

691

FILE NO. 4 - FILE NO. 10

(14) direct the department to remedy any error in the issuance of a license ;

(15) designate a professional conduct officer on recommendation of the commissioner and/or investigative staff in connection with professional misconduct proceedings and criminal matters , such officer to be empowered to issue subpoenas and administer oaths in connection with disciplinary proceedings ;

(16) establish , by regulation , standards of conduct with respect to advertising , fee splitting , practicing under a pseudonym when not authorized , proper use of professional or academic titles tending to imply professional status and other such ethical practices as the board deems necessary ; and

(17) delegate to department officials the disposition of any licensing matters pursuant to board regulations .

*Section 11. AS 08.01.087 is amended to read:

Sec. 08.01.087. POWERS AND DUTIES OF DEPARTMENT. (a) The department shall [MAY], upon its own motion or at the instance of the commission, 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 occupations [BOARDS], or to secure information useful in the administration of this chapter.

(b) If it appears to the director [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 the professions [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 commission [BOARD] members by telephone or telegraph of a proposed order or action unless a majority of the members of the commission [BOARD] object within 10 days,

(1) issue an order directing the person to stop the act or practice; however, reasonable notice of and an opportunity for a hearing must first be given to the person, except that the director [COMMISSIONER] may issue a temporary order before a hearing is held; a temporary order remains in effect until a final order affirming, modifying, or reversing the temporary order is issued or

until 15 days after the person receives the notice and has not requested a hearing by that time; a temporary order becomes final if the person to whom the notice is addressed does not request a hearing within 15 days after receiving the notice; the director [COMMISSIONER] or his designee shall be the hearing officer at the hearing and shall issue a final order within 10 days after the hearing;

(2) bring an action in the superior court to enjoin the acts or practices and to enforce compliance with this chapter, a regulation adopted under it or an order issued under it, or any of the laws or regulations pertaining to [OR REGULATIONS ADOPTED BY] the occupations [BOARDS] listed in § 10 of this chapter and adopted by the commission established by this chapter;

(3) examine or have examined the books and records of any person whose business activities require licensure by the commission [BOARD LISTED IN § 10 OF THIS CHAPTER] and he may require that person to pay the reasonable costs of the examination; and

(4) issue subpoenas for the attendance of witnesses, and the production of books, records and other documents.

(c) The director shall bring to the commission cases of alleged violations where the protection of the public health, welfare or safety requires immediate action.

(d) The director may overrule a commission determination regarding the issuance of a license; however, the commission may overrule the director in this instance by a 2/3rds vote of its total membership.

*Section 13. AS 08.01.100 is amended to read:

Sec. 08.01.100. LICENSE RENEWAL, LAPSE AND REINSTATEMENT.

(a) All licenses shall be renewed [BIENNIALLY] on the dates set by the department with the approval of the commission [RESPECTIVE BOARD].

(b) A registration, license, permit or certificate[S] requiring renewal to continue to be effective must be renewed in or before the date set by the department or it will lapse. The department may establish a [A] penalty which must be paid [OF \$10

SHALL BE CHARGED] in addition to all delinquent renewal fees for reinstatement of a registration, license, permit or certificate which remains lapsed for more than 60 days.

*Section 15. AS 08.01.105 is amended to read:

Sec. 08.01.105. PENALTY FOR IMPROPER PAYMENT. An applicant shall pay a penalty of \$15 [\$10] each time a negotiable instrument is presented to the department in payment of an amount due and payment is subsequently refused by the named payor.

*Section 16. AS 08.01.110 is amended to read:

Sec. 08.10.110. DEFINITIONS. In this chapter

(1) "board" means the Alaska Commission of the Healing Arts described in § 20 of this chapter [INCLUDES THE BOARDS AND COMMISSIONS LISTED IN § 10 OF THIS CHAPTER];

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

(3) Repealed

(4) "license" means any license, certificate, permit or registration or similar evidence of authority issued by [ONE OF] the commission [BOARDS LISTED IN § 10 OF THIS CHAPTER];

(5) "licensee" means any person who holds a license;

(6) "occupation" means any of the trades or professions for which licensure is required and [BY ONE OF THE BOARDS] listed in § 10 of this chapter ; [.]

(7) "director" means the director of the Division of Occupational Licensing of the Department of Commerce and Economic Development .

*Section 17. AS 08.02.010(b) is amended to read:

(b) A person subject to (a) of this section who fails to comply with the requirements of (a) of this section shall be given notice of his noncompliance by the commission [HIS APPROPRIATE LICENSING BOARD]. If, after a reasonable time, with opportunity

for a hearing, his noncompliance continues, the commission [BOARD] may suspend or revoke his license or registration, or administer other disciplinary action which in its determination is appropriate.

*Section 18. AS 08.02.020 is amended to read:

Sec. 08.02.020. LIMITATION OF LIABILITY FOR MEMBERS OF COMMISSIONS [LICENSING BOARDS]. No person is liable for damages or other relief in an action by reason of his activity as a member of a regulatory or advisory [LICENSING] commission or board established under this title or by reason of a recommendation or action of the board when the person acts in the reasonable belief that his action or recommendation is warranted by facts known to him or to the board after reasonable efforts to ascertain the facts upon which the action or recommendation is made.

*Section 19. AS 08.02 is amended by adding a new section to read:

Sec. 08.02.030. PROFESSIONAL ADVERTISING. After the effective date of this Act, it is unlawful for a professional association, trade association, occupational or professional licensing agency, or any other governmental agency to adopt, implement, or enforce, or attempt to adopt, implement, or enforce, any prohibition of truthful advertising including publication of fees and prices. However, this section does not prohibit an association or agency to which licensing functions have been delegated by statute from setting reasonable standards or established reasonable requirements pertaining to advertising by an occupation or profession within its jurisdiction.

*Section 20. AS 08.03.010(c) is repealed and re-enacted to read:

(c) The following commission has the termination date provided by this subsection. The Alaska Commission of the Healing Arts (AS 08.10.005) June 30, 1985.

Chapters 20, 32, 36, 64, 68, 70, 71, 72, 80, 84, 86 and 98 of Title 8 are to be uniformly amended so that each reads similarly and provides for:

- (1) creation of an "advisory" board for the profession in question consisting of two members of the profession and one public member who also serves on the Alaska Commission of the Healing Arts. Each professional member is to serve for a term of three years, may succeed himself only once and is appointed by the commission;
- (2) minimum qualifications to be met by an applicant for any profession currently regulated by the board now in existence.

Each advisory board should, in the amended version, be given authority to advise the commission on regulation and disciplinary questions. The advisory boards, also, are primarily responsible for the administration of and, where applicable, grading of examinations subject, of course, to final certification or review by the commission. References to executive officer/secretary positions in the amended versions should be repealed as a similar position is being created for the commission as a whole.

Included in each amended section should be, if at all possible and where appropriate, the suggestions for statutory changes which have been made by the individual boards. Much board and division time has gone into some of these drafts with the hoped for result being stronger and more workable laws relating to the practice of any of the health care professions regulated by the state.

Finally, certain appropriate and applicable sections of legislation already introduced should be included in the redraft of all sections to be amended. Those bills with applicable sections to be included are HB 46 (relating to advertising by businesses/professions), HB 86 (relating to the practice of veterinary medicine), SB 94 (relating to occupational licensing fees) and SB 261 (relating to physical therapists).

*Section 1. AS 08.01 is amended by adding a new section to read:

Sec. 08.01.005. PURPOSE OF CHAPTER. There is established in the Department of Commerce and Economic Development, an Alaska Commission of the Healing Arts, created with the responsibility of assuring the public of safe and competent health care providers.

*Section 2. AS 08.01.010 is amended to read:

Sec. 08.01.010. APPLICABILITY OF CHAPTER. This chapter applies to the

- (1) Repealed;
- (2) Repealed;
- (3) Repealed;
- (4) [BOARD OF] chiropractic profession;
- (5) Repealed;
- (6) [BOARD OF] dental profession;
- (7) Repealed;
- (8) Repealed;
- (9) [STATE] medical profession [BOARD];
- (10) [BOARD OF] nursing profession;
- (11) [BOARD OF EXAMINERS IN] optometry profession;
- (12) [BOARD OF] pharmacy profession;
- (13) Repealed;
- (14) [BOARD OF] veterinary profession;
- (15) [BOARD OF] psychologist and psychological associate profession [EXAMINERS];

(16) Repealed;

(17) Repealed;

(18) Repealed;

(19) [BOARD OF] dispensing optician [S] profession;

(20) Repealed;

(21) [STATE] physical therapy profession board; [.]

(22) nursing home administrator profession .

*Section 3. AS 08.01.020 is amended to read:

Sec. 08.01.020. COMMISSION [BOARD] MEMBERSHIP AND ORGANIZATION. The commission consists of eleven public members. [UNLESS OTHERWISE PROVIDED, ALL] All commission [BOARD] members are appointed by the legislature for staggered terms of six years [GOVERNOR AND SERVE AT HIS PLEASURE]. However, three initial appointments shall be made for two year terms, four initial appointments for four year terms and four initial appointments for six year terms . No member may succeed himself more than once . [UNLESS OTHERWISE PROVIDED, THE GOVERNOR SHALL DESIGNATE THE CHAIRMAN OF THE BOARD AND ALL] all [OTHER] officers shall be elected by the commission [BOARD] members.

*Section 4. AS 08.01.025 is amended to read:

Sec. 08.01.025. PUBLIC MEMBERS. No [PUBLIC] member of the commission [A BOARD] may:

(1) be engaged in an [THE] occupation which the commission [BOARD] regulates;

(2) be associated by legal contract with a member of an [THE] occupation which the commission [BOARD] regulates except as a consumer of the services provided by a practitioner of an [THE] occupation regulated; or

(3) have a direct financial interest in an [THE] occupation which the commission [BOARD] regulates.

*Section 5. AS 08.01 is amended by adding a new section to read:

Sec. 08.01.026. COMMISSION MEETINGS. The commission shall meet semi-annually for the conduct of its business. The meetings shall be held each time in a judicial district different from the one in which the previous meeting was held.

*Section 6. AS 08.01.030 is amended to read:

Sec. 08.01.030. QUORUM. A majority of the membership of the commission [A BOARD] constitutes a quorum [UNLESS OTHERWISE PROVIDED].

*Section 7. AS 08.01.C50(19) is amended to read:

(19) provide investigative services to the commission [BOARDS] established under this chapter [CHS. 20, 32, 36, 64, 68, 71, 72, 80, 84, and 86 OF THIS TITLE,] for the purpose of assisting the [THOSE] board[S] in matters of professional discipline ; and [.]

*Section 8. AS 08.01.060 is amended by adding new subsections to read:

(20) coordinate the activities of the commission established under this chapter and the advisory boards established under chapters 20, 36, 64, 68, 70, 71, 72, 80, 84, 86, and 98 of this title; and

(21) employ an executive secretary for the commission established under this chapter.

