

ALLAS KA LUGLIS LIAI SIOI 70072
AUGUSTAS KA LUGLIS LIAI SIOI 70072
HILC 1770
HB 586
HB 595
HB 595

Exhibit A

CHAPTER 64.
MOTOR FREIGHT CARRIERS

(3) must specify the period of time for which it applies, which may not be less than 30 days; however, this subparagraph does not apply to vehicle lease agreements between permit holders;

(4) must provide that the lessee have exclusive possession, control, use and complete responsibility for the vehicle and its operation for the duration of the lease, except that,

(A) provision may be made in the lease for considering the lessee as the owner for the purpose of subleasing under this section to other authorized carriers for the duration of the lease;

(B) when entered into by carriers of household goods, for the transportation of household goods, as defined by the Interstate Commerce Commission, the provisions of (A) of this subsection need only apply during the period the vehicle is operated by or for the authorized carrier;

(5) must specify the compensation to be paid by the lessee for the rental of the leased vehicle;

(6) must specify the time and date upon which the possession and control of the vehicle will be taken by the lessee, the conditions upon which the lease begins, the time or the conditions upon which the possession of the vehicle will be returned to the lessor and the conditions upon which the lease otherwise expires; the duration of the lease shall coincide with the time of giving receipts for the vehicle as required by (b) of this section;

(7) must be executed in quadruplicate; the original must be retained by the carrier in whose service the vehicle is to be operated, one copy shall be retained by the owner of the vehicle, one copy must be filed with the commission within seven days of the effective date of the lease, and one copy must be carried on the vehicle specified in the lease during the entire period of the lease; provided that the carrier or its regular employee or agent may prepare a statement certifying that the vehicle is being operated under the terms of a written lease filed with the commission, which certificate must contain the names of the lessor and lessee, a complete description of the vehicle, the effective date and duration of the lease, any restrictions

- Article
1. Vehicle Leasing
 2. Applications
 3. Fees
 4. Insurance and Bonds
 5. Tariffs, Schedules and Shipping Documents
 6. Contracts
 7. Safety Regulations and Identification
 8. General Provisions

ARTICLE 1. VEHICLE LEASING

- | Section | |
|---------|------------------------------------|
| 10. | Leasing requirements |
| 15. | Interchange of vehicles |
| 20. | (Repealed) |
| 30. | (Repealed) |
| 40. | (Repealed) |
| 50. | (Repealed) |
| 60. | (Repealed) |
| 70. | Compensation |
| 80. | (Repealed) |
| 90. | (Repealed) |
| 100. | (Repealed) |
| 110. | Unauthorized leasing |
| 120. | Violations |
| 130. | Exemptions to leasing requirements |
| 140. | (Repealed) |
| 150. | (Repealed) |

3 AAC 64.010. LEASING REQUIREMENTS.

(a) Common or contract carriers may lease vehicles, but may not lease any vehicle to any person other than another common or contract carrier and, except for vehicles exchanged between authorized motor carriers in interchange service as provided in sec. 15 of this chapter, authorized carriers may perform transportation with vehicles which they do not own only under the conditions set out in this section. The lease for the use of a vehicle

(1) must be made between the carrier and the owner of the vehicle;

(2) must be in writing and signed by the carrier and the owner of the vehicle, or by their regular employees or agents authorized to act for them in the execution of leases;

4) Connecting Carriers (considered As Owners. An authorized carrier receiving a vehicle in connection with a through movement under this section is considered the owner of the vehicle for the purpose of leasing the vehicle to other authorized carriers in furtherance of the movement to the destination or of the return of the vehicle after the movement is completed. (Eff. 9/26/76, Reg. 59)

Authority: AS 42.07.141 AS 42.10.070
AS 42.10.010 AS 42.10.080

3 AAC 64.020. WRITTEN LEASE REQUIRED. Repealed. (Eff. 9/26/76, Reg. 59)

3 AAC 64.030. WRITTEN LEASE REQUIREMENTS. Repealed. (Eff. 9/26/76, Reg. 59)

3 AAC 64.040. PERIOD OF LEASING. Repealed. (Eff. 9/26/76, Reg. 59)

3 AAC 64.050. COMMISSION APPROVAL AND AUTHORIZATION. Repealed. (Eff. 9/26/76, Reg. 59)

3 AAC 64.060. LEASES BY COMMON OR CONTRACT CARRIERS. Repealed. (Eff. 9/26/76, Reg. 59)

3 AAC 64.070 COMPENSATION. The *Original* amount of compensation to be paid under a lease shall not be based upon a division of revenue, including but not limited to a percentage basis dependent upon gross receipts per trip or period of time. Compensation shall not include any arrangement whereby the lessee shall pay the lessor directly or indirectly for a driver or provide a rebate therefor unless otherwise ordered by the Commission upon application therefor. (Eff. 7/29/64, Reg. 15)

Authority AS 42.10.070
AS 42.10.080

3 AAC 64.080. TERMINATION OF LEASE. Repealed. (Eff. 9/26/76, Reg. 59)

3 AAC 64.090. DISPOSITION OF LEASE COPIES. Repealed. (Eff. 9/26/76, Reg. 59)

3 AAC 64.100. VEHICLE IDENTIFICATION. Repealed. (Eff. 9/26/76, Reg. 59)

3 AAC 64.110. UNAUTHORIZED LEASING.

All leases shall be executed in good faith and entered into without intent to evade the provisions of the law regulating common or contract carriers, or the provisions, rules and regulations of the commission. Where the commission in its discretion deems that a lease is not executed in good faith, such lease shall not be approved, and permit holders are prohibited from entering into the disapproved agreement.

(b) Except as may be specially permitted by the commission upon written application thereto, no common or contract carrier shall seek to extend the scope of his permit rights by leasing his equipment for the transportation of commodities which his permit does not authorize, nor into territory he is not authorized to serve. (Eff. 7/29/64, Reg. 15)

Authority: AS 42.10.070
AS 42.10.080

3 AAC 64.120. VIOLATIONS. Violations of the provisions of secs. 11-150 of this chapter may subject permittee to suspension or cancellation of his permit, in addition to other penalties or remedies provided by law. (Eff. 7/29/64, Reg. 15)

Authority: AS 42.10.230

3 AAC 64.130. EXEMPTIONS TO LEASING REQUIREMENTS. The provisions of secs. 10-120 of this chapter do not apply to the bona fide lease or rental of a vehicle:

(1) by an equipment rental or leasing company to a common, contract, or private carrier where the driver or operator of the leased vehicle is not provided, procured or arranged for, directly or indirectly or by course of dealing, by the leasing company. A vehicle lease under the provisions of this section shall be in compliance with the requirements of secs. 260-290 and secs. 490-500 of this chapter; or

(2) by a construction contractor to another construction contractor when the vehicle is leased for the purpose of transporting construction materials by the lessee in construction work being performed by the lessee. This exemption applies only to vehicles acquired by the lessor as necessary to his performance of previous construction work and which the lessor reasonably expects to use in performance of construction work within the

Notice is hereby given that the Alaska Transportation Commission, under the authority vested in AS 42.07.141(a) and (b) proposes to amend regulations in Title 3 of the Alaska Administrative Code to implement AS 42.07.121, AS 42.10.070, AS 42.10.080 and AS 42.10.010 as follows:

3 AAC 64.070 is amended as follows:

Compensation. The amount of compensation to be paid by the authorized carrier for equipment must be clearly stated in the lease and may be expressed as a percentage of gross revenue, a flat rate per mile, a variable rate depending on the direction traveled or the type of commodity transported or by any other method of compensation mutually agreed upon by the parties to the lease. The compensation stated in the lease applies only to equipment and not to the driver's service unless otherwise ordered by the Commission.

(Accepted by Over Operator)

Notice is also given that any person interested may present oral or written statements or arguments relevant to the action proposed at a hearing to be held in the Grand Jury Second Floor Room of the Alaska State Court Building, Fairbanks, Alaska, 3:00 p.m. on Thursday, January, 24, 1980.

The Alaska Transportation Commission, upon its own motion or at the instance of any interested person, may at the hearing or after it adopt the above proposals substantially as set out above without further notice.

DATED at ANCHORAGE, ALASKA, this 18th day of December, 1979.

ALASKA TRANSPORTATION COMMISSION

Keith H. Miller
Keith H. Miller, Chairman

Amended

3 AAC 64.070 is amended to read:

Compensation. The amount of compensation to be paid by the authorized carrier for equipment must be clearly stated in the lease and may be expressed as a percentage of gross revenue, a flat rate per mile, a variable rate depending on the direction traveled or the type of commodity transported or by any other method of compensation mutually agreed upon by the parties to the lease. The compensation for equipment and a driver, if any is provided by the lessor, must be separately stated, and any deductions, set offs, or charge backs from any compensation must be fully and clearly set forth in the agreement. (Eff. / / Reg ; a.m. / / Reg.)

Authority: AS 42.10.070
AS 42.10.080

*Rejected by numerous letters to
Alaska Transportation Comm. from
the Owner-Operators!*

*Adopted anyway. Next page
that payroll and other benefits be paid
to Owner-Operators.*

3) Connecting Carriers Considered As
owners. An authorized carrier receiving a vehicle
connection with a through movement under
this section is considered the owner of the
vehicle for the purpose of leasing the vehicle to
other authorized carriers in furtherance of the
movement to the destination or of the return of
the vehicle after the movement is completed.
(Eff. 9/26/76, Reg. 59)

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AS 42.10.010 AS 42.10.080

3 AAC 64.020. WRITTEN LEASE RE-
QUIRED. Repealed 9/26/76.

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MENTS. Repealed 9/26/76.

3 AAC 64.040. PERIOD OF LEASING.
Repealed 9/26/76.

3 AAC 64.050. COMMISSION APPROVAL
AND AUTHORIZATION. Repealed 9/26/76.

3 AAC 64.060. LEASES BY COMMON OR
CONTRACT CARRIERS. Repealed 9/26/76.

3 AAC 64.070. COMPENSATION. The
amount of compensation to be paid by the
authorized carrier for leased equipment must be
clearly stated in the lease and may be expressed
as a percentage of gross revenue, a flat rate per
mile, a variable rate depending on the direction
traveled or the type of commodity transported,
or by any other method of compensation
mutually agreed upon by the parties to the lease.
Expenses of operating the equipment (including
driver compensation) are to be paid by the
lessee or from the lease compensation, the lease
agreement specify what items of expense are
included. Payment to the lessor must be made
within 15 days after submission of the neces-
sary delivery documents and other paperwork
concerning a lease payment or the termination
of the lease, whichever is applicable. The lease
agreement clearly specify any delivery documents and
other paperwork that must be submitted before
the lessor can receive payment. (Eff. 7/29/64,
7/15/80; am. 6/2/80 Reg. 7-1)

Authority: AS 42.07.121 AS 42.10.080
AS 42.10.070 AS 42.10.110

3 AAC 64.080. TERMINATION OF LEASE.
Repealed 9/26/76.

3 AAC 64.090. DISPOSITION OF LEASE
COPIES. Repealed 9/26/76.

3 AAC 64.100. VEHICLE IDENTIFICATION.
Repealed 9/26/76.

3 AAC 64.110. UNAUTHORIZED LEASING.
(a) All leases shall be executed in good faith and
entered into without intent to evade the
provisions of the law regulating common or
contract carriers, or the provisions, rules and
regulations of the commission. Where the
commission in its discretion deems that a lease is
not executed in good faith, such lease shall not
be approved, and permit holders are prohibited
from entering into the disapproved agreement.

(b) Except as may be specially permitted by
the commission upon written application
thereto, no common or contract carrier shall
seek to extend the scope of his permit rights by
leasing his equipment for the transportation of
commodities which his permit does not
authorize, nor into territory he is not authorized
to serve. (Eff. 7/29/64, Reg. 15)

Authority: AS 42.10.070
AS 42.10.080

3 AAC 64.120. VIOLATIONS. Violations of
the provisions of secs. 10-150 of this chapter
may subject permittee to suspension or
cancellation of his permit, in addition to other
penalties or remedies provided by law. (Eff.
7/29/64, Reg. 15)

Authority: AS 42.10.230

3 AAC 64.130. EXEMPTIONS TO LEASING
REQUIREMENTS. The provisions of secs.
10-120 of this chapter do not apply to the
bona fide lease or rental of a vehicle:

(1) by an equipment rental or leasing
company to a common, contract, or private
carrier where the driver or operator of the leased
vehicle is not provided, procured or arranged
for, directly or indirectly or by course of
dealing, by the leasing company. A vehicle lease
under the provisions of this section shall be in
compliance with the requirements of secs.
260-290 and secs. 490-500 of this chapter; or

(2) by a construction contractor to another
construction contractor when the vehicle is
leased for the purpose of transporting

****PLEASE NOTE****

THE ORIGINAL FILE CONTAINS AN OVERSIZED DOCUMENT THAT IS UNSUITABLE FOR FILMING. PLEASE REFER TO THE ALASKA STATE ARCHIVES TO VIEW THE ORIGINAL.

NEWSPAPER ARTICLE

*"THE BIGGEST "RIP-OFF" OF THEM ALL
DAILY NEWS-MINER, FAIRBANKS, AK
TUESDAY 4/20/82*

A M E N D M E N T

Offered in the SENATE

By Parr

TO: CSHB 586 (Fin)

APR 27 1982

Page 1, lines 6 - 7:

Delete "permits for overweight and oversize vehicles"

Insert "motor vehicles and carriers"

Page 1, after line 8:

Insert the following new material:

* Section 1. AS 42.07 is amended by adding a new section to read:

Sec. 42.07.123. OWNER OPERATORS. The commission shall supervise and regulate owner operators in the state and shall prescribe regulations concerning the filing of reports by owner operators, the issuance of permits to owner operators based on public convenience and necessity, and the maximum and minimum rates that may be charged by owner operators. In this section "owner operator" means a person who rents, leases, or otherwise provides a motor vehicle for the use of others in transporting passengers or property upon the condition that the person be employed to operate the vehicle and includes common and contract carriers and construction contractor operators but does not include taxicabs.

* Sec. 2. AS 42.10.280(b) is amended to read:

(b) A common carrier shall file with the commission, and print and keep open to public inspection, schedules showing the maximum and minimum rates, charges, and classifications for the transportation of

property within the state between each point upon its route, and between each point upon its route and each point upon every route leased, operated, or controlled by it, and between each point upon its route or upon any route leased, operated, or controlled by it and each point upon the route of a common carrier, whenever a through route and joint rate has been established or ordered between two such points. If no joint rate over a through route has been established, the carriers in a through route shall file, print, and keep open to public inspection the separately established rates, charges, and classifications applied to the through transportation. The schedules of contract and common carriers shall plainly state the places between which property will be carried, and the schedules of common carriers shall also contain classifications of property in force, and state separately all terminal, storage, icing, and other charges which the commission requires to be stated, all privileges or facilities allowed, and rules and regulations which affect or determine any part or the aggregate of the rates and charges, or the value of the service given to the shipper or consignee. The schedules shall be plainly printed in large type. The carrier shall keep a copy of each schedule readily accessible for inspection by the public in every station or office where property is received for transportation when the station or office is in charge of an agent, and in every station or office of the carrier where bills of lading or receipts for property are issued. The carrier shall produce a schedule for inspection upon the demand of any person. The carrier shall keep posted in two public and conspicuous places in each station in which a schedule is kept a notice, printed in bold type, which

states that the schedules are on file with the agent and open to inspection by any person, and that the agent will assist the person to determine rates or rules and regulations. The commission shall prescribe the form of schedules. The form shall conform as nearly as practicable to the form of schedules required by the Interstate Commerce Commission.

* Sec. 3. AS 42.10.420(7)(A) is amended to read:

(A) a person who transports by motor vehicle, [WITH OR] without compensation, property which is owned or is being bought or sold by him, or property of which he is the seller or [,] purchaser [, LESSEE OR BAILEE,] and the transportation is incidental to and in furtherance of some other primary business conducted by the person in good faith;

Page 1, line 15:

After "relating to" insert "pilot car services and the"

Renumber remaining bill sections accordingly

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

William R. Nix
CommissionerP. O. BOX 6188 ANNEX
ANCHORAGE, ALASKA 99502

February 10, 1982

465-4322

Representative Terry Martin, Chairman
House Labor & Commerce Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Representative Martin:

Re: HB 586

Due to preparation for House budget hearings scheduled for tomorrow, the Department's spokesman is unable to attend today's hearing on HB 586.

Since this Bill does have an impact on the Division of Alaska State Troopers, I respectfully request that your Committee take no action on this Bill until testimony is heard from the Department of Public Safety which does oppose transfer of the functions delineated in HB 586.

