

ALPHA BETA GAMMA DELTA Epsilon ZETA Eta Theta Iota Kappa Lambda Mu Nu Xi Omicron Pi Rho Sigma Tau Upsilon Phi Chi Psi Omega

1772 HB 595 HLC

PRIOR AUDIT RECOMMENDATIONS

Prior Audit Recommendation No. 1

We recommend that the Board of Welding Examiners be allowed to terminate, and that the State licensing of welding personnel be discontinued.

In determining whether there is a continued public need for the Board of Welding Examiners, several factors should be considered.

The primary goal of regulating occupations is to protect the public. Licensing is desirable when:

1. The unlicensed practice of an occupation poses a serious risk to the life, safety, health, or economic well-being of a relatively large number of consumers.
2. The consumers of a service are at a disadvantage in evaluating the qualifications of a provider.
3. There is evidence of abuse by providers of the service to which the consumer has inadequate recourse through the general law.

Because of its relationship to the integrity of a structure, inferior welding has the potential of resulting in physical, economic, or environmental harm. However, we believe the potential has a public impact only in cases of large-scale projects, such as public structures, commercial buildings, or ventures like the pipeline.

Persons responsible for the construction of such projects, who are actually the "consumers" of welding services, can be expected to have the experience and knowledge needed to evaluate the qualifications of welding personnel. This is especially true now that the American Welding Society (AWS) certified Welding Inspectors (WI) program provides a means of identifying qualified inspectors. Furthermore, the AWS program includes a code of ethics and procedures for handling consumer complaints.

It should be noted that if an interstate gas pipeline is built, construction activities would be under the jurisdiction of the Federal Power Commission. The State Board's authority to impose welding regulations over such a pipeline is doubtful.

Also noteworthy is: (a) AWS's lack of support for State licensure of welding personnel, and (b) that only one other state to date requires licensing of WI's.

We found no evidence that State licensing of WI's affords significant additional protection to consumers. Furthermore, of the few complaints filed with State agencies against the welding occupation, only one alleged inferior welding practices, the remainder concerned unlicensed practice of the occupation or problems encountered in obtaining a license.

If, as a result of the "sunset" process, the Legislature determines that regulation of welding is needed, less restrictive alternatives are, in our opinion, viable. Welder qualification certificates can be required by statute and, if desired, the AWS certification program for WI's could be adopted by reference.

While we recognize the time and effort contributed by Board members, we do not believe that a sufficient public need exists for continuing the present licensing and regulatory structure.

Legislative Audit's Current Position

Chapter 153 of the 1980 Session Laws of the State of Alaska extended the date of termination of the Board until June 30, 1981.

In our opinion, there is not a sufficient public need for continuing either the Board or State licensing of welding personnel.

However, in the event that the Board is reestablished, we recommend the following changes be made in its operation.

Prior Audit Recommendation No. 2

The Board should assume a more active role in the licensing process.

During our test of licensing files we noted the following:

1. Application forms do not request all the information necessary to determine if requirements for licensure have been met. There is no provision for documenting qualifications for initial licensure (as defined in 12 AAC 72.065(a)(1-8), except through the submission of AWS QC-1 certificate. Applicants for renewal are not asked to provide evidence of the required visual examination. Consequently, none of the licenses renewed in 1979 documented that this requirement had been met.

2. At the direction of the Board, the licensing examiner was issuing licenses to applicants prior to a review of qualifications by the Board. In August 1978, the Board began licensing "welding inspectors" and discontinued licensing "weld qualifiers". The change produced a certain degree of confusion on the part of the licensees, as well as the examiner, regarding the qualifications for licensure. As a result, licenses were issued to 4 (out of 48 tested) applicants who did not submit adequate proof of meeting the qualifications of a welding inspector.

AS 08.01.070(6) requires licensing boards to pass on the qualifications of applicants for licensure. As evidenced by the above described findings, current review procedures are not effective. As a result, the public is not being protected from unqualified practitioners, which is the primary objective of occupational licensing. We therefore recommend that no license be issued until the Board has thoroughly reviewed the qualifications of an applicant and has determined that all requirements for licensure or renewal have been met.

Legislative Audit's Current Position

The Board now reviews applications prior to the issuance of a license. However, the application form still does not request all the information necessary to determine if requirements for licensure have been met. In addition, the Board is not requiring a visual examination. The Board has proposed regulations that would eliminate the requirement for an eye examination.

We recommend the Board revise the application form to require the information necessary to determine if requirements for licensure have been met.

Prior Audit Recommendation No. 3

To ensure adequate representation of the regulated occupation and the general public: (a) the composition, terms, and sources of nomination for Board membership should be reviewed and amended; (b) the Office of the Governor should make appointments in compliance with statutory requirements and in a timely manner.

As provided in AS 08.99.010-050, the Board of Welding Examiners consists of seven members with extensive welding experience, three of whom must be engineers. Members are appointed by the Governor for staggered five-year terms from nominations submitted by the Alaska Chapter of the American Welding Society and the Alaska Society of Professional Engineers.

Board Composition and Nominations

Over 20% of the licensed welding inspectors as well as one in five Board members responding to Legislative Audit questionnaires felt that the statutory requirements do not ensure adequate representation of the occupation. Their comments included opinions that the present Board consists of too many persons involved with test labs and that more than one member from the same firm should not serve concurrent. It was suggested that the Board should represent the various areas of the occupation: engineers, test labs, construction, fabrication, and petrochemicals.

Furthermore, it was expressed that nominations should be accepted from the entire industry rather than two societies to which many qualified, interested persons are not known.

In addition to statute changes in Board membership suggested by licensees, in our opinion the Board should include at least one lay member who has no direct financial interest in the regulated occupation. Although lay members lack technical expertise, they can and should contribute to policy formulation and enforcement decisions. The importance of a representative of the primary interest group, the public, should definitely be addressed.

Terms of Board members

Responses to licensee questionnaires also pointed to a significant opinion that Board member terms should be: (1) shorter (54% of those responding) and (2) limited to no more than two consecutive terms (80% of those responding). The reason most frequently expressed was to create a more responsive, active Board.

Size of the Board

In addition, we believe that the Board is unnecessarily large when compared with other State boards and considering it currently licenses only 50 persons.¹ We recommend a reduction in size to five members to increase operating efficiency and coordination with the Division of Occupational Licensing (OL) and to reduce associated travel costs.

Appointments

Our examinations of records in the Office of the Governor and the Division of Occupational Licensing showed that since 1973 the Board has had between three and eight properly appointed members at a given time. In fact, it met the requirement for seven members for only nine months during

¹ As of November 1980, about 100 persons were licensed.

the period reviewed. Of the "current" board, we finally determined--after receiving much conflicting information--that three terms expired in December 1976. In addition, only two of the seven members of the most recent board are engineers, as defined in the statutes.

In conclusion, we recommend that the Board seek changes in the statutes which will result in improved representation and efficiency of operation. Furthermore, as recommended in our October 30, 1978 performance review of OL, we urge the Office of the Governor to make more timely appointments to the occupational boards to ensure compliance with statutory requirements.

Legislative Audit's Current Position

The Board has not submitted the necessary statutory changes to implement our recommendations except for a proposed statute change that would add a public member to the board.

The Board now has three engineers; however, the Governor still has not appointed a replacement for a vacancy that occurred in the Spring of 1980.

We again recommend that the Board seek changes in the statutes which will result in improved representation and efficiency of operation.

Prior Audit Recommendation No. 4

The Board should propose revisions to the statutes in order to clarify: (a) the intended powers and duties of the Board; (b) how welding regulations are to be enforced.

- A. Authority for the Board of Welding Examiners is found in AS 08.99, which was last amended in 1970. Since that time, changes in Board membership, activities, and regulations have occurred. As a result, several subsections of AS 08.99.080(a) no longer pertain to operations of the Board.
1. § 6 requires the Board to approve fees for welder certification tests. The Board no longer engages in this activity. However, this section was cited as the authority for charging fees for licensing welding inspectors.
 2. § 10 states that the Board shall approve test facilities. The revised regulations omit this activity and instead address licensing of welding inspectors.

3. § 9 requires the Board to designate reporting procedures necessary to certify compliance with quality standards. No reporting methods are addressed in the regulations.
- B. Statutes provide for the enforcement of welding regulations by both the Department of Labor (AS 08.99.080(b) and the Department of Commerce and Economic Development (AS 08.01.087). The dual assignment of enforcement responsibility has resulted in confusion. The assignment of investigative duties needs clarification so that regulations are adequately enforced, and consumer complaints are properly handled.

Legislative Audit's Current Position

The Board has requested the Division of Occupational Licensing to submit legislation to clarify the power and duties of the Board. In addition, the Board requested the Division to submit legislation to consolidate enforcement activity in the Department of Commerce and Economic Development. However, this legislation has been withdrawn because of opposition by the Department.

Prior Audit Recommendation No. 5

The Board should continue its efforts in revising administrative regulations.

One of the primary activities of the Board over the past several years was the substantial revision of 12 AAC 72, the administrative regulations governing the occupation of welding in Alaska. The changes became effective August 21, 1978.

In the course of our review, we noted several areas of 12 AAC 72 which merit further consideration and possibly amendment.

1. Requirements for welder qualification (12 AAC 72.015) and welding inspector licensure (12 AAC 72.055) apply to all compensated welding operations in the State "in which weldment failure would involve hazard to life or property". The applicability of the regulations needs clarification to simplify interpretation and to make their enforcement manageable.
2. 12 AAC 72.045 requires "continuous employment" a process (without interruption of more than 90

consecutive days) as a condition of maintaining a current welder qualification certificate. We believe this is unduly restrictive because:

- a. The regulations also require that a certificate be current under the code or job specifications under which it was issued.
 - b. A welder qualified in several processes may be assigned by his employer to only one process for several months. Before he could be assigned to another process, additional time and expense would be required for re-testing.
 - c. The limited construction season in Alaska causes many welders to be without work for more than 90-day periods.
3. 12 AAC 72.105 requires an annual renewal of welding inspector licenses. This conflicts with AS 08.01.100 which requires biennial renewal of occupational licenses. It also creates additional administrative effort for both the Division of Occupational Licensing and the licensee, with no demonstrable benefit to the public.
 4. 12 AAC 72.085 provides for quarterly examinations for welding inspector license. The provision, which exceeds the regular semi-annual administration of the exam by the American Welding Society (AWS), was included to give sufficient opportunity to become licensed under the revised regulations. While we concur with the Board's reasoning, we feel they should review this policy in light of increased costs and the relatively small number (an average of 9) who take the exam each quarter.

