (3) other information required under regulations adopted by the board. (§ 2 art III ch 68 SLA 1957)

Sec. 08.12.080. Examination fees. An applicant for examination shall submit with his application an examination fee as follows:

- (1) examination for barber license.....\$25
- (2) examination for barber teacher license.....\$75  
(§ 3 art III ch 68 SLA 1957; am § 3 ch 168 SLA 1960)

Sec. 08.12.090. License fee for barbers. The annual fee for a license to engage in barbering is \$10. (§ 5 art III ch 68 SLA 1957; am § 6 ch 168 SLA 1960; § 3A art III ch 68 SLA 1957; added by § 4 ch 168 SLA 1960)

Sec. 08.12.100. License fee for barber teachers. The annual fee for a license to engage in the teaching of barbering is \$50. (§ 3A art III ch 68 SLA 1957; added by § 4 ch 168 SLA 1960)

Sec. 08.12.110. License fee for barber schools. The annual fee for a license to conduct a barber school or college is \$150. (§ 2 art V ch 68 SLA 1957; am § 8 ch 168 SLA 1960; § 3A art III ch 68 SLA 1957; added by § 4 ch 168 SLA 1960)

Sec. 08.12.120. Licenses. Licenses shall be issued by the board to any applicant who passes the examination and who possesses the other necessary qualifications. Each license and temporary permit shall have a photograph of the licensee attached. (§ 4 art III ch 68 SLA 1957; am § 5 ch 168 SLA 1960)

Sec. 08.12.130. Display of licenses. Every licensee or permittee shall display his license or permit in a conspicuous place in his place of business. Owners, operators, and managers of shops and schools are responsible for the display of all licenses held by their employees. (§ 4 art III ch 68 SLA 1957; am § 5 ch 168 SLA 1960)

Sec. 08.12.140. Duplicate license or permit. Repealed by § 7 ch 94 SLA 1968.

Sec. 08.12.150. Reinstatement of lapsed license. A lapsed license may be reinstated if it has not remained lapsed for more than five years. (§ 5 art III ch 68 SLA 1957; am § 6 ch 168 SLA 1960; am § 4 ch 94 SLA 1968)

Sec. 08.12.160. Temporary permit. Any person entering the state or transferring from a practice exempt under the provisions of § 270 of this chapter, and who desires to engage in barbering who has (1) a diploma from a barber college accredited by the board or (2) a bona fide license issued by another territory or state, shall be issued a temporary permit, valid until the next examination given by the board. (§ 6 art III ch 68 SLA 1957)

Sec. 08.12.170. Issuance of temporary permit. A temporary permit may be issued by any member of the board upon application under terms and conditions established by regulations of the board, and upon the receipt of an application fee of \$25. The fee shall be credited to the temporary permittee, who shall be permitted to take an examination for a regular license without any additional fee. Upon taking the examination, the holder shall surrender the temporary permit to the board or the committee conducting the examination. (§ 7 art III ch 68 SLA 1957)

Sec. 08.12.180. License for certain resident barbers. The board shall issue a license without examination to a person who was engaged in the practice of barbering in the state, before March 18, 1957. Application for a license shall be accompanied by payment of a fee of \$25, an affidavit that the applicant qualifies for a license under this section, and a certificate of health from a physician that the applicant has no contagious or infectious disease. (§ 8 art III ch 68 SLA 1957)

Sec. 08.12.190. Deposit of receipts. All money received by the board shall be paid into the general fund of the state. (§ 9 art III ch 68 SLA 1957)

### Article 3. Barber Schools and Colleges

#### Section

- 200. Regulation by board
- 210. License required
- 220. Application
- 230. Examination
- 240. School license

Sec. 08.12.200. Regulation by board. The board shall provide for the conduct and supervision of barber schools and colleges in the state. The board shall adopt regulations establishing standards of sanitation and skill for barber schools and colleges and the teachers and instructors. (§ 1 art V ch 68 SLA 1957; am § 8 ch 168 SLA 1960)

Sec. 08.12.210. License required. No person may operate a barber school or college, or teach in a barber school or college, without a barber teacher license issued by the board. (§ 2 art V ch 68 SLA 1957; am § 8 ch 168 SLA 1960)

Sec. 08.12.220. Application. A person wishing to operate a barber school or college or teach in a barber school or college shall apply for examination and licensing to the board and submit

(1) evidence of his good moral character satisfactory to the board;

(2) a certificate of health from a physician;

(3) a diploma from a nationally accredited barber school or college offering a course in barber science evidencing the applicant's qualifications as a barber teacher;

(4) such other information as may be required by regulations adopted by the board. (§ 3 art V ch 68 SLA 1957; am § 3 ch 168 SLA 1960)

Sec. 08.12.230. Examination. Each applicant for a barber teacher license shall demonstrate to the board by passing an examination in theory and practice that he has the ability to instruct barber students in subjects necessary to qualify them as competent barbers. (§ 4 art V ch 68 SLA 1957; am § 3 ch 168 SLA 1960)

Sec. 08.12.240. School license. No person may operate a barber school or college without a license issued by the board. The board shall issue a license if it finds that the school or college is properly staffed with licensed barbers and the premises and equipment are sufficient, sanitary, and proper. (§ 5 art V ch 68 SLA 1957; am § 3 ch 168 SLA 1960)

#### Article 4. Unlawful Acts and Penalties.

##### Section

250. Failure to possess license

260. Suspension of license

Sec. 08.12.250. Failure to possess license. A person who practices, or attempts to practice barbering or operates a barber school or college or teaches in a barber school or college without a license is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$500, or by imprisonment for a period of not more than 30 days, or by both. (§ 1 art IV ch 68 SLA 1957; am § 7 ch 168 SLA 1960)

Sec. 08.12.260. Suspension of license. The board may suspend the license or permit of a person who violates any provision of this chapter. The board shall suspend the license of a person who, by his acts, gives evidence that he is not of good moral character, or who uses narcotics or overindulges in the use of alcoholic beverages while practicing his profession, until it is satisfied that he will conduct his profession in a proper manner. (§ 2 art IV ch 68 SLA 1957)

## Article 5. General Provisions.

### Section

270. Application of chapter

280. Barbering defined

Sec. 08.12.270. Application of chapter. This chapter applies to a person engaged in barbering in a community in the state having a population of more than 1,000 persons, or within 25 miles of such a community. Persons engaged in barbering entirely within a military reservation and licensed cosmetologists are excepted from this chapter. (§ 2 art I ch 68 SLA 1957)

Sec. 08.12.280. Barbering defined. Barbering includes the following practices when performed for hire or reward:

- (1) shaving or trimming the beard or cutting the hair;
- (2) giving facial and scalp massages or treatments with oils, creams, lotions or other preparations either by hand or mechanical appliances;
- (3) singeing, shampooing, dressing or dyeing the hair or applying hair tonics. (§ 1 art I ch 68 SLA 1957)

CHAPTER 08.  
BOARD OF BARBER EXAMINERS

Article

- 1. Examinations
- 2. Operation of Barber Shops, Barber Schools and Colleges
- 3. Standards for Barber Colleges and Schools

school owner, manager, instructor, or any person to communicate with or help an applicant in any way while taking the examination, or any attempt by an applicant to secure information from another applicant will disqualify the applicant from completing the examination. (In effect before 7/28/59; am 2/64, Reg. 14)

Authority: AS 08.12.030  
AS 08.12.220

ARTICLE 1.  
EXAMINATIONS

Section

- 10. Filing of application
- 20. Location and date
- 30. Form of application
- 40. Applicants failing to pass
- 50. Disqualification during examination
- 60. Form of examination, required equipment, grading

12 AAC 08.060. FORM OF EXAMINATION, REQUIRED EQUIPMENT, GRADING. (a) Written examination. The applicant must obtain a grade of at least 75 percent on sanitation, Barber Science, sterilization, and common contagious and infectious diseases of the face, skin, and scalp.

(b) Practical examination. The applicant must obtain a grade of at least 75 percent on each of the following subjects: haircut, shave, massage, shampoo, condition of tools.

12 AAC 08.010. FILING OF APPLICATION. The application for examination must be on file 10 days before the examination date. (In effect before 7/28/59; am 2/64, Reg. 14)

Authority: AS 08.12.030

(c) Authorized textbooks. The following are the authorized textbooks to be used by applicants: *Standard Textbook of Barbering*, published by Associated Master Barbers of America, Chicago, Illinois, and *Textbook of Practical and Scientific Barbering*, published by Journeymen Barbers, Educational Department, Indianapolis, Indiana.

12 AAC 08.020. LOCATION AND DATE. The location and date of the examination shall be published by the Board of Examiners at least 30 days in advance of the date of examination. (In effect before 7/28/59; am 2/64, Reg. 14)

Authority: AS 08.12.030

(d) Equipment. Each applicant must furnish his own smock, tools, and model.

12 AAC 08.030. FORM OF APPLICATION. The application shall be on a form provided by the board and shall be mailed to the secretary of the board accompanied by a \$25 examination fee; and two photographs signed on the front. (In effect before 7/28/59; am 2/64, Reg. 14)

Authority: AS 08.12.030  
AS 08.12.070  
AS 08.12.080

(e) Standards for grading examinations. In grading each applicant, the examiners will consider the following: care and neatness of supplies and equipment; appearance and posture of applicant; time consumed in completion of each operation. (In effect before 7/28/59; am 2/64, Reg. 14)

Authority: AS 08.12.030  
AS 08.12.070  
AS 08.12.220

12 AAC 08.040. APPLICANTS FAILING TO PASS. Applicants failing to pass an examination or failing to appear for examination may take another examination by filing the required \$25. (In effect before 7/28/59; am 2/64, Reg. 14)

Authority: AS 08.12.030

12 AAC 08.050. DISQUALIFICATION DURING EXAMINATION. Any attempt by a

**ARTICLE 2. OPERATION OF  
BARBER SHOPS,  
BARBER SCHOOLS  
AND COLLEGES**

## Section

- 70. Floors
- 80. Walls and ceilings
- 90. Light
- 100. Ventilation
- 110. Location
- 120. Hot water
- 130. Cold water
- 140. Facilities
- 150. Equipment
- 160. Linens
- 170. Methods
- 180. Cosmetics
- 190. Sterilization
- 200. Customers
- 210. Personnel
- 220. Health certificate renewal
- 230. Registration or permit to be displayed

12 AAC 08.070. **FLOORS.** Floors must be of smooth finish and easily cleanable and kept clean at all times and must be impervious to water. (In effect before 7/28/59; am 8/27/62, Reg. 6)

Authority: AS 08.12.030  
AS 08.12.200

12 AAC 08.080. **WALLS AND CEILINGS.** Walls and ceilings of barber shops and schools for the teaching of barbering must be kept painted and cleaned and in a sanitary condition. (In effect before 7/28/59; am 8/27/62, Reg. 6)

Authority: AS 08.12.030  
AS 08.12.200

12 AAC 08.090. **LIGHT.** All shops and schools for the teaching of barbering must have adequate light, whether natural or artificial. (In effect before 7/28/59; am 8/27/62, Reg. 6)

Authority: AS 08.12.030  
AS 08.12.200

12 AAC 08.100. **VENTILATION.** All barber shops and schools for the teaching of barbering must have adequate ventilation. (In effect before 7/28/59; am 8/27/62, Reg. 6)

Authority: AS 08.12.030  
AS 08.12.200

12 AAC 08.110. **LOCATION.** No barber shop or school for the teaching of barbering shall be used as living quarters, a dining or sleeping apartment or be directly connected with same, unless a solid partition of ceiling height separates portion used thereof, and there shall be no doors opening from shop or school; nor shall any barber shop or school be connected with any other type of business room without a complete partition of at least eight feet in height and partition must be flush with floor. (In effect before 7/28/59; am 8/27/62, Reg. 6)

Authority: AS 08.12.030  
AS 08.12.200

12 AAC 08.120. **HOT WATER.** All barber shops and schools must have an adequate supply of hot water to be of a temperature of at least 170°F. (In effect before 7/28/59; am 8/27/62, Reg. 6)

Authority: AS 08.12.030  
AS 08.12.200

12 AAC 08.130. **COLD WATER.** All barber shops and schools must have cold water in adequate amounts. (In effect before 7/28/59; am 8/27/62, Reg. 6)

Authority: AS 08.12.030  
AS 08.12.200

12 AAC 08.140. **FACILITIES.** Barber shops and schools must have adequate plumbing, running water and sinks within the shop and school, and water may not be used from a separate container of any kind. (In effect before 7/28/59; am 8/27/62, Reg. 6)

Authority: AS 08.12.030  
AS 08.12.200

12 AAC 08.150. **EQUIPMENT.** All barber shops and schools must have closed containers for soiled linen, closed containers for clean linen and sufficient custodial equipment or service. All shops and schools must also have adequate safe equipment for the protection of the public. (In effect before 7/28/59; am 8/27/62, Reg. 6)