Sincerely,



William R. Nix
Commissioner

Overweight
Vehicles
(permits for)

HOUSE BILL NO. 586, by Rep. Rogers. Transfers from the Dept. of Public Safety to the Dept. of Transportation & Public Facilities the responsibility for issuing permits for overweight vehicles and for operating motor vehicle weighing stations and establishing regulations for the enforcement of size, weight, and load limitations. Secs. 1 & 2 amend AS 19.10.060 (Regulation of Weight and Load of Vehicles and Use of Highway During Certain Seasons) by adding that DOT&PF may issue permits for overweight vehicles, etc. Repeals AS 28.05.011(8) (duty of the Commissioner of Public Safety to adopt regulations governing "the operation of motor vehicle weighing stations and the enforcement of size, weight and load limitations, including the issuing of special permits and prescribing fees for special permits. . ."). Does not provide for effective date. (Not: see SB 58, similar.)

Introduced May 20 and referred to Labor & Commerce.



M-B CONTRACTING CO., INC.

7101 Debarr Rd., Anchorage, Alaska 99504 • Ph. (907) 333-5527 • Telex 26-528

January 28, 1981

Senate Transportation Committee
Juneau, Alaska

Gentlemen:

We are not satisfied with the issuance of "Overweight and Overlength Permits" as presently being done by the Department of Public Safety, Alaska State Troopers; nor are we satisfied with the operation of the scales by the State Troopers.

1. There seems to be different criteria used at different Permit issuing offices at different locations throught the State.
2. Some of the personnel (State Troopers) operating the scales and issuing citations were not completely familiar with the Regulations and in most instances refused to check with his supervisor as to the correct interpretation.

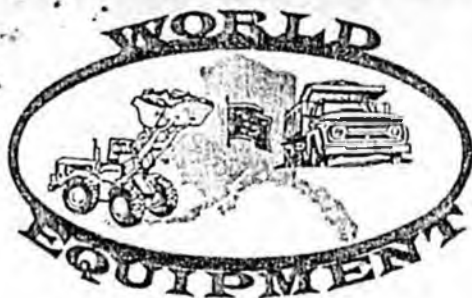
We believe this operation could better be performed by the Department of Transportation.

Very truly yours,

M-B Contracting Co., Inc.

H.A. Leader
Harold A. Leader





January 26, 1981

P.O. BOX 4-GG
ANCHORAGE, ALASKA 99509
PHONE (907) ~~272-9558~~ 272-9558

Associated General Contractors
134 Frankin
Juneau, Alaska 99801

Attention: Jeanie Kline

Dear M's Kline:

First let me say we have owned and operated trucks since 1968 and have been involved in trucking industry since 1966 in Anchorage. Operating one to twenty-five trucks, primary earthmoving but have also hauled freight.

Due to the harassment of the Alaska State Troopers we have consider just quitting. The cost of equipment and men being detained unnessarily is a factor that cann't be figured in hauling cost and beable to obtain work. And the cost is an unwarranted cost, the majority of our work in some manner is paid for by the State and most of our work is performed on State Highway and Road projects.

Attached is copies of permit and ticket issued last week. We were moving our D-6 Cat. from Eagle River to Anchorage. We purchased a wide load permit as a D-6 is a legal weight load; when reaching the scales the cat was not moved forward enough to place the weight properly on the axles. The back axle is legal for 42,000 lbs. When we ighted, the back axle actually weighted 46,060 lbs. There was no scales to check the placement of the cat before reaching the scales. The wide-load permit was taken from the driver. A ticket was issued for 4,080 lbs. @.05 per lb. \$204.00. Another permit had to be obtained for overwidth and if we did not want to unchain and re locate the cat 8" forward approximately, we could get any overload permit, which we did and took permit to the Glenn Highway, Mile 11 scales. Time involved was over two hours.

Due to not knowing exactly the weight distribution of the D-6 on the lovboy, the cost of a driver, permits, someone to deliver is \$354.00, not counting time for equipment just sitting that rents for \$95.00 per hour. The total cost for moving the D-6 should have been about \$210.00, labor, permits and equipment rental. Instead we have costs of over \$550.00.

Associated General Contractors
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Troopers maintain we should know weights and distribution on lowboy of each piece of equipment. ATC, also maintains the same. They are not considering the amount of fuel in equipment, dirt and mud on frame, dirt that builds up in the belly pans, all change the weight over the 2%, if they are in a good mood and allow the 2%. A truck can be cleaned and have a bare weight of 3,000 lbs. less than before cleaned. How much experience has anyone in Troopers and ATC had with moving heavy equipment and trucking?

In 1977, I had a trooper come to our office and compliment me on our trucking operation. Good equipment, legal loads, courteous drivers. He also commented that if all truckers and trucking companies followed our example, enforcement would not be needed. Our policies and most of the drivers are the same, only we have six trucks now and had twenty then and we have more lost time due to troopers now.

The fall of 1978 we had to sell all our trucks in order to survive. We had a contract with Rogers and Babler to haul gravel from Eklutna to their plant on Tudor Road, in Anchorage. Which meant going through the Glenn Highway, Mile 11, scales with over ten trucks approximately seven times a day. We didn't anticipate any problems. The first day we were written over \$4,000.00 in tickets. Rogers and Babler did not have scales at the Eklutna pit, we were weighting the trucks and material at the plant. Rogers and Babler needed the material for crushing very badly so we kept trying to haul but hauling less per load to get the axle weight. By noon the second day all work had to stop. The time at the scales inspecting and weighting just could not be absorbed and it wasn't getting better. Some trucks being inspected two and three times in one day. Just different troopers that were on duty, they had two and sometimes three in the scales. We stopped hauling, I called the troopers office and tried to make an appointment with the supervisor, he wasn't available to talk via of phone or have a meeting. I went to the troopers office and met with a sargent. It was arranged to have trucks all inspected at our yard so not to have drivers sitting two hours waiting and mechanics being sent to the scales. The inspection never took place after three days the sargent called and said they could not inspect in our yard because then they would have to inspect everyones like that if requested using Sea-Land and freight companies as an example.

Rogers and Babler put in scales at the gravel pit in Eklutna, they were platform scales but we did have gross weight and would split weight them to try and get axle weight correct. This took additional time and at a commerical scales they will not take the time to do this.

We suffered serious losses in labor cost and non-production. A truck would be held up with driver two hours, we would

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not be notified till the time had been lost. We had company radio's installed to try and help. Trucks would be held at the scales till repaired, a mechanic sent 24 miles one way, we were located in Sand Lake. Reflector and clearance lights to be replaced during the day time and had happened that day. We inspected every night, lights, tires and etc. The summer was a night mare and we had good equipment, and a good reputation for having our equipment in extra good working order. We were lucky a buyer from Washington and Oregon come in and bought all our trucks savings us from bankruptsy.

The work season of 1979, we bought and operated four trucks. We hauled mostly in the Sand Lake area, we did haul on the Rabbit Creek project for Stephan and Sons and our trucks had very little trouble. There was occasions when trucks would be stopped more than one time just to pull them over, look at weight ticket and check truck over. On one occassion a truck was stopped three times with a load from Glenn Highway, Mile 11 to Rabbit Creek. The truck was not cited any of the three times.

The 1980 season we have hauled and had to cross scales only on one job in October and again a nightmare. The gross weight legal, axle weight off, and no way to check at the scales before going to State scales. We were hauling approximately 25 ton and should have been hauling 29 ton if had been able to check axle weight at the loading area. The operators at the pit become upset when they are loading the same truck two and three times to try and get the load so the driver is not afraid to go to State Scales. We were hauling from a commerical pit and do not have control of the loading.

The cost to anyone needing gravel or anything hauled that entails a truck going through the scales is going to pay extra money and I think any gravel supplies from Eagle River and that area hauling into town is going to find that no one even wants to haul if anything else he can do. I found last fall couldn't get trucks to haul due to the scales and just harassment they had to contend with.

We have a lowboy and haul our heavy equipment. I have many calls asking us to do their hauling as unable to get equipment moved at a reasonable price and due to scales, the added cost, the price is so high when they are quoted they just can't afford to pay twice what it should cost.

Again, moving our D-6 last week my husband was stopped. driving the truck our son usually drives. The truck was pulled over by Officer Dial, he looked surprised when he saw who was driving. There was no reason to be stopped, like moving violation, he wanted to see the permit, then stated the flagging was wrong and had to be shown on the permit that

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the flagging was correct, the blade was measured and equipment inspected. A pilot car and lowboy were stopped a half hour to move the equipment one mile. The truck was stopped on a icy narrow side street with a wide load which in my judgement was unsafe and if equipment had been stalled in such a manner would have been very concerned for the safety of others. I feel the truck was stopped just for a personal vendetta, a number of citations have been issued to our son and he has obtained an attorney which Officer Dial has made remarks about to other truckers.

I have drivers tell me while they were stopped the officer discussing what he is going to do to such and such next time. What kind of enforcement of the law is that? Officers threatening what they are going to do and a guy just driving a truck for wages and afraid he will lose his license.

After three years ago the problem seems to have turned into a monster. While hauling for another trucker on the Elmendorf Access project a truck was weighted by the State at the pit at approximately 95,000 and legal. State scales weight him at 125,000+, he showed the weight ticket he had and it was fortunate the owner of trucking firm that we were hauling for was there and had to sweet talk trooper into weighting the truck again, they sure wouldn't have done it for him the driver stated as he had told them something had to be wrong. Next time over the scale with the same load he weighted 112,000 by 3rd or 4th time weight at scales reflected approximately the same weight as the state project scales. The time lost was approximately two hours. After the incident the scales were closed and troopers left. I have personal knowledge of two other cases the same thing has happened and in one case the trucker was cited and went to court.

While hauling on International Airport Road project a trooper followed a truck onto the project and at the dump site stopped him for an inspection, the finding was he couldn't move the truck, the brake shoes had to be replaced they were wore out. The driver radioed and the shop, advised him the brake shoes were new just replaced. The trooper let him go back to work.

The Dept. of Transportation and Highways will not buy gravel with axle weight. A scales must be platform and all axles on the scales at one time. Yet they can ticket a truck overweight at .05¢ per lb. from axle scales. The variance in pit scales and trooper axle scales also will reflect less weight as well as overweight we have found.

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I have not been able to obtain from troopers a book or whatever that they come up with some of their regulations from. ATC gave me a book saying we have adopted part of these regulations. The book is a ICC book. One item in question is to check air for braking power. The engine is shut off and brakes applied. The air pressure can't drop over so much per minute or the truck is unsafe. The pounds per minute and etc. changes with the trooper.

Our son is the one on the road and if drivers stopped and a real problem, he intercedes, he is very knowledgeable of weights, equipment mechanics and the workings of a truck. He has stated that for his own benefit he is going to carry a small tape recorder to document threats and that regulations change with the troopers.

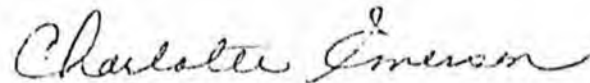
The personnel that is being used for enforcement I feel has allot to do with the problems. It's a out to get you thing and somewhere this has to be started and I hope now Stopped.

After reciting the figures you quoted this morning on the telephone that enforcement will double as dollars are going to double my husband stated if this is going to be the case we are going to take another avenue for our business.

We have a small family business and the employees we have are Alaska residents that have lived here a number of years. The pressure of everyday business is hard and we have felt the pressure from the trooper enforcement harder than anyother problem we have had, and I feel a unnessary burden on the business, drivers and cost for state projects. and private development.

Sincerely,

WORLD EQUIPMENT, INC.



Charlotte Emerson
Sec/Tres.

STATE OF ALASKA
APPLICATION & PERMIT
TO TRANSPORT OVERSIZE OR OVERWEIGHT
VEHICLES OVER THE ALASKA HIGHWAY SYSTEM
AND OTHER DESIGNATED HIGHWAY

Permit Office Wich
 Date Rec'd. 1/13/81
 Fee Amount 20.00
 Cash _____ Check _____ Charge
 Cert. Weight Ticket Attached Yes No
 Alaska Business License No. _____

Name of Owner/leasee World Equipment, Inc.
 Address P.O. Box 4-66 Anchorage, Alaska 99509
 Lic. No.: Truck 9262 AT Trailer 5573 TN Vehicle Type 4S3 ATC No: B312
 Make & Model: Truck Kenworth Trailer Loadkin
 Load Black Make & Model D-5 Cat

Dates of Move Jan 13
 Time of Move Daylight hrs only except per stamp
 Exact Origin Swains - Glenn Highway Exact Destination 100 Sealing
 Via Highways Glenn Highway, Hudson, Tuds, Lake Otis, Dewitt

VEHICLE WEIGHTS

NO MOVEMENT IF VISION IS OBSERVED OVERALL WHEEL BASE EQUALS FEET 7 to 9 A.M. & 3:30 to 6 P.M.
 BY INCREMENT 1000 LBS. ORIGINAL PERMIT MUST BE USED IN ABOVE
 VEHICLE LOADING MUST BE AS SHOWN IN ABOVE
 ('X' in axles by groups)

Actual Weights	<u>10,000</u>	<u>42,000</u>	<u>41,000</u>	<u>0</u>	<u>0</u>
Tire Width (in.)	<u>10</u>	<u>10</u>	<u>10</u>	<u>0</u>	<u>0</u>
Tire Loading (No./in.)	<u>5.0</u>	<u>3.50</u>	<u>3.91</u>	<u>0</u>	<u>0</u>
Actual Combined Vehicle Weight	<u>99,000</u>			Legal Combined Vehicle Weight <u>94,000</u>	

(Circle all values that are overweight)

VEHICLE SIZE

Overall Height: Legal Overall Width: 12' Overall Length: 75'
 Overhangs: Legal Rear 56' Semi Trlr. Length: 56'
 Over Height: Legal Over Width: 41 Over Length: 10'

CONDITIONS
 (For Office Use Only)

Long/wide Load Sign: Front Rear Convoy
 Pilot Cars: Front Rear Rotating Beacon Communication Red Flag Police Escort
 Maximum Speed: (1.) Highways 45 mph (2.) Bridges (a.) Max speed _____ (b.) No gear change (c.) No braking
 Other Conditions _____

CERTIFICATION: Colleen Johnson certify that:
 (Please Print)

- The load has been reduced to a practical minimum size and weight.
- All vehicle regulations will be complied with.
- The State of Alaska will be held harmless from any and all liability that may arise from the authorized movement.
- That all arrangements have been made with Public Utilities for the protection of utilities which may interfere with the authorized move.
- That owner/leasee will be responsible for all damages to Public Utilities or any other facility incurred as a result of the move.

Signed Colleen Johnson Title Employee Date 1-13-81

Approval: Permission is hereby granted to move the above described vehicle and/or load over the designated highways subjected to the conditions designated at _____.

Signed Deanna Montoya Title Clerk, DMV, AT&T Date 1/13/81

STATE OF ALASKA

PLAINTIFF

vs. NO. 032023

COURT OF ANCHORAGE

JUDICIAL DISTRICT

DISTRICT

THE UNDERSIGNED, BEING JULY SWORN, UPON HIS OATH DEPOSES AND SAYS:

DEPOSANT THE 13 DAY OF JANU 1981 AT 1:27 P.M.

NAME MARRIMAN JAMES T

STREET 211 So. KLEVIN ST SPOZ

CITY STATE ANCHORAGE, AK

PHONE 335-3101

AGE 35 BIRTH 5-5-51 SEX M HT 6'5" WT 165

HAIR BRN EYES BRN

HAIR 5'11" SCALP

HAIR 475 110/5 W 574-50-0774

HAIR 1710217 / 30737W STATE ALASKA DR 73874

HAIR KUPFERMATT

HAIR 1710217 / 30737W STATE ALASKA DR 73874

HAIR KUPFERMATT

HAIR 1710217 / 30737W STATE ALASKA DR 73874

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HAIR 1710217 / 30737W STATE ALASKA DR 73874

HAIR KUPFERMATT

HAIR 1710217 / 30737W STATE ALASKA DR 73874

HAIR KUPFERMATT

PLACE OF EMPLOYMENT: WARDEN EQUIPMENT

IN THE AREA OF: 1710217 (30737W)

OVERWEIGHT (Real Alaska Group 3)

Tribble

46000 LBS ACTUAL

42000 LBS LEGAL

7050 LBS MAX

2-13-81

BOYUN BAIL

STATE STATION State Traffic Regulations Parking Violation

CAUSED PERSON TO DO: Pedestrian Driver JUST PASSED ADJACENT

CAUSED PERSON TO DO: Pedestrian Driver JUST PASSED ADJACENT

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CAUSED PERSON TO DO: Pedestrian Driver JUST PASSED ADJACENT

G 032023

DATE OF THE INCIDENT: 6802

LOCATION OF INCIDENT: 501 W. 97th Ave.