*Section 9. AS 08.01 is amended by adding a new section to read:

Sec. 08.01.065. FEES ESTABLISHED BY REGULATION. (a) The department shall adopt regulations which establish application fees, examination fees, and license fees for the occupations covered by this chapter, and which establish the manner in which the fees must be paid.

(b) Before adopting a regulation under (a) of this section, the department shall consult with the commission.

*Section 10. AS 08.01.070 is amended to read:

Sec. 08.01.070. [ADMINISTRATIVE] DUTIES OF THE COMMISSION [BOARDS]. The commission [EACH BOARD] shall perform the following duties [IN ADDITION TO THOSE PROVIDED IN ITS RESPECTIVE LAW]:

- (1) keep minutes and records of all proceedings;
- (2) hold a minimum of two [ONE] meetings each year;
- (3) hold [AT LEAST ONE] examinations [EACH YEAR];
- (4) request, through the department, investigations of alleged violations of its laws and regulations;
- (5) direct the advisory boards to make recommendations regarding the preparation, selection and grading of examinations [PREPARE AND GRADE EXAMINATIONS];
- (6) direct the department to pass on qualifications of routine applicants for examination and license;
- (7) forward minutes of meetings to the department within 30 [20] days;
- (8) forward results of examinations to the department;
- (9) notify the department of meeting dates and places at least 30 [15] days before meeting ; [.]
- (10) promulgate all necessary regulations upon advisement by an advisory board and after consultation with representatives of interested professional societies, department staff, consumer organizations and the general public ;
- (11) establish minimum educational and training qualifications for all regulated practitioners ;
- (12) appoint, from among its membership, committees deemed necessary ;
- (13) endorse a valid license issued by a licensing board or commission of another state, jurisdiction, territory or province which was issued upon similar qualifications to those in effect in this state ;

(14) direct the department to remedy any error in the issuance of a license ;

(15) designate a professional conduct officer on recommendation of the commissioner and/or investigative staff in connection with professional misconduct proceedings and criminal matters , such officer to be empowered to issue subpoenas and administer oaths in connection with disciplinary proceedings ;

(16) establish , by regulation , standards of conduct with respect to advertising , fee splitting , practicing under a pseudonym when not authorized , proper use of professional or academic titles tending to imply professional status and other such ethical practices as the board deems necessary ; and

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ELECT.

EXAM.

BOARD OF ELECTRICAL EXAMINERS

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*Testified during morning session and testimony not recorded due to equipment malfunction. Written testimony has been requested.

**Written testimony presented.

***Mr. Mellon testified during the morning session and the afternoon session. Due to equipment malfunction, morning session was not recorded and written testimony has been requested. Mr. Mellon's afternoon testimony was recorded and is included in this transcript.

BURKE: Thank you. First of all, I supervise what we call in the Civil Division, the Business Regulation and Taxation Section. There are four attorneys in that section in our Juneau office, including myself, two in the Anchorage office, although I do not supervise them, and another in the Fairbanks office. And our section basically is responsible for representing the Department of Revenue and the regulatory side of the Department of Commerce. This includes the Division of Occupational Licensing and the licensing boards themselves. Basically, the kind of assistance that we provide to the boards falls into three categories: requests for legal advice on specific questions, assistance in the rule making activity of the board and that is regulation review, and finally representing the Division of Occupational Licensing in disciplinary proceedings or in proceedings where someone is complaining about say the denial of a license or some other action taken by a board. As I understand it, the Department has come under some criticism generally during the course of the sunset review hearing that your Committee has been conducting. I can't really respond to those in any specific sort of way because from what I've heard, they're simply too general at this point. It would be helpful if the Committee desires if specific instances could be brought to our attention, we might be able to make a more specific response to some of the complaints that we've been hearing. I think one area where I myself have heard complaints from boards has been in the area of requests for opinions and that's one area, at least with respect to the one board that I talked with recently, where it seemed to me that some misunderstandings had occurred as to the procedure that the board should go through in order to have these opinions pop out when they want them to. In order to do that, I'd like to explain very briefly about what I call our department's work-management reporting system. Every time an opinion request comes through either the Attorney General or the Deputy Attorney General, a file is opened and it is given a number and the name of the file and the number is put into our computerized information system. And this reports out every month every opinion request that has come into the department through the official channels. Now for my section, I will get a copy of all of the work-management reports for the attorneys in my section. And I go through it at the beginning of every month when I get the report to see how long it has been since these various files have been opened. If it looks to me that something has been open for a couple of months with no action apparently having been taken, I can then go to the attorney to whom the opinion request was assigned and say "What's going on? Are you having any problems with it? Why isn't this getting out?" Now if requests for opinions come into the Department in any other way, either directly to me or directly to one of the other assistant attorneys in my section, it is possible that the request doesn't get logged into our information system -- our management reporting system. And when that happens there is a tendency for them to get lost. They can

drop through the cracks. Sometimes I have observed that a board will ask a question say of an attorney who is attending a board meeting and the board thinks that is all it has to do and that an opinion will be forthcoming on the question. The attorney is under the impression that the board will send a written request to the Division of Occupational Licensing and that the request in writing will come through the Commissioner's Office to the Attorney General in the normal course of events leaves the meeting and forgets about it. So what I am I guess saying is that the boards need to make sure that the opinion requests come through in this procedure. We have prepared and have provided to all of the licensing boards a copy of a manual for occupational licensing in the state. This manual covers general policy reasons for occupational licensing, rule making authority and how the board should go about promulgating regulations. It goes through disciplinary proceedings and the other adjudicatory functions of the boards and it goes finally lists the functions of the Department of Law and I'd like to read a sentence or two from this, which has been sent to all of the boards: "Requests for opinions made by boards must be made by the board president and must have the approval of the Commissioner or his designee before submission to the Department of Law. This ensures that frivolous or repetitious opinion requests are not submitted." Now in that line, I should also point out that every so often, we will get request for legal advice that aren't really requests for legal advice at all. A board may be reluctant, quite frankly, to make a decision in a particular area and is really asking the Department how should we decide this policy question and, of course, that's not our job and we shouldn't be doing that. The Division of Occupational Licensing is aware of this distinction between legal questions and policy questions and that's another reason for sending the opinion requests through the Division and through the Department and that is that they can screen them for us so that we get only what are truly opinions for legal advice.

BRADLEY: Susan, does that

BURKE: I guess that's basically all that I wanted to tell the Committee. I can answer general questions and I can make note of any specific questions that the Committee members might have and perhaps get back to the Committee at a later time with the answers to specific questions.

BRADLEY: Senator Sturgulewski?

STURBULEWSKI: Mr. Chairman. Susan, I appreciate your comments. As a member of the Health, Education, or HESS Committee in the Senate, we reviewed health boards and now, as a member of the Commerce we're obviously getting into a number of other boards and I'll just make a flat out statement that I don't think that we've had a board before us that has not had rather significant problems

in a number of areas. One, the ability to get regulations drafted in a timely manner, the ability to get assistance with statute or practice act changes that are needed, the ability to know just what complaints are filed and what the process and progress and final disposition of those are. I think this has just run through the whole thing. There are some of us that feel if a sunset is to be successful, it's going to take further coordination really between the boards representing the public interest, the occupational licensing and law. I guess I'm at a loss to, I understand how it is necessary to have very specific things brought to you. The fact is we have had, I think, a major breakdown and nonutilization of people who put in a great deal of time either through, in some cases, their not knowing the procedures, in others just a very basic fact of communication. I guess I would challenge you to either at this time or later to assist this Committee in finding a way that we can in fact have an opportunity to have a closer working relationship between the boards, the Department of Law and OL. I don't think I as an individual want the state, you know, you're to blame or this person is to blame. It's to find out how to make the system work and it flat out isn't.

BURKE: Senator Sturgulewski, I will solemnly pledge my assistance to help work out in a constructive way any kind of procedures that will make the occupational licensing system work better. You have my word.

STURGULEWSKI: Mr. Chairman, again I'm certainly in no way critical of any individual but I really appreciate that and I think it is absolutely vital to making the whole process of sunset work. Just getting rid of boards and throwing it on OL without some basic changes, I think is no answer so I really appreciate that comment.

BRADLEY: Any other comments or questions by members of the Committee? Staff?

BASLER: Just a comment.

BRADLEY: Okay, Chris. Christian Basler.

BASLER: Susan, I really would like to take this time to ask you if you could possibly send me expeditiously a copy of the booklet that you referred to that is sent to all the Board members earlier in your testimony. I'd like to really see that as fast as possible.

BURKE: Oh, absolutely. I had intended and neglected to offer to do that without having to be asked earlier. If you tell me where to send it, I'd appreciate it.

BRADLEY: Susan, when was that distributed?

BURKE: I'm not entirely certain, Senator Bradley. The date on it is 1979. I think it was fairly recently. I could look back in our files and give you a more exact date but it was sometime earlier this year.

BRADLEY: Fine, as long as we can get a copy. That will satisfy the request. Thank you, Susan. Does anyone else have any questions or statements? Senator Sturgulewski again.

STURGULEWSKI: Mr. Chairman. Susan, one of the areas that we have had quite frequent requests for and this goes into the health boards and most recently, I believe, before the Board of Engineers, Architects and Land Surveyors, has been the request for the boards to have a more active role in pursuing a complaint and I think that generally their response has been that "No" well because it gets involved somewhere along the process that it is not appropriate for their involvement. And I think that is something that the staff of this committee is going to have to take a look at is how much can we utilize the board in more or less of a self-policing of various professions. I think that's a major issue and I think that your comments along that line may well be needed as we move along in this.

BURKE: May I defer committing myself to any particular comment until later on in the process or would you like me to -- I hesitate to speak on behalf of the Department on this issue because I really haven't discussed either with the Attorney General or his deputy?

STURGULEWSKI: Mr. Chairman. Susan, that obviously is certainly appropriate, but I do think that's an area that goes across the lines in a number of the boards and many of them feel that they really need timely reports, need to know what's going on and become involved in following up on those cases so I think that is something that would be helpful to have a position paper on.

BRADLEY: Thank you very much, Senator Sturgulewski. I think we all share the same feeling about the situation and know that there has to be something done about it. Let me me insert right now for all stations, both Fairbanks and Juneau as well as Anchorage here, anyone that has any written testimony, please submit copies to the Senate Commerce Committee at address 1016 West Sixth Avenue -- I think you probably already have that -- Anchorage, Alaska 99501. If you have any problems, the telephone number is 278-1581 or 82. In that we had some problems with our recording device this morning and we must have that testimony or we'll have to do it all over again and that puts a lot of people to a lot of trouble and time is of the essence right now with the Committee. We have a lot of sunsets. So this applies to those that are still here and we'll contact those that have departed since this morning. It is unfortunate. The first time we've had it to happen but I guess there is always a first time for everything. Now let us have, let me check with Juneau first. Do you have anybody else in Juneau?