In reviewing questionnaire responses from licensed WI's, we noted concern regarding the interpretation, acceptance, and enforceability of the regulations. Doubts concerning the enforceability were likewise expressed by Board members who responded to a separate questionnaire: three believed they could not be enforced, especially among small operators; two said they could be enforced if State funding for investigation was adequate.

We believe that the cited opinions of members of the occupation support our contention that additional revisions to the regulations are needed to make them clear, reasonable, and within the scope of the Board's purpose.

Legislative Audit's Current Position

The Board has proposed regulations to delete the continuous employment requirement and to have renewals based upon the expiration of an individual's AWS QC-1 certificate (3 years). The Board has decided to continue with the present four examinations per year. Furthermore, the Board has not clarified hazards to life or property and has proposed a regulation that would broaden the scope of their authority to include all compensated welding operations which involve "economic loss".

In our opinion, the addition of the proposed regulation on economic loss would substantially restrict the practice of welding without a corresponding benefit to the public. In addition, the Board still needs to clarify the meaning of "hazard to life or property" in order to simplify interpretation and to make their enforcement manageable.

Prior Audit Recommendation No. 6

With the assistance of the Division of Occupational Licensing, the Board should develop procedures for defining its objectives and reporting its performance to the Governor and the Legislature.

As part of the "sunset" process of determining whether there is a continued public need for its existence, each Board must identify formal objectives. Where practical, these objectives should be quantifiable so that the Board's performance can be measured.

The budget process is the vehicle by which State agencies usually identify goals and objectives. While OL prepares such documents on a division-wide basis, objectives and measurements have not been developed for individual boards (see our October 30, 1978 performance review of (OL).

Furthermore, although required by AS 08.99.080(a)(8), the Board has not been submitting annual reports to the Governor and the Legislature. We recommend such reports be prepared and contain, at a minimum, the following information:

1. Board's purpose and objectives.
2. Operating receipts and expenditures.
3. Participation by Board members.
4. Changes in statutes and regulations.
5. Significant activities and concerns.

The process of identifying objectives and reporting performance not only allows outside parties to evaluate the need for the Board, it also provides an important tool for the Board to evaluate itself and adjust its priorities for the most effective use of its resources.

Legislative Audit's Current Position

The Board has prepared an annual report for Fiscal Year 1980 and has developed goals and objectives for Fiscal Year 1981.

ARCO Oil and Gas Company
Prudhoe Facilities Project Group
3201 "C" Street, Suite 560
Anchorage, Alaska 99503
Telephone 907 276 3868



March 6, 1982

AS-13778

The Honorable Terry Martin (R)
House of Representatives
Alaska State Capitol
Pouch V
Juneau, Alaska 99811

Dear Mr. Martin:

Subject: Alaska Senate Bill 757, Act Concerning
the Continuance of Board of Welding Examiners.

With the impending vote on the Alaska Senate Bill 757, which calls for the continuance of the Board of Welding Examiners, I wish to voice my views on this bill. I currently hold an Alaska State Welding Inspector's license and have actively been involved in the welding field for thirteen years, with seven of the thirteen years spent on the North Slope working for the petroleum industry.

I am in favor of the continuance of the Alaska Board of Welding Examiners as set forth by the State of Alaska, Regulation 12AAC72. The main argument for continuing the Board is:

The present regulation, 12AAC72, as it is currently structured, allows private industry, through the selection of appointed members by the Governor, to enforce and carry out guidelines set down in the State Welding Regulations. This approach is:

1. Cost effective to the State due to the fact that policing to assure compliance, is borne by current revenues from licensing fees. On the other hand, if the Welding Board were abolished, it is likely that the Department of Labor would be empowered to enforce state welding regulations. Thus, additional "Qualified" Department of Labor welding inspection personnel would have to be employed to assure statutory compliance. This would require additional state revenues to operate at a time when state budgetary cuts are necessary.
2. Historically, the more qualified welding personnel have been employed in the private sector due to economics. Therefore, it is questionable whether a state board or bureau under the Department of Labor could operate more effectively than the currently appointed board.

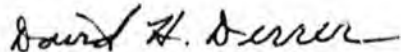
Alaska Senate Bill 757, Act Concerning
the Continuance of Board of Welding Examiners
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3. Private Industry, especially the petroleum industry, must meet several code requirements and parameters (A.P.I., A.N.S.I., ASME) as it relates to welder qualifications and welding inspector qualifications during construction as well as maintenance operations. Here, again, these codes are the result of the public sector and industry in the adoption and their enforcement.
4. Lastly, the public who are intimately involved in the welding field take a professional approach in assuring that proper welding practices, code requirements, company specifications, and State and Federal regulations are adhered to.

The State of Alaska Board of Welding Examiners has done a thorough job in creating and adopting the current regulations, and to abolish this existing board and set up a State regulated and operated bureau or board, would serve no useful purpose.

Thank you for your time and consideration on this matter.

Sincerely,



David H. Derrer
Quality Assurance Engineer

DHD:yms

cc: Dave Harbour - Government Relations, Juneau
Bev Ward - Government Relations, Juneau

ARCO Oil and Gas Company
Prudhoe Facilities Project Group
3201 "C" Street, Suite 560
Anchorage, Alaska 99503
Telephone 907 276 3868



March 7, 1982

AS-13797

Representative Terry Martin
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

SUBJECT: Alaska Senate Bill 757, an Act Concerning the Continuance
of the Board of Welding Examiners

Dear Representative Martin:

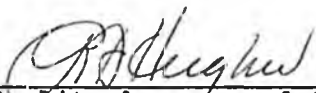
The purpose of this letter is to express ARCO Oil and Gas, Prudhoe Facilities Project Group's position regarding Senate Bill 757.

We support the passage of this bill for the following reasons:

1. The Welding Board is comprised of members of private industry. Private industry therefore plays an active role in formulating and enforcing welding regulations through this Board.
2. Killing of Alaska State Senate Bill 757 would likely move jurisdiction of enforcement of welding qualification regulations to the Department of Labor. This, in turn, would create the need for added personnel in the department to carry out the duties of the current Welding Board and private industry. This would impose additional financial drains from State revenues and duplicate more than adequate industry efforts.
3. The movement of control to the Department of Labor would require the hiring of highly competent, highly qualified individuals within the Department of Labor to enforce the welding regulations. The hiring of these individuals would further deplete the supply of these highly qualified persons from the private sector.

In summary, ARCO supports the passage of Alaska State Bill 757. The Bill's passage would maintain the current Board of Welding Examiners. It would preclude the need for assumption of welding regulations by the Department of Labor and reduce costs that would be incurred by the State. Further, it would serve to reduce competition with the current competent private petroleum industry and construction contractors.

Thank you for your time and consideration in considering our opinion to this very important matter.


Quality Assurance & Safety Director


Construction Support Director


Administration & Planning Director


Resident Construction Manager

ARCO Oil and Gas Company
Prudhoe Facilities Project Group
3201 "C" Street, Suite 560
Anchorage, Alaska 99503
Telephone 907 276 3868



March 7, 1982

AS-13779

Representative Terry Martin
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

SUBJECT: Alaska State Bill 757 - Concerning the Continuance
of the Board of Welding Examiners

Dear Representative Martin:

In reference to the above mentioned legislation, I am writing to voice my views and concerns. With over 14 years experience in the industrial construction and oil & gas industry of which the last 7 have been with the Prudhoe Facilities Project, I feel a need to address this issue. I presently hold an Alaska Welding Inspectors License and basically agree with the concept of this program and the laws that govern it. However, being directly involved with welding and piping inspection as my primary responsibility, I do not entirely agree with the acceptance criteria for persons applying for licensing approval, along with appointees of the Board itself. The basic concept of the Welding Board, made up of members of the industry, is a good one; the majority members of most design code committees are representatives of the industry they are policing.

The integrity of the facilities that industry is constructing is dependent upon it's own ability to police itself. In light of the fact that the State is facing a probable increase in major construction projects where critical welding could be a volatile area of concern, to abolish the Board now would be a mistake.

The obvious alternative for monitoring this activity would be for the State to establish a welding board or bureau under the Department of Labor. The citizenry of the State of Alaska are far more attuned toward a decrease in government bureaucracy than to create another taxing organization.

The simple economics of the issue show that there is no way that government can compete with private industry to attract the most qualified personnel. For the State to get into the business of policing the welding industry other than in specific areas, I think would be a practical and economic failure.

With some changes to policy and conditions of appointment, the Welding Board as it is now could be our least costly and most effective vehicle to guard against any major distractions like those that plagued the Alyeska Pipeline project.

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Thank you for your time and consideration of these views.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Rosen". The signature is written in a cursive style with a large initial "J" and "R".

John P. Rosen
Quality Assurance
Acting for ARCO Alaska, Inc.

cc: D. F. Harbour - Government Relations
B. Ward - Government Relations

April 4, 1982

Terry Martin, Chairman
House Labor and Commerce Committee
State Capitol, Pouch V,
Juneau, Alaska 99811

Subject: House Bill 595...Continuation of State Welding
Board

Mr. Martin:

It has recently been brought to my attention the means being used to kill the Welding Board, is to hold it in your committee and not let it go to the floor of the house. This is simply a political ploy for you to get off the hook and not have to commit yourself on something that may be a little controversial, and cause you some political discomfort, well I intend to make it known to as many of the voters of this state, and the voters of your particular district what is going on and what is at stake here.

It is my opinion that with the current Welding Board the legislature has laid the ground work for a safer more physically sound and ecologically safe future for this state. I was under the impression that we had learned by the mistakes and errors of the older states and that it was our intentions to keep clear of the same pitfalls. The newspapers report incidents daily of storage tanks and waste tanks that have been buried and sprung leaks contaminating surrounding areas for miles affecting drinking water ruining the soil for a long time. This is something we can control it may be impossible to completely stop, but it can be affectively reduced. The Welding Board is just one tool at our disposal. There are other ways and means to work at this but why stop something that is already in place and working, let's make it more affective let's put some teeth in it.