TYPE OF INCIDENT: AT

TYPE OF VIOLATION: AT

TYPE OF VIOLATION: AT

TYPE OF VIOLATION: AT

TYPE OF VIOLATION: AT

TYPE OF VIOLATION: AT

SENATE COMMITTEE ON TRANSPORTATION

Meeting Minutes
January 29, 1981

The January 29, 1981 meeting of the Senate Committee on Transportation was called to order at 1:30 p.m. in the Butrovich Room located in the Capitol Building in Juneau, Alaska, by Senator Bill Ray, Chairman.

Present at the meeting were: Senators Ray, Gilman, Dankworth and Kerttula.

Absent from the meeting was: Senator Sackett (due to illness).

Senator Ray asked for testimony on Senate Bill 58, "An act relating to permits for overweight vehicles."

John Dean, representing H & H Trucking Co., Inc., testified in favor of the bill and brought up several points of concern. He felt there should be regular procedures for inspection of trucks because of lost money on time spent in Troopers inspections. He felt the jump scales used by the troopers are not accurate and not being used in an accurate method. There is also a problem with overweight Trooper inspection with the scales used. Senator Kerttula suggested that possibly a system could be devised to solve the overweight problem on the spot during inspections. Senator Dankworth asked if moving the permit section from Public Safety to DOT would solve the problems or did the regulations need to be revised. Mr. Dean felt they should and stated that moving the section wouldn't solve all their problems.

Lt. Kolivosky, representing the Department of Public Safety, testified in opposition to the bill. He states that the axle weight is the largest cause of road deterioration. He also stated that by regulation the Troopers are bound to go by the most restricted method. The jump scales, or portable scales, used were said to be accurate by the State of Washington, and Nevada also uses the scale. The scale house doesn't issue permits; the permit office does, because the scale house doesn't have road condition information needed and also there is a problem with keeping accurate records. He stated that the problems weren't going to be solved by moving the permit section.

Charlotte Emerson, representing World Equipment Inc., testified in favor of the bill. She objected to the time spent in obtaining permits and felt that since the Department of Public Safety is not responsible for anything after the permits are issued, the trucking company is, it didn't matter who issued permits. She thought truckers were over-regulated and over-policed and suggested that a current publication be available listing all of the rules and regulations concerning trucking. She also felt truckers should be allowed to adjust their loads and make them legal at the scale house, instead of having to go back to the permit office. Senator Dankworth again asked if moving the permit section is going to help or do the regulations need to be rewritten. Ms. Emerson said it didn't matter who gave out permits but she didn't think the permit section being in Public Safety was helping matters any. Ms. Emerson also reiterated several points brought out in the written testimony she had previously submitted.

Ms. T. J. Thrasher, representing the Alaska Trucking Association, testified in opposition to the bill. She felt the problems are with the regulations and they won't be solved by moving the permit section from one department to another. She would rather see the regulations improved, with a review of trucking operations.

Senator Ray asked if the Department of Transportation wanted the permit section within their department. DOT Commissioner Ward stated that he didn't feel the move would resolve any of the problems and he was more concerned with the regulations. He added that if the permit section was moved to his department, the enforcement efforts would continue because of his concern with the road conditions.

Senator Ray appointed Senator Kerttula to a subcommittee of one to investigate the City of Seward.

Senator Ray stated that Senate Bill 40 and Senate Bill 58 would be rescheduled for hearing on Tuesday, February 3.

There being no further business, the meeting was adjourned on January 29, 1981 at 3:25 p.m.

Addendum:

The additional trucking problems explained by the witnesses weren't part of the testimony on Senate Bill 58.

H & H Trucking Company

P. O. BOX 10-777 · ANCHORAGE, ALASKA 99511 · PHONE 344-0993

February 7, 1981

Senator Bill Ray
Senate Transportation Commission
Pouch V
Juneau, Alaska 99811

Dear Senator Ray:

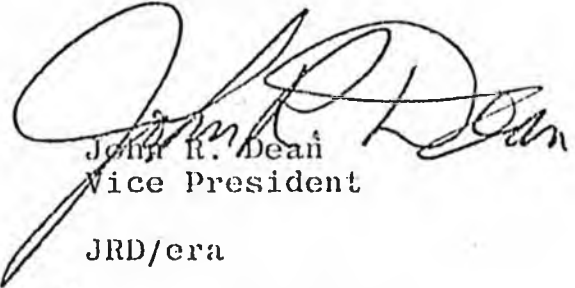
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It was exceedingly gratifying to encounter a branch of government that is genuinely interested in the problems facing its constituents.

Thank you again for my opportunity to testify. I stand ready to do anything that would help correct this problem.

Sincerely,

H & H TRUCKING



John R. Dean
Vice President

JRD/era

✓ cc: Jean Kline
Alaska Chapter - AGC



ROGERS & BABLER

A Division of Earth Resources
Company of Alaska

1301 East 64th Avenue, Anchorage, Alaska 99502

Phone: (907) 344-4547



January 26, 1981

Associated General Contractors
134 North Franklin Street
Juneau, Ak. 99801

Attn: Jean Kline

Dear Jean:

We have not had many problems obtaining trip permits from the Anchorage office. However, we can go to Palmer and obtain a permit to road a 988 Caterpillar Loader with bucket from Palmer to Chugiak. But we cannot get a like permit from the Anchorage Office. They make us remove the bucket. This is very costly to remove the bucket and some organizations do not have any lifting capabilities at the location where they would have to reinstall the bucket. Another rig would have to be hired just increasing costs to all. Some Contractors are required to remove rippers from tractor dozers. We don't think this is necessary, just an additional cost.

As far as the scales go here in Anchorage, everybody has problems. As an example: 1) We will obtain a permit to move a piece of equipment and when we get to the scale if we are off on one axle weight, but the total axles are okay, they can jerk the permit then issue a ticket for not having a permit and another ticket for being over weight. We had to go to court on this example and one of the tickets was resended. 2) Another problem is that the D.O.T. Highways require the Contractors to weigh the loads on a scale with sufficient length that the total rig is weighed at one time. Then when the rig arrives at the scale, individual axles are weighed and if one axle is over then a ticket is issued. One inspector made a driver shift 500#'s of gravel because one axle was over but the total weight was okay. We have had the same truck & trailer inspected 3 times in a single day, taking a lot of time and costing at least \$60.00 to \$70.00 per hour. That is \$1.00 per minute.

They also require the Contractors to have identification signs on their trucks. The letters are to be 2½" in size. If you look at the DOT, Municipality, and the ARR trucks, their letters on their trucks are not 2½" in size. They are smaller.

We are not against safety, but believe the inspections are carried too far. In fact the legislature voted out the car inspections but still all trucks have to have all glass, lights, horn, wipers, & etc. in perfect condition at all times.

A.G.C.

January 26, 1981

Page 2 of 2

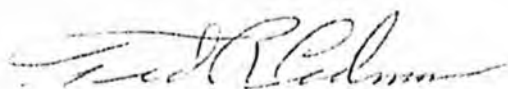
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Hope this helps you.

Very truly yours,

ROGERS & BABLER



Ted R. Cadman
Operations Manager

TRC/fmc

OVERSIZE & OVERWEIGHT COMMERCIAL VEHICLES, PERMITS

Supplied by

BACKGROUND:

A.G.C.: The Alaska Chapter, Associated General Contractors represents a membership of over 550 firms within the state directly involved or associated with the Alaska construction industry. Highway and vehicle safety are of prime concern with the industry as shown through A.G.C. sponsored accident prevention programs, safety seminars and voluntary on-site project inspections.

During the 1981 legislative session HB 586 and SB 58 were introduced as vehicles with which to focus legislative attention on a specific industry problem in the hope of securing statutory relief.

B.V.E.: Currently oversize, overweight permits, weigh stations and commercial vehicle inspections are under the jurisdiction of state troopers in the Bureau of Vehicle Enforcement, Department of Public Safety.

Formerly the permit section was operated by the Department of Highways, Division of Maintenance and the weigh stations/inspection fell under the authority of Weights and Measures Section, Department of Commerce.

PROBLEM:

Permits: (a) inconsistency in issuance (b) different and often conflicting criteria (c) rigidity of attitude and approach

Weigh Stations & Inspections: (a) restrictive interpretation of statutes and regulations (b) excessive, non-productive "nit-picking" enforcement (c) needless multiple inspections of vehicles (d) rigidity of attitude and approach

NOTE: specific examples are detailed in attached back-up which were offered in testimony supporting passage of a like bill (SB 58) during a Senate Transportation Committee hearing last session.

EFFECT ON USERS:

The initial response is of ire and frustration with governmental bureaucracy.

The net result is one of cost. Cost not only reflected in fees but lost time dollars in man hours and delayed delivery which, in turn, may mean the difference between profit or loss to the small contractor. Those unable to absorb lost time dollars may also be faced with a reduction of work force and work. The indirect results will be noted in inflated material and project cost to the paying public.

CONCLUSIONS:

By definition, state trooper duty is one of rigid adherence to policy and prosecution even within service delivery categories concerning victimless violations.

Commercial vehicle permitting and inspection could be appropriately assumed within a civil enforcement category with a more common sense approach and built in flexibility in regulatory and enforcement fields.

ACTION:

Transfer BRU from Public Safety to DOT/PF. This is a logical move as under AS 28.05.011 (8), Public Safety operates permits and enforcement "...based upon directives of the Department of Transportation and Public Facilities for proscribing or restricting conditions for the driving of vehicles when necessary to protect against undue damage to road foundations, surfaces or structures."

DOT/PF maintains continuous data on load limit and surface conditions for both road and bridge structures; up to date working knowledge of commercial vehicle type and size.

ALTERNATIVES:

(1) transfer sections to former agency control, i.e. permit section to DOT/PF and weigh station/inspection to Weights & Measures Section, DC&ED.

(2) consider long range reorganization of departments (DOT/PF - DC&EC) to allow reform .

(3) regulatory revision in Public Safety to address possibilities as pre-arranged multiple vehicle inspection with identifying safety sticker, weigh station ability to modify or issue permits.

POSITION:

Alaska Chapter, Associated General Contractors supports an immediate transfer to DOT/PF as stated in HB 586.

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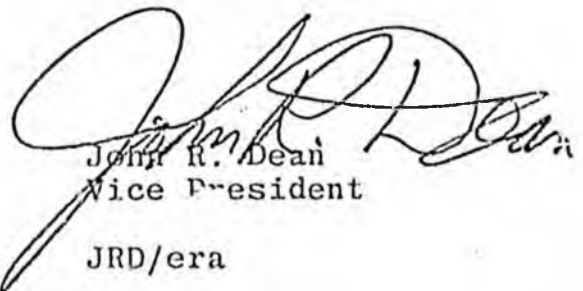
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Vice President

JRD/era

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Alaska Chapter - AGC



ROGERS & BABLER

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January 26, 1981

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ROGERS & BABLER



Ted R. Cadman
Operations Manager

TRC/fmc



M-B CONTRACTING CO., INC.

7101 Debarr Rd., Anchorage, Alaska 99504 • Ph. (907) 333-5527 • Telex 26-528

January 28, 1981

Senate Transportation Committee
Juneau, Alaska

Gentlemen:

We are not satisfied with the issuance of "Overweight and Overlength Permits" as presently being done by the Department of Public Safety, Alaska State Troopers; nor are we satisfied with the operation of the scales by the State Troopers.

1. There seems to be different criteria used at different Permit issuing offices at different locations throught the State.
2. Some of the personnel (State Troopers) operating the scales and issuing citations were not completely familar with the Regulations and in most instances refused to check with his supervisor as to the correct interpretation.

We believe this operation could better be performed by the Department of Transportation.

Very truly yours,

M-B Contracting Co., Inc.

H.A. Leader
Harold A. Leader



SENATE COMMITTEE ON TRANSPORTATION

Meeting Minutes
January 29, 1981

The January 29, 1981 meeting of the Senate Committee on Transportation was called to order at 1:30 p.m. in the Butrovich Room located in the Capitol Building in Juneau, Alaska, by Senator Bill Ray, Chairman.

Present at the meeting were: Senators Ray, Gilman, Dankworth and Kerttula.

Absent from the meeting was: Senator Sackett (due to illness).

Senator Ray asked for testimony on Senate Bill 58, "An act relating to permits for overweight vehicles."

John Dean, representing H & H Trucking Co., Inc., testified in favor of the bill and brought up several points of concern. He felt there should be regular procedures for inspection of trucks because of lost money on time spent in Troopers inspections. He felt the jump scales used by the troopers are not accurate and not being used in an accurate method. There is also a problem with overweight Trooper inspection with the scales used. Senator Kerttula suggested that possibly a system could be devised to solve the overweight problem on the spot during inspections. Senator Dankworth asked if moving the permit section from Public Safety to DOT would solve the problems or did the regulations need to be revised. Mr. Dean felt they should and stated that moving the section wouldn't solve all their problems.

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Senator Ray appointed Senator Kerttula to a subcommittee of one to investigate the City of Seward.

Senator Ray stated that Senate Bill 40 and Senate Bill 58 would be rescheduled for hearing on Tuesday, February 3.

There being no further business, the meeting was adjourned on January 29, 1981 at 3:25 p.m.

Addendum

The additional trucking problems explained by the witnesses weren't part of the testimony on Senate Bill 58.

H B

595

88 of West

H. Labor & Commerce 1981-1982

Date filed

1 Recd.

Referrals Personal

Comm. Meeting 1-10-82 - held in ~~...~~ 3/4/82

1 Action

~~...~~

3/19/82
Bar Wood
586-3680

Notified ~~...~~ included
Dept of Labor

Notified
Dept of Commerce
Occupational Safety

Ph. 338-1272 Ken Lombak -

Notify Rep. Cuddy office #4905
Notify - ARCO

Notify - Judy - in Smith's #4930
when ~~...~~ office

Staff Analysis of testimony and documents presented.

Overview: The fundamental question of regulation and licensing is whether the licensing and/or regulation process is necessary to protect the public from serious and likely harm. In the case of an already existing Board or Commission the question on a viable alternative to the Board or present licensing practice should be considered.

Public Need: The Board of Welding Examiners received an audit by the Division of Legislative Audit on June 8, 1979, and a follow-up audit on November 24, 1980. Both audits reached the same conclusion: "In our opinion, there is not a sufficient public need for continuing either the Board or State licensing of welding personnel."

Public testimony has been critical of the performance of the Board and questions the need of the licensing of welding personnel by the State of Alaska. As the legislative audit (June 8, 1979, p9) points out, "that only one other state to date requires licensing of WI's." Further, there have been questions raised about conflicts of interest by certain of the Board members, and that the sole reason for the continuance of the Board is for their personal financial gain.

Analysis of Arguments: Perhaps it would be easiest to keep this report short to refer to Mr. Lockman's letter of January 25, 1982 (exhibit #1) and address each of his question and concerns.

First is "some vital areas which control the public's safety as it applies to welding." Since the Board has adopted the AWS QCI-78 (Exhibit #2) as the basis of testing and regulation perhaps it should be noted what these Standards state. "1.2 This Standard is intended to supplement any requirements of an employer, code, standard or specification and shall not be construed as a preemption of the employer's responsibility for the work or for the performance of such work." It would appear to be in the Public Interest for the liability

and responsibility of welding problems accrue to the responsible employer and not to the State.

Next, the questions that Mr. Lockman asks, "If the Licensed Welding Inspector is abolished,". Perhaps it would be more accurate to say, if the Board of Welding Examiners is abolished.

"1. Who will certify the welders for Alaska work?" Who certifies the welders for Alaska work now? The Board requires a \$50 examination fee for the welder inspector applicant. This fee is paid directly to the American Welding Society who administers, grades and certifies the test. In addition, the applicant must take an all position welding qualification test in at least one welding process. This is one of the areas that the conflict of interest has been raised. These tests are given by licensed Welding Inspectors or Certified Test Labs. The Board itself does not witness the test and has no knowledge if the individual whose application they review has, in fact, ever taken a test or is the same individual whose application they are certifying as a licensed Welding Inspector.

"3. How do we safeguard against false welder certification papers?" The real question is, How is this safeguard being provided now? The AWS QCI program, as administered, seems to be providing the sole protection that is being afforded. There is no physical control by the Board over the physical test being administered by the licensed Welding Inspectors. Elimination of the Board and adoption of the AWS QCI standards would not change what is being done at the present time, except that it would be less expensive for the employers and the Public.