Page 6

JUNEAU MODERATOR: Mr. Chairman, we have one more witness to testify for the Board of Electrical Examiners.

BRADLEY: Hold, Sioux, in Juneau and let me check with Maxine in Fairbanks. Maxine, do you have anybody that's in an extremely big hurry or can we go ahead and finish off Juneau for the afternoon?

FAIRBANKS MODERATOR: Mr. Chairman, that's just fine with us. We realize that Juneau is two hours later. We will take our place in line after them.

BRADLEY: Thank you, Maxine. That's the point I had in mind. Go ahead with the next witness to testify, Juneau.

JUNEAU MODERATOR: Our next witness is Tom Cashen who is representing the International Brotherhood of Electrical Workers, Local 1547.

CASHEN: Senator Bradley, good to talk to you again. I'll be real brief and try not to be redundant with regard to the previous witnesses. I'd like to testify in support of the Board of Electrical Examiners. The elimination of the board would be bad for the general, for the electrical industry and the general public. Some of the reasons given for elimination of the Board are that all electricians are licenses anyway and therefore there is no need to license contractors. Well this, these lower requirements for the Certificate of Fitness would lower the standards of the industry and it would create a thousand new electrical contractors overnight. This would be create a situation that would be impossible to regulate and the result would be no protection for the public. You know, like here today gone tomorrow, no established shops or any responsibility to the customers. Another reason put forth for elimination of the Board is that there is inspection by municipalities. With the exception of Anchorage and Fairbanks and possibly Juneau, the smaller towns do not have an adequate inspection program due to lack of funding and inability to hire qualified people. Of course, you've heard already how impossible it is for one or two State inspectors to try to cover the entire State so rather than eliminating the Board, I think we should try to get some additional funding so that they can do a proper job. Thank you for your time, Senator. Over and out.

BRADLEY: Thank you, Tom, very much. Nice hearing your voice again, too. Any comments or questions by members of the Committee or staff? Tom, we have no questions. Thank you and, Susan, you haven't had anyone else to come in at the last minute have you. Over?

JUNEAU MODERATOR: No, Mr. Chairman, we have not.

BRADLEY: Well, Sioux, thank you very much. Of course you know you are welcome to listen in but you don't have to. So now we'll go to Fairbanks. Maxine, next person to testify, please.

FAIRBANKS MODERATOR: Yes, Mr. Chairman, we have Terence Duszynski, and I will spell both names. Terence is Terence and Duszynski is Duszynski. And he is representing Interior Alaska Dwelling Inspection Council.

BRADLEY: Go ahead, Mr. Duszynski.

DUSZYNSKI: Mr. Chairman, I am an inspector for the Interior Alaska Dwelling Inspection Council and the Council is a private, nonprofit corporation that was formed in 1977 to provide the services of inspection, recommendation and guidance for homeowners, homebuyers and homebuilders in the Fairbanks area because there is no inspection of any kind outside the City limits. The major thrust of our inspection is in electrical and fire safety; however, we do inspect the entire dwelling from the foundation to the chimney. Since we first began operation in June of 1977, I have personally inspected 45 homes, all of these in the Greater Fairbanks area. Of these 45 houses, nine were found to have deficiencies, both electrical and otherwise. Of these nine, five have been inspected because of litigation between owner and builder or owner and seller. I would like to give a short rundown on the kinds of things I have found in these nine homes. The first home was inspected by request of the bank handling the construction loan in August of 1977. This was a spec house which had been wired by the general contractor himself. Although the work was done using correct materials, it was done in a shoddy manner. Wires were not stapled correctly, tiedown clamps were not used for wires coming into the outlet and fixture boxes and insulation was also stripped off the wire well before it came into the boxes. Now the bank required this builder to fix the house so that it was passable. The second house I inspected was done by request of the homeowner in March of 1978. The wiring in this house was also done by the builder. The majority of the outlets had the ground wire cut off or not attached to anything. The main panel was not properly grounded and there was no ground fault protection in the bath and exterior outlets. I don't know what has come from this particular inspection. The third house was also done by request of the owner in March of '78. There were a number of deficiencies that the builder had refused to repair among them was a sloppy wiring job in the basement and at the boiler. I have photos of these. This work was done by an unlicensed electrician for the general contractor. The fourth house was inspected by request of a prospective buyer in April of 1978. This was a ten-year old home and its deficiencies included junction boxes without covers in areas where possible water damage could occur and outlets of the nongrounding type. The work in this house had been done by the owner-builder. The fifth house was done by request of a real estate agent because of a Fanny Mae requirement of inspection of all duplexes that they

finance. This dwelling was five years old. The main grounding for this house was attached to thin air and the hot water heater was connected with black tape with the wires exposed. Now this house had to be repaired in order to be sold. The sixth home inspected was done by request of the owner because the house had recently had a major fire and he wanted to be sure that the contractor doing the work had done it correctly. The wiring was again done by the contractor himself. He left the main power lines from the service to the distribution panel exposed to touch. The wire to the hot water heater and boiler were exposed romex; the lighting in the basement and the garage were exposed romex stapled to the ceiling. There was also no ground fault protection. The seventh house was also inspected by request of the homeowner after repeated attempts to have the builder repair the deficiencies and the builder saying that there was nothing wrong. The house had a number of deficiencies; however, the only electrical problem was that there was no inhibitor used at the connection of the main feeder wire and the interior distribution panel. The eighth house on this list was again done at the request of the owner. The wiring had been done by the previous owner-builder. It was a log home, approximately seven years old and the deficiencies included all the wiring being exposed to touch and light fixtures hanging in mid air supported only by the romex attached to the sides coming in and going out. The last house in this group shows perhaps the most blatant disregard for electrical standards and personal safety that I've ever seen. I inspected this house on Monday of this week. It is two years old. What adds to the seriousness of the deficiencies is the lack of care shown by the persons who should have cared. This home is located in University Heights, which is a fairly expensive subdivision in Fairbanks. It had been appraised by a licensed appraiser at \$96,000. It was represented and sold by a realtor. The financing was arranged by a local bank and it is insured for 80% of its value and its mortgage is now held by the Alaska Housing Financing Corporation. At least one-third of the total wiring in this home has been done with zip cord, which is common lamp cord. Zip cord had been used for switches and power for lights, even the humidifier attached to the forced air furnace is wired with lamp cord. The smoke alarm was put on a switch using zip cord. Apparently the furnace often smoked because of improper installation and the owner-builder got tired of the alarm going off so he switched it. The main feeder cable for this out was spliced using some sort of split volt connector and black tape. A bath exhaust fan wired and switched zip code was also vented into the wall. Zip cord goes into junction boxes which contain romex and comes out again. It runs all over the house from attic to basement. It is sandwiched between studs and crushed under the furnace. This house was unsafe for habitation and was still handled just like any other. The purchase occurred last April. This house is a fire waiting to happen. I also would like to bring to your attention that the building we are sitting in right now has a number of deficiencies in it. I have photographs of these which I will send to you. But there is romex exposed on the ceiling, stapled only, and there is romex going in and out of florescent fixtures

without benefit of connectors to either hold it to the fixture or protect it from sharp edges. All these unsafe conditions have persisted while the Board of Electrical Examiners has been administering the contractor's test. Can you imagine what will happen if there is no test given to qualify electrical contractors at all. If this Board is allowed to die and the testing of electrical contractors along with it, then the Legislature will in effect be declaring open season on residents of this State. What we need is more stringent controls on electrical wiremen and contractors, not less. The recommendations by the audit that the Certificate of Fitness will take up the gap if the administrator's examination is done away with is not valid. The electrical administrator's examination is far more stringent than the Certificate of Fitness examination and there is no redundancy of the two examinations. The electrical administrator's examination requires a much greater degree of electrical knowledge and practical skill thereby assuring the general public of a better quality of workmanship. The requirements for application for the inside wiring and electrical administration, administrator, are more restrictive than the requirements for the journeymen electrician certificate of fitness. The administrator-applicant must have three years of current practical experience as a journeyman electrician plus four years of current management experience in inside wiring as a field superintendent, office engineer or similar position or a degree in electrical engineering plus one year's experience as a journeyman electrician in inside wiring. In summary, the applicant is required to have a total of about ten years' experience prior to examination or five years' experience if he holds an electrical engineering degree. The requirements for application for the journeyman electrician certificate of fitness are four years of experience in electrical trade, which by definition means installation and construction of inside wiring within buildings. The open book examination required for the Certificate of Fitness is composed of questions taken verbatim from the J3 National Electrical Code Course textbook taught in many schools and tests the applicant's knowledge of the National Electrical Code. The examination does not address the practical application of the code nor does it test the working skills of the electrician. It has come to my attention that during a recent NECAIBEW Code Course that an apprentice electrician who had never been employed by a contractor, never carried a set of tools and never performed electrical work of any kind passed the certificate of fitness examination with a grade of 86%. If this student could document four years in the electrical trade, he could apply for an electrical contractor's license and bid any electrical job in the State. That is, if the Board of Electrical Examiners is done away with and there is no more testing. The Certificate of Fitness issued by the Department of Labor does not assure that an electrician has knowledge of the National Electrical Code and should be able to -- excuse me, does assure that the electrician has knowledge of the Code and should be able to install wiring in accordance with that but

the certificate does not assure the ability of the applicant to read blueprints, design layouts, supervise contract or install complicated electrical systems found in many industrial, commercial and multi-family projects. The electrical administrator's examination does address the complicated problems of this wiring. I would like to also say that there have been a couple of state projects that had been wired by nonlicensed electricians. Of these, there was one in Delta Junction. It was some Trooper housing and some Trooper housing in Cantwell also and they had to have the tenants evacuated because of the dangerous conditions there. As you can see, I'm in favor of all testing of contractors, electrical contractors, and also keeping the Certificate of Fitness for any wiremen who work on any electrical work.

BRADLEY: Mr. Duszynski, are you through with your testimony?

DUSZYNSKI: Yes, I am.

BRADLEY: Thank you very much. Any questions by any members of the Committee? or statements? staff? Thank you very much, Mr. Duszynski. Appreciate your enlightening testimony very much. Oh, I'm sorry, I think we do. Senator Sturgulewski?

STURGULEWSKI: Mr. Chairman. No question. Very good testimony. I would hope that we could perhaps consider directing a letter to the appropriate, I would imagine, DOTPF, to specifically ask for a response to that particular comment regarding the Trooper housing and I think that might be interesting to know the answer.

BRADLEY: Very valid, Senator Sturgulewski. Incidentally, can everybody hear all right in the Jack? It seems to me that everyone was speaking loud enough, sometimes they don't, but if not, just raise your hand. Incidentally, there's coffee back there if anybody so desires. Feel free to help yourself. And now we'll go ahead with another Fairbanks if it's all right. I don't think we have any more electrical examining board testifiers here, right? Couple have come in lately but I guess they were for the welding board. Maxine, next one to testify, over.