In the next few years the state is going to realize a large building boom. The outside interests with their money wells dried up are already converging on this state. They see this as a opportunity to make some fast money. It isn't to their particular interest to really give a damn how well built their structures are, because they hope by the time anything happens they will be long gone. It remains up to us, and the state legislature in particular, to see to it the standards of our building industry ^{are} kept high.

Mr. Terry Martin

April 4, 1982

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If you are able to kill this the way you seem to plan to do, what do we have left?

1. We will have a building industry without any set standards for welding quality. The standards will be left up to the goodness of the individual builders.
2. The only control will be if the individual designer requests or requires certain standards.
3. You will open the door for unrestricted building without any standardized testing and certification.
4. Here we are in a state that is highly active with earthquakes and we have members of our legislatures that don't care enough to pass a bill out of committee. You don't even have the courage of your convictions to come out against it, because you couldn't probably honestly justify them.

Since I started writing this I have found you are now sitting on S.B. 757, which has made it through to the House. If this bill is totally stopped because of not getting out of your committee I promise I will do everything I can to get you out of office. This is a promise since you are affecting my future and I feel the future of safe construction for this state. I could have a lot more respect for your opinion if I felt you had one, but this way of handling it is no opinion. You have held this up for one year, it seems that some legislatures want it as the Senate Bill got through.

Sincerely

Philip R. Hughes
Philip R. Hughes

7800 DeBarr Rd. Space 128
Anchorage, Alaska 99504

4211 Cope #3
Anchorage, AK 99503

HB 595

February 1, 1982

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

Dear Representative Martin and Committee members:

Regarding the upcoming Sunset Legislation on the abolition of the Board of Welding Examiners, I would like to make a few comments. I am a State licensed welding inspector, and am very much affected by the actions of the board. I urge you to vote in favor of continuing the Welding Board for several reasons, including:

1. It protects the public. Welded construction is utilized in virtually every public building, bridge, and other structure. Without a reasonable amount of control on welding operations, serious flaws could occur that would needlessly endanger lives.
2. It protects the Alaskan inspector. Although some of my colleagues groan about having to file for licenses, etc., I feel the Board is to all our advantage. It assures that qualified Alaskans get a fair shot at jobs in industry, and maintains a minimum standard of competence among its licensees.
3. It provides tighter control over who is allowed to perform a welding operation in Alaska. Many people who presume themselves to be good welders are in fact not, and many can and do perform work that endangers lives. By requiring any person who performs a welding operation to pass an applicable welding performance test, as administered by a State approved inspector, better control is maintained over the quality of welded construction within our state.

Now, granted, the Board of Welding Examiners is not perfect, nor can it hope to please all of the people involved with welding in the state. And, although I sense there may be some friction between several prominent members of the Alaskan welding community, I feel these problems should be resolved from within. So, with your vote to extend the existence of the Welding Board, you shall also be voting for the overall safety of the general public.

Sincerely yours,


John D. Phillips
Certified Welding Inspector

Ken Lomaj -
Letters coming from industry

* Feasibility of welders - ?
* Union evaluation of membership. -

Louis Pousseau - opposed -
In opposition to req. of being an inspector

Erwin Longo - Manufacturer of Pressure Vessels.
Dedicated Engineering -
Cannot depend on state Certified Welders.
V A welding students better qualified.

3201 Montclair Ct.
Anchorage, AK 99503
February 23, 1982

The Honorable Terry Martin, Chairman
Labor and Commerce Committee
State House of Representatives
State Capitol
Pouch B
Juneau, Alaska 99811

Sir:

Regarding HB No. 595, continuing the Board of Welding Examiners: Let the sun set on it.

As a past chairman of the Board (1975-1976, during the pipeline boom), I never understood how it served to protect the life, safety and welfare of the public. I still don't believe that it does. In fact, it doesn't even ensure that a small number of welding technicians will be provided the lucrative livelihood which seems to be promised by the regulations promulgated by its members.

Civil engineers and architects, owners of structures, and contractors generally are cognizant of the need for inspection during construction. The American Welding Society has developed an excellent procedure for qualifying welding examiners, and there are several excellent firms offering such services in Alaska. I'm not convinced that we would even need a statute requiring this AWS qualification because I doubt if any engineer or architect would risk his reputation by hiring an examiner of lesser competence. (Incidentally, virtually all welding design and welding is accomplished through the use of AWS specifications.) With far less inspection than is exercised nowadays, the buildings in Anchorage survived the '64 earthquake to a remarkable degree.

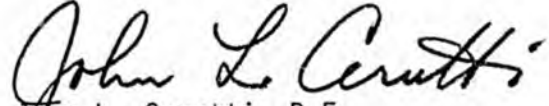
Strangely enough, there is no Board regulating concrete construction, a structural system of greater complexity than steel, and definitely more prone to deficiencies in material, mixing, construction and, yes, even design. This observation also applies to lumber construction, and especially to locally manufactured wooden trusses now widely used in buildings.

My concern about the very existence of this Board is not a sudden whim; I enclose (without its enclosures) a copy of a letter I sent to the Board during 1977, receipt of which was not even acknowledged.

The Honorable Terry Martin, Chairman
February 23, 1982
Page Two

In closing, as a professional engineer with 27+ years experience in Alaska, including the design of welded, steel structures, I see no useful purpose in the Board of Welding Examiners. I recommend that it be discontinued.

Very truly yours,



John L. Cerutti, P.E.
Alaska License No. 820-E

cc: Members of the Committee
Speaker of the House, Joe L. Hayes, P.E.
Senator Arliss Sturgulewski

c/o General Delivery
Valdez, Alaska 99686

January 28, 1977

Board of Welding Examiners
Dept. of Commerce & Economic Development
State of Alaska
Pouch D
Juneau, Alaska 99811

Gentlemen:

I have reviewed your proposed amendments for Professional and Vocational Regulations, Chapter #72, Board of Welding Examiners. Some of the changes are excellent and others are of dubious worth.

12 AAC 72.01 . . . certificate required. This is fine in theory. In actuality, it will prove to be a monstrous nightmare and will cost the State far more than it's worth. To administer the paper work required will take a fair-sized staff -- probably three staffs because if this were centered in Juneau, it couldn't keep up with the welders. Note that the public is fed up with the ever increasing costs of government and that Gov. Hammond seems to be trying to keep the State payroll from expanding.

In the past I have held that the safety of the public can be assured just as well by requiring that all welding be done under the supervision of a qualified welder or a welder qualifier (as you now designate as a licensed welding inspector?). I reiterate that this procedure will be just as effective and I believe that it can be administered by the Board and the Division of Occupational Licensing without the addition of any personnel.

12 AAC 72.045 ... maintaining current ... "(2) the welder has been continuously employed on the welding process for which he is qualified". Doesn't this contradict all codes which permit a period of unemployment, especially API 1104 which, as I recall, extended the period from 90 days to a year?

12 AAC 72.055 Welding inspector license required. "A person may not ... inspect a welding operation ... unless he or she holds a current, valid welding inspector license."

I am enclosing a Xerox copy of the Alaska Statute covering licensing of architects, engineers and land surveyors, and I call your attention to Sec. 08.48.341(8) wherein registered professional engineers are empowered to practice a broad range of work, including "... and professional observation structures," and "... design ...,"

Your amendment is illegal as it applies to professional engineers because your Board doesn't have the authority to promulgate changes in any statute, especially in ones which are of no concern to you.

Furthermore, even if this requirement were enforceable on an engineer, it would be a peculiar creature of law; an engineer, in designing a structure, decides how its parts will be fastened together; if welding is the method selected, he then chooses the welding process and whatever changes he may wish to incorporate; he approves, or may even specify the welding procedure; and finally he approves the completed work -- he may, if he is satisfied that he has sufficient knowledge, elect to conduct all inspection of the welding himself, or he may retain a qualified person to perform such work. Note that when an engineer accepts work, it is his reputation and financial futures which are at stake. In another sense, the engineer would be put in the position of being forced to rely upon another party, which party would have virtually no liability in the event of a structural failure.

12 AAC 72.065 Requirement for welding inspector license. "(1) be a high school graduate ... etc." So long as a person is capable of reading and understanding whatever is necessary to ply his trade, what is the purpose of this extremely demeaning requirement?

The Board should not administer tests that it composes.

12 AAC 72.115 Duties and responsibilities of a welding inspector. "(18) be obligated to act with complete integrity in professional matters ..."As I recall, I saw an advertisement in the Anchorage Times, several months ago, wherein a Welding Institute stated that in addition to weld testing, it offered "engineering services". I call the Board's attention to Sec. 08.48.281; prohibit practice, of the same engineering statute cited earlier. I suggest that the Board look into this because it is an absolute violation of the law if that firm is not properly incorporated as an engineering corporation. A Xerox copy of this article is enclosed. See also Sec. 08.48.321, also copied and enclosed.

Very truly yours,

John L. Cerutti, P.E.
Alaska 820E

Enclosures

cc: Board of Architects, Engineers and
Land Surveyors
Alaska Society of Professional Engineers
Rep. Joe L. Hayes, P.E.

Chapter 99. Board of Welding Examiners.

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

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

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

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

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

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

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

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

Sec. 08.99.080. **Powers and duties of the board.** (a) The board shall (1) establish and promulgate rules and regulations concerning certification of welders in the state;

(2) establish and define certification tests as they apply to various types and categories of work done in or for the state;

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

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

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

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

§ 08.99.090

BUSINESS AND PROFESSIONS

§ 08.99.120

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

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

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

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

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

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

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

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

(1) B 31.1.C — 1967 power piping;

(2) B 31.2 — 1968 fuel gas piping;

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

(4) B 31.3 — 1966 petroleum refining piping;

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

Revisor's note (1970). — For copies of B 31, 10 East 40th Street, New York, New York 10016. Use codes referred to in AS 08.99.110, write to the U.S.A. Standards Institute, Dept. PB

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

Board or
Commission

Appointee

Term

BOARD OF WELDING EXAMINERS

AS 08 99 - 7 members; 5 year term; serves at the pleasure of the
Governor.