"4. Can a welder come into Alaska without proving his ability and take a job welding?" Under the current Board regulations there is no requirement for an individual to have ever been in Alaska to be certified as a Welder or a Welding Inspector. The only figures available are found in the Legislative Audit of June 8, 1979 (p2') and show that 45% of the licensed Welding Inspectors are out-of-state residents. From the regulations of the Board, the requirement is that

an individual be AWS QCI certified and have paid the necessary fees to a licensed Alaska Welding Inspector. Exhibit #3, Sunday Times of 2/28/82 would seem to indicate that it would be easier for residents of Denver to become certified as welders and welding inspectors than it would be for Alaska residents who do not live in Anchorage.

This practice raises a policy question of whether or not the license is or could be used as a means to restrict entry of qualified individuals into the market. If there would be another large scale project, like the gas line, would it be desirable to restrict the licensing of Alaska Welding Inspectors to some facilities, such as the one in Denver? If so, which areas and who should be chosen? The Alyeska letter of April 12, 1977 (Exhibit #4) raises this and some other questions.

Further considerations. It would be easy to go point by point through all of the materials that have been presented but that would miss the main aspect. The fundamental questions raised by the Legislative Audit have not been addressed. The Public Need has not been demonstrated. If the Legislative Audits are to be given credence, then attention should be directed to their recommendation that "Welder qualification certificates can be required by statute and, if desired, the AWS certification program for WI's could be adopted by reference." In fact, except for the requirement of a test by a licensed Alaska Welding Inspector, this is the procedure that is being followed today.

Under any set of facts, the procedure adopted should not be structured in a manner that it be construed as a preemption of the employer's responsibility for the work or for the performance of such work.

Final Note. There seems to be some question over the validity on some of the testimony and "public input". The advertisement of 2/21/82 (Exhibit #5) purported to be by, or sanctioned by the American Welding Society was repudiated by the American Welding Society and should not be construed as indicative of their position (Exhibit #6). Likewise the letter of January 29, 1982 (Exhibit #7) has been viewed by the American Welding Society as a breach of their position on legislative matters

(Exhibit #9) and a possible breach their ethical code (Exhibit #8). The unsolicited testimony, input from the public and the Legislative Audits would appear to indicate that there is a rationale to adopt the codes and the standards by reference.

#2

January 25, 1982

Representative Terry Martin, Chairman
Legislative House Labor & Commerce Committee
Twelfth Alaska State Legislature
Pouch V
Juneau, Alaska 99811

In your consideration to reestablish or abolish the Board of Welding Examiners, I would like you to consider some vital areas which control the public's safety as it applies to welding.

If the Licensed Welding Inspector is abolished,

1. Who will certify the welders for Alaska work?
2. Do the persons who will be doing the welder certifications know how to comply with the national codes used in Alaska?
3. How do we safeguard against false welder certification papers?
4. Can a welder come into Alaska without proving his ability and take a job welding?
5. Who will inspect these welds?
6. Is it in the public's best interest to not test the knowledge of a Welding Inspector?
7. If the Welding Inspector is tested who will give the test and what test will be used?

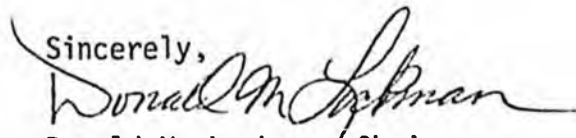
There is no question about the need for a welder to be certified, the question is (1) certified to what? (2) certified by who?

We have today a proven mechanism to safeguard the public against bad welding. To abolish this mechanism or trade it for some other that may not work or damage the quality of future projects is certainly not in the public's best interest.

I have worked hard to create good welding in the public's interest and will certainly leave the Board if that will help.

I'm sure you see the future of Alaska is dependent upon good people doing quality work.

Sincerely,



Donald M. Lockman, Chairman
Board of Welding Examiners

#2

AWS QC1-81

Standard for Qualification and Certification of Welding Inspectors

Introduction

The purpose of welding inspection is to determine that the welded product meets the criteria of a specific code, standard or specification. These criteria usually contain references to an appropriate code, standard or specification, and detailed drawings that outline specific and general requirements of the work. The Welding Inspector must be thoroughly familiar with welding processes, welding procedures, welder qualifications, materials, and the limitations of weld testing; and must be able to read drawings, keep records, make reports and make responsible judgments. For weld inspection to be effective, it must be performed in a manner that is consistent with the specification(s) requirements and the technical and ethical principles involved.

1. Application and Scope

1.1 This Standard establishes the requirements for the qualification and certification of welding inspection personnel and describes how these personnel may become qualified and the principles of conduct and practice by which certification may be maintained.

1.2 This Standard is intended to supplement any requirements of an employer, code, standard or specification and shall not be construed as a preemption of the employer's responsibility for the work or for the performance of such work.

2. Levels of Qualification

2.1 There shall be two levels of qualification for welding inspection personnel.

2.1.1 **Welding Inspector** — A person who has been certified as meeting the requirements of Section 6.1 of this Standard.

2.1.2 **Associate Welding Inspector** — A person who has been certified as meeting the requirements of Section 6.2 of this standard.

3. Definitions

3.1 Terms used in this document are defined as follows:

3.1.1 Certificate — The document issued the applicant upon successful examination.

3.1.2 Certification — Written testimony of qualification.

3.1.3 Committee — The AWS Qualification and Certification Committee.

3.1.4 Welding Inspectors

3.1.4.1 Certified Welding Inspector (CWI) — A person who has been qualified and certified to the requirements of Section 5.1 and 6.1 of this Standard.

3.1.4.2 Certified Associate Welding Inspector (CAWI) — A person who has been qualified and certified to the requirements of Sections 5.2 and 6.1 of this Standard.

3.1.5 All other terms defined by AWS A3.0, "Welding Terms and Definitions."

4. Function

4.1 Primary

4.1.1 The CWI performs inspections or verifies that the work inspected and records maintained conform to the requirements of the applicable codes, standards and specifications.

4.1.2 The CAWI performs inspections, under the direction of a CWI, as defined in Section 4.2. It is the CWI, however, who has responsibility for determining if weldments conform to workmanship and acceptance standards.

4.2 Detail — The Welding Inspector

4.2.1 Interprets drawings and specifications.

4.2.2 Verifies that the base materials and consumable welding materials conform to the specification requirements and that the specified welding filler metals are used on each base metal or combination of base metals.

4.2.3 Verifies that the welding equipment to be used for the work is appropriate for use with the welding procedure and has the capability to produce the specified welds.

4.2.4 Verifies that the welding procedures are as specified and qualified and that the welding is performed in accordance with the applicable procedure.

4.2.5 Verifies that the welders, welding operators and tackers have been properly qualified in accordance with the applicable codes, standards and specifications, and that their qualifications permit them to use the welding procedures specified for the work.

4.2.5.1 Assures that the qualification tests are properly performed.

4.2.5.2 Records or welding operator applicable code, standard or specification.

4.2.5.3 Requires operator's qualification applicable code, standard or specification.

4.2.6 Inspection

4.2.6.1 Verifies inspection procedures are used.

4.2.6.2 Verifies requirements of the applicable code, standard or specification.

4.2.6.3 Verifies welding filler metals are maintained.

4.2.6.4 Verifies welder, welding operator's qualification.

4.2.6.5 Verifies applicable code, standard or specification.

4.2.6.6 Verifies specified marking method.

4.2.7 Nondestructive

4.2.7.1 Performs

4.2.7.2 Verifies examinations have been performed in proper manner. The resulting results are complete.

4.2.7.3 Performs providing qualification requirements.

4.2.8 Records

4.2.8.1 Prepares records of the welding procedure, welder's, welding operator's, welding materials, and

4.2.5.2 Requires requalification if there is evidence the welder's or welding operator's work does not conform to the requirements of the applicable code, standard or specification.

4.2.5.3 Requires requalification if the welder's or welding operator's qualification is not current by the requirements of the applicable code, standard or specification.

4.2.6 Inspection of Work

4.2.6.1 Verifies that only specified and properly qualified welding procedures are used for the work.

4.2.6.2 Verifies that the joint preparation and fit-up meet the requirements of the welding procedure and drawings.

4.2.6.3 Verifies that the specified filler metals are used and that filler metals are maintained in proper condition for use as specified.

4.2.6.4 Verifies that the technique and performance of each welder, welding operator and tacker are as specified.

4.2.6.5 Verifies that the work conforms to requirements of the applicable code, standard, specification and drawing.

4.2.6.6 Verifies that the work inspected is identified with specified marking methods or with appropriate records.

4.2.7 Nondestructive Examination

4.2.7.1 Performs the required visual inspections.

4.2.7.2 Verifies that the required visual and other nondestructive examinations have been performed by qualified personnel in the specified manner. The resulting information shall be reviewed to assure that the results are complete.

4.2.7.3 Performs nondestructive examinations that are required, providing qualifications are in accordance with the specified requirements.

4.2.8 Records

4.2.8.1 Prepares clear and concise reports and verifies that records of the welding procedure, the welding procedure qualifications, the welder's, welding operator's and tacker's qualifications, the control of welding materials, and the results of inspections and tests are maintained.

5. Education and Experience Requirements

5.1 Each applicant for certification as a Certified Welding Inspector (CWI):

5.1.1 Shall be a high school graduate or hold a state or military approved high school equivalency diploma.

5.1.2 Shall have no less than five years experience in an occupational function that had a close relationship to weldments fabricated to a code, standard or specification, and directly involved in one or more of the following:

5.1.2.1 Preparation of plans and drawings for weldment construction—design.

5.1.2.2 Planning and control of welding materials, welding procedures and welding operations for weldment fabrication—production.

5.1.2.3 Fabrication and erection of weldments—construction.

5.1.2.4 Detection and measurement of weld discontinuities; verification of fabrication requirements as described in Section 4.2—inspection.

5.1.2.5 Repair of welds that were determined defective—repair.

5.1.3 Alternatives to 5.1.1 and 5.1.2 with proper supporting documentation (e.g., copies of transcripts, letters of reference, etc.):

5.1.3.1 Eighth grade level schooling with no less than 10 years work experience in welding functions.

5.1.3.2 Less than an eighth grade education with no less than 15 years work experience in welding functions.

5.1.3.3 A maximum of two years of post high school education may be substituted for an equal number of years of the required five years experience, provided studies are relevant to any of the functions covered in 5.1.2. Credits are given as follows:

(1) Associate or higher degree. Two years maximum in engineering technology, engineering, physics or sciences.

(2) Engineering/Technical School Courses. Two years maximum of successfully completed courses* in a curriculum that can be (or could have been) applied to (1) above.

(3) Trade/Vocational School Courses. One year maximum of successfully completed courses* in a curriculum related to welding that can be (or could have been) applied to (1) above.

*NOTE: "Successfully completed courses" means completed the quarter or semester term with credit in that course. "Courses in the curriculum" means courses within a body of courses offered toward a degree, or can be applied to a degree in (1) above.

5.1.3.4 Three years of post high school education may be substituted for two years of the required five years experience, provided documentation (e.g., photo copies of transcripts, certificates, and letters of reference) is submitted on the following basis: high school, college or university courses directly related to welding; its application to the function.

5.1.4 Shall be familiar with the following processes:

SMAW	GTAW
FCAW	SAW
GMAW	ESW

Note: Cutting processes related to the fabrication and repair of weldments.

5.1.5 Shall be thorough in performing the functions outlined in Section 4.2.

5.2 Each applicant for certification as a Certified Welding Inspector (CWI):

5.2.1 Shall be a high school graduate or hold a state or military approved high school equivalency diploma.

5.2.2 Shall have no less than five years experience in an occupational function that had a close relationship to weldments fabricated to a code, standard, or specification, and directly involved in one or more of the following:

5.2.2.1 Preparation of plans and drawings for weldment construction—design.

5.2.2.2 Planning and control of welding materials, welding procedures, and welding operations—production.

5.2.2.3 Fabrication and erection of weldments—construction.

5.2.2.4 Detection and measurement of weld discontinuities; verification of fabrication requirements as described in Section 4.2—inspection.

5.2.2.5 Repair of welds that were determined defective—repair.

5.1.3.4 Three years of relevant teaching experience may be substituted for two years of the five years experience requirement with proper documentation (e.g., photocopied summaries of subjects taught, teaching certificates, and letters of reference). Relevant experience will be considered on the following basis: Teaching full time in a trade, area or technical school, college or university; the occupational skill of welding or subjects related to welding: its application, control, materials, and processes.

5.1.4 Shall be familiar with and understand the fundamentals of the following processes:

SMAW	GTAW	OFW	thermal cutting
FCAW	SAW	SW	mechanical cutting
GMAW	ESW	B	

Note: Cutting processes refer only to those processes that are applied to the fabrication and repair of weldments.

5.1.5 Shall be thoroughly familiar with, and capable of performing, the functions outlined in Section 4.

5.2 Each applicant for certification as a Certified Associate Welding Inspector (CAWI):

5.2.1 Shall be a high school graduate or hold a state or military approved high school equivalency diploma.

5.2.2 Shall have no less than two years experience in an occupational function that had a close relationship to weldments fabricated to a code, standard, or specification, and directly involved in one or more of the following:

5.2.2.1 Preparation of plans and drawings for weldment construction—**design**.

5.2.2.2 Planning and control of welding materials, welding procedures, and welding operations for weldment fabrication—**production**.

5.2.2.3 Fabrication and erection of weldments—**construction**.

5.2.2.4 Detection and measurement of weld discontinuities; verification of fabrication requirements as described in Section 4.2—**inspection**.

5.2.2.5 Repair of welds that were classified as defective—**repair**.

5.2.3 Alternatives to 5.2.1 and 5.2.2 with proper supporting documentation (e.g., copies of transcripts, letter of reference, etc.):

5.2.3.1 Eighth grade level schooling with no less than four years experience as a qualified welder in any welding process.

5.2.3.2 Less than an eighth grade education with no less than six years work experience in welding functions.

5.2.3.3 Eighth grade level schooling with no less than one year of vocational education and training in a welding curriculum and three years experience in welding fabrication or inspection activities.

5.2.3.4 Two years post high school education in a welding curriculum or engineering technology, engineering or physical sciences, and six months actual welding inspection experience, as defined in 5.2.2.4.

5.2.4 Shall be familiar with and understand the fundamentals of the following processes:

SMAW	FCAW	B
GTAW	SAW	thermal cutting
GMAW	OFW	mechanical cutting

Note: Cutting processes refer only to those processes that are applied to the fabrication and repair of weldments.

5.2.5 Shall be familiar with, and capable of performing under the direction and/or supervision of the CWI, specific functions outlined in Section 4.

6. Examination Requirements

6.1 The CWI

6.1.1 Shall pass an eye examination, with or without corrective lenses, to prove (1) near vision acuity on Jaeger's J1 letters or Snellen English at 12 inches, (2) far vision acuity of 20/40, or better, and (3) color perception.

6.1.1.1 Eye examination must be administered by an Optometrist, Medical Doctor or Registered Nurse no more than 7 months prior to the date of the welding inspector examination or recertification.

6.1.2 Shall pass an open book test on the requirements of a code or standard.

6.1.3 Shall pass a test on fundamental principles of such topics as welding processes, NDE methods, mechanical properties of materials, heat treatment, and duties.

6.1.4 Shall pass a test on practical application of welding inspection fundamentals such as interpretation of weld discontinuities, symbols, welding procedures and drawings, and basic on-the-job arithmetic, etc.

6.1.5 CWI — Shall pass all tests with a minimum score of 72% on each test.

CAWI — Shall pass all tests with a minimum score of 50% on each test.

7. Certification

7.1 The American Welding Institute shall issue a certificate to any applicant who complies with Section 6, as applicable, a serialized card stating that the applicant is qualified for Certification shall be valid for a period defined in Section 8.6 and the certificate shall indicate the expiration date and shall indicate the expiring date of the protective lenses.

8. Code of Ethics

Preamble: In order to safely and efficiently maintain integrity and high standards in the occupation of welding inspection, CWI and CAWI shall be bound by a code of ethics to which they apply. The scope to which they apply and the practice is subject to the Code of Ethics or revocation of certification.

8.1 Integrity—The CWI shall maintain integrity in professional conduct. The CWI or CAWI shall be subject to the Code of Ethics or revocation of certification by the Committee or its representatives.