FAIRBANKS MODERATOR: Yes, Mr. Chairman. We have Robert Mellon again. He is from Denali Electric. He testified earlier.

MELLON: Hello, Mr. Chairman. I just want to say in closing that we not only need a licensing board to examine the contractors but we need very badly an adequate inspection department that can inspect some of this work even after it's done by the licensed contractors. Most of the work outside the City of Fairbanks, I would say, is being done by unlicensed men and is very sloppy work and definitely hazardous. I would suggest that we spend a little bit of money, in fact an awful lot of money, in increasing our staff of electrical inspectors and not only, not stopping there

but have some plumbing inspectors and some general structural inspectors. It's going to be expensive, definitely, but it could and will save lives, I'm sure. That's all.

BRADLEY: Senator Sturgulewski?

STURGULEWSKI: Mr. Chairman. Mr. Mellon, have you ever appeared before the Assembly with request. I think one of the problems, anytime you get government too far away and inspection too far away, there are problems. It should be done on a local level. Why hasn't it been done in the Fairbanks area as far as the North Star Borough?

MELLON: There is no inspection department for the North Star Borough. There is an inspection department which Jerry here works for but that is on a voluntary basis.

STURGULEWSKI: Mr. Chairman. Mr. Mellon, you might take yourself before that Assembly and tell them to get their act together up there. That might be an answer.

MELLON: I'm the guy that started it.

STURGULEWSKI: Good for you.

BRADLEY: Any other question for Mr. Mellon? No one? Mr. Mellon, thank you very much. We certainly appreciate testimony from someone on the receiving end. Maxine, any other people to testify from the great Fairbanks area?

FAIRBANKS MODERATOR: Mr. Chairman, no one sitting for the Electricial but we do have on person waiting here to testify for the welding end of it.

BRADLEY: Very well. Thank you very much. Juneau any more electricial examiners board to testify?

JUNEAU MODERATOR: Yes, Mr. Chairman, this is Debra in Juneau. We have two individuals wishing to testify for the Board of Welding Examiners.

BRADLEY: We're going to take just about a one minute recess here before we start with the Welding Examiners Board so stand by.



Associated Independent Electrical Contractors of America

Nov. 9, 1979

Alaska Chapter

P O Box 3376DT

Anchorage Ak.

337-3432

Senate Commerce Committee
Alaska State Senate
Suite 201
1024 West Sixth Ave.
Anchorage, Alaska 99510

Re: Testimony given for Board of Electrical Examiners

Dear Senators:

Thank you for allowing me this opportunity to express the opinions of the membership of A. I. E. C. A. We respectfully submit five suggestions that we feel will help to correct the existing problems with the Board of Electrical Examiners.

First of all, with regard to composition, we feel that all facets of the electrical industry should be represented. The board should be made up of five members to include one licensed administrator from a large union company that performs primarily large commercial jobs, such as high rise office buildings. It should also contain one licensed administrator from a small non-union company that performs primarily residential work, one licensed administrator from a firm that performs high line work, one electrical engineer that has no administrator license, and finally one member that has no knowledge of electrical work, but is very concerned with the public's tax dollars.

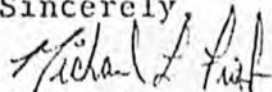
Second, the tenure of these people should be a two year term with only one re-appointment possible. These terms should be staggered in accordance with existing statutes.

Third, according to current law, the board is required to submit an annual report, however, I understand that this is not being enforced. I would suggest that this be mandatory under penalty of dismissal for violation.

Fourth, current law in Alaska states that if there is no licensed electrical contractor within fifty miles of a location, that anyone may legally contract electrical work in that location. In this situation, we rely on the state electrical inspector for safety, however, in reality, we find that a.) Senate bill 232 seeks to repeal the entire state electrical inspection department, and b.) the largest state in the nation has only two inspectors with an annual travel budget of approximately \$2,500.00 each. Considering all of the construction sites in the state of Alaska, very few get proper inspections with that type of budget. Our suggestion would be to increase the number of inspectors, and increase the travel budget to allow them to do thier jobs, and finally to allow them to charge for either mandatory inspections, or mandatory permits so that inspections can be made such as Anchorage handles its inspection programs.

Our last suggestion concerns the testing procededures within the state. The performance review prepared by the Legislative Audit Division cites two examples of inconsistent grading of tests. We feel that the board should prepare the test and then submit it to the Department of Labor to administer, as they already administer all of the tests for the state certificate of fitness. An applicant for the administrators license should appear before the board with his application and documentation of experience to be qualified to write the test. If his papers are in order, he should be referred to the Department of Labor to schedule his test. The test should be numbered at the Department of Labor when he writes it to protect against any possible biases that the board might have when they grade it at thier next meeting. Grading should be done with one standard answer sheet that has the approval of the entire board. After grading, all tests should be returned to the Department of Labor who would then issue administrator licenses to those individuals who had been given passing grades. This administrators license should encompass both the journeyman and wireman certificate of fitness. As this test is considerably more difficult, those who pass it should not be required to go back and pass a certificate of fitness test.

Sincerely,



Michael L. Frith
Program Coordinator
A. I. E. C. A.

Sunset Review on Electrical Licensing
Senator Brad Bradley, Chairman
-November 7, 1979-

My name is Lawrence M. Slay Jr. and I am here to testify in favor of and for the retention of the requirement for Electrical Administration licensing.

This past summer, the State of Florida, through sunset review did away with the requirement to license psychiatrists. In a very short while they had issued over a thousand permits for individuals to practice psychiatry; a person who would go to one of those untrained individuals should have their head examined. I feel very strongly the same way about using an unqualified person to do your electrical contracting.

I have appeared in court several times as an expert witness for the prosecution attorney in cases where electrical work was not done in a manner conforming to the applicable codes. An example: The village of Elim had a fish processing plant built by a company that did the entire contract and was not qualified to do the electrical, refrigeration, structural, generation nor the general construction. The people in the village that paid for the job were virtually raped. Conductors were left exposed on the ground, house panels were used in an area that was washed down each day. The generator was not fastened down and junction boxes were not used. I wrote up four pages of violations on the National Electric Code, just on that small job. It was a hazard and was in imminent danger of fire. A very similar condition existed in the village of Golovin.

I worked on a house for Dr. Dicksheet in Fairbanks that was so badly wired that the repair of it cost more than the original work. I have seen much shoddy workmanship on houses that are not inexpensive. Zip cord, exposed conductors and general violations are not uncommon. The majority of the work done in the haphazard manner was done by persons not qualified, licensed nor trained in any phase of electrical work. Owners often, in order to save money or the inconvenience, will often allow non-qualified persons to do their work.

Don't get me wrong - I have no complaint about people who wish to do their own work and live in it. They can burn their dwelling right down around their ankles if they so choose. What I argue with is that a person or persons selling services should be made to comply with the code and guarantee their work. Anyone who does electrical work that involves the life and safety of others should be made to comply with the laws

November 7, 1979

-Page 2-

That we presently have. We do not have sufficient inspection or funds for inspection travel nor cooperation of the Attorney General in the enforcement of violations.

In 1976, a New Jersey contractor working at Fort Wainwright had no electrical contractor and had young inexperienced G.I.'s doing the work of residing the housing. At the time, I complained to the base and wrote letters to Washington - nothing was done until a young soldier touched a service drop with an aluminum ladder and was killed. We do not need after-the-fact inspections and compliance.

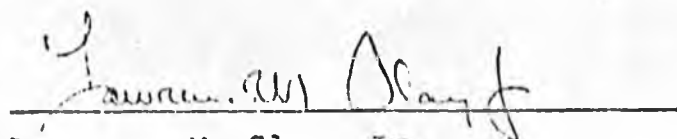
Contractors that are now licensed, are responsible, have expertise, have been trained, use qualified people, work safely and do their best to protect life and property. Most contractors must maintain their reputation to remain in business. An unlicensed individual would feel no responsibility for any of the foregoing.

This brings up another point that is a real irritant. People from down south bringing a work force to our state, doing a botched up job, not using our Alaska labor and skipping out without paying State tax. I can name numerous jobs done in just this manner. Alaska work is for Alaska people.

Another point is that the State does not even follow it's own laws. They act outside the law, don't follow the codes, do work without the license and use uncertified people. Our Electrical Inspector, Tony Reed can cite you many examples; the State Highway Department, the Department of Public Works, and Department of Transportation are all violators of the law.

I write tests for the State. I am not paid for this but as of this month will start getting my expenses. I make the test as objective as possible. The Board examines in five categories and we have three tests in each category. The material for the test is taken from Code, safety standards, and material that is taught to apprentices. Contractors should have at least that amount of knowledge.

I state that my present position is working for both Labor and Management.. I am presently the coordinator for the Electrical Training School and teach both apprentices and journeymen in all aspects of the trade.



Lawrence M. Slay, Jr.



Alaska State Legislature

Senate

Committee on Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

PLEASE REPLY TO:

1016 West Sixth Avenue, Suite 201
Anchorage, AK 99501

Telephone: 278-1581/278-1582

November 13, 1979

Glenn I. Hudson
6321 East Eighth Avenue
Anchorage, AK 99504

Dear Mr. Hudson:

Thank you for your testimony regarding the Board of Electrical Examiners, which you gave before the Senate Commerce Committee on November 7, 1979.

Due to mechanical problems with the teleconference recording system, we were unable to record your testimony for the Committee's records. The system had been checked out prior to starting the hearings and was in operating condition but when the tapes were checked prior to the afternoon session, it was discovered that only a loud hum had been recorded. If possible, therefore, the Committee would appreciate it if you could submit either a copy of your testimony, if you were speaking from prepared text, or a summation of your views regarding this matter in order that your feelings might be made a part of the Committee's record.

We apologize for any inconvenience and we look forward to receiving your written testimony and/or exhibits concerning the Board of Electrical Examiners. We would like to receive this testimony as soon as possible and should we be able to assist you, please do not hesitate to contact our offices.

Sincerely,

A handwritten signature in cursive script that reads "Christian Basler".

Christian Basler
Administrative Assistant
Senate Commerce Committee



Alaska State Legislature

Senate

Committee on Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

PLEASE REPLY TO:

1016 West Sixth Avenue, Suite 201
Anchorage, AK 99501

Telephone: 278-1581/278-1582

November 13, 1979

Hugh Macaulay
Box 195
Juneau, AK 99801

Dear Mr. Macaulay:

Thank you for your testimony regarding the Board of Electrical Examiners, which you gave before the Senate Commerce Committee on November 7, 1979.

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Sincerely,

A handwritten signature in cursive script that reads "Christian Basler".