Authority: AS 08.12.030  
AS 08.12.200

12 AAC 08.160. **LINENS.** All barber shops and schools must have ample supply of laundered linens and at no time may any towel, plectet, etc., be used on more than one patron without

being relandered. (In effect before 7/28/59; am 8/27/62, Reg. 6)

Authority: AS 08.12.030  
AS 08.12.200

12 AAC 08.170. METHODS. Hands and nails must be kept clean at all times. All equipment must be kept sterilized and in a sanitary condition. Liquid or powdered astringents only may be used and must be applied with a clean linen or sterile cotton. Head rest must be covered with clean towel or paper after each customer. All methods and procedures must be sanitary and meet with the approval of the inspectors. Hands must be washed immediately before each customer. (In effect before 7/28/59; am 8/27/62, Reg. 6)

Authority: AS 08.12.030  
AS 08.12.200

12 AAC 08.180. COSMETICS. Only harmless cosmetics and recognized brands of cosmetics may be used. Powder must be used from shaker type container. All types of creams must be kept under tight lids and in a sanitary condition. (In effect before 7/28/59; am 8/27/62, Reg. 6)

Authority: AS 08.12.030  
AS 08.12.200

12 AAC 08.190. STERILIZATION. All towels and applicators must be kept sterilized and cleaned in the following manner: Immersed in boiling water for half a minute or immersed in 70 per cent denatured alcohol solution, or 5 per cent phenol, or 4 per cent aqueous solution of formaldehyde for ten minutes or hot oil at 212°F. for two minutes or other approved bactericidal method. (In effect before 7/28/59; am 8/27/62, Reg. 6)

Authority: AS 08.12.030  
AS 08.12.200

12 AAC 08.200. CUSTOMERS. No barber or barber student in training shall serve or perform any service upon any customer whom he may suspect of having any communicable disease, broken skin or inflamed or weeping condition of scalp, face or neck. (In effect before 7/28/59; am 8/27/62, Reg. 6)

Authority: AS 08.12.030  
AS 08.12.200

12 AAC 08.210. PERSONNEL. All personnel shall have and display a health card from a

physician showing that he or she has no communicable disease. All personnel shall observe all rules and regulations governing the operation and sanitation of the shop or school where he or she is employed or in training. (In effect before 7/28/59; am 8/27/62, Reg. 6)

Authority: AS 08.12.030  
AS 08.12.200

12 AAC 08.220. HEALTH CERTIFICATE RENEWAL. All barbers must have health cards renewed at least once each year. (In effect before 7/28/59; am 8/27/62, Reg. 6)

Authority: AS 08.12.030  
AS 08.12.200

12 AAC 08.230. REGISTRATION OR PERMIT TO BE DISPLAYED. Every holder of a certificate of registration or permit shall display it in a conspicuous place adjacent to or near his or her work chair. (In effect before 7/28/59; am 8/27/62, Reg. 6)

Authority: AS 08.12.030  
AS 08.12.200

ARTICLE 3. STANDARDS FOR  
BARBER COLLEGES  
AND SCHOOLS

Section

- 240. Classrooms and equipment
- 250. Barbering prohibited in schools and colleges
- 260. Requirements for application
- 270. Equipment requirements
- 280. Practical training room
- 290. Curriculum - hours of classes
- 300. Prerequisites of approved barber schools
- 310. Requirements for license

12 AAC 08.240. CLASSROOMS AND EQUIPMENT. All schools must have a classroom for scientific study, and the classroom shall be separate from the room used for practical training. (In effect before 7/28/59; am 2/64, Reg. 14)

Authority: AS 08.12.200

12 AAC 08.250. BARBERING PROHIBITED IN SCHOOLS AND COLLEGES. No barber shall practice the science of barbering as defined

in the law in any barber school or college. (In effect before 7/28/59; am 2/64, Reg. 14)

Authority: AS 08.12.200

**12 AAC 08.260. REQUIREMENTS FOR APPLICATION.** Any applicant for a license to operate a barber school in the State of Alaska must possess the necessary requirements as set forth in the law. (In effect before 7/28/69; am 2/64, Reg. 14)

Authority: AS 08.12.200

**12 AAC 08.270. EQUIPMENT REQUIREMENTS.** The classroom shall be equipped with sufficient seating capacity for all students attending the classroom and shall have the following equipment:

(1) One lavatory with hot and cold running water for every two barber chairs to be approved for scientific barbering practice classes;

(2) One blackboard not less than six feet by three and one-half feet in size;

(3) One chart of the skin and hair;

(4) One chart of the muscles of the face, head and neck;

(5) One chart of the nerves of the face, head and neck;

(6) One chart of the bones of head and face;

(7) One chart of the blood supplies to the face, head and neck;

(8) One standard dictionary;

(9) One medical dictionary;

(10) One microscope for the study of bacteria. (In effect before 7/28/59; am 2/64, Reg. 14)

Authority: AS 08.12.200

**12 AAC 08.280. PRACTICAL TRAINING ROOM.** The floor of the practical training room shall be covered with tile or any type of first grade linoleum and shall have available the following equipment and facilities:

(1) One closed cabinet for tools and linens for each chair;

(2) One approved soiled towel container with hinged lid or door for each chair;

(3) One sterilization solution container for each chair adequate in size to accommodate all instruments to be used on each patron;

(4) One ultra-violet lamp for every 10 students or fraction thereof;

(5) One infrared generator for every 10 students or fraction thereof;

(6) One high frequency unit for every 10 students or fraction thereof;

(7) One hair drier;

(8) One time clock. (In effect before 7/28/59; am 2/64, Reg. 14)

Authority: AS 08.12.200

**12 AAC 08.290. CURRICULUM—HOURS OF CLASSES.** (a) No school for the teaching of barbering shall be approved by the board unless at least one approved barber teacher is teaching therein at all times and in charge of each daily class in theoretical scientific study, scientific barbering practice, and general barbering practice at all times.

(b) Each school for the teaching of barbering shall require that a patron not be released from a chair after being served by a student until all the work performed by the student has been thoroughly inspected and approved by the barber teacher.

(c) Each school for the teaching of barbering shall furnish each student upon enrollment a copy of the rules and regulations governing sanitary conditions of barbershops and schools for the teaching of barbering of this state as registered with the secretary of state.

(d) Each school for the teaching of barbering shall have adequate ventilation and lighting equipment approved by the board.

(e) Each school for the teaching of barbering, having both men and women in its enrollment,

shall provide one toilet for men and one for women. (In effect before 7/28/59; am 2/64, Reg. 14)

Authority: AS 08.12.200

**12 AAC 08.300. PREREQUISITES OF APPROVED BARBER SCHOOLS.** No school for the teaching of barbering shall enroll or admit any student thereto unless such student shall make and file, in duplicate, a duly verified application which said application shall be obtained by such student or the school from the board. One copy of such application shall be retained by the school enrolling or admitting the student and the other copy shall be filed by such school with the board. (In effect before 7/28/59; am 2/64, Reg. 14)

Authority: AS 08.12.200

**12 AAC 08.310. REQUIREMENTS FOR LICENSE.** No school for the teaching of barbering shall be licensed unless it has been inspected by not less than three members of the board and found in compliance with all provisions of the law and rules and regulations of the board as approved and filed with the secretary of state. (In effect before 7/28/59; am 2/64, Reg. 14)

Authority: AS 08.12.200  
AS 08.12.240

Introduced: 2/13/79  
Referred: Commerce

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

1 IN THE SENATE

2 SENATE BILL NO. 215

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act abolishing the Board of Barber Examiners."

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

8 \* Section 1. AS 08.01.010(2), AS 08.03.010(b)(2), AS 08.12, and AS 44.-  
9 62.330(a)(1) are repealed.

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F

*to*  
KEY REFERENCES:

- (Y) - ~~yellow~~ <sup>cover</sup> State of Alaska Sunset Review, 1979 *Prepared by Div. of O.L.*
- (B) - ~~blue~~ <sup>cover</sup> Division of Legislative Audit Performance Review
- ~~White~~ <sup>Public</sup> of Electrical Examiners Board, May 1979. *Testimony*
- (W) ~~Testimony~~ Senate Commerce Committee Hearing ~~Minutes~~ November 7, 1979
- ~~(Green)~~ Board of Electrical Examiners Report, June 1979 to Governor S. S. Hammond

- 1. Board should not be continued
  - (B) Audit - page 7, page 9, Recommendation 1; page 8 (Yellow) O.L.

~~Quote from Elaine Garrett~~

If the Board of Electrical Examiners should be continued the following changes/additions are suggested:

*OK*

A. Board composed of 4 members -- 2 lay, 2 professional. Two year terms with one re-appointment. Testimony - p. 59  
 (Y) - p. 10/13 O.L.  
 (Y) - p. 32, Board View  
 (B) - p. 13, Audit

*(3 of 2) = 5*  
*clerk examiners public (lay) members*

*w/ letter of intent.*

B. Increase the number of inspectors. Testimony - p. 60, 6, and 10  
 (Y) - p. 11, O.L.  
 (Y) - p. 5, Board has power to inspect  
 Testimony - Don Liston, Editor of "Building Alaska" magazine

*OK*

C. Statutory authority for ~~reciprocity~~ <sup>indorsement</sup> should exist. *A*  
 Testimony - H. D. Wilson, contractor, p. 69, and ombudsman's letter, p. 80  
 (Y) - p. 35, Board  
 (B) - p. 12, Audit, Recommendation #5  
 (Y) - p. 7, O.L.

*NO*

D. Eliminate ~~inspection power~~ from the Department of Labor for Electrical Examiners. Commerce already has this power.  
 (Y) - p. 27/29, conclusive p. 30, Attorney General  
 Testimony - Don Liston/"Build Alaska" SB 232

*To Labor not Commerce*  
~~to Public Supply only~~

E. Licensee should not take the certificate of fitness test.

*ok*

Testimony - p. 60,9

(Y) - p. 39, Board

(Y) - pp. 8, 6

(B) - p. 9 (instead of Sunset, eliminate this duplication)  
Audit

F. Adopt the National Electrical Code and the National Electrical Safety Code as a minimum standard for the State of Alaska.

*yes*

(Y) - p. 36 - Board

Testimony - Tony Reid, Inspector

Administration - Memo Oct. 30, 1979 by Bill McConkey, p.

2

G. Annual report from Board to Legislature/Put authority in 08 Title.

*No*

Testimony - Michael Frith

(B) - p. 13, Audit

(Green) - p. 3, section 2, Board

H. It should not be required that electricians involved in the communications industry be licensed.

*Have Board look into this. letter*

(B) - pp. 7, 10, Recommendation 2 - Audit

(Y) - p. 7, Audit

I. In regard to fees and licensing a maximum of two-years ~~long~~ of license should be allowed before reexamination is statutorily required.

*yes*

(Y) - p. 34, Board

*Ref 08.40.135 (b)*

(Y) - p. 13 - fees - O.L.

(Y) - O.L. and Audit agree on fees. Set by OL and Board. SB 94.

*O.L.J.*

*no*

Licencees should be notified of renewal dates at least thirty days before the expiration date of their licenses.

Repeal 08.01.050 by O.L. per Elaine Garrett

**Sec. 18.60.590. Borough and city electrical safety codes.** (a) The department may by regulation adopt amendments the 1971 National Electrical Code as approved and issued by the American Standards Association.

(b) This chapter does not affect the authority of any municipality or rural electrification association to prescribe by ordinance, rule, or order standards for their respective areas of jurisdiction not less stringent than the standards prescribed by the department or those established under § 580 of this chapter. (§ 1 ch 89 SLA 1969; am § 42 ch 49 SLA 1970; am § 29 ch 53 SLA 1973)

**Effect of amendments.** — The 1970 amendment substituted "adopt" for "incorporate into §§ 580—660 of this chapter" in subsection (a).  
**Legislative committee reports.** — For report on ch. 69, SLA 1970 (HB 564), see 1970 House Journal Supplement No. 2, p. 7. For report on ch. 53, SLA 1973 (CSHB 382), see 1973 House Journal, pp. 793, 885.  
The 1973 amendment substituted "1971" for "1968" in subsection (a).

**Sec. 18.60.600. Powers and duties of the department.** (a) The department may

(1) promulgate regulations to carry out the purposes of §§ 580 —660 of this chapter;

(2) inspect the electrical wiring of any place of employment or public structure in this state.