8.2 Responsibility to the public—The CWI or CAWI shall be responsible to preserve the health and safety of the public and the duties required of weld inspectors to the full extent of their knowledge and qualifications. Accordingly, the CWI or CAWI shall:

8.2.1 Undertake and complete the necessary training, experience and continuing education.

8.2.2 Be completely truthful in all reports, statements or testimony and not give pertinent testimony in such a manner as to mislead.

8.2.3 Sign only for work over which the inspector is exercising supervision.

8.2.4 Neither associate with nor be involved in any fraudulent or dishonest venture.

8.3 Public Statements

8.3.1 The CWI or CAWI shall not make any arguments on weld inspection matters unless they are inspired or paid for by the party, the party's interest.

7. Certification

7.1 The American Welding Society will issue to each CWI or CAWI applicant who complies with the requirements of Sections 5.1 or 5.2 and 6, as applicable, a serialized (unique number) certificate and pocket work card stating that the applicant has met the AWS certification requirements. Certification shall be valid for three years unless revoked by reasons defined in Section 8.6 and the authority of Section 9 of this Standard. The certificate shall indicate the date of certification. The pocket work card shall indicate the expiration date of certification and any need for corrective lenses.

8. Code of Ethics

Preamble: In order to safeguard the public's health and well-being and to maintain integrity and high standards of skills, practice, and conduct in the occupation of welding inspection, the American Welding Society CWI and CAWI shall be cognizant of the following principles and the scope to which they apply with the understanding that any unauthorized practice is subject to the Committee's review and may result in suspension or revocation of certification.

8.1 **Integrity**—The CWI and CAWI are obligated to act with complete integrity in professional matters and to be forthright and candid to the Committee or its representatives on matters pertaining to this Standard.

8.2 **Responsibility to the Public**—The CWI and CAWI are obligated to preserve the health and well-being of the public by performing the duties required of weld inspection in a conscientious and impartial manner to the full extent of the inspector(s) moral and civic responsibilities and qualifications. Accordingly, the CWI and CAWI shall:

8.2.1 Undertake and perform assignments only when qualified by training, experience and capability.

8.2.2 Be completely objective, thorough, and factual in any written report, statement or testimony of the work and include all relevant or pertinent testimony in such communiques or testimonials.

8.2.3 Sign only for work that the inspector has inspected, or for work over which the inspector has personal knowledge through direct supervision.

8.2.4 Neither associate with nor knowingly participate in a fraudulent or dishonest venture.

8.3 Public Statements

8.3.1 The CWI or CAWI will issue no statements, criticisms or arguments on weld inspection matters connected with public policy which are inspired or paid for by an interested party, or parties, without first identifying the party, the speaker, and disclosing any possible pecuniary interest.

8.3.2 The CWI or CAWI will publicly express no opinion on a weld inspection subject unless it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence pertinent to the subject, and upon honest conviction of the accuracy and propriety of the statement.

8.4 Conflict of Interest

8.4.1 The CWI and CAWI shall avoid conflict of interest with the employer or client and will disclose any business association, interests, or circumstances that might be so considered.

8.4.2 The CWI and CAWI shall not accept compensation financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties or their authorized agents.

8.4.3 The CWI and CAWI shall not solicit or accept gratuities, directly or indirectly, from any party, or parties, dealing with the client or employer in connection with the CWI's and CAWI's work.

8.4.4 The CWI and CAWI shall, while serving in the capacity of an elected, retained or employed public official, neither inspect, review nor approve any work on projects relating to his public office.

8.5 Solicitation of Employment

8.5.1 The CWI and CAWI shall neither pay, solicit, nor offer, directly or indirectly, any bribe or commission for professional employment with the exception of the usual commission required from licensed employment agencies.

8.5.2 The CWI and CAWI shall neither falsify, exaggerate, nor indulge in the misinterpretation of personal academic and professional qualifications, past assignments, accomplishments, and responsibilities, or those of the inspector's associates.

8.5.3 The CWI and CAWI are cautioned against functioning as an independent in public fields out of his or her capability, without first investigating for possible industry or public requirements and additional education/experience requirements. (e.g., industrial labs, in the concrete and soil testing field, etc.)

8.6 Unauthorized Practice

8.6.1 Any violation of any required standard of conduct prescribed by this Standard if related to a CWI's or CAWI's occupation, including any violation of the Code of Ethics contained in this Standard, shall constitute an unauthorized practice subject to the imposition of sanctions.

9. Revocation

9.1 The Committee shall revoke the CWI's or CAWI's certifications regarding personnel qualifications, if found guilty of a violation of the Code of Ethics. (Available from the AWS Q&C Department.)

9.2 The Committee shall have the authority to request the AWS Q&C Department for an enforcement of its rules.

10. Reinstatement

10.1 Reinstatement of a CWI or CAWI shall be without penalty or prejudice to the CWI or CAWI if revocation has been rectified.

11. Upgrading of Certification

11.1 The CAWI may, at his own expense, upgrade his certification, or level. Should he be found to be of the same level as that of the CWI, he must be re-examined and pass the exam.

12. Recertification

12.1 The Qualification Committee shall mail each CWI and CAWI a notice of recertification requirements, 30 days in advance of the expiration date.

12.2 The CWI and CAWI shall be required to recertify every three years; this requirement is limited to two consecutive years.

12.2.1 Applicants shall attest to two years activity of welding inspection and shall pass the exam and 5.2.2. (Applicants shall be required to pass the exam.)

12.2.2 Applicants for those choosing recertification shall be required to pass the "Inspector Examination" for those applicants. (Applicants shall be required to pass the "Inspector Examination" for those applicants.)

12.2.3 Applicants for this examination are listed in the Standard.

12.3 The CWI and CAWI shall be required to pass the AWS Q&C Department for an enforcement of its rules. *Certification becomes effective on the date of examination.

9. Revocation

9.1 The Committee shall have the power to suspend, refuse renewal, or revoke the CWI's or CAWI's certification for misrepresentation of facts regarding personnel qualifications, assignments, etc., relating to CWI's or CAWI's certifications; to place on probation or to reprimand certificate holder, if found guilty of an unauthorized practice in a proceeding conducted in accordance with the "Administrative Procedure Manual." (Available from the AWS Q&C Department.)

9.2 The Committee may apply to any court of competent jurisdiction for an enforcement of its administrative decisions and rulings.

10. Reinstatement

10.1 Reinstatement of a revoked certification will be allowed with no penalty or prejudice to the individual, provided the reason for such revocation has been rectified to the Committee's satisfaction.

11. Upgrading of Certification

11.1 The CAWI may, by his own choice, remain at the same classification, or level. Should he desire to upgrade his classification, or level, to that of the CWI, he must comply with the requirements of Sections 5.1 and 6.1.

12. Recertification

12.1 The Qualification and Certification Department shall notify by mail each CWI and CAWI of the expiration of certification and requirements of recertification. Such notice shall be mailed approximately 45 days in advance of the expiration date* of certification.

12.2 The CWI and CAWI shall be recertified by renewal or reexamination every three years; however, recertification without examination is limited to two consecutive three-year periods.

12.2.1 Applicants requesting renewal of their certification must attest to two years activity, of their three year certification, in the practice of welding inspection and/or related activities as defined in Section 5.1.2 and 5.2.2. (Applicants shall complete a "Renewal Application" form.)

12.2.2 Applicants for renewal of certification that has expired or those choosing recertification by examination will be considered as new applicants. (Applicants shall complete an "Application for Welding Inspector Examination" form.)

12.2.3 Applicants must pass an eye examination. The requirements for this examination are listed in Section 6.1.1.

12.3 The CWI and CAWI shall maintain a current address with the AWS Q&C Department for the mailing of correspondence relative to the inspector's application, examination, certification/recertification.

*Certification becomes effective on the first day of the month following the date of examination.

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is available for individualized
instruction. Tuition \$345, dormi-
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4-27-77 [initials] ROUSSEAU

#4

April 12, 1977

EAL-1734

Department of Commerce and Economic Development
Division of Occupational Licensing
Pouch D
Juneau, Alaska 99801

Attention: Karen Crouse, Regulations Specialist

Re: Board of Welding Examiners-Proposed Welding Regulations

Gentlemen:

In regard to the subject welding regulations, representatives of Alyeska attended the public hearing which was held on February 3, 1977 and we have thoroughly reviewed the proposed regulations. In our judgment the proposed regulations are unnecessary. Notwithstanding this opinion the following comments are made as to the proposed regulations which are based on our recent experience in building the trans-Alaska pipeline, which involved the greatest amount of welding on one project in the history of construction.

Article 1-Codes: We concur that welders must be qualified to the applicable codes or standards as determined by the job specification designated by the project owner and incorporated in the construction contract. We do not agree with the requirement of Section 72.005 that the American Welding Society D1.1 Structural Welding Code all position fillet weld test is suitable in the absence of any code requirement in a job specification. A welder who is certified by the Board pursuant to this code only would not necessarily be qualified to do other types of welding, such as pipeline or tank construction. Yet if the welder has been issued a card or other evidence of competency by the Board, it is likely that possession of such a card will be deemed to be evidence of qualification for performing any kind of welding in the State of Alaska. In contrast to this, the standard practice in the industry is that welders are re-tested for each job to the requirements of the code which applies to that job. Meeting the requirements of one code is no guarantee that a welder can meet the requirements of some other code.

Article 2-Welders: We agree that welders must be qualified prior to performing on weldments whose failure would involve a hazard to life or property. However, we do not agree that it is necessary for welders to be qualified in a State approved facility licensed by the Board. While welder qualification must be monitored to assure that the applicable

procedures are being followed, there are many circumstances where testing can be done in the field. It is normal industry practice to test welders at a job site, where the test can be administered under actual field conditions and where the contractor's engineering and technical personnel are available. Testing at a central laboratory facility usually requires additional travel time, often at the contractor's expense, for welders who are tested, as well as a delay in getting welders on the job. (See also our comments on Article 4).

Article 3-Welding Inspectors: We agree that improved welding inspection is a desirable goal. However, we disagree with the Board's proposal to establish unique and unusual qualifications and requirements for welding inspectors which deviate from industry practice with which Alyeska is familiar. We believe that one way to accomplish the goal of upgrading welding inspection in Alaska, without posing unusual and unnecessary requirements on the industry, would be to accept certification by the American Welding Society (through its newly adopted national certification program for welding inspectors) as evidence of qualification to act as a welding inspector in Alaska. Although the American Welding Society certification program is relatively new, we believe that there would be a great advantage to Alaska in fitting into such a nationally recognized program, rather than developing its own, different requirements. It might be noted that if another large scale project, such a gas pipeline, comes to Alaska, there could be a need for hundreds of qualified welding inspectors. The only feasible way for these persons to be available when needed would be for the Board to accept certification under a nationally recognized program rather than waiting for a sufficient number of applicants to be processed through Alaska's program.

Article 4-Test Facilities: As previously stated, welder qualifications can be properly done under field conditions, as well as in a laboratory. In fact, laboratory conditions, e.g., test booths and controlled temperatures, tend to make the conditions somewhat artificial. Certainly where large numbers of welders are to be tested, a central test facility may be the only practical approach, and the Board may want to inspect and approve such a facility. However, we urge the Board to give contractors the latitude to arrange for testing welders in the field, where the contractor deems this to be desirable and feasible.

Article 5-General Provisions: We have no comments on this article.

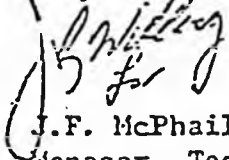
In conclusion, we understand and sympathize with the Board's legitimate concern with developing some type of regulation of welding operations, such as gas stations, logging operations, and small fabricating shops, which presently are not committed (as are pipeline and other large scale projects) to meet any nationally recognized codes or standards. However, the proposed regulations are so broad and sweeping that they would encompass projects such as the trans-Alaska pipeline and other projects which invariably incorporate as part of their building specifications nationally recognized welding codes and standards. Alyeska fears that the proposed regulations, if broadly applied, as they appear intended to

April 12, 1977

Page 3

apply, would pose serious obstacles and unnecessary and unproductive regulation to those firms which already have committed themselves to operate under and comply with the strictest nationally recognized codes and standards. Thus Alyeska urges the Board to revise the proposed regulations to permit members of the industry which operate under nationally recognized codes and standards, in the areas of testing, welding procedures and inspection, to continue to operate pursuant to these recognized industry practices.

Very truly yours,



J.F. McPhail
Manager, Technical Services

JFMCP:ls

WPC

cc: H. V. Mowell
J. D. Knodell, Jr.
W. N. Sorensen
J. L. Willing
J. R. Fraylick
J. C. Wormeli
Alyeska Information Center

Pd. Advertisement

Welding Regulations

The American Welding Society in Alaska is supporting the Legislative House Bill #595 currently in the Labor & Commerce Committee for passage this session. This bill will retain the current welding statutes, regulations and Welding Board as it is today. These State regulations today say that Welders doing work in Alaska must be properly certified by an Alaska Licensed Welding Inspector and when welding is inspected it shall be inspected under the direct supervision of an Alaska Licensed Welding Inspector.

These regulations are in the best interest of the public to create safe welded projects in Alaska.

If this Bill, #595, is not passed, there could be no Alaska welding regulations and will open the door to welders from other areas who may not have the abilities to do quality welding.

It will also open the door to anyone calling themselves a welding inspector to work in Alaska without the requirement of passing a test to prove their abilities.

Today persons wishing to do welding inspection in Alaska must pass a written test which is a national standard administered nationally by the American Welding Society and be certified in at least one all position welding certification. In Alaska today, welders being certified to do welding are tested these Licensed Welding Inspectors to determine their abilities.

If you wish Alaska to continue with these minimum standards you can call the State Information Center in Anchorage at 278-3668 and have a 50 word or less message transmitted to the Legislative House and Senate Labor & Commerce Committee expressing your opinion.

The Committee meeting to determine the recommended pass or fail vote to the Legislators is scheduled for the 26th of this month in Juneau. Your opinions should be expressed before that date. You could also write the Committee Chairman, Representative Terry Martin, Legislative House Labor & Commerce Committee, Twelfth Alaska State Legislature, Pouch V, Juneau, Alaska 99811.

It's easy to have your opinion heard, just pick up the phone, give your name, mailing address, telephone number and your message in 50 words or less to be transmitted to the Legislative House and Senate Labor & Commerce Committee. They can respond back to you acknowledging your opinion and relate other information about the bill.

This is an effort by the Alaska Section of the American Welding Society to help create better welding for the users of welded products in Alaska.

Pd. for by The American Welding Society of Alaska Donald M. Lockman, Chairman, 2114 Railroad Ave., Anchorage, AK 99501

#5

Sunday, February 21, 1982, The Anchorage Times C-9

#6

ANCHORAGE TIMES

WEDNESDAY

February 24, 1982

OF SHAREHOLDERS

Our Annual Meeting of Shareholders will be held April 12, 1982 beginning at 7:00 p.m. at the Frank A. Degan High School.

For nominations on the board of directors or for election of directors contact Unalakleet Native Corporation of Box 100, phone 3411 for nomination applications.

The American Welding Society does not engage in lobbying and neither endorses nor opposes any legislation. Any person or organization using the name of the American Welding Society for such purposes has done so without authorization. Signed, William T. DeLang, President, American Welding Society, P.O. Box 351040, Miami, FL 33135.

ears Arctic Animal Home-moving! We will be at 1600 E. Tudor Rd. in the Woods Professional

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January 29, 1982

#7

AWS Member:

There is a House Bill (HB 595) in Juneau in the Legislative House Labor & Commerce Committee to reestablish the State Board of Welding Examiners which is being abolished by the Sunset Legislation. If this bill is not passed, there will be no regulations in Alaska for the certification of welders or inspection of weldments. If the licensed Welding Inspector is abolished;

1. Who will certify the welders in Alaska for Alaska work?
2. A welder will be able to come into Alaska without proving his or her ability and take an Alaska job.
3. How would we safeguard against false welder certification papers?
4. Who will be the responsible persons to inspect welds?
5. Is it in the public's best interest to not test the knowledge of a Welding Inspector?

There is no question about the need for a welder to be certified, the question is always (1) Certified for what application? (2) Certified by who?

We have today a proven mechanism to safeguard the Alaskan public against bad welding. To abolish this mechanism or trade it for some other that may not work or damage the quality of future projects is certainly not in the public's best interest.

The American Welding Society's total existence is to create better welding for the public's safety.

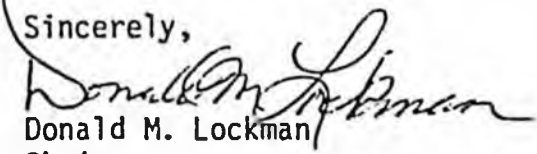
The Executive Board of the AWS met 1-29-82 and is soliciting your support in passage of HB 595. This support must be heard before 2-20-82 in Juneau before the next committee meeting.