Peter Millar

December 16, 1984

4047 Kingston Drive
Anchorage, Alaska 99504
333-4016 (work)

Donald Lockman (chairman)

~~8235 Endicott Street~~
~~Anchorage, Alaska 99502~~
344-6771 (home)
276-3440 (work)

2114 Railroad Ave
Anchorage, Al.
99501
December 16, 1981

Don Delk

December 16, 1985

SRA Box 372-C
Anchorage, Alaska 99507
344-6760 (home)
752-5108 (work)

Philip Davis

December 16, 1983

986 North Coppet Street
Fairbanks, Alaska 99701
452-3310 (home)
452-7954 (work)

J.C. Wingfield

December 16, 1983

495 Sprucewood Road
Fairbanks, Alaska 99701
479-6508 (home)
479-6222 or 479-4154 (work)

Goerge A. Fox

December 16, 1983

Union Chemical Division
Box 575
Kenai, Alaska 99611
766-8121 (work)

Kenneth C. Lomax

Arco Oil & Gas Company
General Engineering
P.O. Box 6015
Anchorage, Alaska 99502
659-2821 (work)

6230 Dunbar Lane
Anch 99504

December 16, 1985

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1931-1982

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#0199

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#0202

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Pacific Beach, Ca 92109

#0132

Samuel I. Rogers
#45-7800 Debarr
Anchorage, Ak. 99504

#0071

Don D. Statter
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Juneau, Ak. 99801

#0201

Nolan D. Stucki
Rt 6 Box 270
Idaho Falls, Idaho 83401

#0203

John D. Ward
Box 977
Wasilla, Ak. 99687

#0155

Robert M. Weber
4334 Spenard Road #6
Anchorage, Ak. 99503

STATE OF ALASKA
Department of Commerce and Economic Development
Division of Occupational Licensing
Pouch D
Juneau, Alaska 99811-0800

**BOARD OF WELDING EXAMINERS APPLICATION FOR STATE WELDING
INSPECTORS LICENSE**

THIS APPLICATION MUST BE COMPLETED IN FULL/TYPE IN INK ALL INFORMATION.

12 AAC 72.055. WELDING INSPECTOR LICENSE REQUIRED. A person may not test a welder for the purpose of issuing a welder qualification certificate or inspect a welding operation in the state in which weldment failure would involve hazard to life or property unless he or she holds a current valid welding inspector license.

Name _____
Last First M.I.

Residence Address _____
City State Zip

Mailing Address _____
City State Zip

Date of Birth _____ Social Security No. _____

Phone Number: () _____

In support of my application, I am submitting the following credentials to the Board of Welding Examiners:

ORIGINAL APPLICATION \$50.00

- 1. Copy of AWS QCI Certificate attached: Yes No
- 2. Proof of ALL Position Welding Qualification attached: Yes No

BIENNIAL RENEWAL APPLICATION \$50.00

- 1. Copy of AWS QCI Certificate attached: Yes No
- OR
- 2. Proof of ALL Position Welding Qualification attached: Yes No
- AND
- 3. Evidence of employment as a Welding Inspector attached: Yes No
- Certificate (License) Number _____

I hereby certify that the above information is true and complete to the best of my knowledge.

Applicant's Signature

SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC, IN AND FOR THE STATE OF
_____ THIS _____ DAY OF _____, 19 _____

Notary Public
My commission expires: _____

(A witness may sign in lieu of a Notary Public or U.S. Postmaster in areas where neither are available. A witness will include his or her address and indicate that neither a Notary Public nor U.S. Postmaster are available.)

Witness: _____
Address: _____

CHAPTER 72.
BOARD OF WELDING EXAMINERS

Article

- 1. Codes
(12 AAC 72.005-12 AAC 72.010)
- 2. Welders
(12 AAC 72.015-12 AAC 72.045)
- 3. Welding Inspectors
(12 AAC 72.050-12 AAC 72.125)
- 4. General Provisions
(12 AAC 72.899-12 AAC 72.900)

ARTICLE 1.
CODES

Section

- 5. Rating for welders
- 10. (Repealed)

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

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

12 AAC 72.010. CERTIFICATE REQUIRED. Repealed 8/21/78.

ARTICLE 2.
WELDERS

Section

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

12 AAC 72.015. WELDER QUALIFICATION CERTIFICATE REQUIRED. A person may not perform a welding operation in the state for compensation, in which the failure of the weldment would involve hazard to life or property or cause economic loss, unless he or she holds a current, valid welder qualification certificate

in the appropriate rating. (Eff. 8/21/78, Reg. 67; am 12/10/81, Reg. 80)

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

12 AAC 72.020. DURATION AND RENEWAL. Repealed 8/21/78.

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

(b) An applicant for a welder qualification certificate or a company desiring to have a welder qualified shall

(1) submit to the welding inspector the welding procedure specifications or the welding performance specifications, or both when indicated, for the appropriate rating; and

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

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

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

12 AAC 72.030. TEST SELECTION. Repealed 8/21/78.

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

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

12 AAC 72.040. QUALIFICATION. Repealed 8/21/78.

12 AAC 72.045. REQUIREMENTS FOR MAINTAINING A CURRENT WELDER QUALIFICATION CERTIFICATE. (a) A welder qualification certificate is valid if it is kept current in compliance with the code under

AWS - QC1-8L

which it is issued unless stated otherwise in the job specification.

(b) The expiration or revocation of one rating does not affect any remaining rating. (Eff. 8/21/78, Reg. 67; am 12/10/81, Reg. 80)

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

**ARTICLE 3.
WELDING INSPECTORS**

Section

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

12 AAC 72.050. TEST FACILITIES. Repealed 8/21/78.

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

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

12 AAC 72.060. WELD QUALIFIER. Repealed 8/21/78.

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

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

(2) have not less than five years' experience at the technical level in an occupational function that directly involved

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

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

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

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

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

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

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

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

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

(8) pass a demonstration of competency in

the use of tools, gauges, and instruments pertaining to weld inspection; and

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

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

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

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

12 AAC 72.070. TEST FEES. Repealed 8/21/78.

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

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

12 AAC 72.080. CODES. Repealed 8/21/78.

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

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

12 AAC 71.090. DEFINITIONS. Repealed 8/21/78.

12 AAC 72.095. WELDING INSPECTOR LICENSE ISSUED. The department will issue a welding inspector license to an applicant who

meets the requirements of 12 AAC 72.065. (Eff. 8/21/78, Reg. 67)

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

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

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

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

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

(2) evidence of compliance with the requirement of 12 AAC 72.065(a)(5); and

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

(A) a signed statement of an employer;

(B) payroll records indicating the position held; or

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

(d) A license issued to a welding inspector on the basis of American Welding Society QCI certification under 12 AAC 72.065(b), or renewed on that basis under (c)(1) of this section, lapses 60 days after the date of expiration of the inspector's American Welding Society certification unless, before the 60th day, the inspector provides proof to the department of renewal of that certification.

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

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

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

(1) keep the department advised of his current address for the mailing of renewal notices;

(2) verify that the work inspected conforms to the requirements of the applicable codes, standards and job specifications;

(3) verify that the base materials and consumable welding materials conform to the specification requirements and that the specified welding filler metals are used on each base metal or combination of base metals;

(4) verify that the welding equipment to be used for the work is that which is specified in the welding procedure and has the capability to produce the specified welds;

(5) verify that the welding procedures are as specified, and are qualified and available to the welders for reference;

(6) verify that the welders have been properly qualified in accordance with the applicable codes and standards and that their qualification authorizes them to use the welding procedures specified for the work;

(7) observe the qualification tests when qualifying welders;

(8) verify that only specified and properly qualified welding procedures are used for the work;

(9) verify that the joint preparation and fit-up meets the requirements of the welding procedure and drawings;

(10) verify that the specified filler metals are used and that the filler metals are maintained in proper condition for use as specified;

(11) observe the technique and performance of each welder;

(12) examine the work for conformance to the requirements of the applicable codes, standards, specifications and drawings;

(13) identify the work inspected with specified marking methods or appropriate records;

(14) perform the necessary visual inspections;

(15) verify that the required visual and other nondestructive examinations have been performed by qualified personnel in the specified manner and review the resulting information to assure that the results are complete;

(16) perform nondestructive examinations that are specified, if he or she is qualified in accordance with the specified requirements;

(17) prepare clear and concise reports and keep necessary records of the welding procedure, the welding procedure qualifications, the welder qualifications, the control of welding materials and the results of inspections and tests;

(18) act with complete integrity in professional matters and be forthright and candid to the board or its representative on matters pertaining to this standard;

(19) to preserve the health and well-being of the public by performing the duties required of weld inspection in a conscientious and impartial manner to the full extent of his or her responsibilities and qualifications;

(20) undertake and perform assignments only when qualified by training, experience, and capability;

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

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

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

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

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

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

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

(1) signing a blank welder-qualification certificate;

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 4. GENERAL PROVISIONS

Section

899. Weld qualifier license
900. Definitions

12 AAC 72.899. WELD QUALIFIER LICENSE. A weld qualifier license issued under the authority of this chapter as it existed between August 2, 1973 and the effective date of this section is valid until six months after the effective date of this section and may not be renewed. (Eff. 8/21/78, Reg. 67)

Authority: AS 08.99.080(a)(7)

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

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

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

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

(4) "continuous employment" means

employment without interruption of more than 90 consecutive days unless otherwise specified in the code under which the certificate is being renewed;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

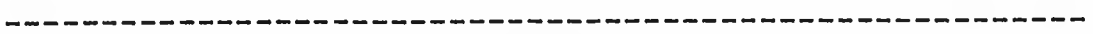
(b) Terms not defined in this section shall be construed in accordance with American Welding Society A3.0-76, "Terms and Definitions." (Eff. 8/21/78, Reg. 67)

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

TESTIMONY OF HARRY TREAGER
BEFORE THE SENATE LABOR AND COMMERCE COMMITTEES
ON FEBRUARY 26, 1982

THANK YOU FOR THE OPPORTUNITY TO COMMENT ON SB 757, "AN ACT CONTINUING THE EXISTENCE OF THE BOARD OF WELDING EXAMINERS; AND PROVIDING FOR AN EFFECTIVE DATE." THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT HAS REVIEWED THE PRESENT SYSTEM OF LICENSING WELDING INSPECTORS AND WOULD LIKE TO MAKE THE FOLLOWING RECOMMENDATIONS AND OBSERVATIONS FOR THE CONSIDERATION OF THE COMMITTEE.