(b) The department shall

(1) keep a record of all inspection fees collected;

(2) keep a record of all electrical inspections conducted. (§ 1 ch 89 SLA 1969)

**Sec. 18.60.610. Delegation of authority.** Upon application to the department, a person, corporation, electric utility firm, public utility district, rural electrification association, or municipal utility district furnishing electrical current may be authorized by the commissioner to inspect the electrical wiring for a public or commercial structure as defined in § 660 of this chapter to which it is to furnish electrical current before energizing the electrical system on, in, or about the premises. Authorization by the commissioner under this section constitutes a grant of full authority to act within the provisions of §§ 580—660 of this chapter with the same immunities and privileges accorded to the state in the performance of these duties. A person or entity whose electrical wiring installation is found, by the authorized inspector, not to meet the standards prescribed has the right to appeal to the commissioner for a new inspection. The commissioner shall, within 15 days, furnish a new inspection by a designee not associated with the person, firm or utility who did the original inspection. (§ 1 ch 89 SLA 1969)

**Sec. 18.60.620. Inspection fees.** A person, corporation, electric utility firm, public utility district, rural electrification association or municipal utility district authorized under § 610 of this chapter to

provide inspection services may charge a fee for these services. After notice and hearing, the department shall set a schedule of maximum fees for inspection services rendered under §§ 580—660 of this chapter. The department may review the schedule every two years after giving notice and hearing. (§ 1 ch 89 SLA 1969)

**Sec. 18.60.630. Enforcement of compliance.** An authorized inspector under this chapter shall give written notice to the owner of constructed premises, or the contractor of premises under construction, of each violation of applicable electrical standards discovered as a result of his inspection. If within 15 days after receipt of written notice of an electrical violation, the person notified does not rectify the condition, the inspector shall notify the electric utility firm, public utility district, rural electrification association or municipality district supplying power to the premises. Upon notice in writing from the inspector, the supplier of electrical power may discontinue services to the premises where the alleged violation exists. (§ 1 ch 89 SLA 1969)

**Sec. 18.60.640. Scope of work covered.** (a) Sections 580—660 of this chapter cover only new installations and alterations to existing installations.

(b) These standards are the recommended minimum standards for all new structures in the state. (§ 1 ch 89 SLA 1969)

**Sec. 18.60.650. Penalty for violations.** A person who installs electrical wiring not in compliance with minimum electrical standards as set out in § 580 of this chapter, and who fails to correct this wiring after having been notified in writing by an authorized inspector, upon conviction, is punishable by a fine of not more than \$1,000. (§ 1 ch 89 SLA 1969)

**Sec. 18.60.660. Definitions.** In §§ 580—660 of this chapter

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

(2) "commissioner" means commissioner of the Department of Labor;

(3) "Electrical wiring" means the entire electrical system, including all conducting and shielding material, all regulatory and safety apparatus, and all devices and techniques used in the process of installation;

(4) "public structures" mean buildings such as hotels, resident housing with more than one rental unit, restaurants, taverns, lodging houses, children's homes, auditoriums, town halls, or any structure designed or used for public assembly whether publicly or privately financed. (§ 1 ch 89 SLA 1969)

STATE OF ALASKA  
Board of Electrical Examiners  
(August, 1979)

Findings

The Board of Electrical Examiners was created in 1960 under AS 08.40. Electrical Administrators are regulated under provisions of AS 08.40, AS 18.60, and AS 08.62, and electrical work may be inspected by the appropriate city and/or borough to ensure compliance with national standards and codes.

Alternatives to the present operation of the Board and to regulation of this profession are discussed in this review.

I. General Information

A. Regulated Parties

Electrical Administrators (Contractors)

B. Statutory Definition of Regulated Profession

"(2) 'electrical administrator' means any person engaged in the business of, or purporting to be engaged in the business of, installing or repairing, or contracting to install or repair, electrical wiring, conduits, devices, fixtures, equipment, or other electrical materials for transmitting, using or consuming electrical energy;" (AS 08.40.200)

C. Purpose of Regulation

"The purpose of this chapter [08.40] is to protect the safety of people and property in the state from the danger of improperly installed electrical wiring and equipment, by providing a procedure to assure

(1) the public that persons responsible for making electrical installations in this state qualified; id; and

(2) a sufficient number of persons are so qualified." (AS 08.40.005)

Demand

D. Nature and Composition of Board

1. Board members and terms:

Three-year term (with restrictions regarding consecutive terms or number of terms).

- |                             |                    |
|-----------------------------|--------------------|
| 1 Jerome Trammer (Chairman) | ends July 10, 1980 |
| 2 Hugh Macaulay             | ends July 10, 1981 |
| 3 Edward Schenderline       | ends July 10, 1982 |

2. Representation:

P. 11  
TLP } "or"  
② Profession = 3 (2) (by statute)  
② Public = 0 (1) ← " " / Add 1 public by  
= 4 ← " " Attrition.  
hence

3. Qualifications:

Members must be licensed electrical administrators.

← Re-write to  
comply w/  
above.

E. Licensing Data

Currently active: (through May, 1979)

in-State	259
out-of-State	= 53
Total	= 312

F. Fees

- |                          |          |
|--------------------------|----------|
| 1. license Fee           | \$100.00 |
| 2. biennial renewal      | 100.00   |
| 3. annual lapsed penalty | 25.00    |

G. Board Revenues and Expenditures

	FY '76	FY '77	FY '78	FY '79
Receipts	\$8,357.00	\$28,759.00	\$15,912.14	\$37,846.00
- Refunds	<u>500.00</u>	<u>400.00</u>	<u>475.00</u>	<u>1,100.00</u>
Total	7,857.00	28,359.00	15,437.14	<u>36,746.00</u>
Expenditures				
Transportation	1,053.40	1,884.37	2,232.23	2,079.70
Per Diem	823.44	2,793.28	2,412.75	3,011.48
Phone	128.71	312.50	712.90	457.27
Printing, Adver. & Postage	193.14	2,202.07	1,217.32	589.59
Fees & Services	446.80	362.85	-	461.80
Rents, Leases & Other	<u>-</u>	<u>340.25</u>	<u>91.22</u>	<u>191.19</u>
Total	<u>\$2,645.49</u>	<u>\$7,895.32</u>	<u>\$6,666.42</u>	<u>\$ 6,791.03</u>
Surplus	\$5,211.51	\$20,463.68	\$8,070.72	\$29,954.97
Deficit	-	-	-	<u>\$ 18,320.51</u>

(EXCLUDES DIVISION OF OCCUPATIONAL LICENSING ADMINISTRATIVE OVERHEAD)

H. Complaints

Thirty-two complaint files were open as of June 30, 1979, dating from January, 1978, through that time. All regarded unlicensed activity and all came from members of the industry or related professions. Review of the files indicates: six have had no action, eight appear to have been resolved, status of two is undetermined, and sixteen are pending Board approval for closure due to lack of jurisdiction, age of complaint, or resolution of the issue. Also pending Board approval for closure are an additional one-hundred and five cases which were purged from agency files in September of 1978.

## II. Analysis

A. To what extent has the Board of Electrical Examiners operated in the public interest?

Statutory responsibilities of the Board include adoption of regulations establishing categories of licensure relating to examination and licensure of electrical administrators. The Board is required to hold at least one meeting each year and may hold others with prior approval of the governor. It must conduct at least two examinations each year. It may make, or have made, inspections or investigations of work performed by a licensee, and may suspend, revoke or refuse a license under specified conditions.

NO Teeth  
IN  
Revocation

Meetings of the Board are scheduled by regulation (12 AAC 32.260) four times each year in February, May, August and November. Examinations are given in conjunction with meetings; Board policy is to hold two in Anchorage, one in Fairbanks and one in Juneau. Meetings are well attended by applicants and members of the industry. The number of applicants for each examination varies but always is large. In 1978, 45 examinations were administered in February, 80 in May, 46 in August and 70 in November. Failure rates also are high: 67% in February, 85% in May, 87% in August, and 67% in November.

The Board has established five categories of licensure: inside wiring, residential wiring, outside linework, inside communications and outside communications. The examinations for the first three categories consist of three parts, for the latter two categories, two parts. Applicants must achieve at least a score of 70 on all parts; however, if any part is failed, only that part must be retaken. A national examination or something similar apparently does not exist. Examinations are therefore prepared by an electrical administrator licensed in Alaska. Each test

is prepared separately and submitted to the Division of Occupational Licensing and the Board, with answers, prior to its administration. This person also assists the Board in grading of the tests which is done as soon as the applicant turns his work in. Applicants are usually notified of their test results the same day and, according to 12 AAC 32.215, may request a review of the test with the Board the following day. (Also provided by regulations is the requirement that any subsequent change(s) in score be documented and signed by a Board member and retained by the administrative agency with the examination papers.)

Regulations effective in 1977 specify applicant qualifications for each category of licensure. Two categories (outside linework and inside wiring) require that the applicant have a Certificate of Fitness issued by the Department of Labor and that the applicant ~~have worked~~ under this certificate for an additional three years. This requirement by the Board is an attempt to establish standard licensing criteria; however, the fitness card program has only been viable for approximately two years and the Board has attempted to make appropriate allowances for those who appear to qualify for examinations. Certificates of fitness are not required in the remaining three categories because those who qualify for outside linework also qualify for outside communications, and those who qualify for inside wiring also qualify for inside communications and residential wiring.

*Violation of  
Statute*

Licensees are prohibited by statute from operating as an electrical administrator for more than one registered contractor. This prohibition, however, is not enforced. There also seems to be problems with utilization of another's license for work in lieu of obtaining one properly. Licenses are renewed biennially upon application and receipt of the renewal fee unless lapsed more than three years, in which case the Board may require reexamination. At the present time nothing else is required for renewal but the Board is discussing methods by which licensees must submit information verifying their continued competency,

such as employer certification that the individual has been active in the trade.

Statutory exemptions from licensure are provided under specified conditions for municipalities and utilities, for the manufacture or repair of electrical apparatus or equipment, for some electrical work under \$5,000 in outlying communities, for use by the installer or his immediate family, for radio or television broadcasting systems, for some elevator work, and for telephone systems. All such work is subject to inspection under AS 08.40.070, as well as to the provisions of AS 18.60.

*Done  
Should  
Communicate  
be regulated*

All applicants for licensure must take the appropriate examination(s). There are no endorsement or reciprocity provisions, nor any provision for temporary permits pending examination. The overwhelming majority of complaints regarding this profession are complaints from the industry about unlicensed activity. The existence of interim measures to allow apparently qualified people to work might function to reduce the amount of unlicensed electrical work allegedly being done. Interviews conducted during the course of this review indicated widespread dissatisfaction with the enforcement administration of the Department of Commerce and Economic Development, the Department of Labor, and the municipalities. All licensees stated that "80-90%" of the work done, even by licensees, is defective and dangerous. Almost all indicated that a considerable number of applicants had been approved for examination without being qualified and expressed objection that qualifications were not verified by the Board. Almost all declined to make formal complaints about substandard work. Many expressed a desire to serve on the Board but felt there were statutory and practical restrictions to their doing so, i.e., that appointments are made on a geographical basis and/or are lifetime appointments.

Dangerous electrical work is most certainly a matter of public concern. In 1977, there were 125 electrical systems fires in Alaska resulting in 10 injuries; in 1978, there were 110 electrical systems fires resulting in 6 injuries.<sup>1</sup> By authority of AS 18.60 (Electrical Safety) the Department of Labor has adopted the 1978 National Electrical Safety Code as the minimum electrical and safety standards of the State. Local governments may also adopt standards for themselves as long as they are not less stringent than those adopted by the Department of Labor.

Some alternate regulatory procedures exist within the State. In connection with work performed under established standards, no person may be employed to perform the work without a certificate of fitness issued by the Department of Labor under AS 18.62. This certificate of fitness is a prerequisite to approval for examination by the Board of Electrical Examiners. Centralization of electrical regulation under one State agency should be given consideration. Further suggestions are made in this report in the event the Board is reestablished.

- Sunset*
- B. To what extent has the operation of the Board of Electrical Examiners been impeded or enhanced by existing statutes, procedures or practices which it has adopted, or any other matter, including budgetary, resource and personnel matters?

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<sup>1</sup>1978 Annual Report, State of Alaska, Department of Public Safety, Division of Fire Prevention.

The Board of Electrical Examiners is given wide latitude in its operations. It is able to establish categories and standards of licensing, to make or request inspections or investigations, to formulate and administer examinations and to promulgate appropriate regulations. The Board thus has almost no restrictions on its authority other than those self imposed.

The Board of Electrical Examiners has experienced some difficulty with respect to personnel and budgetary restrictions. Support staff is provided by the Division of Occupational Licensing and is presently adequate to serve Board needs; however, past employee turnover has impeded continuity and follow-up on Board requests. Fees and revenues for all boards and commissions under the jurisdiction of the Division of Occupational Licensing are collected through the Division and are deposited into a general fund. Monies deposited and withdrawn are identified by codes so that direct board revenues and expenses may be determined.