You can call 278-3668, the State Information Center and at no cost, in 50 words or less have a message transmitted to the House Labor & Commerce Committee. Or, you can write to:

Representative Terry Martin, Chairman
Legislative House Labor & Commerce Committee
Twelfth Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Action on your part is required to keep Alaska safe, don't just let the other guy do it, he may not.

Sincerely,


Donald M. Lockman
Chairman

DATE: November 13, 1981

TO: All State Licensed Welding Inspectors
and interested parties.

FROM: Donald M. Lockman, Chairman
State Board of Welding Examiners



SUBJECT: State Board of Welding Examiners and State Licensing of
Welding Inspectors future existence.

Every four or five years all State boards come under a sunset legislative law that automatically terminates those boards and subsequent regulations. This is the case with the Board of Welding Examiners and licensing of welding inspectors. The termination date of the Board and licenses is June of 1982. The House Bill #595 that was introduced last year to extend the Board did not get out of committee and was not acted upon. This bill can be inacted between the beginning of the new legislative term in January 1982 and the June deadline if it is properly moved through the various committees to the floor.

Enclosed are several documents containing information pertaining to this issue.

1. An overview of the sunset process.
2. Copy of the House Bill #595 currently in the Labor & Commerce Committee.
3. A probable successful route of HB 595.
4. A list of the legislative standing committees for 1981-82.
5. A list of the Alaska House and Senate Legislators for 1981-82 with addresses when the Legislature is not in session.

If you are interested in keeping the State Board of Welding Examiners and the licensing of welding inspectors, please write your Representatives and Senators and the respective Committees illustrating your opinions.

If, in fact, the HB 595 is not acted upon before June 1982, the Board and licensing will be terminated and the State will have no guidelines for welding quality in Alaska.

If you feel there are items in the State Regulations that should be modified, please send your proposed wordings to myself for consideration at our next State Board Meeting to be held in January 1982.

If there are any questions about the enclosed documents, please feel free to contact me at 2114 Railroad Avenue, Anchorage, Alaska 99501
(907) 276-3440

---HOUSE OF REPRESENTATIVES---

<u>Name</u>	<u>Address</u>	<u>District</u>
Abood, Mitchell E., Jr. (R)	4504 Spenard Road, Anchorage 99503	5
Adams, Albert P. (D)	P.O. Box 333, Kotzebue 99752	21
*Anderson, Charles G. (R)	1841 East 24th Avenue, Anchorage 99504	10
*Burnes, Madona L. (R)	P.O. Box 3382, Downtown Stn., Anchorage 99510	10
Beirne, Michael F. (R)	P.O. Box 4-1539, Anchorage 99509	7
Bettisworth, Robert H. (R)	P.O. Box 80288, College 99708	20
*Brown, Fred E. (D)	P.O. Box 1718, Fairbanks 99707	26
Buchholdt, Thelma (D)	2607 Kona Lane, Anchorage 99503	5
*Bylsma, Bernard C. (R)	SRA Box 4106, Anchorage 99502	11
Carney, Patrick J. (D)	Pouch N, Wasilla 99687	6
Cato, Bette M. (D)	P.O. Box 775, Valdez 99686	5
Chuckruk, Joseph (D)	P.O. Box 8, Dillingham 99576	16
Clocksie, Donald E. (D)	1527 "H" Street, Anchorage 99501	
Cotten, Samuel R. (D)	P.O. Box 296, Eagle River 99577	
Cuddy, David W. (R)	704 Sunset Drive, Anchorage 99501	
Duncan, Jim (D)	P.O. Box 690, Juneau 99802	4
Fanning, Kenneth J. (L)	P.O. Box 80929, College 99708	20
Freeman, Oral E. (D)	2743 Third Avenue, Ketchikan 99901	1
Fuller, John G. (D)	P.O. Box 689, Nome 99762	22
*Gardiner, Terry (D)	P.O. Box 6092, Ketchikan 99901	1
Grussendorf, Ben F. (D)	P.O. Box 928, Sitka 99835	3
Halford, Richard W. (R)	P.O. Box 66, Chugiak 99567	8
Haugen, E. J. (R)	P.O. Box 1049, Petersburg 99833	2
Hayes, Joe L. (R) <u>Speaker</u>	2810 "C" Street, Suite A, Anchorage 99503	12
*Hurlbert, Vernon L. (D)	General Delivery, Sleetmute 99668	18
Malone, Hugh (D)	P.O. Box 9, Kenai 99611	13
*Martin, Terry (R)	3960 Reka Drive, B-6, Anchorage 99504	8
Meekins, Russ, Jr. (D)	1526 "K" Street, Anchorage 99501	7
Mercalfe, Fay H. (R)	P.O. Box 4-2766, Anchorage 99509	11
Miller, Mike (D)	P.O. Box 1494, Juneau 99802	4
Montgomery, Joe D. (R)	1046 Beech Lane, Anchorage 99501	12
Moss, H. Pappy (D)	P.O. Box 182, Delta Junction 99737	19
O'Connell, Patrick M. (R)	Rt. 2, Box 743, Soldotna 99669	23
Phillips, Randy E. (R)	P.O. Box 142, Eagle River 99577	8
*Randolph, Richard L. (L)	1105 Cushman Street, Fairbanks 99701	20
*Rogers, Brian D. (D)	Box 80690, College 99708	21
Smith, Sarah J. "Sally" (D)	321 Church Street, Fairbanks 99701	21
Sutcliffe, Eric G. (R)	P.O. Box 3, Unalaska 99685	25
Vaska, Anthony N. (D)	P.O. Box 892, Bethel 99559	27
Zharoff, Fred F. (D)	P.O. Box 405, Kodiak 99615	28

---SENATE---

<u>Name</u>	<u>Address</u>	<u>District</u>
...	P.O. Box 2801, Fairbanks 99707	...
...	P.O. Beaver S-Q, Anchorage 99503	...
...	SRA 145E-K, Anchorage 99502	...
...	2425 Hialeah Drive, Anchorage 99503	...
...	P.O. Box 143, Sitka 99835	...
...	4016 Evergreen, Fairbanks 99701	...
...	Box 131, Kotzebue 99752	...
...	221 East Seventh Avenue, #204, Anchorage 99501	...
...	Box 630, Kenai 99611	...
...	P.O. Box 289, Bethel 99559	...
*Kelly, Tim (R)	283 Muldoon Road, Stn. Box 76, Anchorage 99504	...
Kertula, Jalmar M. (D) <u>President</u>	Box 2, Palmer 99645	...
*Mulcahy, Bob (R)	P.O. Box 246, Kodiak 99615	...
Farr, Charles H. (D)	S.R. Box 50599, Fairbanks 99701	...
*Ray, Bill (D)	Pouch V, Juneau 99811	...
Rodey, Patrick M. (D)	3271 Montclair, Anchorage 99503	...
Sackett, John C. (R)	P.O. Box 29, Ruby 99768	...
*Stinson, Terry (D)	1610 "E" Street, Anchorage 99501	...
*Sturgulewski, Arliss (R)	2957 Sheldon Jackson Street, Anchorage 99504	...
*Ziegler, Robert H., Sr. (D)	307 Bawden Street, Ketchikan 99901	...

*Senators terms expire in January 1983.
Others have terms expiring in January 1985.

The addresses listed above should be used when the Legislature is not in session. During sessions, members of the Legislature receive mail at Pouch V, Juneau, Alaska 99811 (Interdepartmental Mail Stop 3111)

LEGISLATIVE STANDING COMMITTEES
TWELFTH ALASKA STATE LEGISLATURE
1981 - 1982

HOUSE

COMMUNITY AND REGIONAL AFFAIRS

O'Connell (Chairman)
Anderson (Vice-Chairman)
Eylsma, Grussendorf, Clocksin

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Acams (Chairman)
Montgomery (Vice-Chairman)
Hurlbert, Chuckruk, Fuller,
Bettisworth, Cuddy, Haugen,
Cotten

HEALTH, EDUCATION AND SOCIAL SERVICES

Belme (Chairman)
Martin (Vice-Chairman)
Cato, Smith, Malone

JUDICIARY

Earnes (Chairman) ✓
Anderson (Vice-Chairman)
Phillips, O'Connell, Meekins,
Buchholdt, Freeman

LABOR AND COMMERCE

Martin (Chairman)
Eylsma (Vice-Chairman)
Randolph, Rogers, Gardiner ✓

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Fanning (Co-Chairman)
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Cato (Chairman)
Abood (Vice-Chairman)
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Sharoff, Moss

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Ferguson, Colletta, Sturgulewski

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Dankworth (Co-Chairman)
Ferguson, Stimson, Eliason, Sackett,
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Mulcahy (Chairman)
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Fahrenkamp, Rodney, Ziegler

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Fahrenkamp (Chairman)
Fischer (Vice-Chairman)
Bradley, Eliason, Gilman, Mulcahy,
Sturgulewski

RULES

Kelly (Chairman)
Dankworth (Vice-Chairman)
Ferguson, Kerttula, Ziegler

STATE AFFAIRS

Fischer (Chairman)
Colletta (Vice-Chairman)
Stimson, Bradley, Eliason

TRANSPORTATION

Ray (Chairman)
Gilman (Vice-Chairman)
Kerttula, Dankworth, Sackett

1- HB 595 was introduced on 5/26/81 and referred to the Labor and Commerce Committee.

- 2- If the House Labor and Commerce Committee approves HB595 as is, it will be referred to the House Finance Committee.
- 3- If the House Finance Committee approves it as is, it will be sent to the House rules Committee for calendaring for a vote on the floor of the House.
- 4- If the full House approves the bill, it will be sent to the Senate for its consideration.
- 5- It will be referred to the Senate Labor and Commerce Committee for consideration.
- 6- If Senate Labor and Commerce Committee approves it, it will be sent to the Senate Finance Committee for consideration.
- 7- If the Senate Finance Committee approves it, it will be sent to the Senate Rules Committee for calendaring for a floor vote in the Senate.
- 8- If the Senate approves it as it was sent over from the House, it will be sent to the Governor for signature or veto. If the bill has been changed in the Senate from the form and content it was approved originally in the House, it would then be sent back to House for its concurrence in any changes prior to going to the Governor for his consideration.

State law requires that licensing boards justify their existence approximately every five years.

The sunset review process involves the following basic steps.

- 1- A termination date is set by statute for an existing board.
- 2- A performance audit of the board is conducted by the Division of Legislative Audit during the calendar year prior to the termination date.
- 3- During the session immediately preceding the termination date the legislature sets up a committee* to hold hearings and make recommendations to the legislature on the board under review. At these hearings the Department of Commerce and Economic Development and the interested public give testimony.
- 4- Based on the hearing testimony, the findings of the performance audit and any other factors that the legislature wishes to consider, a decision is made to :
 - A) eliminate the licensing process,
 - B) modify the licensing process, or
 - C) continue the licensing process unchanged.

The fundamental questions that underlie the sunset review process are :

- 1- Is the licensing process necessary to protect the public from serious and likely harm? What alternatives to the present licensing process exist?
- 2- Is the board necessary to the licensing process? Is board licensing the most effective way to protect the public? Is board licensing the most economical way of protecting the public? Is board licensing the most desirable way to protect the public?

Other less fundamental, but often equally important, questions are raised during the sunset review process, usually by the performance audit. These questions usually include :

- 1- How efficiently has the board been operating?
- 2- How responsive has the board been to the public?
- 3- Has the board been unnecessarily restricting entry into the profession?
- 4- How conscientious has the board been in meeting its statutory and other obligations?

* committee of reference

January 18, 1982

Labor & Commerce and Finance Committee
Legislature of the State of Alaska
Twelfth Legislature.- Second Session

The State of Alaska Board of Welding Examiners will cease to exist in June, 1982, in accordance with current Sunset requirements.

The members of the board would like to re-cap some of the goals and accomplishments of the past few years and give an opinion of what will happen if the board ceases to exist.

In 1976, members of the board observed that regulations were being largely ignored by the industry. A review of the regulations governing welders and weld inspection revealed them to be unworkable. In 1976/77, a new set of regulations (12AAC72) were formalized. For the most part, this new regulation met with statewide industry acceptance. There was little opposition noted during the public hearings, held in 1977 and 1978.

Several hundred manhours were spent writing these regulations. This time was, of course, spent at the individual board member's own expense. Each board member considered the time well worth the effort, once the statutes and regulations became effective August 21, 1978.

These regulations became a nationwide standard, with at least two other states adopting similar regulations. Most large construction companies, as they became aware of the new regulations, started having their welders certified in accordance with approved guidelines. Until this time, most working welders considered themselves "certified" which was a term without true meaning. Once the welders learned they would have to certify, or re-certify, to prove their proficiency, they obtained additional training as required to meet the various welding codes used in Alaska.

The additional requirement of licensed welding inspectors so enhanced the overall quality of major construction projects that many companies (including the major oil companies) who had established quality control groups made the acquisition of this license mandatory for employment or promotion. Alyeska Pipeline Service Company felt this program was important enough to set up an extensive (and expensive) welding inspector training program for their inspectors. Industry in the "lower 48" has started to follow the example set in Alaska for certifying welders via welding inspectors. This standard has considerably increased the level of expertise in weld inspection.

As you know, one of the major reasons for expensive repair work on the Trans-Alaska Pipeline was due to inadequate and/or incompetent weld inspection. This one item caused millions of dollars of additional expense to the consumer.

The high weld reject rate and lack of knowledgeable, qualified welding inspectors on this project was one of the main reasons the State of Alaska elected to regulate welders and inspectors in the first place. With the forthcoming construction of the natural gas pipeline, the same problems will arise if there is no regulation to govern them. Welders will be qualified incorrectly (or not at all), and welding inspection will be done by the "brother-in-law" system or by individuals the contractors believe will cause the least amount of weld repairs. This possible situation is not an exaggeration; these things did occur during the construction of the Trans-Alaska Pipeline and will occur on the gas line if not closely governed.

As with any regulation or law, there are "special interest" groups that may either benefit or be adversely affected by the law. This analogy certainly applies here. There is little doubt that the three or four testing inspection laboratories in Alaska derive a certain amount of business because of the regulations. However, if these labs were not available locally, the work would simply be provided by "lower 48" companies.

This board has found that most individuals who are opposed to the regulations either can't pass the professional examination (or certification) or have a contrary special interest. One special interest group is working to set up a separate State organization for personal benefit called a Welding Bureau. This was suggested in Senate Bill No. 121, submitted by Senator Bill Sumner in 1979.

Industry's opposition to the present regulation has been extremely light. In fact, most negative feedback from the industry involves suggested revisions to the regulations, rather than opposition to the regulation itself. We agree that it does need revision. The proposed changes will make it easier for industry to comply with the regulations.

During the public Sunset hearings, many individuals from within the industry testified in favor of continuing the board and its regulations. Of all the testimonies submitted, only two were negative. Neither individual was licensed as an inspector, and both worked for the State in educational areas. It is hard to understand why a professional board was allowed to be Sunsetted when almost all the public input was positive. The board believed then, and still does, that it exists as a board to protect the public. We satisfied both the public and industry but, apparently did not satisfy the members of the Sunset committees.

A significant result of present regulation that the legislative audit did not and could not cover is the fact that the overall welding quality in the State has taken a significant step forward since the enactment of the welding inspector regulation. Better welding quality translates directly into economic and safety benefits for the public.

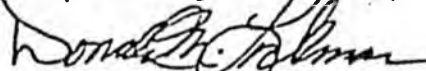
There are many welding projects throughout the State that have been brought to a safe standard by the conscientious inspection of licensed welding inspectors. These cases do not reach the public's awareness because they are not given the publicity that a catastrophic failure would create. The public benefits are all around us in our everyday use of welded products and facilities.

Our point is this: Industry has accepted this regulation as an important tool for controlling quality. To let the board, and subsequently the regulation, cease to exist at a time when industry is interested in (and receptive to) a governing regulation, is certainly not in the public's best interest.

Your consideration of re-establishing the professional and vocational regulations, as defined in 12AAC72, and continuing the existence of the Board of Welding Examiners, as defined in State Statute AS 08.99 and House Bill No. 595, is sincerely solicited.

This is a unanimous opinion from the board.