Christian Basler
Administrative Assistant
Senate Commerce Committee



Alaska State Legislature

Senate

Committee on Commerce

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

PLEASE REPLY TO:

1016 West Sixth Avenue, Suite 201
Anchorage, AK 99501

Telephone: 278-1581/278-1582

November 13, 1979

John Teeter
Power Comm., Inc.
1060 Aspen
Fairbanks, AK 99701

Dear Mr. Teeter:

Thank you for your testimony regarding the Board of Electrical Examiners, which you gave before the Senate Commerce Committee on November 7, 1979.

Due to mechanical problems with the teleconference recording system, we were unable to record your testimony for the Committee's records. The system had been checked out prior to starting the hearings and was in operating condition but when the tapes were checked prior to the afternoon session, it was discovered that only a loud hum had been recorded. If possible, therefore, the Committee would appreciate it if you could submit either a copy of your testimony, if you were speaking from prepared text, or a summation of your views regarding this matter in order that your feelings might be made a part of the Committee's record.

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Sincerely,

A handwritten signature in cursive script that reads "Christian Basler".

Christian Basler
Administrative Assistant
Senate Commerce Committee



Alaska State Legislature

Senate

Committee on Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

PLEASE REPLY TO:

1016 West Sixth Avenue, Suite 201
Anchorage, AK 99501

Telephone: 278-1581/278-1582

November 13, 1979

Robert Mellon
Denali Electric
151 "C" Street
Fairbanks, AK 99701

Dear Mr. Mellon:

Thank you for your testimony regarding the Board of Electrical Examiners, which you gave before the Senate Commerce Committee on November 7, 1979.

Due to mechanical problems with the teleconference recording system, we were unable to record your testimony for the Committee's records. The system had been checked out prior to starting the hearings and was in operating condition but when the tapes were checked prior to the afternoon session, it was discovered that only a loud hum had been recorded. If possible, therefore, the Committee would appreciate it if you could submit either a copy of your testimony, if you were speaking from prepared text, or a summation of your views regarding this matter in order that your feelings might be made a part of the Committee's record.

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Sincerely,

Christian Basler

Christian Basler
Administrative Assistant
Senate Commerce Committee



Alaska State Legislature

Senate

Committee on Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

PLEASE REPLY TO:

1016 West Sixth Avenue, Suite 201
Anchorage, AK 99501

Telephone: 278-1581/278-1582

November 13, 1979

Mr. Harry Wilson
H. Daron Electric
1412 Hyder
Anchorage, AK 99504

Dear Mr. Wilson:

Thank you for your testimony regarding the Board of Electrical Examiners, which you gave before the Senate Commerce Committee on November 7, 1979.

Due to mechanical problems with the teleconference recording system, we were unable to record your testimony for the Committee's records. The system had been checked out prior to starting the hearings and was in operating condition but when the tapes were checked prior to the afternoon session, it was discovered that only a loud hum had been recorded. If possible, therefore, the Committee would appreciate it if you could submit either a copy of your testimony, if you were speaking from prepared text, or a summation of your views regarding this matter in order that your feelings might be made a part of the Committee's record.

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Sincerely,

Christian Basler

Christian Basler
Administrative Assistant
Senate Commerce Committee

PS: We have copies of the information you submitted at the hearings. Any additional comments you would care to submit would be welcome. Thank you for your assistance.

H. D. WILSON
1317 HYDER
ANCHORAGE, ALASKA 99501
907/337-2118

June 30, 1977

TO WHOM IT MAY CONCERN:

This personal affidavit is true to the best of my knowledge and is presented as a true vesture of my capabilities warranting a working Administrators Contractors Licenses for inside and outside electrical wiring and communication work.

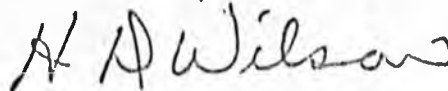
My knowledge and experience in the field total thrity-two years . Working in conjunction with and under the supervision of Merideth E. Young, Contractor in Chicago, Illinois, I have completed basic training, graduating in the field of electricity, majoring in all phases of commercial, industrial and residential wiring.

While employed by New York Shipbuilding Company of Camden, New Jersey and Sunship Building Dry dock of Chester, Pennsylvania, I performed both inside and outside wiring. Such work included generators, motors, transformers, panels, circuits, wiring, testing, and radar signaling, installing and testing. At the same time, I operated my own business, H.D. Wilson Electric.

In 1968, new Pennsylvania legislation required licensing of electrical contractors. At that time, I obtained an electrical contractors license which I have held until moving to Alaska in late 1976. H.D. Wilson Electric has operated for a total of 27 years. We have completed contracts for the City of Philadelphia Water Department, Park District, Recreation Department, School District and the Phildelphia Naval Yard, as well as numerous other contracts. A summary of contract abstracts is attached for your review and consideration.

If there is any additional information you desire, I would be most happy to provide it.

Sincerely,



H. D. Wilson

H. D. WILSON

1317 HYDER

ANCHORAGE, ALASKA 99501

907/337-2118

May 12, 1977

The Honorable Mike Gravel
United States Senate
Washington, D. C. 20510

Dear Senator Gravel:

This letter comes to your attention to apprise you of a situation I am now confronted with which leads to my frustration, and represents a challenge to my livelihood.

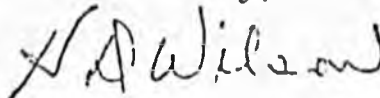
The problem I am confronted with is that I am a licensed, bonded and certified Electrical Contractor, licensed in the State of Pennsylvania. I have been providing professional services in that field for over 30 years. I am now residing in the State of Alaska, and find it impossible to practice my profession because Alaska has no reciprocity in this field with the State of Pennsylvania, and because of this, I am forced to take an examination for said license.

Should I successfully satisfy the examination requirements, I would be one of a few minorities, and more specifically, one of three Blacks, who have done so in the State of Alaska. However, at this point in my life, this examination poses what I feel is an unnecessary hardship. Therefore, I would want you to intercede.

Under Section 08.40.160 of the Alaska Statutes Waiver of Examination, I feel I am qualified for a waiver of examination because of the above. Please advise me of efforts your office can make to improve opportunities for minority business participation.

I look forward to your reply.

Sincerely,



H. D. Wilson

cc: Glen Campbell
State EEO Officer

Alaska Minority Business Assistance Center

United States Senate

WASHINGTON, D.C. 20510

June 6, 1977

Mr. H. D. Wilson
1317 Hyder
Anchorage, Alaska 99501

Dear Mr. Wilson:

Thank you for your letter asking for assistance in regard to the practice of your profession in the State of Alaska.

Since licensing is a state matter, I have referred your letter to the Commissioner of the Department of Labor. Enclosed you will find a copy of my letter to him. He will be able to advise you on a further course of action.

Please feel free to contact me if you need any further assistance.

Warm regards.

Sincerely,



Mike Gravel

Enclosure

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

JAY S. HAMMOND, Governor

POUCH D
JUNEAU, ALASKA 99811

October 5, 1978

Mr. H. D. Wilson
1412-C Hyder Street
Anchorage, Alaska 99501

Dear Mr. Wilson:

The Board of Electrical Examiners has confirmed the following dates, times and places:

<u>ACTIVITY:</u>	<u>DATE:</u>	<u>TIME:</u>	<u>PLACE:</u>
Public hearing regarding proposed changes in regulations	11/15/78	9:00 a.m.-Noon	Grand Jury-Room 407 Alaska Court Building 303 K Street Anchorage
Reviews of August exam	11/15/78	1:30 p.m.	YMCA 6th and F Streets Anchorage
Board meeting	11/16/78	8:30 a.m.	YMCA 6th and F Streets Anchorage
Electrical Examination	11/17/78	8:30 a.m.	YMCA 6th and F Streets Anchorage

Testimony from the public, both written and verbal, will be accepted at the public hearing. Written testimony regarding the proposed changes in the regulations should be submitted to the Department of Commerce and Economic Development, Pouch D, Juneau, Alaska 99811, postmarked no later than midnight, November 9, 1978.

The Board of Electrical Examiners will hold a regular meeting for the purpose of conducting its usual business and possible adoption of regulatory changes.

Those who took the examination for the electrical administrators' license in August may review their exam results with the board. Reviews will be taken in alphabetical order.

Mr. Scad...
Mr. Scad...

October 5, 1978

Those persons whose applications have been approved and have received notification of approval may sit for the electrical exam. Those who have taken the exam before may retake portions failed, provided they have notified the licensing examiner in advance.

If you have any questions, please feel free to contact this office.

Cordially,

Sharon S. Hammock

Sharon S. Hammock
Licensing Examiner

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

EQUAL EMPLOYMENT OPPORTUNITY OFFICE
DEPARTMENT OF ADMINISTRATION

Pouch CE

X.7.DURR.R.X JUNEAU 99811
PHONE: 465 3570

May 19, 1977

Mr. H.D. Wilson
1317 Hyder
Anchorage, Alaska 99501


Dear Mr. Wilson:

We are writing to acknowledge that we received a copy of your letter that you sent to Senator Mike Gravel dated May 12, 1977.

We hope to have some report for you by May 26, 1977.

Keep the faith and don't give up!

Sincerely,



Glen Campbell
EEO Director

STATE
of ALASKA

MEMORANDUM

TO: [Robert Cates
Deputy Commissioner

DATE: May 11, 1978

FROM: Glen Campbell
ESD Director

SUBJECT: *John Alexander*
H.D. Wilson, Minority Electrical
Contractor

We would like to make you aware of a problem that Mr. H.D. Wilson, a minority electrical contractor is encountering in regards to obtaining his license for the State of Alaska (please see attached correspondence).

As indicated, Mr. Wilson requested a waiver of examination due to his qualifications and extensive experience in his field.

Although this matter does not fall within the particular jurisdiction of our office, we are very concerned about it from a humanitarian viewpoint as well as the fact that the present posture of minority electrical contractors within the State of Alaska is extremely low. At present there are only two minority electrical contractors that obtained their license in the State of Alaska, and they did not obtain these licenses through the examination process, but obtained them under the Grandfathers clause. Perhaps the requirements create disparity for minority electrical contractors and this matter should be looked into.

Any assistance that you can offer in regards to this matter would be greatly appreciated.

Thank you,

JAY S. HAMMOND
GOVERNOR



PHONE
907-272-1478

STATE OF ALASKA
OFFICE OF THE GOVERNOR
ANCHORAGE

December 22, 1977

Mr. H. D. Wilson
1317 Hyder
Anchorage, Alaska 99501

Dear Mr. Wilson:

Unfortunately, this is not good news. The Department of Law informs me that there is no legal way that the Governor can grant you a waiver of examination to become an electrical contractor.

We certainly wish we could help in this matter, but just cannot. If you have any other suggestions or ideas on how we might assist, please let us know and we'll take a look.

Sincerely,

A handwritten signature in cursive script that reads "Bill McConkey".

Bill McConkey
Special Assistant
to Governor Hammond

PRESENTATION BY MR. H. D. WILSON

History of my experience with the test.