The Board has encountered the same difficulties as have all other boards and commissions with respect to investigative services provided by the administrative agency. During FY '78 two investigator positions were vacant; as a result, one position was abolished by the Legislature. At the present time, two investigators are located in Anchorage with a Chief Investigator located in Juneau. An additional investigator position was approved in the FY '80 budget but will probably not be filled immediately due to vacancy factors incorporated into the personal service category of the budget. Procedural constraints of the administrative adjudication article of the Administrative Procedure Act (AS 44.62.330-630), while necessary, restrict timely disposition of litigation. Prioritization based on time, staffing and nature of alleged offense results in pursuit of only the most flagrant and potentially injurious licensing complaints. The administrative agency will continue

} 2/07/80  
is filled  
per  
Clane  
G.

to address the need for initial assessment and follow through on complaints with emphasis on magnitude of offense as it relates to public safety.

AS 08.40.010 requires that all Board members be licensed electrical administrators. Public members should be provided for as a media of public participation in regulation procedures and decision making.

② Terms of membership for all members should be limited.

C. To what extent has the Board of Electrical Examiners recommended statutory changes which are generally of benefit to the public interest?

Board did not comply with

The purpose of AS 08.40 was added to Board statutes in 1977. General "housekeeping" amendments were also made and the term "electrical contractor" was replaced with "electrical administrator." The stated purpose of the chapter is to "protect the safety of people and property in the state..."

D. To what extent has the Board of Electrical Examiners encouraged interested persons to participate in and report to it concerning the making and effect of its regulations and decisions, or to report to it concerning the effectiveness, economy, and availability of service which it has provided?

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Meetings and hearings of the Board are attended by applicants, union representatives and other interested parties. General "public" interest is negligible. Notices of pending meetings and new or amended regulations are published in major newspapers in the State.

Public interests would be furthered by the presence of public members on the Board. "In recent years a number of states have added one or more

public members (citizens with no particular interest in the occupation or profession governed by the board) to licensing boards in an effort to ensure that the interests of the public would be represented in decision-making."<sup>2</sup> The State of California, which provides for a one-third public membership on health care boards and a public majority on others, has indicated that its experience with public members has been highly rewarding. In August of 1977 the Board indicated that it would like to have two public members.

- E. How efficiently are public inquiries or complaints regarding the activities of the Board of Electrical Examiners processed and resolved?

By memorandum of June 13, 1979 (see Appendix A), the Department of Law advised that "AS 08.01.87 and AS 08.40.175 grant Commerce and Labor concurrent discretionary authority to investigate and enforce the provisions of AS 08 40..." The Department of Labor has two electrical inspectors in the State, one in Anchorage and one in Fairbanks.

*Inspector.*

Routine correspondence regarding Board activities may be handled by the Department of Labor, the Division of Occupational Licensing or the Board itself depending on the nature of the inquiry. Review of Board files indicates that, except in some enforcement cases, responses are generally made in an appropriate and timely manner.

- F. To what extent does the Board of Electrical Examiners present qualified applicants to serve the public?

<sup>2</sup>Shimberg, B. and Roederer, D., Occupational Licensing: Questions a Legislator Should Ask, The Council of State Governments, Lexington, Kentucky, March, 1978, p. 20.

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The Board has delineated qualifications for each licensure category in its regulations. It does not, however, verify qualifications cited in individual applications. Interviewees generally felt the tests administered were fair and valid although quite difficult (failure rates from 67% to 87% in 1978).

The Board has provided a procedure by which individuals failing the test may review it with the Board the following day. Any changes made as a result of this review are required to be documented and retained with the examination materials. Applicants who have failed the examination may be reexamined at the next scheduled time. Applicants who appear to be qualified and who pass the appropriate examination(s) are issued a license.

- G. To what extent have State personnel practices, including affirmative action requirements, been complied with by the Board of Electrical Examiners in its own activities, and in its area of activity or interest?

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Board staff consists of the support services of a licensing examiner employed by the Division of Occupational Licensing (also responsible to three other regulated professions), who is hired through the State Personnel System and is subject to affirmative action requirements.

Licenses in this profession are issued on the basis of specific statutory criteria. Affirmative action requirements are not applicable to licensure qualifications.

- H. To what extent are statutory, budgetary, or other changes necessary to enable the Board of Electrical Examiners to better serve the interests of the public?

Conclusions -

① Public members should be included in Board membership and terms of service should be limited. The Board has been actively recommending statutory changes (see Appendix B) and promulgating regulations. ] p. 32

The Board has indicated that it would prefer to have the electrical inspector from the Department of Labor more closely associated with the Board and its activities. It also feels that one such inspector for the entire State is inadequate, particularly when the position is not assigned exclusively to electrical duties.

Board and administrative expenses outweigh revenues collected through regulation of this profession. Fees collected are not adequate to cover transportation and per diem for meetings and examinations, and Division of Occupational Licensing administrative overhead such as staff salaries and examination expenses.

*fees*

## Chapter 40. Electrical Administrators.

### Article

1. Board of Electrical Examiners (§§ 08.40.005-08.40.080)
2. Licensing (§§ 08.40.090-08.40.180)
3. General Provisions (§§ 08.40.190-08.40.200)

### Article 1. Board of Electrical Examiners.

#### Section

05. Purpose of chapter
10. Creation and membership of board
20. Appointment and term of office
30. Chairman of board
40. Board meetings
45. Categories of licenses
50. Regulations
60. Examinations
70. Inspection or investigation by board
80. Compensation of board members

Sec. 08.40.005. Purpose of chapter. The purpose of this chapter is to protect the safety of people and property in the state from the danger of improperly installed electrical wiring and equipment, by providing a procedure to assure

(1) the public that persons responsible for making electrical installations in this state are qualified; and

(2) a sufficient number of persons are so qualified. (§ 2 ch 53 SLA 1977)

Sec. 08.40.010. Creation and membership of board. There is hereby created a Board of Electrical Examiners consisting of three members who are licensed electrical administrators. (§ 1 ch 158 SLA 1960; am § 3 ch 53 SLA 1977)

Sec. 08.40.020. Appointment and term of office. The members of the board shall be appointed by the governor and confirmed by the legislature for staggered terms of three years, or until their successors are appointed. A member may be removed at the pleasure of the governor. (§ 1 ch 158 SLA 1960)

Sec. 08.40.030. Chairman of board. The board shall elect one of its members as chairman. (§ 1 ch 158 SLA 1960)

Sec. 08.40.040. Board meetings. The board shall hold a regular annual meeting. The board may hold special meetings at the call of the chairman with prior approval of the governor. Two members constitute a quorum. (§ 2 ch 158 SLA 1960)

Sec. 08.40.045. Categories of licenses. The board may adopt regulations establishing categories of electrical administrators, establishing qualifications for those categories and the content of examinations for applicants for each category. (§ 4 ch 53 SLA 1977)

Sec. 08.40.050. Regulations. The board shall adopt regulations subject to the Administrative Procedure Act (AS 44.62), relating to the examination and licensing of electrical administrators and the suspension or revocation of licenses. (§ 2 ch 158 SLA 1960; am § 5 ch 53 SLA 1977)

Sec. 08.40.060. Examinations. A licensing examination, under the supervision of the chairman of the board or his designee, shall be conducted at least twice during each year at appropriate places in the state. (§ 2 ch 158 SLA 1960)

Sec. 08.40.070. Inspection or investigation by board. The board may make or have made a special inspection or investigation into the work of a licensee which it considers necessary, may issue subpoenas and process compelling the attendance of any person and the production of any papers or books, for the purpose of the investigation and examination, may administer oaths when required, and may petition a court of the state to enforce subpoenas and process or to compel testimony. (§ 5 ch 158 SLA 1960)

Sec. 08.40.080. Compensation of board members. Members of the board are entitled to payments, per diem allowances and transportation expenses allowed by law and paid members of other state examining and licensing boards. (§ 6 ch 158 SLA 1960)

## Article 2. Licensing.

### Section

- 90. License required
- 100. [Repealed]
- 110. Application for license
- 120. Examination of applicant
- 130. Administrator limited to one licensed contractor
- 135. Renewal and reinstatement
- 140. Issuance and display of license
- 150. Fees
- 160. [Repealed]
- 170. Denial, suspension and revocation of license
- 175. Cease and desist order
- 178. Injunctive relief
- 180. Violation of chapter

Sec. 08.40.090. License required. (a) No person may act as an electrical administrator in the state without a license issued by the board.

(b) A person licensed under this chapter may perform work only in a category for which he is licensed. (§ 3 (c) ch 158 SLA 1960; am § 6 ch 53 SLA 1977)

Sec. 08.40.100. Exclusion. Repealed by § 14 ch 53 SLA 1977.

Sec. 08.40.110. Application for license. An applicant for a license shall apply upon a form prescribed by the board. (§ 3 (d) ch 158 SLA 1960)

Sec. 08.40.120. Examination of applicant. Each applicant shall be examined to determine his knowledge of electrical installations and wiring, familiarity with the regulations contained in the National Electrical Code and the National Electrical Safety Code, as approved by the American Standards Association, other installation and safety regulations approved by the American Standards Association, and his personal skill and ability. (§ 3(d) ch 158 SLA 1960)

Sec. 08.40.130. Administrator limited to one licensed contractor. No person may qualify for or operate as an electrical administrator for more than one registered contractor. (§ 3(e) ch 158 SLA 1960; am § 1 ch 30 SLA 1969; am § 7 ch 53 SLA 1977)

Sec. 08.40.135. Renewal and reinstatement. (a) A license issued under this chapter, unless revoked or suspended, is nontransferable and may be renewed on a date set by the department, without examination, by appropriate application.

(b) A lapsed license may be reinstated by payment of all unpaid renewal fees and a penalty fee of \$25 for each year the license has been lapsed unless the license has been lapsed for more than three years and the board has reason to believe that it may be necessary to require the licensee to take and pass the examination given under § 120 of this chapter. (§ 2 ch 30 SLA 1969; am § 8 ch 53 SLA 1977)

Sec. 08.40.140. Issuance and display of license. An applicant who successfully passes the examination shall receive a certificate of license. The certificate shall be prominently displayed, while in effect, in the holder's principal place of business. (§ 3(f) ch 158 SLA 1960)

Sec. 08.40.150. Fees. (a) Each applicant shall pay an original license fee of \$100.

(b) The fee for biennial renewal of a license is \$100. (§ 3 (f) ch 158 SLA 1960; am § 3 ch 30 SLA 1969)

Sec. 08.40.160. Waiver of examination. Repealed by § 14 ch 53 SLA 1977.

Sec. 08.40.170. Denial, suspension and revocation of license.  
(a) The board may suspend, revoke or refuse to grant a license upon a finding that

- (1) the application is fraudulent or misleading;
- (2) the licensee has knowingly violated this chapter or a lawful rule, order or regulation of the board;
- (3) the licensee is incompetent, or has engaged in fraudulent practices.

(b) Notice of a proposed denial, suspension or revocation of license shall be given in writing, stating the grounds.

(c) Proceedings for the denial, suspension or revocation of a license shall be governed by the Administrative Procedure Act (AS 44.62). (§ 4 ch 158 SLA 1960; am § 4 ch 30 SLA 1969)

Sec. 08.40.175. Cease and desist order. (a) If the commissioner of labor determines that a person is acting as an electrical administrator in violation of this chapter, he may issue a cease and desist order prohibiting further action by the person as an electrical administrator. The cease and desist order remains in effect until the person has submitted evidence acceptable to the commissioner of labor showing that the violation has been corrected.

~~(a)~~ b A person affected by an order issued under (a) of this section may seek equitable relief preventing the commissioner of labor from enforcing the order. (§ 1 ch 39 SLA 1972; am § 9 ch 53 SLA 1977)

Sec. 08.40.178. Injunctive relief. The commissioner of labor may seek an injunction in the superior court to enjoin a person from violating this chapter. (§ 1 ch 39 SLA 1972)

Sec. 08.40.180. Violation of chapter. A person who knowingly violates this chapter, or who knowingly violates a valid rule, regulation or order of the board, is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$300, or by imprisonment for not more than 60 days or by both. (§ 10 ch 158 SLA 1960)

### Article 3. General Provisions

#### Section

- 190. Exclusions
- 200. Definitions

Sec. 08.40.190. Exclusions. (a) This chapter does not apply to any utility or municipality engaged in

(1) electrical construction and maintenance of electrical wiring for the generation and distribution of electrical current where the wiring is an integral part of a system owned and operated by that utility or municipal light and power department;

(2) the installation, operation, maintenance, or repair of telephone, telegraph, signal or communication systems when the work is performed by the employees of the utility.