Respectfully Submitted,



Donald M. Lockman

Chairman

State Board of Welding Examiners

MIDDLETOWN, VA. 22645



Mailgram®



1-0070553055 02/24/82 TLX AMWELD SOC MIA AHGA
MIAMI FL FEBRUARY 24, 1982

#8

LOUIE J. ROUSSEAU
2700 PORCUPINE DRIVE
ANCHORAGE, AK 99501

COPY OF TELEGRAM SENT FEBRUARY 17, 1982 TO DONALD M. LOCHMAN.
QUOTE: IN VIEW OF YOUR LETTER OF JAN. 29 TO AWS MEMBERS UNDER
AWS LETTERHEAD, PLEASE READ AND CONSIDER SECTIONS 8.3 AND ALL OF
8 AND 9 OF AWS QC-1.

YOU MAY BE IN VIOLATION OF PORTIONS OF 8, IF THIS IS CORRECT IT
COULD RESULT IN ACTIONS UNDER 8.9 OR 9.0.

SIGNED: ACTING EXECUTIVE DIRECTOR, PERRY J. RIEPPEL - UNQUOTE.

ADVERTISEMENT I MENTIONED WILL APPEAR UNDER NOTICES IN CLASSIFIED
AD SECTION OF ANCHORAGE TIMES ON FEBRUARY 24, 25, AND 26. DEADLINE
FOR AD IN OTHER PARTS OF PAPER WAS LAST WEEK.

HARRY BROADBENT
AMERICAN WELDING SOCIETY
519245
AMWELD SOC MIA

1047 EST

MGMCOMP MGM



Mailgram®



ALASCOM 02/17/82 TLX AIRTEL SOC MIA 1408
1401 FL FEB 16, 1982

#9

ONIE J ROUSSEAU
700 PORCUPINE DRIVE
ANCHORAGE AK! 99501

REFERENCE LETTER BY DONALD LOCHMAN JAN 29, 1982 TO AWS MEMBERS
UNDER AWS LETTERHEAD REFERENCE SUNSET LEGISLATION CONCERNING
STATE BOARD OF WELDING EXAMINERS. SUCH ACTION BY AN AWS OFFICER,
ACTION CHAIRMAN, OR ANY MEMBER IS FORBIDDEN BY ACTION OF AWS
BOARD OF DIRECTORS BY ACTION OF 3RD BOARD MEETING 1970-71 FOLLOWING:

- 1) NATIONAL, REGIONAL AND LOCAL ISSUES - THE EXECUTIVE DIRECTOR WAS DIRECTED TO ADVISE THE ALASKA SECTION THAT THE AMERICAN WELDING SOCIETY CANNOT ENDORSE LEGISLATION.
- 2) 2ND BOARD MEETING 1977-78 - AWS PROTOCOL FOR RECOMMENDATIONS TO GOVERNMENT AGENCIES - THE AWS BOARD ACTION REQUIRES THAT ANY ACTION OF THIS TYPE BE APPROVED AND TRANSMITTED BY THE EXECUTIVE DIRECTOR.

ACTING EXECUTIVE DIRECTOR
TERRY J RIEPPEL
WELD SOC MIA
14245

14245

14245



Anchorage Tank & Welding, Inc.

2700 Porcupine Dr.
Anchorage, Alaska 99501
(907) 272-3543

FEBRUARY 10, 1982

THE HONORABLE REPRESENTATIVE TERRY MARTIN, CHAIRMAN
STATE HOUSE LABOR & COMMERCE COMMITTEE
POUCH V
JUNEAU, ALASKA 99811

RE: HB595, CONTINUANCE OF THE BOARD OF WELDING EXAMINERS

DEAR REPRESENTATIVE MARTIN:

WE ARE WRITING AS ONE OF YOUR CONSTITUANTS IN THE MOUNTAIN VIEW AREA TO URGE YOU AND YOUR COMMITTEE TO ALLOW THE BOARD OF WELDING EXAMINERS TO TERMINATE. WE DO NOT ENDORSE ITS EXISTANCE PROVIDED REGULATIONS ARE CHANGED; WE ARE ADAMANTLY OPPOSED TO ITS BEING IN ANY FORM, FOR THE FOLLOWING REASONS:

1. STEEL FABRICATORS SUCH AS OURSELVES, HAVE STRUCTURED OUR ORGANIZATIONS TO COMPLY WITH AND TO CONFORM TO NATIONALLY RECOGNIZED CODES PRIMARILY BECAUSE THE CUSTOMER BASE WE SEEK DEMANDS THE TYPE OF QUALITY REQUIRED BY THESE CODES IN THEIR PROJECTS. THE END USERS OF FABRICATIONS WHERE SAFETY AND/OR ECOLOGICAL REGULATIONS MUST BE COMPLIED WITH, ARE REQUIRED BY EXISTING LAWS TO SPECIFY CERTAIN NATIONALLY ACCEPTED CODES AND STANDARDS TO WHICH THESE PRODUCTS MUST BE MANUFACTURED. THESE REQUIREMENTS MUST BE ADHERED TO BY FABRICATORS WITHOUT EXCEPTION. IT IS OUR EXPERIENCE THAT THIS TYPE OF CUSTOMER REQUIRES PROOF OF

Tanks — Fuel, Septic, Skid Mounted, Oilfield Special Designs
Structural & Misc. Fabrication, Pipe Fabrication
Welding To ASME, API & AWS Codes

QUALIFIED SHOP WELDING PROCEDURES AND PERFORMANCE QUALIFICATION OF WELDERS PRIOR TO THE START OF ANY WELDING FABRICATION. IN ADDITION, THESE CUSTOMERS REQUIRE THAT WE PROVIDE ACCESS TO OUR FACILITY FOR INSPECTION OF THE WELDING BY THEIR OWN INSPECTION PERSONNEL DURING MANUFACTURE OF THEIR PRODUCT. IT IS THEREFOR READILY APPARENT, THAT WITH ADHERANCE TO NATIONALLY RECOGNIZED CODES AND STANDARDS, AS WELL AS CUSTOMER INSPECTION OF CRITICAL WELDMENTS DURING FABRICATION, ADDITIONAL INSPECTION BY STATE LICENCED PERSONNEL ACCOMPLISHES NOTHING EXCEPT TO ADD ADDITIONAL AND UNNECESSARY EXPENSE TO THE PROJECT.

2. IT IS OBVIOUSLY IN OUR BEST INTEREST AS A FABRICATOR TO INSURE THE QUALITY OF OUR PRODUCT SO THAT WE CAN OBTAIN THE WORK WE DO, THEREBY ENABLING US TO KEEP OUR CUSTOMERS AND AVOID THE PROBLEMS INVOLVED WITH POOR QUALITY WORK. WE ACCOMPLISH THIS BY CONFORMING TO NATIONALLY ACCEPTED CODES AND STANDARDS AND THROUGH IN HOUSE TRAINING AND QUALIFICATION OF OUR WELDING PROCEDURES AND WELDERS AS PROVIDED BY THESE CODES. OUR TRAINING AND QUALIFICATION IS CONDUCTED AND PERFORMED BY INDIVIDUALS AND TESTING FIRMS OF OUR CHOICE WHO HAVE DEMONSTRATED THEIR CAPABILITY TO COMPLY WITH OUR OWN AND OUR CUSTOMERS STRINGENT REQUIREMENTS. HOWEVER, BECAUSE OF THE REGULATIONS OF THIS STATE, PROMULGATED BY THE BOARD OF WELDING EXAMINERS, WE ARE COMPELED TO HIRE A STATE LICENCED WELDING INSPECTOR TO WITNESS OUR WELDER QUALIFICATION ACTIVITY IN ORDER FOR HIM TO SIGN OFF ON THE PERFORMANCE QUALIFICATION TEST RECORD. IT MUST BE RECOGNIZED THAT HE, THE STATE LICENCED WELDING INSPECTOR, MAKES ABSOLUTILY NO CONTRIBUTION TOWARD UPGRADING OUR WELDERS. NON THE LESS, WE ARE SADDLED WITH THIS UNNECESSARY INTRUSION AND EXPENSE.

3. STATE LICENCED WELDING INSPECTORS, (INCIDENTLY, THE ONLY REQUIRED LICENCEES BY THE STATE AT THIS TIME), DO NOTHING TO FURTHER THE ADHERANCE TO A PARTICULAR CODE AND DO NOTHING TO ENHANCE THE QUALITY OF WORK PERFORMED. ANY

PERSON WHO MEETS THE REQUIREMENTS OF THE AMERICAN WELDING SOCIETY CERTIFICATION PROGRAM FOR WELDING INSPECTORS SHOULD BE ACCEPTED BY THE STATE AS COMPETANT TO ACT AS SUCH. THIS ELIMINATES THE NECESSITY OF LICENCING THESE INDIVIDUALS BY THE STATE AND THE PUBLIC EXPENSE ASSOCIATED THEREWITH.

4. YOUR COMMITTEE HAS BEFORE IT, A REVIEW AND FOLLOW-UP REVIEW OF THE BOARD OF WELDING EXAMINERS, PERFORMED BY THE DIVISION OF LEGISLATIVE AUDIT WHICH CONCLUDES:

''IN OUR OPINION, THERE IS NOT A SUFFICIENT PUBLIC NEED FOR CONTINUING EITHER THE BOARD OR STATE LICENCING OF WELDING INSPECTORS.''

WE BELIEVE THAT LEGISLATIVE AUDITS AND SUNSET LAWS WERE PROVIDED BY LEGISLATORS SUCH AS YOURSELF WHO SAW THE NECESSITY OF DISCONTINUING UNNECESSARY REGULATORY BOARDS AND COMMISSIONS. WE BELIEVE ALSO THAT WHEN AN OPINION IS THIS SUCCINCTLY AND UNAMBIGUOUSLY WRITTEN, THERE MUST BE OVERWHELMING ADVERSE EVIDENCE TO REFUTE THE AUDIT BEFORE A COMMITTEE SHOULD EVEN CONSIDER REVERSING THEIR FINDINGS.

5. FINALLY, AS 08:01.025 STATES:

''NO PUBLIC MEMBER OF A BOARD MAY:

(1)BE ENGAGED IN THE OCCUPATION WHICH THE BOARD REGULATES

(3)HAVE A DIRECT FINANCIAL INTEREST IN THE OCCUPATION WHICH THE BOARD REGULATES.''

AS A MATTER OF FACT, THE CHAIRMAN OF THE BOARD OF WELDING EXAMINERS WHO IS ALSO APPARENTLY THE STRONGEST SUPPORTER THEREOF, VIOLATES BOTH OF THESE PROVISIONS BY OWNING AND OPERATING A WELDER TRAINING AND TESTING FACILITY WHICH ACTIVELY TESTS FOR LICENCING, STATE WELDING INSPECTORS. HOWEVER, STATE REGULATIONS SHOULD NOT REQUIRE THE NEED FOR TRAINING AND QUALIFICATION FACILITIES SUCH AS THIS, FOR THE LICENCING OF WELDING INSPECTORS WHEN THE MECHANISM IS

AVAILABLE ON A NATIONAL LEVEL FROM THE AMERICAN WELDING
SOCIETY.

IN CONCLUSION, WE ASK YOU AND YOUR COMMITTEE, AFTER REVIEWING
THESE AND OTHER FACTS, TO HOLD HB 595 IN YOUR COMMITTEE AND
THEREBY ALLOW THIS BOARD TO TERMINATE

VERY TRULY YOURS

ANCHORAGE TANK & WELDING, INC.

LOWELL D, MACNUTT, VICE-PRESIDENT

February 25, 1982

Representative Terry Martin
Legislative House Labor & Commerce Committee
Twelfth Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. Martin:

I am writing this letter to voice my opposition to the re-establishment of H.B. 595. I fully agree with the legislative audit of 1979, and its follow-up in 1980 that the need for the continuation of the State of Alaska Board of Welding Examiners does not exist.

I feel that the state should allow private industry to manage its own welding and welding inspection programs in accordance with the widely used and nationally recognized codes and standards. It appears to me that the Board and its continuations is wanted solely because of personal gains, and not really in the public's best interest.

I have considerable experience in welding, both as a welder and now a Welding Engineer, and I have never seen such a mess and dealt with so many incompetent welding inspectors.

Please do us all a favor and abolish the State of Alaska Board of Welding Examiners.

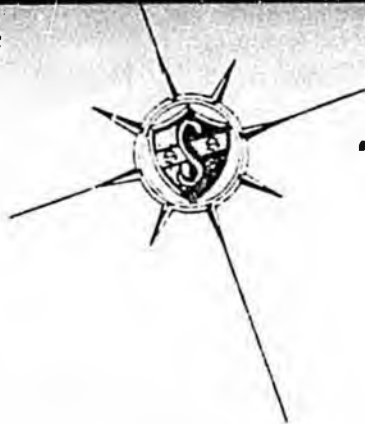
Sincerely,

Lee A. Gabrielson

Lee A. Gabrielson

Steel Distributors

FOR THE NORTH-WEST
AND ALASKA



STACK STEEL Co of Alaska

1200 W. DOWLING — ANCHORAGE ALASKA 99502 (907) 279-0691

February 24, 1982

The Honorable Terry Martin - Chairman
Legislative House Labor and Commerce Committee
Twenty Fifth Alaska State Legislator
Pouch V (Interdepartmental Mail Stop 3100)
Juneau, Alaska 99811

Subject: Sunseted Board of Welding Examiners Statutes
AS08.99 and Regulations 12ACC72, House Bill
595, and Senate Bill 757.

Dear Honorable Terry Martin:

Recently I have had occasion to study the statutes and Regulations contained in the subject Board of Welding Examiners and House Bill 595 for continuation of the Board. In addition, I have reviewed the Legislative "Follow-up" Review Audit conducted 11-24-80 by your Legislative Auditor Gerald L. Wilkerson.

After studying the statutes and Regulations covered in the subject item along with my indepth review of the audit findings as well as taking special note of the rebuttal to the audit report signed by the Chairman of the Board of Welding Examiners; I find that we at Stack Steel, are in total agreement with the underscored conclusions of the Legislative Auditor, identified as: "Prior Audit Recommendation No. 1 Page -5-.

In review of the Chairman of the Boards rebuttal to the audit findings it is noted, that his primary argument for maintaining the Board of Welding Examiners is based solely on the need for "State licensing" of the welding inspector as the single instrument that will maintain quality and protect the public.

It should be noted by you and your committee panel members, that in the Chairman of the Boards rebuttal no comment or apparent thought is given to the many other significant items that must be taken into account, with a view toward public safety before, the welding inspector is even assigned to the job of inspection. For example, items which the

design engineer and the welding engineer (assuming a welded fabrication) must attend to in compliance with the existing National Accepted Codes, Federal and State Government Regulations and Practices, which are relevant to the item to be fabricated. Some of those items which the design engineer and welding engineer must take into consideration and attend to, are:

- 1) Establish the necessary quality criteria for the job under consideration.
- 2) Determine what Codes, Standards, and Government regulations apply.
- 3) Prepare design drawings of the item to be fabricated.
- 4) Prepare fabrication specifications, which identifies: the applicable Codes/Standards to be used. Identifies the base materials, welding materials, and welding processes. Establishes the quality requirement and the level of inspection required for the specific job.

From the criteria identified in the fabrication specifications, the welding inspector and/or other inspectors (dependent on the type of fabrication) can be assigned by their employer to his specific inspection task. Most certainly the inspectors performance on the job will and must be measured by his employer whether a State license is required or not.

A very important item that should be considered is the fact that the State licensing of the individual inspectors places no assurance or warranty for the inspectors on-the-job, performance. In that consideration, and assuming that the inspector lacks insufficient welding inspection knowledge but still holds the State license, one of two things can happen. That is, dependent on the caliber of the firm which employs that type of an inspector; 1) his employment will be terminated or 2) he may be retained by the employer simply for window dressing because of the State license.

In either case the State license requirement will not have made any contribution toward guaranteeing or assuring welding quality.

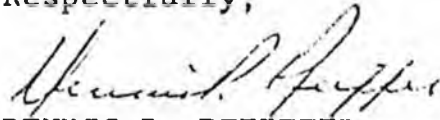
We in private industry dealing in welded fabrications are concerned with economics in this competitive market. Being concerned we know that we will not stay in business if the welded fabrication or welded products which we produce do not meet our customers quality requirement. Therefore we work with the existing National Accepted Codes/Standards Federal, State, Borough, and Municipality Regulations which are already in place and required.

We have not seen in the past, any significant benefit in welding quality or added protection of the public from the Board of Welding Examiners regulation. As the regulations are now written in the present Board Statutes and considering the existing and apparent conflicts of interest by some Board members, we believe it would be in the best interest of the State to terminate the Board of Welding Examiners and cease any further expenditure of public funds other than allowing the Board time to gather up records to send to archive files and close up shop!

Thank you for your attention and consideration to this matter.