REQUESTS:

1. Is it possible to take a test that is only in the area of electrical work for an electrical contractor's license?
2. If so, when will the test be given in Anchorage?

RECOMMENDATIONS:

Update all questions on the tests and review them to see if they are job related in my field category.

As an Alaskan with an Alaskan electrical license, I feel that some consideration should be given to me. I am a minority and there are only three other minorities in this field -- to my knowledge. There are so few of us who pass the test. I would recommend that you review your own records and see how many minorities have taken the general construction license test series. Then compare the number of minorities who took the test and passed, to the number of nonminorities who took the test and passed. I believe such a comparison would indicate the need for my final recommendation - A tutoring program must be initiated to assist minorities with general questions which will help us to qualify for the test.

H. D. Wilson

H. D. Wilson

H. Darren Electric
1412 -C Hyder Street
Anchorage, Alaska 99501
August 9, 1978

Mr. Don Hostak, Director
Dept. of Commerce & Economic Dev.
Div. Of Occupational Licensing
Pouch D
Juneau, Alaska 99811

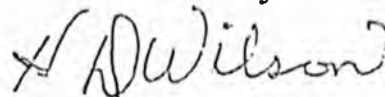
Dear Mr. Hostak:

In regards to your letter of July 14, 1978 I would like to take the Electrical Administrators Examination, but I would prefer taking the exam when it is next held in Anchorage due to the expense of traveling to Juneau.

Please let me know when the next examination will be held in Anchorage, and what I should do to prepare myself for the examination.

Thank you.

Sincerely

A handwritten signature in cursive script that reads "H.D. Wilson". The signature is written in dark ink and is positioned above the printed name.

H.D. Wilson



ombudsman

Frank Flavin

State of Alaska
360 "K" Street, Room 246
Anchorage, Alaska 99501

(907) 276-4011

November 4, 1977

H. D. Wilson
1317 Hyder
Anchorage, Alaska 99501

Re: Ombudsman Complaint 77-1505
(Closed)

Dear Mr. Wilson:

I have researched the matter that you brought to our attention concerning electrical contractors licenses. Unfortunately, there is currently no waiver of examination under Alaska State statutes. The statute allowing this (A.S. 08.40.160) was repealed by the Legislature this year and did not apply to contractors who had had a license in another state, anyway. There is apparently no way for anyone to get a contractors license in this area without taking an examination.

In regard to the possibility of incorporating, it would be at best, a limited solution, as you would have to hire a licensed electrical administrator before your corporation could get an electrical contractors license. Also, you would have to have a licensed electrical administrator on staff at all times in order to retain your contractors license. You can, however, as I understand it, get a general contractors license, but not a specialty contractors license without first hiring someone who has an electrical administrators license.

I hope this answers any questions you may have had. I am sorry that there is not more that we can do, but, our legislative responsibilities do not allow us to go to court nor can we repeal a statute once enacted by the Legislature.

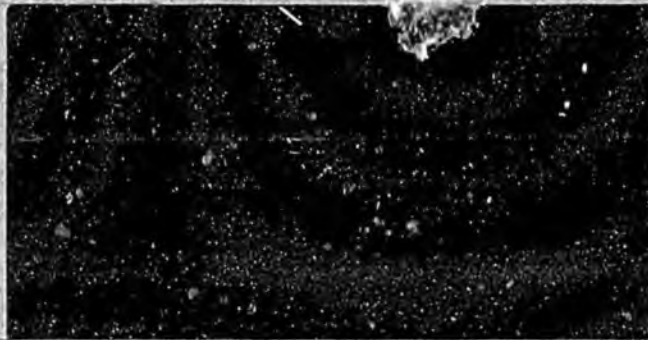
Thank you very much for your patience in this matter.

Sincerely,

Frank Flavin
Ombudsman

Christian Baker
File Copy

STATE OF ALASKA



DIVISION OF LEGISLATIVE AUDIT
Juneau, Alaska

STATE OF ALASKA

A PERFORMANCE REVIEW
OF THE BOARD OF
ELECTRICAL EXAMINERS

MAY 2, 1979



Department of Social & Public Welfare
Juneau, Alaska

A PERFORMANCE REVIEW
OF THE BOARD OF
ELECTRICAL EXAMINERS

MAY 2, 1979

Commissioner of the Department
of Commerce and Economic
Development

Charles Webber

Deputy Commissioner of the
Department of Commerce and
Economic Development

Bertram L. Wagon

Members of the Board of
Electrical Examiners

Chairman
Member
Member

Jerome Trammer
Edward Schenderline
Hugh Macaulay

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION
POUCH W—ALASKA OFFICE BUILDING

FINANCE DIVISION
POUCH WF—STATE CAPITOL

JUNEAU, ALASKA 99811

August 3, 1979

Members of the
Legislative Budget and Audit Committee:

In accordance with the intent of Title 24 and 44 of the
Alaska Statutes, the attached report is submitted for your
review.

A PERFORMANCE REVIEW
OF THE
BOARD OF ELECTRICAL EXAMINERS

May 2, 1979



Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit

TABLE OF CONTENTS

	<u>Page</u>
Purpose and Scope of the Review	4
Organization and Function	6
Report Conclusion	7
Findings and Recommendations:	
Board of Electrical Examiners	9
Division of Occupational Licensing	13
Analysis of Public Need	15
Appendixes:	
A. Board of Electrical Examiners, Revenues Compared with Expenditures	19
B. Administrative Statistics	20
C. Questionnaire sent to Board Members	21
D. Questionnaire sent to Electrical Administrators	25
E. Questionnaire sent to Applicants for Licensure	29
Responses:	
Department of Commerce and Economic Development.	32

PURPOSE AND SCOPE OF THE REVIEW

Purpose

In accordance with the intent of Alaska Statutes 24.20.271(1) and 44.66.050 (sunset legislation), an audit of the Board of Electrical Examiners was conducted to review Board activities and accomplishments to determine if the Board has been operating in an effective, efficient, and economical manner.

As required by legislative intent, this report shall be considered during the legislative oversight function in determining whether the Board of Electrical Examiners should be reestablished. The law currently specifies that this Board will terminate on June 30, 1980, but will continue until June 30, 1981, for the purpose of concluding its affairs.

Scope

The major areas reviewed were the Board's operations and its licensing, examination, administration, complaint and affirmative action functions. Our review consisted of analysing and evaluating the following:

- (1) Applicable statutes and Board regulations;
- (2) interviews with Board members and questionnaires sent to the Board;
- (3) interviews with inspection agencies and union officials;
- (4) tests of records and documents of the Board and the Division of Occupational Licensing (OL), Department of Commerce and Economic Development;
- (5) interviews with OL employees;
- (6) complaints filed in the last three years with OL, the Ombudsman's Office, Consumer Affairs Agency, and the Equal Employment Opportunity Office;
- (7) questionnaires sent to 100 licensed electrical administrators; and
- (8) questionnaires sent to 25 applicants for licensure.

Scope Constraints

This review was hampered by the following constraints:

- (1) The Board has not established and reported financial and program plans as required by AS 37.07.050 nor

has it developed and reported performance information required by AS 37.07.090; and

- (2) OL has not adequately collected, recorded and maintained pertinent files and statistics relating to the Board to effectively and efficiently carry out its administrative responsibilities.

ORGANIZATION AND FUNCTION

The Board of Electrical Examiners was established by the 1960 Session Laws of Alaska, Chapter 158. The three Board members, who are all electrical administrators licensed under this act, are appointed by the Governor with confirmation by the Legislature. Board members serve staggered terms of three years.

The Board is organized under the Department of Commerce and Economic Development, Division of Occupational Licensing (OL). OL provides the Board with licensing and some investigative support, however the enforcement of the electrical administrators statute is primarily the responsibility of the Department of Labor (DOL).

The function of the Board is primarily regulatory, mandated by AS 08.40. Accordingly, the Board has the authority to examine and issue licenses to qualified applicants, establish or amend rules and regulations necessary and desirable to enforce statutes, and to hold hearings to revoke, suspend or deny the license of a person violating the electrical administrator statutes and regulations.

REPORT CONCLUSION

Policy Issues

This review contains policy issues raised as a result of our evaluation of various Board practices. The final policy decisions affecting these practices are not within the scope of this review but require legislative consideration. In debating these issues, the legislative oversight committees should take into consideration the findings and alternatives presented in this report, so that the potential impact of policy changes can be evaluated.

Report Conclusion

In our opinion, the continuation of the Board and the licensing of electrical administrators is not necessary to protect the public's health, safety and welfare (see Recommendation No. 1).

However, if the Legislature deems that the continuation of the Board and the licensing of electrical administrators is in the public's best interest, then several changes need to be implemented in order for the Board to more effectively serve the public.

Communications
The Board presently licenses electrical administrators in the communications category. In our opinion, licensing in this category is not necessary to protect the public (see Recommendation No. 2).

The Board has not consistently enforced the licensing criteria as specified by 12 AAC 32. It is the Board's responsibility to determine that applicants are qualified, thereby ensuring the public is adequately protected (see Recommendation No. 3).

The Board needs to establish procedures for conducting, grading, and reviewing examinations to ensure that all examiners are treated equally and fairly (see Recommendation No. 4).

The present Alaska Statutes do not allow licensure by endorsement or reciprocity. Allowing licensure by endorsement and/or reciprocity would help to ensure an adequate supply of electrical administrators to the Alaskan public (see Recommendation No. 5).

Electrical administrators are not required to meet continuing competency standards for license renewal. The public would be better protected if electrical administrators were

required to be familiar with changes in the electrical safety standards (see Recommendation No. 6).

Public members should be added to the Board to assure the representation of the public's interest (see Recommendation No. 7).

FINDINGS AND RECOMMENDATIONS

Findings and Recommendations No. 1 through No. 7 are addressed to the Board of Electrical Examiners. Findings No. 8 and No. 9 are addressed to the Division of Occupational Licensing and should be read in conjunction with "A Performance Review of the Division of Occupational Licensing, Department of Commerce and Economic Development, October 30, 1970".

Recommendation No. 1

The Board of Electrical Examiners should be allowed to terminate on June 30, 1980.

The Board of Electrical Examiners licenses electrical administrators under Alaska Statute 08.40. The purpose of this chapter is to protect the public from the danger of improperly installed electrical wiring. An electrical administrator contracts for the installation and/or repair of electrical wiring, and is responsible for all work done under his license.