THE DEPARTMENT FINDS THAT THE PRESENT SYSTEM OF LICENSING WELDING INSPECTORS IS A REASONABLE AND ECONOMICAL WAY OF PROTECTING THE PUBLIC BY REDUCING THE LIKELIHOOD OF THE SERIOUS HARM THAT NORMALLY RESULTS FROM WELDMENT FAILURES. WHILE THE DEPARTMENT ENDORSES THE PRESENT APPROACH TO PROVIDING PUBLIC PROTECTION, IT FEELS THAT THE SYSTEM CAN BE STREAMLINED. THE FOLLOWING SPECIFIC RECOMMENDATIONS ADDRESS HOW THE THE LICENSING PROCESS SHOULD BE CONTINUED.



RECOMMENDATION No. 1: CONTINUE THE LICENSING OF WELDING INSPECTORS WITH THE SAME DUTIES AND RESPONSIBILITIES THAT EXIST UNDER THE PRESENT STATUTES AND REGULATIONS.

WELDING INSPECTORS HAVE TWO MAIN AREAS OF RESPONSIBILITY:
THE CERTIFICATION OF WELDERS AND THE INSPECTION OF WELDS.

IN CERTIFYING A WELDER THE WELDING INSPECTORS DETERMINE WHETHER A SPECIFIC WELDER HAS THE TECHNICAL SKILLS TO PERFORM A SPECIFIC WELDING JOB IN ACCORDANCE WITH APPLICABLE CODES AND STANDARDS. IT IS NECESSARY THAT WELDERS BE PROPERLY QUALIFIED FOR SPECIFIC JOBS BECAUSE:

1. WELDING PROCEDURES VARY FROM JOB TO JOB IN ACCORDANCE WITH HOW CODE REQUIREMENTS APPLY TO THE SPECIFIC JOB; AND
2. WELDERS ARE OFTEN WILLING TO PERFORM JOBS FOR WHICH THEY ARE NOT QUALIFIED, IN PART BECAUSE THEY MAY NOT KNOW THE LIMITATIONS OF THEIR OWN SPECIFIC SKILLS.

IT IS IN THE PUBLIC INTEREST THAT WELDERS BE PROPERLY QUALIFIED BECAUSE WELDMENTS THAT FAIL DO SO BECAUSE THEY ARE NOT FABRICATED ACCORDING TO THE PROPER PROCEDURE.

ACCORDING TO ADVICE FROM THE BOARD, IT IS IMPRACTICAL TO LICENSE WELDERS DIRECTLY BECAUSE PROCEDURES VARY SO MUCH FROM JOB TO JOB. LICENSING WELDERS FOR GENERAL SKILL LEVEL WOULD NOT WORK BECAUSE THE NECESSARY REQUIREMENTS FOR SPECIFIC JOBS VARY SO GREATLY AS MENTIONED ABOVE. LICENSING WELDERS FOR SPECIFIC PROCEDURES WOULD RESULT IN BUREAUCRATIC GROWTH AND A VERY UNWIELDY SYSTEM OF PAPERWORK.

FURTHERMORE, IN MOST INSTANCES WELDERS SHOULD BE QUALIFIED TO SPECIFIC PROCEDURES IMMEDIATELY PRIOR TO THE JOB TO ASSURE THAT THE REQUIRED SKILL LEVEL IS STILL PRESENT. IF THE SKILLS ARE RUSTY, A SMALL AMOUNT OF REMEDIAL TRAINING CAN USUALLY MAKE THE BASICALLY COMPETENT WELDER QUALIFIED TO THE SPECIFIC PROCEDURE. IT IS DEFINITELY IN THE PUBLIC INTEREST THAT THIS REMEDIAL WORK OCCUR PRIOR TO THE ACTUAL WORK INTENDED FOR PUBLIC USE.

THE SECOND MAJOR RESPONSIBILITY OF WELDING INSPECTORS IS THE INSPECTION OF WELDS TO ASSURE THAT THEY ARE PROPERLY FABRICATED ACCORDING TO PROCEDURE. A NUMBER OF POINTS OF CLARIFICATION NEED TO BE MADE HERE TO AVOID THE CONFUSION THAT OFTEN ARISES WITH RESPECT TO WELDING INSPECTION.

THE PRESENT SYSTEM THAT WE ARE RECOMMENDING BE CONTINUED DOES NOT REQUIRE THAT ALL WELDS IN THE STATE BE INSPECTED. IT WOULD BE UNREALISTIC TO REQUIRE THAT ALL WELDS BE INSPECTED. THE PRESENT LICENSING APPROACH PROVIDES FOR A MINIMAL LEVEL OF PUBLIC PROTECTION THROUGH THE STATUTORY REQUIREMENT THAT ALL WELDERS BE PROPERLY CERTIFIED.

IF INSPECTIONS OF WELDS ARE CALLED FOR BY CONTRACTUAL AGREEMENT BETWEEN THE CLIENT AND THE PROVIDER OF WELDING SERVICES, THE PRESENT STATUTE REQUIRES THAT A LICENSED WELDING INSPECTOR MUST PERFORM THE INSPECTIONS. THIS PROTECTS THE PUBLIC AND THE PURCHASER OF THE WELDING INSPECTION

SERVICES BY ASSURING THAT THE WELDING INSPECTOR IS A QUALIFIED AND COMPETENT INDIVIDUAL REQUIRED BY LAW TO MEET CERTAIN ETHICAL AND PERFORMANCE STANDARDS IN THE EXECUTION OF HIS RESPONSIBILITIES.

CONTRARY TO THE POSITION TAKEN BY THE DIVISION OF LEGISLATIVE AUDIT IN THEIR REPORTS, THE PURCHASERS OF WELDING SERVICES ARE NOT NORMALLY CAPABLE OF JUDGING THE QUALIFICATIONS OF WELDERS AND WELDING INSPECTORS. THIS IS ESPECIALLY SO WHEN THE PURCHASER OF THE SERVICES IS A SMALL COMPANY WITH NO QUALITY CONTROL PROCEDURES OR WHEN THE PURCHASER IS INEXPERIENCED BECAUSE OF AN OCCASIONAL NEED TO PURCHASE SUCH SERVICES.

THIS SYSTEM OF REGULATION PLACES THE MAJOR SHARE OF THE ENFORCEMENT RESPONSIBILITIES ON PRIVATE INDUSTRY RATHER THAN ON GOVERNMENT, THEREBY ELIMINATING A POTENTIALLY EXPENSIVE BUREAUCRATIC LAYER OF GOVERNMENT INSPECTORS.

THE PRINCIPAL WEAKNESSES OF THE WELDING INSPECTOR SYSTEM ARE IN THE AREAS OF ENFORCEMENT AND INVESTIGATIONS. THERE ARE NO REALISTIC WAYS OF IDENTIFYING ABUSES BY WELDING INSPECTORS IN CERTIFYING OF A WELDER OR IN THE INSPECTION OF WELDS. WELDING INSPECTORS ARE AT LEAST TWICE REMOVED FROM THE RESPONSIBILITY FOR THE CONSEQUENCES OF WELDMENT FAILURE (THE WELDER AND THE CONTRACTOR). IN OTHER WORDS, THERE IS NO ENFORCEMENT SYSTEM RELATING THE WELDING INSPECTOR'S PERFORMANCE TO ACTUAL EVENTS OF DAMAGE TO THE PUBLIC.

RECOMMENDATION No. 2: SUNSET THE BOARD OF WELDING EXAMINERS AND TRANSFER LICENSING RESPONSIBILITIES TO THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT.

AT PRESENT THERE ARE TWO PRIMARY REQUIREMENTS FOR LICENSURE AS A WELDING INSPECTOR. TO RECEIVE A LICENSE AN APPLICANT MUST POSSESS A CURRENT AWS QC1 CERTIFICATE AND PRESENT DOCUMENTATION OF ALL POSITION WELDING QUALIFICATION IN ONE WELDING PROCESS.

IN ALL INSTANCES A LICENSE EXAMINER CAN CORRECTLY EVALUATE THE AWS-QC1 DOCUMENTATION. IN MOST INSTANCES, WITH THE PROPER TRAINING, A LICENSE EXAMINER CAN EVALUATE CORRECTLY THE ALL POSITION WELDING DOCUMENTATION. IN THE PAST, THE BOARD DELEGATED TO THE LICENSE EXAMINER RESPONSIBILITY FOR THE COMPLETE REVIEW AND APPROVAL OF ROUTINE APPLICATIONS. ONLY IN CASES WHERE THE ALL POSITION WELDING QUALIFICATION DOCUMENTATION WAS ATYPICAL IN FORM OR CONTENT WAS THE APPLICATION SENT TO THE BOARD FOR EVALUATION PRIOR TO THE ISSUANCE OF A LICENSE. THIS PROCEDURE WAS STOPPED IN DEFERENCE TO CRITICISM BY THE DIVISION OF LEGISLATIVE AUDIT IN THEIR 1979 REPORT.

IF THE BOARD OF WELDING EXAMINERS IS SUNSETTED, THE DEPARTMENT COULD LICENSE WELDING INSPECTORS BASED ON THE PRESENT CRITERIA OR BASED SOLELY ON PROOF OF AWS CERTIFICATION. IN EITHER CASE THE DEPARTMENT WOULD MAINTAIN A REGISTRY OF WELDING INSPECTORS AND PROVIDE INVESTIGATIVE AND ENFORCEMENT

SERVICES. IN EITHER CASE, THERE WOULD BE A SIGNIFICANT REDUCTION IN THE COST OF LICENSING. TRAVEL AND PER DIEM FOR BOARD MEETINGS WOULD BE ELIMINATED; FOR FY '82 THIS REPRESENTS APPROXIMATELY \$4,500.