I will be looking forward to your reply.

Respectfully,



DENNIS R. PFEIFFER
General Manager
Stack Steel Co. of Alaska

DRF/vs

cc: House Finance Committee - Chairman Albert P. Adams
House Judiciary Committee - Chairman Romona L. Barnes
Senate Finance Committee - Co Chairman Don Bennett
Senate Judiciary Committee - Chairman Patrick M. Rodey
Senate Labor & Commerce - Chairman Robert Mulcaby
Senate Rules Committee - Chairman Tim Kelly



2700 Porcupine Drive
Anchorage, AK. 99501

(907) 272-3543

October 6, 1981

The Honorable Charles Anderson
House of Representatives
1841 E. 24th Ave.
Anchorage, AK. 99504

Subject: Current Status of: The Sunsetting Board of Welding Examiners.

Dear Honorable Charles Anderson:

My apology for the delay in sending you a copy of the Follow-up Review and Legislative audit of the Board of Welding Examiners, which you requested during our phone conversation of 9-16-81. The delay results from putting in long hours and long work weeks for my present clients.

Following your recommendations during our last discussion, I made a phone call to the State Attorney General's Office-Juneau. The objective of course was to get a letter confirming the information which you had given me regarding; "the sunseting of the Board of Welding Examiners on June 30, 1981. and for that reason it was no longer in force."

I would like to take the liberty at this time to inform you of the results of my phone call to the Attorney General's Office and the phone call which I received the same day from the Division of Occupational Licensing:

- 1) Phone call to the Attorney General's Office. Conversation with Susan Burke. Date of call; 9-17-81
- 2) Phone call from Division of Occupational Licensing-Juneau. Conversation with; Mr. Richard Long Chief Investigator. Date of call 9-17-81

My phone conversation with (Miss/Mrs.) Susan Burke did not prove very fruitful in as much as she was not, by her statement, very well informed about the current status of the Board of Welding Examiners. She did state however, that she would do some checking and get back to me later. As yet, I have not been contacted by her or anyone from the Attorney General's Office.

The same day, 9-17-81 I received a phone call from Mr. Richard Long. Mr. Long indicated that he had been contacted by the Attorney General's Office regarding my earlier phone call to that office.

Mr. Long informed me that, to the best of his knowledge the Board of Welding Examiners Law was still in force even though House Bill 595 was held in committee and the Board was sunsetted June 30, 1981. He also mentioned a provision in the Law which grants a year of continuation for the sunsetted Board, to conclude its affairs and during that time period the powers of the Board remain in force.

I informed Mr. Long of my phone conversation with you on 9-16-81 wherein you advised me that the Board was sunsetted and for that reason was no longer in force nor could it be, without new Legislative acts which would be required to permit the Board to be reenacted. Mr Longs comment was, that he was not aware of any Legislative act which removed the statute permitting the years extention and continuation of enforcement for the additional years time period. However, he stated that he would do some further research and contact me again.

The following day, 9-18-81, Mr. Long called me again to advise me of new information which he found and which infact; supported what he had stated in his first phone call to me 9-17-81. I asked Mr. Long for a letter concerning that information and the present status of the Board of Welding Examiners. In return he asked me for a letter concerning other portions of his and my phone conversation in which I discussed the following items:

- 1) My activity under Alaska State Business License No. BL023144 SIC4299 DBA Owner WAM-Welding Application Methods, Providing a service as; Welding Consultant, Technical Welding Services, Welder Training and Qualification and Manufacturer's Representative.
- 2) Known infractions of the Board's Law (if in fact the law is still in force), by unlicensed Welding Inspector's of another Firm.
- 3) What may be considered to be a direct conflict of interest (again if the Board is still in force. See Section 08.01.025. Public Members), by two memebers of the Board of Welding Examiners who own or are actively engaged in Welder Testing Facilites.
- 4) My personal views (which are supported by my business clients & others--Owners and Managers of Fabrication Firms in Alaska) concerning the merit of the Board of Welding Examiners and its potential impact on Alaska Industry.

I have been in the process of drafting the letter to Mr. Long however, I decided to break away from that letter in order to get this one out to you and transmit the Legislative audit to you. In addition I am enclosing a copy of the letter I received 9-25-81 from Mr. Long, which I feel you may be interested in. \

I would like to propose a meeting with you at your earliest convenience to discuss possible Legislative means of preventing additional public funds from being spent to continue enforcement of any part of the Board of Welding Examiners rules and permitting only the limited use of public funds for completly shutting down the activity and the closing of their affairs! Inaddition to discuss other recommendations and alternative methods which the Legislature and the Govenor may consider, to assist rather than hamper private industry in continuing to upgrade the quality of welded fabrications within this state.

An example of what may be considered:

- 1) The state has accepted the American Society of Mechanical Engineers, like so many other states have, as the governing Code for Code stamped Pressure Vessels and Pressure Piping Systems and has established an Office of the State Boiler Inspector. In addition, staffed that office with individuals

who are fully knowledgeable with welding and Code welding requirements within that Code category and others. It seems logical then, if the Legislator and Governor feels that there is need to expand on the control and upgrading of welded fabrication which fall within other Codes and Standard categories, that the existing State Boiler Inspectors office would be the place to expand rather than setting up some other agency or Board. Wherein another agency or Board may end up in direct conflict with the existing and functional State Boiler Inspectors office.

I look forward to a reply from you on this matter.

Thank you for your attention and cooperation.

Respectfully yours,


Louie J. Rousseau
WAM-Welding Application Methods

Enclosures: Legislative Audit of the Board of Welding Examiners.

Letter from Mr. Richard Long-to Louie Rosso

Copy of List of State Licensed Welding Inspectors

WAM-Business Card

cc: Mr. R. Lee Higbee/Mr. Lowell McNutt

Owners-Anchorage Tank & Welding, Inc.

Mr. Dennis Pfeiffer/Manager Stack Steel Co. of Alaska

Mr. Erv Long/Owner Arctic Foundations, Inc.

Mr. Tom J. Martin/State Licensed Welding Inspector

Mr. Paul Lott/Manager-Alaska Welding Center-Fairbanks

Mr. Don Cather-State Boiler Inspector

LJR/File



WELDING APPLICATIONS METHODS, INC.

2700 Porcupine Road
Anchorage, AK 99501 (907) 272-3543

October 4, 1981

Mr. Richard H. Long,
Chief Investigator
Division of Occupational Licensing
Pouch "D"
Juneau, Alaska 99811

- Subject: (1) Sunsetting Board of Welding Examiners
Welding Statutes AS08.99 and Board
of Welding Examiners Regulations
12AAC72.
- (2) Termination, continuation, and reestablish-
ment of Regulatory Boards AS08.03.

- References: (1) Telephone conversation concerning current
status of the Board of Welding Examiners,
from Mr. Richard Long to Louie Rousseau.
Date: 9-17-81.
- (2) Follow-up telephone conversation concerning
new evidence on current status of the
Board of Welding Examiners, from Mr.
Richard Long to Louie Rousseau.
Date: 9-18-81.

Dear Mr. Long:

This letter will acknowledge receipt of your letter of 9-22-81 concerning the Subject items (1) and (2); and to respond to your request to me for setting down some of the other items which we briefly discussed during our phone conversations, references (1) and (2).

In review of my daily notes and daily log, our phone conversation briefly covered the following items which I shall list and follow-up with the item-by-item discussion:

Mr. Richard H. Long
Chief Investigator
Division of Occupational Licensing
October 4, 1981
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- Item 1) Personal business activities: Welding Consultant, Technical Welding Services, Welder Training and Qualification, Manufacturers Representative. Doing business as, Owner, WAM - Welding Application Methods, under Alaska State Business License No. BL 02314 SIC 4299.
- Item 2) Conflicting information received concerning status of the Sunsetting Board of Welding Examiners from the Office of Legislative Affairs - Anchorage, and the Division of Occupational Licensing - Juneau.
- Item 3) Comments on: the follow-up review of the Board of Welding Examiners, November 24, 1980 Legislative Audit Control Number 08-21-1004-R.
- Item 4) Information on possible infractions of the Board's Laws and Regulations, and other statutes, if in fact those regulations are still in force.

Discussion:

Item 1) Since my demobilization from Alyeska Pipeline Service Company on February 2, 1978, and after completion of my assignment as Welding Engineer, I have been actively engaged as a Welding Consultant to a number of welding fabrication firms and others within the state.

Following is a list of some of the firms who have engaged my services:

- *Technical Welding Laboratory, Fairbanks - 1978
- *Alaska Welding Center, Anchorage & Fairbanks - 1978/1979
- *H.C. Price Const. Co., Fairbanks - 1978
- *Stack Steel Co. of AK, Anchorage - 1978/1979/1980/1981
- *Anchorage Tank & Welding, Anchorage - 1980/1981
- *Arctic Foundations, Anchorage - 1981
- *Arctic Welding Supply, Anchorage - 1981

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Mr. Richard H. Long
Chief Investigator
Division of Occupational Licensing
October 4, 1981
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With the exceptions of my services to Technical Welding Laboratory and H.C. Price Co., my activities as I stated during our phone conversation, have been directed toward on-the-job (or in-house) welder training and welder qualifications and upgrading overall welding methods for my various clients.

The primary objective, of course, in that activity, is to upgrade their welding quality and the methods of application, which in turn will permit their firms to produce welded fabrications which meet the design criteria and code/standards requirements that are imposed on the fabrications by their customers.

In August of 1978, I was made aware that the Board of Welding Examiners introduced a stipulation into their rules which became a state law requiring that only a State Licensed Welding Inspector could qualify welders. Since I was not at that time and still not in agreement with what the Board of Welding Examiners was attempting to do, plus the fact that I do not sell my services as a welding inspector, I elected to not contribute to that activity by not applying for the welding inspector license. However, in order to not jeopardize my client's position or their welders, it was necessary that I inform them prior to entering into a work agreement that I could not legally, because of the law, sign off on the Welders Qualification Test Record following his training. For that reason if the prospective client wished my services, it would be necessary to call in a state licensed welding inspector to witness the welder qualification testing activity and sign off over my signature on the Test Report.

In every case, that was the arrangement agreed upon between my clients and I before we launched into any in-house activity to train and qualify their welders. It must be recognized that such an arrangement, in having to pay for the licensed inspectors time, resulted in additional costs to my client for something that was not directly contributing to the upgrading or improvement of

Mr. Richard H. Long
Chief Investigator
Division of Occupational Licensing
October 4, 1981
Page Four.

their welding requirements. Never the less, that was the working arrangement up until the time that we were informed by the Office of Legislative Affairs-Anchorage that: "The Board of Welding Examiners was sunsetted June 30, 1981, and for that reason, the law is no longer in force."

Item 2) Following receipt of that information from Legislative Affairs, I proceeded to conduct my welder training activity and welder qualification testing activities as I have done for several major corporations over my past 27 years of welder training and qualification testing. That of course resulted in my signature on the welder performance Qualification Test Report, as required by the National Codes and Standards, to which the tests were conducted. At that time, I was not aware of any stipulation in the law which would permit the rules of the Board to remain in force for any period of time. Nor was I advised by the Legislative Affairs of any such stipulation. In fact, as already noted, the information received from that office was totally the reverse of that.

On 8-5-81, I received a phone call from Mr. Larry Cherveney, Welding Engineer, Peter Kiewit & Sons Co., at Valdez, who I was qualifying welders for under a purchase order agreement. (Peter Kiewit Co. is working under contract to Alyeska Pipeline Service Co. at the Valdez terminal). Mr. Cherveney advised me that during an inspection of their welding documentation by Alyeska inspectors, they informed him my signature on their Welder Qualification Test Records was not valid since I was not a State Licensed Welding Inspector. For that reason, their welder would have to be requalified. I informed Mr. Cherveney of the past information received from Legislative Affairs, concerning the Sunsetted Board and the need for an inspector's license was no longer required. His comment was that he informed the Alyeska inspectors of that, however, their response was that they knew the Board was sunsetted, but the rules were still in force for another year. I informed Mr. Cherveney

Mr. Richard H. Long
Chief Investigator
Division of Occupational Licensing
October 4, 1981
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that I would do some more checking on the situation and get back to him as soon as possible. Following that, I again called Legislative Affairs Office - Anchorage and again, received the same information as previously noted. I immediately called Mr. Cherveney that same day and advised him of Legislative Affairs confirming their past information.

The following day, 8-6-81, I received another phone call from Mr. Cherveney. He informed me that Alyeska Inspection Services was insisting that the requirement for a State Licensed Welding Inspector to qualify welders was still in force. For that reason, he would be compelled to cancel our purchase order agreement.

Since the cancellation of that purchase order amounted to a considerable financial loss to my company, I decided to try and find out how a law could be sunsetted (to use Legislative Affairs term, "and dead"), yet still be in force. I started contacting personnel of different state agencies and state representatives to try and find out what exactly was going on.

My first contact and meeting was with the Commissioner of Economic Development and Commerce, Mr. Charles Webber. After discussing the Board of Welding Examiners rules and my resulting problems, Mr. Webber assured me that he would be contacting his Director of the Division of Occupational Licensing, Mr. Harry Treager, in order to try and find out the current status of the Board and its rules.

On 8-26-81, I received a phone call from Mr. Treager. During our brief discussion concerning the questionable usefulness of the Boards' rules and regulations, and why those laws would continue in force, Mr. Treager indicated that he shared some of my concerns, and following our phone conversation would be contacting the Attorney General in order to get a legal disposition on the matter.

Mr. Richard H. Long
Chief Investigator
Division of Occupational Licensing
October 4, 1981
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On 9-15-81, I called Mr. Treagor to find out if he had received any information from the Attorney Generals office concerning the disposition of the Sunsetting Board. Mr. Treagor indicated that he had not received any information from the Attorney General, as yet.

On 9-17-81, I called the Attorney Generals office and inquired who I may talk to in regard to the Sunsetting Board of Welding Examiners. My call was transferred to Susan Burke. (Miss/Mrs.) Burke indicated that she was not familiar with its statutes, however, would do some checking and contact me later.

The preceding information in item 1^{and 2} brings us up to the time (same date) of your first phone call to me and your follow-up phone call on 9-18-81, concerning the status of the Sunsetting Board.

Item 3) Comments on the Legislative Audit No. 08-21-1004-R

A review of the Legislative audit and a review of the attached rebuttal to the Audit Report, prepared by the Chairman of the Board of Welding Examiners, simply serves to reinforce my early contentions regarding the questionable usefulness of the Board and to be in total agreement with the audits findings and its recommended conclusions.

Item 4) Information on possible infractions of the Boards Laws and Other Statutes.

As I had indicated during our last phone conversation of 9-18-81, I received information from Peter Kiewit & Sons Co., at the Valdez terminal that the last welder which I had qualified for them was requalified by an Alyeska inspector. A short time later, it was learned that of the three Alyeska inspectors assigned to the Valdez terminal, (one of whom conducted the welder requalification tests), none were AWS certified welding inspectors (which is a prerequisite), nor, at that time, did they possess the Alaska State Welding Inspector License.

Mr. Richard H. Long
Chief Investigator
Division of Occupational Licensing
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I was also made aware that the two requalification pipe test coupons were sent to Alaska Industrial X-Ray in Anchorage for radiography, sectioning, and removal of the required guided bend test specimens for bend testing. After the test coupons were received by AIX, I received a phone call from that firm inquiring how I removed the guided bend specimens which are welded ^{with} stainless steel weld filler, from a carbon steel test pipe.

At this time I am not sure of who signed off on the Peter Kiewit Co. Welder Qualification Test Record. However, I believe it can be assumed that it was not the inspector who conducted the requalification tests. On that assumption, it would appear that Alyeska Inspection Services was engaging in an activity which seems to be as much an infraction of the Boards laws (even with their recognition that the law was still in effect) as what they earlier prevented me from doing.

In regard to what appears to be an infraction to another statute covered in the booklet of the Board of Welding Examiners under AS08.01.020, "Business and Professions" Sec. 08.01.025, "Public Members", which states, "No public member of a Board may:

- (1) Be engaged in the occupation which the Board regulates.
- (2) Be associated by legal contract with a member of the occupation which the Board regulates except as a consumer of the services provided by a practitioner of the occupation; or
- (3) Have a direct financial interest in the occupation which the Board regulates.

It is known that the Chairman of the Board and one other board member are either owners, or actively and financially engaged in facilities which perform welder qualification testing and is considered part of the occupation which the Board regulates. What is not understood is why there seems to be no action taken to enforce the above statute if in fact any other portion of the Laws and Statutes are being enforced by or in behalf of the Board.