(b) This chapter does not apply to any person engaged in

(1) the manufacture or repair of electrical apparatus or equipment;

(2) electrical work, the cost of which does not exceed \$5,000 involving residences or small commercial establishments in communities

(A) which have a population of under 500; or

(B) which are over 50 miles by air or water transportation from the business place of an electrical administrator licensed under this chapter;

(3) electrical installation on residential property which is owned by the installer or a member of his immediate family and not intended for sale at the time of making the installation;

(4) the operation, maintenance or repair of a television or radio broadcasting system and the installation of a radio broadcasting system under 500 watts input power except for A.C. power supply and wiring;

(5) the installation, maintenance and repair of elevators so long as the work is performed by an agent or employee of the elevator industry and is confined to the elevator control system, which system does not include the power supply, wiring and motor connection;

(6) the maintenance or repair of telephone systems.

(c) Work within the exclusionary provisions of this section is nevertheless subject to the inspection provisions of § 70 of this chapter and must follow the regulations regarding workmanship adopted by the board. (§ 8 ch 158 SLA 1960; am § 1 ch 79 SLA 1967; am § 10 ch 53 SLA 1977)

Sec. 08.50.200. Definitions. As used in this chapter

(1) "board" means the Board of Electrical Examiners;

(2) "electrical administrator" means any person engaged in the business of, or purporting to be engaged in the business of, installing or repairing, or contracting to install or repair, electrical wiring, conduits, devices, fixtures, equipment, or other electrical materials for transmitting, using or consuming electrical energy;

(3) "electrical wiring" means and includes wiring, fixtures, conduits, appliances, devices, equipment, overhead or underground wiring systems, or other equipment in connection with the general distribution or utilization of electrical energy;

(4) "manufacture" means fabrication or completion of a product or electrical apparatus exclusive of its completion or installation at a job site;

(5) "utility" means every corporation (whether public, cooperative or otherwise), company, individual, or association of individuals, their lessees, trustees, or receivers appointed by a court, that owns, operates, manages, or controls any plant or system for

(A) furnishing, by generation, transmission or distribution, electrical service to the public for compensation;

(B) furnishing telecommunications service to the public for compensation. (§ 3(a)(b) ch 158 SLA 1960; am §§ 12, 13 ch 53 SLA 1977)

CHAPTER 32.  
BOARD OF ELECTRICAL EXAMINERS

experience in outside linework as field superintendent, office engineer or similar position; or

Article

- 1. Outside Linework Category (12 AAC 32.010-12 AAC 32.040)
- 2. Outside Communications Category (12 AAC 32.050-12 AAC 32.080)
- 3. Inside Wiring Category (12 AAC 32.090-12 AAC 32.110)
- 4. Inside Communications Category (12 AAC 32.130-12 AAC 32.150)
- 5. Residential Wiring Category (12 AAC 32.170-12 AAC 32.190)
- 6. Examinations (12 AAC 32.210-12 AAC 32.240)
- 7. Applications (12 AAC 32.250-12 AAC 32.260)
- 8. General Provisions (12 AAC 32.900-12 AAC 32.910)

(3) a degree in electrical engineering from an accredited college or university plus one year of current practical experience as a journeyman lineman in outside linework. (Eff. 7/28/77, Reg. 63)

Authority: AS 08.40.045  
AS 08.40.050

12 AAC 32.020. NOTIFICATION. Repealed 7/28/77.

12 AAC 32.021. EXAMINATION FOR AN ELECTRICAL ADMINISTRATOR LICENSE IN THE OUTSIDE LINEWORK CATEGORY. An applicant for an electrical administrator license in the outside linework category will be examined to determine his or her knowledge of outside linework, familiarity with the applicable portions of the regulations contained in the National Electrical Code and the National Electrical Safety Code, as approved by the American National Standards Institute, other applicable installation and safety regulations approved by the American National Standards Institute, and practical skill and ability in outside linework. (Eff. 7/28/77, Reg. 63)

Authority: AS 08.40.045 AS 08.40.060  
AS 08.40.050 AS 08.40.120

12 AAC 32.030. EXAMINATIONS. Repealed 7/28/77.

12 AAC 32.031. SCOPE OF AN ELECTRICAL ADMINISTRATOR LICENSE IN THE OUTSIDE LINEWORK CATEGORY. (a) The holder of an electrical administrator license in the outside linework category may supervise all work defined in (b) of this section. A person holding a current valid license in outside linework on the effective date of the amendment to this section will be granted a license in outside communications without examination.

(b) Outside linework includes

(1) all work necessary to the assembling, installation, erection, operation, maintenance or repair of all electrical apparatus, devices, wires, cables, supports, insulators, conductors, ducts,

ARTICLE 1.  
OUTSIDE LINEWORK CATEGORY

Section

- 10. (Repealed)
- 11. Qualifications for an electrical administrator license in the outside linework category
- 20. (Repealed)
- 21. Examination for an electrical administrator license in the outside linework category
- 30. (Repealed)
- 31. Scope of an electrical administrator license in the outside linework category
- 40. (Repealed)

12 AAC 32.010. APPLICATION. Repealed 7/28/77.

12 AAC 32.011. QUALIFICATIONS FOR AN ELECTRICAL ADMINISTRATOR LICENSE IN THE OUTSIDE LINEWORK CATEGORY.

(a) An applicant for an electrical administrator license in the outside linework category shall furnish proof satisfactory to the board that he or she has

(1) three years of current practical experience as a journeyman lineman in outside linework;

(2) four years of current management

and raceways when part of distributing systems outside of buildings;

(2) all underground ducts and cables when they are part of a system of a distributing company or utility;

(3) all outdoor substations and electrical connections up to and including the setting of transformers and the connecting of the primary busses to them;

(4) all outdoor street lighting on public thoroughfares, roadways, and rights-of-way; and

(5) all linework consisting of wood, concrete or metal, or substitutes for those materials; poles or towers, including wires, cables, or other apparatus supported by them. (Eff. 7/28/77, Reg. 63; am 4/11/79, Reg. 70)

Authority: AS 08.40.045  
AS 08.40.050  
AS 08.40.090

12 AAC 32.040. NOTIFICATION OF RESULTS. Repealed 7/28/77.

ARTICLE 2.  
OUTSIDE COMMUNICATIONS CATEGORY

Section

- 50. (Repealed)
- 51. Qualifications for an electrical administrator license in the outside communications category
- 60. (Repealed)
- 61. Examination for an electrical administrator license in the outside communications category
- 70. (Repealed)
- 71. Scope of an electrical administrator license in the outside communications category
- 80. (Repealed)

12 AAC 32.050. REEXAMINATION. Repealed 7/28/77.

12 AAC 32.051. QUALIFICATIONS FOR AN ELECTRICAL ADMINISTRATOR LICENSE IN THE OUTSIDE COMMUNICATIONS CATEGORY. An applicant for an electrical administrator license in the outside communications category shall furnish proof

satisfactory to the board that he or she

(1) has had two years of current practical experience in outside communications; or

(2) is a graduate of an accredited college or trade school in outside communications. (Eff. 7/28/77, Reg. 63)

Authority: AS 08.40.045  
AS 08.40.050

12 AAC 32.060. FAILURE TO APPEAR FOR EXAMINATION. Repealed 7/28/77.

12 AAC 32.061. EXAMINATION FOR AN ELECTRICAL ADMINISTRATOR LICENSE IN THE OUTSIDE COMMUNICATIONS CATEGORY. An applicant for an electrical administrator license in the outside communications category will be examined to determine his or her knowledge of outside communications, familiarity with the applicable portions of the regulations contained in the National Electrical Code and the National Electrical Safety Code, as approved by the American National Standards Institute, other applicable installation and safety regulations approved by the American National Standards Institute, and practical skill and ability in outside communications. (Eff. 7/28/77, Reg. 63)

Authority: AS 08.40.045 AS 08.40.060  
AS 08.40.050 AS 08.40.120

12 AAC 32.070. ISSUANCE OF LICENSE. Repealed 7/28/77.

12 AAC 32.071. SCOPE OF AN ELECTRICAL ADMINISTRATOR LICENSE IN THE OUTSIDE COMMUNICATIONS CATEGORY. (a) The holder of an electrical administrator license in the outside communications category may supervise all work defined in (b) of this section.

(b) Outside communications includes

(1) outside linework as defined by sec. 31(b) of this chapter but limited to the installation, operation, maintenance and repair of telephone, telegraph, and intercommunication facilities, up to the first point of distribution or the first terminal inside of building or property lines; and

(2) the installation, maintenance and repair of fire alarm, intrusion alarm or other low voltage signaling systems of 48 volts to ground or less, outside of buildings or property lines where aerial wires or cables are used between buildings or structures up to the first point of attachment of such conductors to those buildings or structures. (Eff. 7/28/77, Reg. 63)

Authority: AS 08.40.045  
AS 08.40.050  
AS 08.40.090

12 AAC 32.080. ADMINISTRATOR OF LICENSE. Repealed 7/28/77.

ARTICLE 3.  
INSIDE WIRING CATEGORY

Section

- 90. Qualifications for an electrical administrator license in the inside wiring category
- 100. Examination for an electrical administrator license in the inside wiring category
- 110. Scope of an electrical administrator license in the inside wiring category

12 AAC 32.090. QUALIFICATIONS FOR AN ELECTRICAL ADMINISTRATOR LICENSE IN THE INSIDE WIRING CATEGORY. An applicant for an electrical administrator license in the inside wiring category shall furnish proof satisfactory to the board that he or she has

(1) three years of current practical experience as a journeyman electrician in inside wiring;

(2) four years of current management experience in inside wiring as field superintendent, office engineer or similar position; or

(3) a degree in electrical engineering from an accredited college or university plus one year of current practical experience as a journeyman electrician in inside wiring. (Eff. 7/28/77, Reg. 63)

Authority: AS 08.40.045  
AS 08.40.050

12 AAC 32.100. EXAMINATION FOR AN ELECTRICAL ADMINISTRATOR LICENSE IN THE INSIDE WIRING CATEGORY. An applicant for an electrical administrator license in the inside wiring category will be examined to determine his or her knowledge of inside wiring, familiarity with the applicable portions of the regulations contained in the National Electrical Code and the National Electrical Safety Code, as approved by the American National Standards Institute, other applicable installation and safety regulations approved by the American National Standards Institute, and practical skill and ability in inside wiring. (Eff. 7/28/77, Reg. 63)

Authority: AS 08.40.045 AS 08.40.060  
AS 08.40.050 AS 08.40.120

12 AAC 32.110. SCOPE OF AN ELECTRICAL ADMINISTRATOR LICENSE IN THE INSIDE WIRING CATEGORY. (a) The holder of an electrical administrator license in the inside wiring category may supervise all work defined in (b) of this section and the work defined under the residential wiring category in sec. 190(b) of this chapter. A person holding a current valid license in inside wiring on the effective date of the amendment to this section will be granted a license in inside examination.

(b) Inside wiring includes

(1) installation, construction, operation, maintenance and repair of all electrical work within buildings and within property lines of any given property, and beginning at the secondary side of the transformer, except linework consisting of poles and towers, including wires or cables and other apparatus supported by them, and except outdoor substations as defined under outside linework jurisdiction; and

(2) work starting immediately after the first point of attachment of aerial conductors to buildings when aerial wires or cables are used to provide power for buildings or structures within the property lines of any given property. (Eff. 7/28/77, Reg. 63; am 4/11/79, Reg. 70)

Authority: AS 08.40.045  
AS 08.40.050  
AS 08.40.090

**ARTICLE 4.  
INSIDE COMMUNICATIONS CATEGORY**

## Section

130. Qualifications for an electrical administrator license in the inside communications category
140. Examination for an electrical administrator license in the inside communications category
150. Scope of an electrical administrator license in the inside communications category

**12 AAC 32.130. QUALIFICATIONS FOR AN ELECTRICAL ADMINISTRATOR LICENSE IN THE INSIDE COMMUNICATIONS CATEGORY.** An applicant for an electrical administrator license in the inside communications category shall furnish proof satisfactory to the board that he or she

(1) has had two years of current practical experience in inside communications; or

(2) is a graduate of an accredited college or trade school in inside communications. (Eff. 7/28/77, Reg. 63)

Authority: AS 08.40.050

**12 AAC 32.140. EXAMINATION FOR AN ELECTRICAL ADMINISTRATOR LICENSE IN THE INSIDE COMMUNICATIONS CATEGORY.** An applicant for an electrical administrator license in the inside communications category will be examined to determine his or her knowledge of inside communications, familiarity with the applicable portions of the regulations contained in the National Electrical Code and the National Electrical Safety Code, as approved by the American National Standards Institute, other applicable installation and safety regulations approved by the American National Standards Institute, and practical skill and ability in inside communications. (Eff. 7/28/77, Reg. 63)

Authority: AS 08.40.050  
AS 08.40.060  
AS 08.40.120

**12 AAC 32.150. SCOPE OF AN ELECTRICAL ADMINISTRATOR LICENSE IN THE INSIDE COMMUNICATIONS CATEGORY.** (a) The holder of an electrical

administrator license in the inside communications category may perform all work defined in (b) of this section.