THERE WOULD ALSO BE A REDUCTION IN STAFF TIME SPENT ON THE LICENSURE PROCESS AND LICENSES WOULD BE ISSUED MORE RAPIDLY. AT PRESENT WE ESTIMATE THAT OVER A TWO YEAR PERIOD (THE RENEWAL CYCLE) A LICENSE EXAMINER SPENDS ABOUT 15% OF HIS/HER TIME ON WELDING BOARD ACTIVITIES, INCLUDING PREPARING FOR AND STAFFING BOARD MEETINGS, PROCESSING NEW AND RENEWAL APPLICATIONS, ANSWERING INQUIRIES, FILLING OUT REPORTS, ETC. UNDER DIRECT LICENSURE BY THE DEPARTMENT, WE ESTIMATE THAT A LICENSE EXAMINER WOULD SPEND APPROXIMATELY 5% OF HIS/HER TIME ON THE PROCESSING OF WELDING APPLICATIONS. FOR FY '82 THIS WOULD REPRESENT A SAVINGS OF APPROXIMATELY \$2,800.00 IN SALARY AND BENEFITS.

IT SHOULD ALSO BE NOTED THAT ACTIVITY IN THIS LICENSING AREA MAY BE INCREASING. IN THE PAST TWO MONTHS THERE HAS BEEN A SLIGHT INCREASE IN THE NUMBER OF NEW APPLICATIONS RECEIVED AS WELL AS AN INCREASE IN TELEPHONE REQUESTS FOR APPLICATIONS FROM THE LOWER FORTY-EIGHT STATES.

THE DEPARTMENT FEELS THAT THE GREATEST BENEFIT FROM DIRECT LICENSURE BY THE DEPARTMENT WOULD BE IN THE REDUCTION IN TIME NECESSARY FOR AN APPLICANT TO BE LICENSED. AT PRESENT IT TAKES APPROXIMATELY THREE WEEKS TO A MONTH FOR A

DECISION TO BE MADE ON A ROUTINE APPLICATION. UNDER DIRECT DEPARTMENT LICENSING A ROUTINE APPLICATION COULD BE PROCESSED THE SAME DAY AND WOULD REQUIRE ONE HALF HOUR PROCESSING TIME.

IF ALL POSITION WELDING DOCUMENTATION WERE RETAINED AS A REQUIREMENT FOR LICENSURE SOME MECHANISM WOULD NEED TO BE SET UP TO ASSIST THE LICENSE EXAMINER TO MAKE A DETERMINATION IN THE CASE OF ATYPICAL ALL POSITION WELDING DOCUMENTATION. THIS FUNCTION COULD BE ACCOMPLISHED BY A THREE MEMBER ADVISORY BOARD. SUCH A BOARD COULD NOT ONLY ADVISE ON ATYPICAL APPLICATIONS BY ALSO PROVIDE GENERAL POLICY ADVICE TO THE DEPARTMENT ON WELDING MATTERS AND ASSIST IN THE INVESTIGATION PROCESS. THE EXPENSE FOR SUCH A BOARD WOULD BE MINIMAL (\$1,000 - \$1,500 A YEAR).

A FEW COMMENTS ARE IN ORDER ON THE REQUIREMENT FOR ALL POSITION WELDING QUALIFICATION IN ONE PROCESS. IN ORDER TO RECEIVE AN AWS QC1 CERTIFICATE, THE AMERICAN WELDING SOCIETY REQUIRES THAT AN INDIVIDUAL HAVE FIVE YEARS OF EXPERIENCE IN THE WELDING FIELD. THIS EXPERIENCE MAY NOT INVOLVE ANY PRACTICAL EXPERIENCE IN WELDING. IT IS THE PRESENT BOARD'S FEELING THAT THE ALL POSITION WELDING QUALIFICATION REQUIREMENT IS REASONABLE, NECESSARY AND DESIRABLE. THE DEPARTMENT DOES NOT HAVE A POSITION ON THIS REQUIREMENT AND WOULD URGE THE COMMITTEE TO ENCOURAGE COMMENTS FROM MEMBERS OF THE INDUSTRY ON THIS SUBJECT.

RECOMMENDATION No. 3: REVISE THE EXISTING STATUTES SO THAT THEY ARE CLEAR AND SUCCINCT.

THE DEPARTMENT WOULD JUST LIKE TO UNDERScore THE NEED FOR STATUTE REVISION. THE DEPARTMENT ENDORSES THE DIVISION OF LEGISLATIVE AUDIT'S RECOMMENDATIONS IN THIS AREA. IF THE PRESENT SYSTEM OF WELDER CERTIFICATION AND WELD INSPECTION IS RETAINED, THE DEPARTMENT WOULD RECOMMEND THAT AS 08.99.080 BE APPROPRIATELY REVISED TO DIRECTLY REFLECT THIS APPROACH. SIMILARLY ALL REFERENCES TO OBSOLETE LICENSING FUNCTIONS SHOULD BE PURGED FROM THE STATUTES, FOR EXAMPLE: THE SETTING OF FEES FOR WELDER CERTIFICATION TESTS AND APPROVAL. SINCE THE NEED FOR STATUTORY REVISION APPEARS TO BE EXTENSIVE AND SINCE THE PRESENT LICENSING PROCESS MAY CHANGE SUBSTANTIALLY, THE DEPARTMENT WOULD AT THIS TIME LIKE TO INDICATE ITS WILLINGNESS TO WORK WITH THE COMMITTEE AND ITS STAFF ON THESE REVISIONS IN ANY WAY THAT YOU FEEL IS NECESSARY AND APPROPRIATE.

IN CLOSING, I WOULD LIKE TO NOTE THAT THE PRESENT BOARD HAS AN EXCELLENT RECORD OF LICENSING QUALIFIED APPLICANTS WHO FOLLOW THE EXISTING PROCEDURES. THERE ARE PRESENTLY 219 WELDING INSPECTORS LICENSED BY THE BOARD, 136 OF WHICH ARE CURRENTLY IN ACTIVE STATUS. THIS IS SUBSTANTIALLY MORE THAN IS REPORTED IN EITHER OF THE DIVISION OF LEGISLATIVE AUDIT'S REPORTS AND REFLECTS, WE BELIEVE, THE BOARD'S EFFORTS TO LICENSE QUALIFIED PEOPLE.

IN FY '81 THE BOARD GENERATED \$2,495 IN LICENSING FEES AND SPENT \$2,593 ON TRAVEL AND PER DIEM FOR BOARD MEMBERS AND LICENSING EXAMINER STAFF SUPPORT AT MEETINGS.

THANK YOU.

January 27, 1982

Testing Institute of Alaska, Inc.
2114 Railroad Avenue
Anchorage, Alaska 99501

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

Subject: State Board of Welding Examiners and State Licensing of
Welding Inspectors Future Existence

Dear Sir:

I have been a Quality Assurance/Quality Control Inspector for five years and in the welding field for eight years. I have worked to reach a high standard of excellence in the field of welding inspection.

Over the past few years I have been involved with several major projects. PeMex pipeline of Mexico, the Louisiana Offshore Oil Port and the Sour Gas Line in the Aegean Sea. On these projects, there have been several occasions where unqualified inspectors have made decisions which were incomprehensible to a knowledgeable inspector with integrity. The Louisiana Offshore Oil Port is a good example. Faulty and incompetent inspection cost around 5.5 million dollars to correct.

Alaska's high standard for welding inspectors is by far the most stringent in the United States at the present time. I hope that these standards are maintained, not only for the safety of the people of Alaska, but for the beautiful fragile scenery.

In closing, it is my wish that the lower forty-eight also encompass the same standards as the State of Alaska. Until the industry itself takes note of its own warnings, the governing bodies of the individual states themselves must ensure there are no more Kansas City, Hyatt Regency disasters.

Very truly yours,



F. M. Bennett

FMB:ps

January 27, 1982

Testing Institute of Alaska, Inc.
2114 Railroad Avenue
Anchorage, Alaska 99501

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

Subject: State Board of Welding Examiners and State Licensing of
Welding Inspectors Future Existence

Dear Sir:

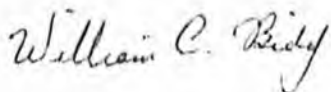
Over the past sixteen years I have been involved in numerous major construction projects throughout Mexico, Alaska, and the continental United States. I have observed activities of construction people on almost every project which has bordered on criminal neglect. Many times their lack of knowledge of their profession, due to inadequate training is to blame, often they are caught up in the Construction Company's "let's get this job done" euphoria, and most tragic of all, many sell their integrity for a few quick dollars.

The average inspector has no idea how many pipeline and pipeline related deaths occur each year, and the millions of dollars wasted yearly due to lackadaisical inspection. A pipeline explosion in Baytown, Texas two years ago revealed a weld with no bead, latticed with defects, which had had in process and final visual inspection by a qualified welding inspector, radiography performed by a qualified Non-destructive Technician, and accepted by both. Three people died in this explosion.

To become certified by the State of Alaska one must take considerable time, effort, and expense to meet the qualifications. The Alaskan State Welding Board, and the enforcement of its regulations, guarantees to a much greater degree, that its members will conduct themselves with the professionalism and integrity that will ensure that the above-mentioned tragedies happen less and less.

My hope is that each and every state adopts such a visionary program as the State of Alaska.

Very truly yours,



William C. Bidy

WCB:ps

ARCO Oil and Gas Company
General Engineering
Kuparuk Project
Post Office Box 6105
Anchorage, Alaska 99502
Telephone 907 659 2821



January 3, 1982

Pouch V, Interdepartmental Mail stop 3100
Juneau, Alaska. 99811

Subject: House Bill # 595 "An Act continuing the existence
of the Board of Welding Examiners; and providing
for an effective date."

Attention: Honorable Terry Martin

If House Bill #595 is not passed, during this session, the Board of Welding Examiners will cease to exist in June 1982. If this board is allowed to expire, the entire construction industry will suffer a severe set-back.

Since the new regulations (12 AAC 72) became effective in August, 1978, weld quality has improved immeasurably. This regulation met with state-wide industry acceptance primarily because of the project quality guaranteed by the better qualified technician performing the work.

The additional requirement for welding inspectors to become licensed by the state so enhanced the overall quality of major construction projects that many companies (including the major oil companies) who had established quality control groups made acquiring this license mandatory for employment or promotion.

These regulations have become a nation-wide standard with Alaska as the leading state in demanding quality in construction and integrity in inspectors. With other states following our lead we should be fine-tuning our regulations to become even better, not eliminating what has taken so long to formulate and have industry recognize and accept.