To contract electrical work in Alaska you must be, or have in your employ, an electrical administrator. The electrical contractors license is issued under AS 08.18 by the Division of Occupational Licensing. This statute governs construction contractors and provides for the protection of the public from economic loss resulting from negligent or improper work, or breach of contract.

eliminate this duplication
In addition, all electricians are licensed - issued a certificate of fitness - by the Department of Labor (DOL) under AS 18.62. The certificate of fitness issued by DOL assures that an electrician is qualified to perform electrical work in accordance with the minimum electrical safety standards established by AS 18.60.580.¹

Several municipalities and boroughs (Juneau, Sitka, Anchorage, Palmer, Valdez and Fairbanks) inspect electrical installations to determine if electrical work is done in accordance with the electrical safety standards. The Department of Labor also inspects electrical installations in public

-
- (1) The 1978 published edition of the "National Electrical Code", approved by the American Standards Association, and the latest published edition of the "National Electrical Safety Code", issued by the United States Department of Commerce, Bureau of Standards, constitute the minimum electrical safety standards of the State.

buildings or places of employment throughout Alaska. We were informed by DOL and city officials, as well as many respondents to our questionnaires, that inspection is the primary safeguard from faulty installation of electrical wiring.

Further, comments from DOL, city officials and respondents to our questionnaires stated that one license is adequate to protect the public, as long as that license ensures that the electrician is qualified to perform electrical work in accordance with the safety standards of AS 18.60.580.

Competition may be unduly restricted by requiring an electrician who has his certificate of fitness issued by DOL, to also have an electrical administrators license before obtaining a contractors license to perform electrical work.

In our opinion, there is no need for the continuation of the Board and the Licensing of electrical administrators. The following measures are adequate to protect the public's health, safety and welfare, and economic well-being:

1. State laws governing electrical safety under DOL (AS 18.60.580-660); *Applying AS 18.62 to DOL*
2. certificate of fitness issued by DOL (AS 18.62);
3. State laws governing construction contractors (AS 08.18); and
4. inspections by State and local agencies.

If the Board and the licensing of electrical administrators are terminated, we recommend that AS 08.18.026 requiring an electrical administrators license to contract for electrical work be amended to allow electricians licensed by DOL to obtain an electrical contractors license.

However, if the Board is not terminated and/or licensing of electrical administrators is continued, then the following recommendations should be considered.

Recommendation No. 2

Legislation should be enacted to exempt communications electricians from the electrical administrators statutes.

The Board presently licenses electrical administrators practicing in the communications category under the provisions of 12 AAC 32.051-071 and 12 AAC 32.130-150. However, Alaska Statute 08.40.190 exempts utilities from the requirement of having to employ an electrical administrator. AS 08.40.200(5) defines "utility" as essentially every business or nonbusiness entity that:

- (A) Furnishes, by generation, transmission, or distribution, electrical service to the public for compensation.
- (B) Furnishes telecommunications service to the public for compensation.

Therefore, many communications electricians who are employed by private or public utilities are exempted by statute from being licensed by this Board.

However, the Board has required that certain utility companies (cable TV, burglar alarm companies) employ an electrical administrator. In the opinion of our legal counsel, Legislative Affairs Agency, Division of Legal Services, cable TV, burglar alarm systems, and similar type companies are exempt since they are utilities and are not required to hire an electrical administrator licensed by the Board. Therefore, the Board should not require cable TV, burglar alarm systems, and similar type companies to hire electrical administrators.

Further, the Department of Labor reported that from a safety to the public standpoint, there was little, if any, need to regulate the communications electricians. This conclusion was reached as a result of hearings and workshops that they conducted prior to repealing 8 AAC 90.050, which requires telecommunications electricians to hold a certificate of fitness issued by DOL.

In our opinion, the licensing of communications electricians is not necessary for the protection of the public.

Recommendation No. 3

The Board should enforce the existing laws for issuing licenses in a uniform and consistent manner.

In our test of licenses issued in the last two years, we noted five applicants did not have a certificate of fitness issued by the Department of Labor as required by 12 AAC 32. Also, one of the five did not meet the experience requirements of 12 AAC 32.

In addition, two applicants were rejected for licensure because the Board felt they did not have adequate documentation of experience. However, the Board has accepted many applications with less information.

In summary, the Board should adopt regulations and/or policies governing review of applications, to include what evidence of experience is necessary so that qualified applicants will not be delayed in obtaining their license.

Recommendation No. 4

The Board should establish procedures for conducting, grading and reviewing examinations.

We observed the November 17, 1978 electrical administrators examination conducted by the Board of Electrical Examiners. During the examination we noted a great deal of noise and confusion occurring because of the different completion times for the various tests.

Also, one portion of the last residential wiring examination was not graded consistently. One individual was given a passing grade of 70%, while another was given a failing grade of 68%, but both had missed five out of fifteen questions. The examination had been graded by different people using a different point value per question, and different methods of scoring.

In addition, two applicants, who had failed an examination, were licensed after their examinations were reviewed and regraded. There was no indication of why their scores were changed from failing to passing, nor what questions had been reviewed. Also, if an examinee successfully challenges a question because it is poorly worded or irrelevant, the Board should consider that questions impact on all who took that examination.

In summary, we recommend the Board establish procedures that will minimize confusion and distractions during the examinations, provide consistent and fair grading of all examinations, and provide control of examination review and regrading to include an evaluation of questions that may be ambiguous or irrelevant.

Recommendation No. 5

The Board should seek legislation to licensure by
endorsement and/or reciprocity.

The present Alaska Statutes do not allow electrical administrators to be licensed by endorsement and/or reciprocity.

Under endorsement, an applicant who is licensed in another state, and otherwise meets the licensing requirements of the electrical administrators statute, would be eligible for licensure in Alaska without further examination. Reciprocity is similar to endorsement except that it requires an agreement between the two states.

Legislation to allow licensure by endorsement and/or reciprocity would help to ensure an adequate supply of electrical administrators to the Alaskan public.

Recommendation No. 6

Legislation should be introduced which will require electrical administrators to meet continuing competency standards.

To obtain an initial electrical administrators license in Alaska, an applicant must pass an examination to determine his knowledge of the electrical codes and of electrical installations and wiring. However, to renew his license only requires the payment of a biennial license renewal fee.

Once an individual is granted a license to practice an occupation, he has an implied obligation to maintain that minimum competence. Electrical administrators should be required to meet continuing competency standards to assure that they are familiar with changes in the electrical safety standards.

Recommendation No. 7

Legislation should be introduced which will require public members on the board.

The Board regulates electrical administrators for the purpose of public protection. The Board is presently composed of only three electrical administrators licensed by the Board. The Board has requested the Department of Commerce and Economic Development to pursue the possibilities of adding public members to the Board.

We agree with the Board, that the public should have its views represented on the Board since the Board's purpose is to protect the public. The State of California claims that the public's confidence and well-being have been enhanced by their 1977 Public Member Act, which required a majority of public members on all boards except health related and accounting boards.

Recommendation No. 3

The Board should establish formal goals, objectives and quantifiable measures which should be included in the OL's budget document.

Objectives describe what an agency or Board is seeking to accomplish during a specific year. Well formulated objectives are capable of measurement and should include numerical targets so that actual accomplishments can be compared with stated targets. Without goals and objectives, the Board's performance cannot be adequately evaluated and analyzed.

OL establishes its own budget goals and objectives. The budget documents do not include any goals or measures for individual boards. Without the Board's goals and measures being identified or measured, neither the Governor's Office nor the Legislature can evaluate the Board's performance.

Annual Report.

Recommendation No. 9

The Division of Occupational Licensing should collect, record and maintain for five year periods files and statistics of licensing and testing applicants and related workload of the licensing examiner.

The Division needs relevant facts and statistics for evaluating the performance of its personnel and Board activity. Many past statistics have not been collected and maintained, such as:

1. Number of electrical administrators licensed in the past;
2. number of applicants failing the examination;
3. number of applicants denied the chance to take the examination due to lack of qualifications;
4. correspondence workload of license examiners; and
5. number of persons requesting applications.

It is to the advantage of the Division to keep these records in order to support its budget request, evaluate its personnel and keep the Board informed as to its progress. Also, feedback from the Board and the public should be encouraged so as to determine whether staff performance is adequate.

ANALYSIS OF PUBLIC NEED

Limited Analysis

The following analyses of Board activities relates to the public need factors defined in the "Sunset" law. These analyses are not intended to be all inclusive, but addresses those areas we were able to cover within the scope of our review.

- I. The extent to which the board, commission or program has operated in the public interest.
 1. The Board has not enforced the existing laws for issuing licenses in a uniform and consistent manner (see Recommendation No. 3).
- II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.
 1. The Division of Occupational Licensing (OL) has not maintained updated records and statistics for Board use (see Recommendation No. 9 and OL Performance Audit Report).
 2. The OL investigative section has not provided adequate investigative support necessary for the enforcement of the law (see OL Performance Audit Report).
 3. Occupational Licensing should establish examination and/or reexamination fees for the electrical administrators examination.
- III. The extent to which the board, commission or agency has recommended statutory changes which are generally of benefit to the public interest.
 1. The Board has recommended that public members be added to the Board (see Recommendation No. 7).
- IV. The extent to which the board, commission or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.
 1. We found no evidence that the Board has made a special effort to encourage interested

persons to report to it regarding the effect of its regulations and decisions.

V. The extent to which the board, commission or agency has encouraged public participation in the making of its regulations and decisions.

1. To encourage public participation, the Board advertises upcoming Board meetings, examinations, and proposed regulations in newspapers located in the cities of Juneau, Ketchikan, Anchorage and Fairbanks.

VI. The efficiency with which public inquiries or complaints regarding the activities of the board, commission or agency filed with it, with the department to which a board or commission is administratively assigned, or with the office of the ombudsman have been processed and resolved.

1. We noted one complaint filed with the Office of the Ombudsman against the Board. The Board had failed to respond to an inquiry in a timely manner. The complaint was resolved by the Ombudsman's office.

VII. The extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public.

1. From March 1973 to October 1978, the number of licensed electrical administrators has increased from 164 to 285.
2. Over the past four years (1975-1978) the failure rate on the examination has averaged 79%.
3. The present Alaska statutes do not allow licensure by endorsement and/or reciprocity (see Recommendation No. 5).

VIII. The extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission or agency to its own activities and the area of activity or interest.

1. Applications for licensure require information such as an applicants birth date, physical characteristics, and picture. These questions are of a potential discriminatory nature and should be eliminated unless they are based upon a bonafide occupational qualification.

See next page

IX. The extent to which statutory, regulatory, budgeting or other changes are necessary to enable the agency, board or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

1. Please refer to the previous section, Findings and Recommendations.

APPENDIXES

APPENDIX A

BOARD OF ELECTRICAL EXAMINERS
REVENUES COMPARED WITH EXPENDITURES
 Fiscal Year 1978
 (UNAUDITED)

Average Revenue (Note 1 and Schedule 1)	\$21,898
Expenditures (Note 2)	<u>26,547</u>
Excess of Expenditures over Average Revenues	<u>\$4,649</u>

Schedule 1
Types of Revenues

<u>Revenues</u>	<u>Amount</u>	<u>Collection Time</u>
Initial License Fee	\$100	With application
License Renewal Fee	\$100	Biennially
Late Renewal Fee (additional)	\$ 10	If over 60 days after renewal date
Reinstatement Fee (For Lapsed license)	\$ 25	With reinstatement notice (Fee is for each year license was lapsed)

Note 1

A significant portion of revenues are composed of license renewal fees. The renewal date is December 31 of the even numbered year which causes revenues to be unequal from year to year. Therefore, we took an average of the revenues collected in Fiscal Year 1977 and 1978 in order to obtain a representative amount of collected revenue.