(b) Inside communications includes

(1) work within the inside wiring jurisdiction but limited to the installation, operation, maintenance and repair of telephone, telegraph and intercommunication facilities, beginning at the first point of distribution or the first terminal inside of building or property lines; and

(2) the installation, maintenance and repair of fire alarm, intrusion alarm or other low voltage signaling systems of 48 volts to ground or less, within buildings or within lines, except as defined under sec. 110(b)(2) of this chapter. (Eff. 7/28/77, Reg. 63)

Authority: AS 08.40.050  
AS 08.40.090

**ARTICLE 5.  
RESIDENTIAL WIRING CATEGORY**

## Section

170. Qualifications for an electrical administrator license in the residential wiring category
180. Examination for an electrical administrator license in the residential wiring category
190. Scope of an electrical administrator license in the residential wiring category

**12 AAC 32.170. QUALIFICATIONS FOR AN ELECTRICAL ADMINISTRATOR LICENSE IN THE RESIDENTIAL WIRING CATEGORY.** An applicant for an electrical administrator license in the residential wiring category shall furnish proof satisfactory to the board that he or she has two years of current practical experience in residential wiring as a residential wireman. (Eff. 7/28/77, Reg. 63)

Authority: AS 08.40.050

**12 AAC 32.180. EXAMINATION FOR AN ELECTRICAL ADMINISTRATOR LICENSE IN THE RESIDENTIAL WIRING CATEGORY.** An applicant for an electrical administrator license in the residential wiring category will be examined to determine his or her knowledge of residential wiring, familiarity with the applicable

portions of the regulations contained in the National Electrical Code and the National Electrical Safety Code, as approved by the American National Standards Institute, other applicable installation and safety regulations approved by the American National Standards Institute, and practical skill and ability in residential wiring. (Eff. 7/28/77, Reg. 63)

Authority: AS 08.40.050  
AS 08.40.060  
AS 08.40.120

#### 12 AAC 32.196. SCOPE OF AN ELECTRICAL ADMINISTRATOR LICENSE IN THE RESIDENTIAL WIRING CATEGORY.

(a) The holder of an electrical administrator license in the residential wiring category may supervise all work defined in (b) of this section on a residential dwelling unit not exceeding two stories in height and no larger than a four-plex.

(b) Residential wiring includes inside wiring and inside communications work as defined in secs. 110(b) and 150, respectively, of this chapter, but is limited to residential occupancies described in (a) of this section. (Eff. 7/28/77, Reg. 63)

Authority: AS 08.40.045  
AS 08.40.050  
AS 08.40.090

### ARTICLE 6. EXAMINATIONS

#### Section

- 210. Examination
- 215. Examination review
- 220. Reexamination
- 230. Notice of examination
- 240. Examination papers

12 AAC 32.210. EXAMINATION. (a) Each part of an examination must be passed with a minimum score of 70 percent.

(b) An applicant may not be examined for more than two electrical administrator license categories at any one scheduled examination. (Eff. 7/28/77, Reg. 63)

Authority: AS 08.40.045  
AS 08.40.050  
AS 08.40.120

12 AAC 32.215. EXAMINATION REVIEW. (a) A person receiving a failing score may review his or her examination in the presence of at least one board member if he or she makes a request to the board before the recess of the board's regularly scheduled meeting the day immediately following the examination.

(b) An examination review shall be conducted the day the request for review is made or the following day.

(c) Upon completion of an examination review with an applicant, the board member reviewing the examination will prepare a written and signed statement of any changes the board member determines should be made to the original examination score.

(d) The board will review and act upon all written statements of recommended changes before the adjournment of the board's regularly scheduled meeting immediately following the examination.

(e) The written and signed statement of recommended changes will be returned with the original and unaltered examination papers to the department following the board's meeting. (Eff. 5/25/79, Reg. 70)

Authority: AS 08.40.050  
AS 08.40.120

12 AAC 32.220. REEXAMINATION. (a) An applicant failing part of the examination will be allowed to retake the parts failed if he or she notifies the department of his or her intent to retake the examination at least 30 days before the next scheduled examination.

(b) An applicant who fails to retake the parts failed within one year must retake the entire examination. (Eff. 7/28/77, Reg. 63)

Authority: AS 08.40.050

12 AAC 32.230. NOTICE OF EXAMINATION. Candidates whose applications for examination have been accepted will be notified of the time and place of examination at least two weeks before the examination. Notice of the examination will also be published in major newspapers at least 30 days before the examination. (Eff. 4/11/79, Reg. 70)

Authority: AS 08.40.050  
AS 08.40.060

**12 AAC 32.240. EXAMINATION PAPERS.** All examination papers will be preserved for a period of at least six months after notification of grade results, during which time any candidate who has failed the examination may inspect his papers in the presence of a board member or his designee. However, no person may inspect examination papers during the 30 days immediately preceding any examination. (Eff. 4/11/79, Reg. 70)

Authority: AS 08.40.050  
AS 08.40.060  
AS 08.40.120

**ARTICLE 7.  
APPLICATIONS**

**Section**

- 250. Application; forms, supporting evidence, and fee
- 260. Time and place for filing applications

**12 AAC 32.250. APPLICATION; FORMS, SUPPORTING EVIDENCE, AND FEE.** (a) An application for initial licensure must be submitted on a form provided by the department with

(1) a check or money order in the amount specified in (b) of this section;

(2) transcripts from an accredited school or trade school attended by applicant;

(3) a certified copy of the applicant's degree awarded by an accredited school or certificate from trade school;

(4) evidence of experience required by this chapter.

(b) The appropriate fee under AS 08.40.150 or 08.40.135(b) must accompany an application. The fees under AS 08.40.150 for original license and renewal must be paid for each category applied for. (Eff. 4/11/79, Reg. 70)

Authority: AS 08.40.050  
AS 08.40.110  
AS 08.40.150

**12 AAC 32.260. TIME AND PLACE FOR FILING APPLICATIONS.** An application together with the required fee must be filed at least 10 days before a regularly scheduled board meeting in order to be considered at that meeting. Regular meetings are held in the months of February, May, August, and November. (Eff. 4/11/79, Reg. 70)

Authority: AS 08.40.050  
AS 08.40.110  
AS 08.40.150

**ARTICLE 8.  
GENERAL PROVISIONS**

**Section**

- 900. Licensed electrical administrator is responsible for completed project
- 910. Definitions

**12 AAC 32.900. LICENSED ELECTRICAL ADMINISTRATOR IS RESPONSIBLE FOR COMPLETED PROJECT.** Completion of a project conducted under an electrical administrator's license constitutes certification by the administrator that work performed and materials used conform to applicable codes and standards. (Eff. 7/28/77, Reg. 63)

Authority: AS 08.40.050  
AS 08.40.130

**12 AAC 32.910. DEFINITIONS.** In this chapter

(1) "board" means the Board of Electrical Examiners;

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

(3) "four-plex" means a building containing four dwelling units erected on a common foundation;

(4) "journeyman lineman" or "journeyman electrician" means a person who has at least four years or 8,000 hours experience in the electrical trade and holds a certificate of fitness as issued by the Department of Labor under AS 18.62;

(5) "residential wireman" means a person who has at least two years or 4,000 hours experience in the residential wiring trade and holds or is otherwise entitled to hold a certificate of fitness as issued by the Department of Labor under AS 18.62. (Eff. 7/28/77, Reg. 63)

Authority: AS 08.40.050

TO: [

DATE: June 13, 1979

Don Hostak, Director  
 Div. of Occupational Licensing  
 Dept. of Commerce and  
 Economic Development

FILE NO:

TELEPHONE NO:

FROM: AVRUM M. GROSS  
 ATTORNEY GENERAL

SUBJECT: AS 08.40 and AS 08.99  
 Enforcement Responsibilities

By: *Norm E. Staton*  
 Norman E. Staton  
 Assistant Attorney General

You have requested an opinion as to which department has the authority and responsibility for enforcing the provisions contained in AS 08.99, regarding the Board of Welding Examiners and the Board of Electrical Examiners. - 08.04.

After reviewing the pertinent provisions, it is our opinion that the Department of Commerce and Economic Development ("Commerce") and the Commissioner of Labor ("Labor") have specific statutory authority for enforcement and investigation of complaints regarding Electrical Examiners, (AS 08.40) and therefore have concurrent discretionary authority. However, while Commerce has discretionary authority for enforcement and investigation of complaints regarding the Board of Welding Examiners (AS 08.99), Labor only has the authority to act if requested to act by the Board.

Commerce and Labor have concurrent discretionary authority to investigate and enforce provisions regarding Electrical Examiners (AS 08.40).

AS 08.01.087 provides:

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 chapter in this title dealing with one of the boards listed in § 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 § 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, ... .

AS 08.01.110 provides in part: "(Definitions.) In this chapter ... (2) 'department' means the Department of Commerce and Economic Development."

The powers and duties of Commerce embrace the boards listed in AS 08.01.010, which provides in part:

(Applicability of Chapter.) This chapter applies to the ...

- (7) Board of Electrical Examiners;
- (17) Board of Welding Examiners

As a result, under the provisions of AS 08.01.087, AS 08.01.110(2) and AS 08.01.010(7) and (17), Commerce may, upon its own motion, conduct investigations and enforce the provisions of AS 08.40, Electrical Administrators and AS 08.99, Board of Welding Examiners.

AS 08.40.175, regarding Electrical Examiners, provides:

Sec. 08.40.175. Cease and desist order.

(a) If the commissioner of labor determines that a person is acting as an electrical administrator in violation of this chapter, he may issue a cease and desist order prohibiting further action by the person as an electrical administrator. The cease and desist order remains in effect until the person has submitted evidence acceptable to the commissioner of labor showing that the violation has been corrected.

(b) A person affected by an order issued under (a) of this section may seek equitable relief preventing the commissioner of labor from enforcing the order.

As a result, AS 08.40.175 grants authority to Labor to determine if an electrical examiner is acting in violation of the chapter. In order for Labor to make a determination, it must have the authority to investigate. If the commissioner determines that action is warranted, he or she may issue a cease and desist order and thereby enforce the provisions of the chapter.

Therefore, AS 08.01.87 and AS 08.40.175 grant Commerce and Labor concurrent discretionary authority to investigate and enforce the provisions of AS 08.40, Electrical Administrators.

Due to the fact that Commerce and Labor have concurrent discretionary authority, it would be advisable for the departments to cooperate and coordinate their activities in the area.

Commerce has discretionary authority to investigate and enforce provisions of the Board of Welding Examiners (AS 08.99) while Labor only has authority to do so if requested by the Board.

As discussed above, AS 08.01.087 grants Commerce discretionary authority upon its own motion, to conduct investigations and enforce the provisions of AS 08.99, Board of Welding Examiners.

On the other hand, AS 08.99.080(b) requires Labor to investigate and enforce provisions of the chapter upon request by the Board of Welding Examiners. AS 08.99.080(b) provides:

(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 §§ 10-110 of this chapter.

(Emphasis added.) If requested to investigate or enforce, Labor would have concurrent authority with Commerce.

June 13, 1979

- 4 -

④ Although the Department of Commerce and Economic Development has discretionary authority while the Department of Labor has mandatory authority, we again recommend the departments work out an arrangement to handle this matter, or in the alternative, have the legislature resolve the matter.

NES:bwb

ATTACHMENT I

EXHIBIT "A"

BOARD OF ELECTRICAL EXAMINERS

1978 ANNUAL REPORT

EXHIBIT "A"

5 members

Yes

\* Section 1.AS 08.40.010 is ammended to read:

Sec 08.40.010. Creation and membership of the board. There is hereby created a board of Electrical Examiners consisting of three members who are licensed electrical administrators and two members drawn from the public at large.

Rationale: Since regulation affects the vital interests of consumers, it is incumbent upon the legislature to develop a forum upon which public views can be heard.

\* Section 2.AS 08.40.030 is ammended to read:

Sec 08.40.030 Chairman of the board. The board shall elect one of its members as chairman. The chairman shall be a licensed electrical administrator.

California Example P.11  
NO

Rationale: The Board rejects the philosophy that only members of our occupational group are qualified to make judgements about entrance standards, examination content, or disciplinary matters. We do feel, however, that the technical nature of our industry requires the presence of a knowledgeable, technically qualified chair person to represent the Board on a day to day basis.

Parliamentarian

Yes

\* Section 3.AS 08.40.040 is ammended to read:

Sec 08.40.040 Board meetings. The Board shall hold a regular quarterly (annual) meeting. The Board may hold special meetings at the call of the

Chairman with prior approval of the Governor. Three (two) members constitute a quorum.

Rationale: The board regularly holds 4 meetings a year and this is the minimum necessary to satisfy the public need. The quorum limitation must be increased to accommodate the public members requested in Section 1, above.