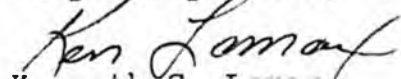
No one needs to remind Alaskans of the unnecessary cost incurred in building the Trans Alaska Pipeline. One of the major causes of the great expense was excessive weld repairs caused by unqualified welders and inspectors. In many cases these inspectors had never been involved in or around construction prior to this project, and knew absolutely nothing of welding or inspection.

On May 26, 1981, Representatives Brown and Anderson submitted House Bill No. 595 in the Legislature of the State of Alaska, Twelfth Legislature - First Session. This bill was tabled in the House.

If this bill is not enacted by the legislature during the present session, the Alaska Board of Welding Examiners will no longer exist. What people don't realize is; when the board ceases to exist, so does regulation requiring welders to be certified and weld inspectors to be licensed. As a manager, directly involved with welding and inspection, on major oil company construction projects, I sincerely feel the continuation of this board and regulation is essential for quality welding in Alaska.

Your support in re-establishing the professional and vocational regulations, as defined in 12 AAC 72, and continuing the existence of the Board of Welding Examiners as defined in State Statute AS 08.99 and House Bill 595, is sincerely appreciated.

Very Truly Yours,



Kenneth C. Lomax
Senior Quality Assurance Coordinator

KCL/bee

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



HB 595

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

Feb. 3, 1982

Dear Sir:

I have been licensed in the State of Alaska both as a Welder Qualifier and Welding Inspector since 1976 and feel that even tho the Welding Board has it short coming (lack of enforcement money and personnel) It should be continued and that State Licensing should remain a requirement.

If this program is to continue , I feel that the State should provide a better method to police the companies working in the state.

Sincerely yours

Lawrence Russell
License # AA-0053

Copies to : Vice Chairman, Bernard Bjelsma
Richard Randolph
Terry Gardiner
Brian Rogers
Don Lockman

DATE: February 2, 1982

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

FROM: Albert C. Hines *A.C.H.*
Alaska State Welding Inspector
License No. 0057

SUBJECT: State Board of Welding Examiners and State Licensing
of Welding Inspectors Future Existence

As an Alaska State Licensed Welding Inspector, American Welding Society Welding Inspector, member of United Association Local 375 and a welder foreman on pipeline construction at Prudhoe Bay, I feel we need our State Welding Board and we need our licensed welding inspectors. Please do what you can to retain these two functions.

I have worked pipeline construction for 29 years and I believe we need qualified welding inspectors as Alaska is taking over the lead of all the states in pipeline construction.

I also believe the State should spend some money for the Board to help police companies to check the credentials of welding inspectors. We can not afford an oil spill due to a defective weld.

Thank you.

Albert C. Hines

cc: Vic, Chairman, Bernard Bylsma
Richard Randolph
Terry Gardiner
Brian Rogers

Albert C. Hines
3071 Riverview Drive
Fairbanks, Alaska 99701

Phone: (907) 456-7805



Omaha Public Power District

1623 HARNEY ■ OMAHA, NEBRASKA 68102 ■ TELEPHONE 536-4000 AREA CODE 402

February 1, 1982

Ser: 82-QAC-2

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

Dear Mr. Martin:

I am writing to express my concern over the possibility of ending the State Licensed Welding Inspection Program.

I have been in the welding field 25 years and in the inspection field 8 years, and there is no equal to this program.

The certification is the industry standard; and, with the future proposed pipe lines in the state, it should contribute considerably to the quality of that program.

I strongly hope that the State takes a long, hard look at this program because it is the best in the industry and one I feel the rest of the states will use as a pattern for programs of the future.

Sincerely yours,

John W. Hopp
Quality Assurance Mechanical Inspector

JWH:cb

cc: Vice Chairman, Bernard Bylsma
Richard Randolph
Terry Gardiner
Brian Rogers

AS08.99.080 DOCUMENT= 1 OF 1 PAGE = 1 OF 3
HEADINGX TITLE 8.

Business and Professions.
CHAPTER 99.
Board of Welding Examiners.

CITATION Sec. 08.99.080.

CATCH LINE

POWERS AND DUTIES OF THE BOARD.

TEXT

- (a) The board shall
- (1) establish and promulgate rules and regulations concerning certification of welders in the state;
 - (2) establish and define certification tests as they apply to various types and categories of work done in or for the state;
 - (3) work with federal and private agencies and specifying engineers to establish uniform testing and certifying methods for all welders throughout the state;
 - (4) work with federal agencies and the agencies of other states to establish reciprocity agreements;
 - (5) set up criteria and define experience and documentary requirements which may be accepted in lieu of

AS08.99.080 DOCUMENT= 1 OF 1 PAGE = 2 OF 3

- physical certification tests in the state;
- (6) set the fees for the welder certification tests;
 - (7) examine, certify, and renew the certification of qualified applicants;
 - (8) keep a record of its proceedings, and submit annual reports to the governor and the legislature;
 - (9) promulgate regulations concerning the quality of welds and qualifications of welders required in specific areas of industry and construction and designate reporting procedures necessary to certify compliance with those quality standards;
 - (10) designate and approve persons qualified to administer welding tests, and designate and approve shops, laboratories, or other establishments qualified for testing coupons and weldments.

(b) The board may request technical personnel from the Department of Labor for the purpose of reviewing and analyzing reports and may request field inspection by the department for the purpose of assuring compliance with, and enforcement of the regulations, rules and orders promulgated under secs. 10 - 110 of

AS08.99.080 DOCUMENT= 1 OF 1 PAGE = 3 OF 3
this chapter.

HISTORY (Sec. 1 ch 151 SLA 1968; am secs. 3 - 5 ch 151 SLA 1970)
R0601 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

HB 595

HOUSE LABOR & COMMERCE
STANDING COMMITTEE
January 20, 1982
1:10 p.m.

Members Present: Rep. Martin, Chairman
Rep. Bylsma, Vice Chairman
Rep. Randolph
Rep. Gardiner
Rep. Rogers

Members Absent: No members absent.

COMMITTEE CALENDAR

HB 146

Re payment procedures/public contracts

HB 595

An act continuing the existence of the Board of Welding Examiners; and providing for an effective date.

WITNESS REGISTER

Representative Brown
Alaska State Legislature
Pouch V
Juneau, Alaska 99811
465-3744
Position Statement: Gave background on both bills.

Nick Cott, Management Analyst
Division of Occupational Licensing
Department of Commerce & Economic Development
Juneau, Alaska 99811
465-2534
Position Statement: Supported HB 595.

Donald Lockman
Testing Institute of Alaska and
State Board of Welding Examiners
Anchorage, Alaska
276-3440
Position Statement: Supported HB 595.

Ken Lomax
ARCO Oil and Gas Company
Anchorage, Alaska
338-1271
Position Statement: Supported HB 595.

Louie Rousseau
Welding Application-Methods

Anchorage, Alaska
 272-3543
 Position Statement: Opposed HB 595.

Erwin Long
 Arctic Foundations, Inc.
 Anchorage, Alaska
 276-5575
 Position Statement: Opposed HB 595.

PREVIOUS ACTION

HB 146 Referred to committee 3/11/81; no previous action. No action taken by committee this date.

HB 595 Referred to committee 5/26/81; no previous action. No action taken by committee this date.

ACTION NARRATIVE

Tape #003
 Recording
 Number 1190

The meeting was called to order by Chairman Martin at 1:10 p.m. All members were present. The committee schedule called for the consideration of HB 595 and HB 146. Testifying before the committee regarding both bills was Representative Fred Brown, prime sponsor.

Number 1201

Rep. Brown, sponsor of HB 595 and HB 146, gave background on both bills. Chairman Martin limited further testimony and committee consideration to HB 595.

Number 1259

Nick Coti, Division of Occupational Licensing, Department of Commerce and Economic Development, spoke from prepared testimony in favor of continuing the Board of Welding Examiners.

Number 1371

Donald Lockman, of the Testing Institute of Alaska and the State Board of Welding Examiners, testified in favor of HB 595. Rep. Rogers questioned Lockman about his testimony.

Number 1634

Ken Lomax, of ARCO Oil and Gas Company, testified in favor of the bill, and presented written statements and letters to

the committee.

- Number 1710 Louie Rousseau, of Welding Application-
Methods, a technical services business in
Anchorage, testified against the bill.
- Number 0136, Side B Erwin Long, of Arctic Foundations, Inc., a
manufacturer of pressure vessels and geo-
tech equipment, also testified against the
bill. He said he does contract work for the
Corps of Engineers, and finds the State
Board of Welding examinations and
certifications to be in conflict with
federal requirements that certification must
be done according to the American Society of
Mechanical Engineers (ASME) code.
- Number 0312 Donald Lockman gave rebuttal testimony in
favor of the State Board of Welding
Examiners.
- Number 0348 No action was taken on HB 595, and the
Chairman adjourned the meeting at 3:00 p.m.
Hearing on HB 595 will be continued in
February.

A PERFORMANCE REVIEW
OF THE
BOARD OF WELDING EXAMINERS

June 8, 1979

Commissioner of the Department
of Commerce and Economic
Development

Charles Webber

Deputy Commissioner of the
Department of Commerce and
Economic Development

Bertram L. Wagnon

Members of the
Board of Welding Examiners

Chairman
Member
Member
Member
Member
Member
Member

Donald Lockman
Tim Farrell
Philip B. Davis
Don Delk
George Fox
Peter Millar
J.C. Wingfield

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION
POUCH W—ALASKA OFFICE BUILDING

FINANCE DIVISION
POUCH WF—STATE CAPITOL

JUNEAU, ALASKA 99811

August 23, 1979

Members of the
Legislative Budget and Audit Committee:

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

A PERFORMANCE REVIEW
OF THE
BOARD OF WELDING EXAMINERS

June 8, 1979



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

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PURPOSE AND SCOPE OF THE REVIEW

Purpose

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

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

Scope

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

- (1) Applicable statutes and Board regulations;
- (2) discussions with the Board and questionnaires sent to Board members;
- (3) tests of records and documents of the Board and the Division of Occupational Licensing (OL), Department of Commerce and Economic Development, for the years 1976-1978;
- (4) interviews with OL employees;
- (5) complaints filed with OL, the Ombudsman's Office, Consumer Affairs Agency and the Human Rights Commission during the period 1976-1978;
- (6) questionnaires sent to State licensed welding inspectors; and
- (7) interviews with personnel and review of publications of the American Welding Society (AWS).