Note 2

Expenditures include those made by Board members, such as travel and per diem, and an allocated percentage (estimated) of total administrative expenses of OL. They do not include expenditures for efforts of other departments, such as the Department of Law, that may be assisting the Board and OL.

APPENDIX B

ADMINISTRATIVE STATISTICS

Licensing Statistics

Total as of October 1978 285

Total as of March 1973 164

Increase over 5 1/2 years 121

<u>Examination Statistics</u>	<u>1978</u>	<u>1977</u>	<u>1976¹</u>	<u>1975</u>
Applicants Tested	242	189	67	113
Number of Fails	<u>188</u>	<u>149</u>	<u>59</u>	<u>88</u>
Number of Passes	<u>54</u>	<u>40</u>	<u>8</u>	<u>25</u>
Percentage Pass Rate	<u>22.3%</u>	<u>21.2%</u>	<u>11.9%</u>	<u>22.1%</u>
Passing Rate for 4 year period:		<u>20.8%</u>		

(1) For 1976, statistics were available for only one of the two examinations given.

APPENDIX C

QUESTIONNAIRE SENT TO BOARD MEMBERS

1. What do you believe to be the goals and objectives of the Board?

<u>Description</u>	<u>Number of Board Members' Responses</u> (See Note 1 & 2)
<i>To protect the public by assuring that:</i>	
<i>a) there are qualified electricians and contractors; and</i>	2
<i>b) electrical installations conform to the electrical safety codes.</i>	2
<i>To provide adequate direction for the electrical industry in Alaska.</i>	1

2. Do you believe that the Board is achieving its goals as you perceive them in question number 1? How does the Board measure its progress in attaining its goals and objectives?

<u>Description</u>	<u>Number of Board Members' Responses</u>
<i>No - only one state electrical inspector.</i>	1
<i>No - Board has no authority to enforce electrical safety standards, but effectiveness of assuring qualified contractors is measured by historical pass/fail ratio of examination.</i>	1
<i>Yes - by requiring electricians to pass the Electrical Administrators' examination</i>	1

3. Do you believe there is a duplication of effort by the Board of Electrical Examiners and the Department of Labor (they both require experience in the field and a knowledge of the National Electrical Code as prerequisites to licensure)?

3. (Cont'd.)

<u>Description</u>	<u>Number of Board Members' Responses</u> (See Note 1 & 2)
No - Department of Labor assures that electricians are qualified to perform electrical work, the Board assures the supervisor is <i>can be an one</i> qualified.	2
No response.	1

4. Is the Staff from the Department of Commerce and Economic Development and/or other departments adequate to perform and enforce all laws and regulations relating to the Board? What staff support services are provided adequately? Inadequately? Are investigations performed adequately/inadequately?

<u>Description</u>	<u>Number of Board Members' Responses</u>
Enforcement & investigations are inadequate.	3
Attorney General office support is inadequate.	1

5. Are there any statutes or regulations that you believe to be obsolete, vague, unduly restrictive and/or inadequate to provide the Board with the responsibility and power to properly govern the purpose and activities of the Board? Please list and explain.

<u>Description</u>	<u>Number of Board Members' Responses</u>
Up to the Attorney General's office to tell us if regulations are vague, obsolete, or unduly restrictive.	1
Do not know, A.G.'s office has not responded to our questions.	1
Only one central body should be provided the authority and responsibility to prevent public harm from improper electrical installations.	1

6. What evidence exists demonstrating the the absence of regulations governing electrical administrators and/or the Board would be detrimental to the public's best interest?

<u>Description</u>	<u>Number of Board Members' Responses</u> (See Note 1 & 2)
None.	2
If no law, then anyone could perform electrical work.	1
It can be argued that the Department of Labor's certificate of fitness precludes the necessity for a contractors Board, but these two programs are complementary.	1

7. What changes could be made to the Board which would improve its service to the electrical trade and/or the public?

<u>Description</u>	<u>Number of Board Members' Responses</u>
Continuing education of the Board members.	1
Give Board authority to issue cease and desist order.	1
Add two members to the Board who are associated with the electrical industry, but have no financial interest in the electrical administration field.	1
Revise license and examination fee structure.	1
Provide Board with authority it requires to meet its goals.	1

8. Presently, the Board is composed of 3 electrical administrators. Do you believe adding public members would tend to make the Board:

	<u>Number of Board Members' Responses</u>
A. <u>More receptive to public need.</u>	0
B. <u>Less receptive to public need.</u>	0
C. <u>No change.</u>	3

9. Do you believe there is a shortage of electrical administrators in Alaska? If yes, in what areas?

<u>Description</u>	<u>Number of Board Members' Responses</u> (See Note 1 & 2)
No	3

10. If you answered yes to number 9, what steps are or should the Board take to correct the shortage?

11. Are the questions on the examinations pertinent and relevant? Please mention any studies and/or other support backing your opinion.

<u>Description</u>	<u>Number of Board Members' Responses</u>
Yes.	3
Would like to see how other electrical boards handle examinations and pick the best method from among them.	1
Have compared Alaska's examination to Washington's and Oregon's and they contain comparable questions.	1
Would like to add oral examination.	1

12. Has the Board recommended any statutory changes which are generally in the public's best interest?

<u>Description</u>	<u>Number of Board Members' Responses</u>
Attorney General recommended elimination of the business section of the test.	1
Yes, see Chapter 53, Session Laws of Alaska, 1977, and also register 63, 1977 for revision of 12 AAC 32. Also see House Bill No. 705, 1978, which was passed out of House Commerce but was not scheduled through House Rules.	1
No response.	1

13. Do you think continuing education should be required for license renewal?

Description

*Number of Board
Members' Responses
(See Note 1 & 2).*

Yes, 1978 code had over 1,200 changes and it is important that licensees be aware of the changes.

1

No, being in business is adequate to satisfy the learning process.

2

Note 1

Number of Board members sent questionnaires.

3

Number of responses.

3

Note 2

Some Board members responded to each question with several answers. Therefore, total responses for each question may exceed the number of Board members who responded.

APPENDIX D

QUESTIONNAIRE SENT TO ELECTRICAL ADMINISTRATORS

		<i>Number of Responses</i> <i>(See Note 1)</i>		
		<u>Yes</u>	<u>No</u>	<u>No Responses</u>
1.	Do you feel that the absence of the licensing and regulation of electrical administrators would significantly harm, affect, or endanger the public's safety and welfare?	38	1	0
2.	Do you feel that you are able to do a better job because of the requirements you have had to meet to be licensed?	33	6	0
3.	A) Do you feel that there are other methods of regulation which would adequately protect the public?	20	18	1
	B) If yes, which of the following would be appropriate?			
	1) Certificate of Fitness, issued by the Department of Labor.	8	5	26
	2) Inspections by State electrical inspectors.	18	1	20
	3) Inspections by local electrical inspectors.	20	0	19
	4) Specialty contractors license issued by the Division of Occupational Licensing, Department of Commerce and Economic Development.	10	6	23
4.	What do you feel is the purpose of the Board of Electrical Examiners?			

Responses

To protect the public by assuring qualified electrical administrators, and by regulating the industry.

Number of Responses

35

4. (Cont'd.)

Number of Responses
(See Note 1)

<i>No purpose</i>	2
<i>Restrict competition</i>	1
<i>No Comment.</i>	1

Number of Responses
No
Yes No Response

5.	Do you believe the Board has operated in the public's best interest?	30	8	1
6.	Are there any statutes or regulations that you believe are obsolete, vague, unduly restrictive?	14	1	4
7.	Do you believe that the examination given by the Board is a fair and reasonable test of an electrician's knowledge and ability to be an electrical administrator?	29	9	3
8.	Do you believe continuing education should be required for license renewal?	14	22	3
9.	A) Have you ever filed a complaint with the Board or The Division of Occupational Licensing?	5	33	1
	B) Did they investigate and notify you of their findings in a timely manner?	2	5	32
10.	Are you aware that all Board meetings and regulations hearings are open to the public?	28	11	0
11.	What improvements and/or modifications do you feel are needed for this examining Board, its regulations and/or the law which created the Board?			

Responses included in the report where appropriate.

*Number of Responses
(See Note 1)*

	<u>Yes</u>	<u>No</u>	<u>No Response</u>
12. Are you aware of any discriminatory practices involving licensing or investigations of the Board?	5	31	3
13. Any additional comments:			
<i>Responses included in the report where appropriate.</i>			

Note 1

Number of licensed electrical administrators sent questionnaires.	<u>100</u>
Number of responses.	<u>39</u>

APPENDIX E

QUESTIONNAIRE SENT TO APPLICANTS FOR LICENSURE

		<u>Number of Responses</u> (See Note 1)		
		<u>Yes</u>	<u>No</u>	<u>No Response</u>
1.	Do you feel that the absence of the licensing and regulation of electrical administrators would significantly harm, affect, or endanger the public's safety and welfare?	8	4	0
2.	Do you feel that you are able to do a better job because of the requirements you have had to meet to be licensed?	5	7	0
3.	A) Do you feel that there are other methods of regulation which would adequately protect the public?	9	1	2
	B) If yes, which of the following would be appropriate?			
	1) Certificate of Fitness, issued by the Department of Labor.	4	1	7
	2) Inspections by State electrical inspectors.	7	1	4
	3) Inspections by local electrical inspectors.	7	1	4
	4) Specialty contractors license issued by the Division of Occupational Licensing, Department of Commerce and Economic Development.	4	0	8
4.	What do you feel is the purpose of the Board of Electrical Examiners?			

Responses

To assure qualified electrical administrators.

Number of Responses

6

4. (Cont'd.)

Number of Responses
(See Note 1)

To control or limit competition.

4

Do not know.

2

Number of Responses
No

Yes No Response

5. Do you believe the Board has operated in the public's best interest?

6

5

1

6. Are there any statutes or regulations that you believe are obsolete, vague, unduly restrictive?

6

4

2

7. Do you believe that the examination given by the Board is a fair and reasonable test of an electrician's knowledge and ability to be an electrical administrator?

3

7

2

8. Do you believe continuing education should be required for license renewal?

3

6

3

9. A) Have you ever filed a complaint with the Board or The Division of Occupational Licensing?

3

8

1

B) Did they investigate and notify you of their findings in a timely manner?

3

2

7

10. Are you aware that all Board meetings and regulations hearings are open to the public?

8

2

2

11. What improvements and/or modifications do you feel are needed for this examining Board, its regulations and/or the law which created the Board?

Responses included in the report where appropriate.