\* Section 4.AS 08.40.090

Sec 08.40.090 License required (A) No person may act as an electrical administrator in the state without a license issued by the board.

NO { 1. No person may submit a bid or offer to perform electrical work in the state without a license issued by the board.

(B) A person licensed under this chapter may perform or offer to perform electrical work only in a category for which he is licensed.

Rationale: A person who responds to an invitation for bids is purporting to be engaged in the business of electrical contracting unless, as an unlicensed practitioner, he acknowledges his inability to perform the work until he is licensed. Without this contingency, an offer made or contract entered into is, in effect, an agreement to commit a crime and is in violation of the public policy of the state.

*Ask  
BLANC...*

\* Section 5.AS 08.40.120 is amended to read:

Sec 08.40.120 Examination of applicant. Each applicant shall be examined to determine his knowledge of electrical installations and wiring, familiarity with the regulations contained in the National Electrical Code and the National Electrical Safety Code, as (approved by the American National Standards Association) adopted and amended by title 18,

article 6 of the Alaska Health and Safety Code, other appropriate  
installation and safety regulations (approved by the American Standards Assoc.),  
and his personal skill and ability.

Rationale: The legislature of the state of Alaska enacts statutory  
regulations dealing with occupational health and safety. These statutes  
are not approved by the American Standards Association and as a consequence  
of the wording of this section, applicants can not be examined on their  
content. (Yet) knowledge of these (and other similar) requirements will  
directly affect the quality and safety of contractor's work.

\* Section 6. AS 08.40.135 is ammended to read:

Sec 08.40.135 Renewal and Reinstatement.

- NO →
- (a) A license issued under this chapter, unless revoked or suspended,  
is non-transferrable and may be renewed biennially on a date set  
by the department without examination, upon submission of adequate  
proof of activity to the board and by appropriate application. ?
- OK →
- (b) A lapsed license may be reinstated by payment of all unpaid renewal  
fees and a penalty fee \$25.00 for each year the license has been  
lapsed, unless the license has been lapsed for more than two (three)  
years (and the Board has reason to believe that it may be necessary  
to require) in which case the licensee will be required to take  
and pass the examination given under section 120 of this chapter.
- OK →
- (c) A licensee who fails to submit adequate proof of activity to the board  
for more than two consecutive years will be required to take and pass  
the examination given under section 120 of this chapter to renew his  
license.

Rationale: At present most inactive practitioners can preserve their  
right to practice by simply paying the renewal fee. By keeping their  
licenses in force, they are able to resume practice at any time even  
though they may have failed to retain their competence.

*Reciprocity*

\* Section 7. AS 08.40.165 Is enacted to read:

Sec 08.40.165 Licensure by endorsement. An applicant who is a licensed electrical administrator in another state may apply for licensure without examination upon providing proof satisfactory to the board that;

(A) he is currently actively engaged in the electrical contracting industry and,

(B) The standards of entry in his state of licensure are at least equal to those of this state.

*How is this equality determined?*

Rationale: In order to encourage the competitive process, it is necessary to provide out of state applicants with fair and reasonable access to our credentialing procedures.

\* Section 8. AS 08.40.170 is amended by enacting sub-section (a)(4) to read:

Sec 08.40.170 Denial, Suspension, and revocation of license.

*A man can lose his license if someone 'tells' on him --- to much like Big Brother.*

(a) (4), The licensee has knowingly permitted electrical work to be accomplished in this state under the guise of his license and without his supervision.

Rationale: The accomplishment of electrical work by an unlicensed person is a crime against the state. Persons who deliberately allow other, unlicensed persons to accomplish electrical work under the fraudulent "umbrella" of licensed activity are themselves guilty of violating this statute.

\* Section 9. AS 08.400.200 (5)(B) is amended to read:

Sec 9 AS 08.40.200 (5)(B) Definitions. Furnishing (telecommunications), telephone or telegraph service to the public for compenstation.

Rationale: When this definition was added to the statute in 1977, the intent of both the Board and the Legislature was to exclude the activities of Public Service corporations (ie: Municipal Utilities, long lines carriers, etc.,) from the requirements of this chapter. Unfortunately, the wording

we jointly selected has resulted in considerable controversy and needs to be clarified.

\* Section 10.AS 08.40.200 is amended by enacting sub-section 6 to read:

Sec 08.40.200 (6) Definitions "repair" means the performance or accomplishment of work, of a routine recurring nature or otherwise, on an integral electrical circuit component which is or is capable of being energized, when such work involves the removal, replacement, disconnection or reconnection of that integral component.

Rationale: There has been a great deal of controversy over the last several years revolving around the legislative intent of the word "repair". Only by adding a firm definition for this word can we hope to achieve uniform comprehension and enforcement of this statute.

*National Code*  
*OK*  
\* Section 11.AS 18.60.580 is repealed and re-enacted to read:

Sec 18.60.580. Minimum electrical standards. The latest published editions of the National Electrical Code and the National Electrical Safety Code, both as approved by the American National Standards Institute constitute the minimum Electrical Safety standards of the state.

Rationale: It is both ridiculous and expensive for the legislature to have to review this act every two to three years to change a date so that we may once again be in tune with the rest of the U.S.A.

\* Section 12.AS 18.60.590 is amended to read:

Sec 12.AS 18.60.590 State, Borough and City electrical Codes

Sec 12. AS 18.60.590 Electrical Codes

- (A) The (department) Board of Electrical Examiners may be regulation adopt ammendments to the (1971) National Electrical Code and/or the National Electrical Safety Code (as approved and issued by the American Standards Association) provided such ammendments result in standards no less stringent than those prescribed by section 580 of this chapter.
- (B) This chapter does not affect the authority of any organized borough, municipality or rural electrification association to prescribe by ordinance, rule or order, standards for their respective areas of jurisdiction no less stringent than the standards prescribed by the (department) Board or those established by section 580 of this chapter.

Rationale: The Department of Labor employes electrical inspectors, not administrators. The technical expertise necessary to formulate ammendments to the National Standards more properly sites with the Board. Additionally, as this statute is now worded, no one can ammend the National Electrical Safety-Code regardless of the rationale behind such an ammendment. Please see attach-ment 1 to the exhibit for an example of why the Board needs this authority.

\* Section 13.AS 18.60.600 is repealed and re-enacted to read:

Sec 18.60.600 Powers and duties of the Board and the Department;

(A) The Board may:

1. Promulgate regulations to carry out the purposes of section 580-610 of this chapter.
2. Inspect, or cause to be inspected, the electrical wiring of any place of employment or public structure in the state.

*leave regulations w/ the Board.*

(B) The department shall:

1. Promulgate regulations to carry out the purposes of section 620-660 of this chapter.
2. Keep a record of all inspection fees collected.
3. Keep a record of all electrical inspections conducted.

Rationale: This revision is necessary to accomodate the other contemplated changes to this chapter.

*NO*  
-37- *its*  
*notl.*

\* Section 14.AS 18.60.610 is amended to read:

Sec 18.60.610 Delegation of Authority. Upon application to and approval of the Board (department), a person, corporation, electric utility firm, public utility district, Rural Electrification Association, or Municipal-Utility District furnishing electrical current may be authorized (by the commissioner) to inspect the electrical wiring for a public or commercial structure as defined in section 660 of this chapter to which it is to furnish electrical current before energizing the electrical system on, in, or about the premises. Authorization by the Board (commissioner) under this section constitutes a grant of full authority to act within the provisions of sections 580-660 of this chapter with the same immunities and privileges accorded to the state in the performance of these duties. A person or entity whose electrical wiring installation is found, by the authorized inspector, not to meet the standards prescribed, has the right to appeal to the Board (commissioner) for a new inspection. The Board (commissioner) shall, within 15 days, furnish a new inspection by a designee not associated with the person, firm, or utility who did the original inspection

Rationale: The board has the authority (Granted by AS.08.40.070) to conduct inspections but lacks the tool to implement it. Additionally, the technical direction required by the State Electrical Inspectors must come from the Board as the department has no source of expertise other than the inspectors themselves.

\* Section 15.AS 18.60.640 is amended to read:

Sec 18.60.640 Scope of work covered;

(A) Sections 580-660 of this chapter apply to (cover only) new installations and alterations to existing installations.

18.60.580

(B) These standards are the required (recommended) minimum standards for all new structures in the state

Rationale: The wording changes are necessary to bring this section into agreement with other sections of this chapter.

\* Section 16.AS 18.60.660 (4) is amended to read:

Sec 18.60.660 Definitions in sections 580-660 of this chapter. (4)

"Public Structures" means buildings such as hotels, resident housing, except homes owned by the installer and not intended for sale at the time of making the installation, (with more than one rental unit) restaurants, taverns, lodging houses, children's homes, auditoriums, town halls, or any structure designed or used for public assembly whether publicly or privately owned or financed.

Rationale: This change would allow for inspection of residential occupancies built by contractors and any other dwelling unit intended for rental occupancy regardless of the number of units involved. This authority is required to allow us to comply with the intent of AS 08.40 which again, is to protect the public.

*O/K to add.*

\* Section 17. AS 18.60.660 is amended by enacting sub-section 5 to read:

Sec 18.60.660(5) "Board" means the board of Electrical Examiners as created by Alaska Statute AS 08.40.

Rationale: The necessity for this revision is self evident.

*is already stated this way. p 44*

\* Section 18.AS 18.62.010 is amended to read:

Sec 18.62.010 Certificate of fitness required. In connection with work performed subject to the standards established in (AS 18.60.580 and) AS 18.60.705, no person may be employed without a certificate of fitness to perform work.

Rationale: The board considers the certificate of fitness program to be an abrogation of an individual's constitutional right to work at his trade. Additionally, there is absolutely no need for two licensing programs within the same occupation. If the contractor is licensed and responsible for the work accomplished under his license, why then regulate the workman? "There is little justification for licensure if practitioners work under supervision. If regulation is needed, it should be the supervisor who is regulated".<sup>1</sup>

Cost Impact:

*good pt.*

The net result of the foregoing legislative package would be a cost increase of approximately \$2,500.00 a year to support the two new board members and a cost decrease of untold magnetude in the reduction of administrative costs pertinent to the certificate of fitness program. The machinery for supporting the balance of this legislative package already exists and would neither expand nor contract as a result of these changes.

1. Occupational licensing: questions a legislator should ask, Page 15; Shimberg & Roederer, 1978.

D

(Health and Safety)  
Article 6. Electrical Safety.

Section

- 580. Minimum electrical standards
- 590. Borough and city electrical safety codes
- 600. Powers and duties of the department
- 610. Delegation of authority
- 620. Inspection fees
- 630. Enforcement of compliance
- 640. Scope of work covered
- 650. Penalty for violations
- 660. Definitions

Sec. 18.60.580. Minimum electrical standards. The Department of Labor shall adopt the 1971 published edition of the National Electrical Code approved by the American Standards Association, and the latest published edition as of August 5, 1969 of the National Electrical Safety Code issued by the U.S. Department of Commerce, Bureau of Standards, as the minimum electrical safety standards of the state. (§ 1 ch 89 SLA 1969; am § 1 ch 37 SLA 1972)

Sec. 18.60.590. Borough and city electrical safety codes. (a) The department may by regulation adopt amendments to the 1971 National Electrical Code as approved and issued by the American Standards Association.

(b) This chapter does not affect the authority of any municipality or rural electrification association to prescribe by ordinance, rule, or order standards for their respective areas of jurisdiction not less stringent than the standards prescribed by the department or those established under § 580 of this chapter. (§ 1 ch 89 SLA 1969; am § 42 ch 69 SLA 1970; am § 29 ch 53 SLA 1973)

Sec. 18.60.600. Powers and duties of the department. (a) The department may

(1) promulgate regulations to carry out the purposes of §§ 580-660 of this chapter;

(2) inspect the electrical wiring of any place of employment or public structure in this state.

(b) The department shall

(1) keep a record of all inspection fees collected;

(2) keep a record of all electrical inspections conducted.  
(§ 1 ch 89 SLA 1969)

50-232 would  
Repeal  
this

*all repealed by SB-232*

Sec. 18.60.610. Delegation of authority. Upon application to the department, a person, corporation, electric utility firm, public utility district, rural electrification association, or municipal utility district furnishing electrical current may be authorized by the commissioner to inspect the electrical wiring for a public or commercial structure as defined in § 660 of this chapter to which it is to furnish electrical current before energizing the electrical system on, in, or about the premises. Authorization by the commissioner under this section constitutes a grant of full authority to act within the provisions of §§ 580-660 of this chapter with the same immunities and privileges accorded to the state in the performance of these duties. A person or entity whose electrical wiring installation is found, by the authorized inspector, not to meet the standards prescribed has the right to appeal to the commissioner for a new inspection. The commissioner shall, within 15 days, furnish a new inspection by a designee not associated with the person, firm or utility who did the original inspection. (§ 1 ch 89 SLA 1969)

Sec. 18.60.620. Inspection fees. A person, corporation, electric utility firm, public utility district, rural electrification association or municipal utility district authorized under § 610 of this chapter to provide inspection services may charge a fee for these services. After notice and hearing, the department shall set a schedule of maximum fees for inspection services rendered under §§ 580-660 of this chapter. The department may review the schedule every two years after giving notice and hearing. (§ 1 ch 89 SLA 1969)

Sec. 18.60.630. Enforcement of compliance. An authorized inspector under this chapter shall give written notice to the owner of constructed premises, or the contractor of premises under construction, of each violation of applicable electrical standards discovered as a result of his inspection. If within 15 days after receipt of written notice of an electrical violation, the person notified does not rectify the condition, the inspector shall notify the electric utility firm, public utility district, rural electrification association or municipality district supplying power to the premises. Upon notice in writing from the inspector, the supplier of electrical power may discontinue services to the premises where the alleged violation exists. (§ 1 ch 89 SLA 1969)

Sec. 18.60.640. Scope of work covered. (a) Sections 580-660 of this chapter cover only new installations and alterations to existing installations.

(b) These standards are the recommended minimum standards for all new structures in the state. (§ 1 ch 89 SLA 1969)

Sec. 18.60.650. Penalty for violations. A person who installs electrical wiring not in compliance with minimum electrical standards as set out in § 580 of this chapter, and who fails to correct this wiring

after having been notified in writing by an authorized inspector, upon conviction, is punishable by a fine of not more than \$1,000. (§ 1 ch 89 SLA 1969)

Sec. 18.60.660. Definitions. In §§ 580-660 of this chapter

- (1) "department" means the Department of Labor;
- (2) "commissioner" means commissioner of the Department of Labor;
- (3) "electrical wiring" means the entire electrical system, including all conducting and shielding material, all regulatory and safety apparatus, and all devices and techniques used in the process of installation;
- (4) "public structures" mean buildings such as hotels, resident housing with more than one rental unit, restaurants, taverns, lodging houses, children's homes, auditoriums, town halls, or any structure designed or used for public assembly whether publicly or privately financed. (§ 1 ch 89 SLA 1969)

(Health and Safety)  
Chapter 62. Certificates of Fitness.

## Section

- 10. Certificate of fitness required
- 20. Application for and issuance of certificate
- 30. Fee
- 40. Duration of certificate
- 50. Issuance and contents of certificate
- 60. Power of the department
- 70. Persons required to obtain certificate
- 80. Penalty

Sec. 18.62.010. Certificate of fitness required. In connection with work performed subject to the standards established in AS 18.60.580 and AS 18.60.705, no person may be employed without a certificate of fitness to perform the work. (§ 1 ch 12 SLA 1974)

Sec. 18.62.020. Application for and issuance of certificate. The department shall issue certificates of fitness. The certificate shall be issued only to an individual. An applicant for a certificate shall apply in writing, under oath, on a form prescribed by the department containing:

- (1) the name and address of the applicant;
- (2) his age;
- (3) his citizenship; and
- (4) other information relevant to licensing which the department requires. (§ 1 ch 12 SLA 1974)

Sec. 18.62.030. Fee. An applicant shall pay an initial fee of \$15 with his application. (§ 1 ch 12 SLA 1974)

Sec. 18.62.040. Duration of certificate. The department may cancel a certificate for cause. Certificates, if not cancelled for cause, are renewable upon payment of an annual renewal fee of \$5. (§ 1 ch 12 SLA 1974)

Sec. 18.62.050. Issuance and contents of certificate. (a) If, upon investigation and examination by the department, the applicant is found competent by reason of training and experience, the department shall issue a certificate of fitness. The certificate shall set out the competency of the applicant and provide for his positive identification, and shall be carried on the person engaged in work subject to the requirement of a certificate of fitness under this chapter.

(b) An applicant who engaged in a trade subject to the requirement of a certificate of fitness under this chapter who has been engaged in that trade in the state for one year or more before January 1, 1973, upon making a satisfactory showing of qualifications to the department, shall be issued a certificate without examination.

(c) Verification by an Alaska-based labor union of a member's qualification to meet the requirements for a certificate of fitness may be accepted in lieu of examination or other requirement for issuing a certificate under this chapter. (§ 1 ch 12 SLA 1974)

Sec. 18.62.060. Power of the department. The department shall issue orders, rules and regulations necessary to carry out the purposes of this chapter. (§ 1 ch 12 SLA 1974)

Sec. 18.62.070. Persons required to obtain certificate. A person engaged in one of the following trades shall first obtain from the department the appropriate certificate of fitness in that trade:

(1) electrical wiring subject to the standards established in AS 18.60.580; and

(2) plumbing subject to the uniform plumbing code, as established in AS 18.60.705. (§ 1 ch 12 SLA 1974)

Sec. 18.62.080. Penalty. A person, either an employer or employee, who violates a provision of this chapter or of a regulation issued under this chapter is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not more than \$500. (§ 1 ch 12 SLA 1974)

G

STATE OF ALASKA  
Real Estate Commission  
August, 1979

Findings

Review of the responsibilities and activities of the Real Estate Commission indicates that regulation of this profession is in the public interest and should continue. Substantial amounts of money may be involved in real estate transactions which are often difficult for the consuming public to interpret and rely upon. The Commission is carrying out its functions in a responsible manner and appears to be meeting needs and demands reasonably.

I. General Information

A. Regulated Parties

1. Real Estate Brokers
2. Associate Real Estate Brokers
3. Real Estate Salesmen

B. Definitions

"(1) 'real estate' means an interest or estate in land, corporeal or incorporeal;" (AS 08.88.431)

C. Nature and Composition of Commission

1. Commission members and terms:

Four-year term (no restrictions regarding consecutive terms or number of terms).

Lance Youngquist (Chairman)	ends January 31, 1981
Karen Morris	ends January 31, 1981
Carol Maser	ends January 31, 1980
Ken Calhoon	ends January 31, 1983
Frank Austin	ends January 31, 1980
Gary Wilkin	ends January 31, 1983
Gail Glad	ends January 31, 1983

2. Representation:

Profession = 5  
Public = 2

3. Qualifications:

"(a) Five members of the commission must be real estate brokers or associate brokers who have been licensed real estate brokers or licensed associate brokers in Alaska for at least three years before appointment. Two members of the board must be public members in accordance with AS 08.01.025.

(b) One member of the commission shall be from the First Judicial District, one shall be from the Second Judicial District, one shall be from the Third Judicial District, one shall be from the Fourth Judicial District and one shall be from the state at large. However, if no person is eligible or available for appointment from the Second Judicial District, then two shall be from the state at large." (AS 08.88.041)

D. Licensing Data

Current active licenses (effective through July, 1979)

Brokers	=	449
Associate Brokers	=	342
Salesmen	=	<u>1,967</u>
Total		2,758

All licentiates are in-State.

E. Fees

Real estate broker or associate broker

1. examination	\$ 50.00
2. reciprocity	50.00
3. initial license	100.00
4. biennial renewal - active license	100.00
5. beinnial renewal - inactive license	25.00
6. surety fee	125.00

Real estate salesmen

1. examination	\$ 50.00
2. reciprocity	50.00
3. initial license	50.00
4. biennial renewal - active license	50.00
5. biennial renewal - inactive license	25.00
6. surety fee	40.00

For amended license 2.00

F. Examination Information

1976

<u>Month</u>	<u>Broker Passed</u>	<u>Salesman Passed</u>	<u>Broker Failed</u>	<u>Salesman Failed</u>	<u>No Shows</u>	<u>Total Registered</u>
January	18	116	50	101	65	350
April	27	118	31	118	86	380
July	(126)		32	109	88	355
October	20	93	37	103	55	308

1977

<u>Month</u>	<u>Broker Passed</u>	<u>Salesman Passed</u>	<u>Broker Failed</u>	<u>Salesman Failed</u>	<u>No Shows</u>	<u>Total Registered</u>
January	52	126	24	127	68	397
April	46	218	15	133	83	495
July	48	223	13	113	123	520
October	31	181	13	153	117	495
Nov.	16	66	2	26	54	164

1978

<u>Month</u>	<u>Broker Passed</u>	<u>Salesman Passed</u>	<u>Broker Failed</u>	<u>Salesman Failed</u>	<u>No Shows</u>	<u>Total Registered</u>
January	11	130	11	104	79	335
February	4	21	1	13	13	52
March	28	112	11	90	69	310
April	20	135	9	92	68	324
May	17	76	8	75	91	267
June	12	49	9	45	40	155
July	7	83	14	48	30	182
August	3	55	0	51	41	150
September	7	22	6	38	33	106
October	28	52	7	107	51	245
November	13	71	10	62	54	210

1979

<u>Month</u>	<u>Broker Passed</u>	<u>Salesman Passed</u>	<u>Broker Failed</u>	<u>Salesman Failed</u>	<u>No Shows</u>	<u>Total Registered</u>
January	19	91	17	124	57	308
February	9	18	3	15	13	58
March	24	82	6	62	48	222
April	30	83	0	66	66	245
May	24	59	9	48	36	176
June	12	46	5	37	50	150

G. Commission Revenues and Expenditures

	<u>FY '76</u>	<u>FY '77</u>	<u>FY '78</u>	<u>FY '79</u>
Receipts	\$183,184.50	\$129,017.00	\$299,849.00	\$156,135.72
- refunds	<u>4,687.00</u>	<u>9,484.00</u>	<u>14,214.08</u>	<u>13,476.00</u>
Total	\$178,497.50	\$119,533.00	\$285,634.92	\$142,659.72
Expenditures				
Transportation	\$ 3,153.63	\$ 3,213.48	\$ 4,079.75	\$ 5,824.75
Per Diem	3,157.15	5,230.50	6,035.89	7,623.76
Phone	800.82	1,334.15	1,687.91	3,118.78
Printing, Adver. & Postage	1,781.13	4,281.35	4,622.51	1,831.61
Fees & Services	10,054.55	15,500.47	20,517.25	20,072.50
Rents, Leases & Other	171.19	89.00	1,234.61	2,131.09
Exec. Officer (Salary & Benefits)	<u>18,083.29</u>	<u>29,331.19</u>	<u>30,310.73</u>	<u>34,324.92</u>
Total	<u>\$ 37,201.76</u>	<u>\$ 58,980.14</u>	<u>\$ 68,488.65</u>	<u>\$ 74,977.41</u>
Surplus	\$141,295.74	\$ 60,552.86	\$217,146.27	\$ 67,682.31
Deficit	--	--	--	--

(EXCLUDES DIVISION OF OCCUPATIONAL LICENSING ADMINISTRATIVE OVERHEAD)

H. Complaints\*

FY '78 Received 107 written complaints  
Closed 94

Two licenses were revoked.

One license was denied.

One applicant was denied admittance to the examination.

One hearing on two licensees is in progress.

One exam score was cancelled (cheating - 2 applicants).

One hearing was requested on 9/1/78 by the commission but  
has not occurred.

FY '79 Received 127 written complaints  
Closed 56

43 referred to investigations.

14 inactive.

One revoked license.

One referred to Banking and Securities.

Four advisory (letters but not actual complaints - no action  
is taken on these unless writer follows up).

Two conflict of interest - cases involving family, friends  
or commission members.

Six cases are still with the Executive Secretary pending receipt  
and/or evaluation of responses.

\*See Appendix F

## II. Analysis

- A. To what extent has the Real Estate Commission operated in the public interest?

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Duties of the Commission include passing on applicant qualifications, preparation and grading of examinations, suspension and/or revocation of licenses, prosecutions of licensing violations, and publication of subsequent disciplinary actions.

Activities by a licensee which constitute grounds for disciplinary action are detailed in Commission statutes and regulations. Enforcement and complaint procedures for real estate matters differ somewhat from the procedures delineated for other boards and commissions supported by the Division of Occupational Licensing. Those procedures (see Appendix A) are acceptable to all concerned parties but apparently are not being completely adhered to and, as a result, are not as effective as they might otherwise be. The Real Estate Commission, in contrast to all other boards and commissions except the Board of Nursing, enjoys the services of an Executive Secretary who is a Division of Occupational Licensing employee assigned specific duties with respect to the Commission (see Appendix B). This person is in a particularly significant position in that (s)he serves as liaison among Commission members, licensees and the public. Many questions and/or complaints can be and have been resolved at this level.

As of July 31, 1979, there were 2,758 active licenses in this profession. While the number of applicants per test has not particularly increased, the number of tests given each year has. In 1976, four examinations were given; in 1977, five; and in 1978, eleven. Total registered applicants for examination in 1978 was 2,636. Initial application forms and fees are received and processed by the Division of