Scope Constraints

This review was hampered by the following constraints:

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

performance information regarding its effectiveness and accomplishments as required by AS 37.07 .090 and AS 08.99.080(a)(8).

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

ORGANIZATION AND FUNCTION

The Board of Welding Examiners was established by the 1968 Session Laws of Alaska. It is organized under the Department of Commerce and Economic Development, which provides administrative and investigative support through the Division of Occupational Licensing.

The Board consists of seven members with extensive experience in welding who are appointed by the Governor for staggered five year terms. At least three members must be engineers, i.e., with engineering degrees or registration as an engineer and at least five years engineering experience.

The functions of the Board are addressed in AS 08.99. Among the powers and duties cited, the statute directs the Board to: promulgate rules and regulations regarding the certification of welders; examine, certify and renew certification; define tests and certification methods; report annually to the Legislature and Governor.

REPORT CONCLUSION

Policy Issues

This review contains policy issues raised as a result of our evaluation of various Board practices. The final policy decisions affecting these practices are not within the scope of this review but require legislative consideration. In debating these issues, the legislative oversight committees should consider the findings and alternatives presented in this report in reaching their decisions.

Report Conclusion

In our opinion, there is not a sufficient public need for continuing either the Board or State licensing of welding personnel.

Most consumers (e.g. engineers, construction and pipeline companies) of welding services possess adequate knowledge to properly evaluate the qualifications of those offering the service. To assist in identifying qualifications, the American Welding Society administers a certification program for welding inspectors, the only classification of welding personnel being licensed by the State. If it is determined that State regulation of welding is desirable, less restrictive alternatives--such as statutory requirements for welder, qualification certificates--are viable (see Recommendation No. 1).

In the event that the Board is reestablished by the Legislature, certain changes should be implemented in order for the Board to more effectively serve the public.

The Board should thoroughly review applications before licenses are issued (see Recommendation No. 2).

To better represent the public and the industry, statutory requirements for membership on the Board should be expedited (see Recommendation No. 3).

Statutes governing the Board should be reviewed and amended to clarify duties, enforcement responsibility, and the applicability of administrative adjudication procedures (see Recommendation No. 4).

Additional revision of Board regulations is needed to make them clear, reasonable and within the scope of the Board's purpose (see Recommendation No. 5).

The Board should develop formal objectives and report performance as required by AS 37.07.050 and AS 08.99.080 (see Recommendation No. 6).

FINDINGS AND RECOMMENDATIONS

Findings and Recommendations No. 1 through No. 6 are addressed to the Board of Welding Examiners, with Recommendation No. 3 also being addressed to the Office of the Governor.

Recommendation No. 1

We recommend that the Board of Welding Examiners be allowed to terminate June 30, 1980 and that State licensing of welding personnel be discontinued.

Under regulations which became effective in August, 1978, the Board of Welding Examiners is licensing "welding inspectors" (WI). Among the functions of the WI are testing weldments and issuing welder qualification certificates. Such certificates are required under the regulations for welders performing operations in which weldment failure would be hazardous to life or property.

Requirements for WI licensure are based on the American Welding Society (AWS) program for certification of WI's. The written examination required for licensure is administered by AWS. In addition to other requirements for AWS certification, an applicant for State WI licensure must have passed a welder qualification test, demonstrating practical skills.

In determining whether there is a continued public need for the Board of Welding Examiners, several factors should be considered.

The primary goal of regulating occupations is to protect the public. Licensing is desirable when:

1. The unlicensed practice of an occupation poses a serious risk to the life, safety, health or economic well-being of a relatively large number of consumers;
2. the consumers of a service are at a disadvantage in evaluating the qualifications of a provider; and
3. there is evidence of abuse, by providers of the service, to which the consumer has inadequate recourse through the general law.

Because of its relationship to the integrity of a structure, inferior welding has the potential of resulting in physical, economic or environmental harm. However, we believe the potential has a public impact only in cases of large-scale projects, such as public structures, commercial buildings, or ventures like the pipeline.

Persons responsible for the construction of such projects, who are actually the "consumers" of welding services, can be expected to have the experience and knowledge needed to evaluate the qualifications of welding personnel. This is especially true now that the AWS certified WI program provides a means of identifying qualified inspectors. Furthermore, the AWS program includes a code of ethics and procedures for handling consumer complaints.

It should be noted that if an interstate gas pipeline is built, construction activities would be under the jurisdiction of the Federal Power Commission. The Board's authority to impose welding regulations over such a pipeline is doubtful.

Also noteworthy is: (a) AWS's lack of support for State licensure of welding personnel, and (b) that only one other state to date requires licensing of WI's.

We found no evidence that State licensing of WI's affords significant additional protection to consumers. Furthermore, of the few complaints filed with State agencies against the welding occupation, only one alleged inferior welding practices, the remainder concerned unlicensed practice of the occupation or problems encountered in obtaining a license.

If, as a result of the "sunset" process, the Legislature determines that regulation of welding is needed, less restrictive alternatives are, in our opinion, viable. Welder qualification certificates can be required by statute and, if desired, the AWS certification program for WI's could be adopted by reference.

While we recognize the time and effort contributed by Board members, we do not believe that a sufficient public need exists for continuing the present licensing and regulatory structure.

However, in the event that the Board is reestablished, we recommend the following changes be made in its operation.

Recommendation No. 2

The Board should assume a more active role in the licensing process.

During our test of licensing files we noted the following:

1. Application forms do not request all the information necessary to determine if requirements for licensure have been met. There is no provision for documenting qualifications for initial licensure (as defined in 12 AAC 72.065(a) 1-8), except through the submission of AWS QC-1 certificate. Applicants for renewal are not asked to provide

evidence of the required visual examination. Consequently, none of the licenses renewed in 1979 documented that this requirement had been met.

2. At the direction of the Board, the licensing examiner was issuing licenses to applicants prior to a review of qualifications by the Board. In August, 1978, the Board began licensing "welding inspectors" and discontinued licensing "welding qualifiers". The change produced a certain degree of confusion on the part of the licensees, as well as the examiner, regarding the qualifications for licensure. As a result, licenses were issued to 4 (out of 48 tested) applicants who did not submit adequate proof of meeting the qualifications of a welding inspector.

AS 08.01.070(6) requires licensing boards to pass on the qualifications of applicants for licensure. As evidenced by the above described findings, current review procedures are not effective. As a result, the public is not being protected from unqualified practitioners, which is the primary objective of occupational licensing. We therefore recommend that no license be issued until the Board has thoroughly reviewed the qualifications of an applicant and has determined that all requirements for licensure or renewal have been met.

Recommendation No. 3

To ensure adequate representation of the regulated occupation and the general public: (a) the composition, terms and sources of nomination for Board membership should be reviewed and amended; (b) the Office of the Governor should make appointments in compliance with statutory requirements and in a timely manner.

As provided in AS 08.99.010-.050, the Board of Welding Examiners consists of seven members with extensive welding experience, three of whom must be engineers. Members are appointed by the Governor for staggered five year terms from nominations submitted by the Alaska Chapter of the American Welding Society and the Alaska Society of Professional Engineers.

Board Composition and Nominations:

Over 20% of the licensed Welding Inspectors, as well as one in five Board members, responding to Legislative Audit questionnaires felt that the statutory requirements do not provide adequate representation of the occupation. Their comments included opinions that the present Board consists of too many persons involved with test labs and that more than one member from the same firm should not serve concurrently. It was suggested that the Board should represent the various areas of the occupation: engineers, test labs, construction, fabrication and petrochemicals.

Furthermore, it was expressed that nominations should be accepted from the entire industry rather than two societies to which many qualified, interested persons are not known.

In addition to statute changes in Board membership suggested by licensees, in our opinion the Board should include at least one lay member, who has no direct financial interest in the regulated occupation. Although lay members lack technical expertise, they can and should contribute to policy formulation and enforcement decisions. The importance of a representative of the primary interest group, the public, should definitely be addressed.

Terms of Board members

Responses to licensee questionnaires also pointed to a significant opinion that Board member terms should be: (1) shorter (54% of those responding) and, (2) limited to no more than two consecutive terms (80% of those responding). The reason most frequently expressed was to create a more responsive, active Board.

Size of the Board

In addition, we believe that the Board is unnecessarily large when compared with other State boards and considering it currently licenses only 50 persons. We recommend a reduction in size to five members to increase operating efficiency and coordination with the Division of Occupational Licensing (OL), and to reduce associated travel costs.

Appointments

Our examination of records in the Office of the Governor and the Division of Occupational Licensing (OL) showed that since 1973 the Board has had between 3 and 8 properly appointed members at a given time. In fact, it met the requirement for seven members for only nine months during the period reviewed. Of the "current" board, we finally determined-- after receiving much conflicting information -- that three terms expired in December, 1978. In addition, only two of the seven members of the most recent board are engineers, as defined in the statutes.

In conclusion, we recommend that the Board seek changes in the statutes which will result in improved representation and efficiency of operation. Furthermore, as recommended in our October 30, 1978 performance review of OL, we urge the Office of the Governor to make more timely appointments to the occupational boards to ensure compliance with statutory requirements.

Recommendation No. 4

The Board should propose revisions to the statutes in order to clarify: (a) the intended powers and duties of the Board; (b) how welding regulations are to be enforced; and (c) the applicability of administrative adjudication procedures.

- A. Authority for the Board of Welding Examiners is found in AS 08.99, which was last amended in 1970. Since that time, changes in Board membership, activities and regulations have occurred. As a result, several subsections of AS 08.99.080(a) no longer pertain to operations of the Board.
1. § 6 requires the Board to approve fees for welder certification tests. The Board no longer engages in this activity. However, this section was cited as the authority for charging fees for licensing welding inspectors.
 2. § 10 states that the Board shall approve test facilities. The revised regulations omit this activity and instead address licensing of welding inspectors.
 3. § 9 requires the Board to designate reporting procedures necessary to certify compliance with quality standards. No reporting methods are addressed in the regulations.
- B. Statutes provide for the enforcement of welding regulations by both the Department of Labor (AS 08.99.080(b)) and the Department of Commerce and Economic Development (AS 08.01.087). The dual assignment of enforcement responsibility has resulted in confusion. The assignment of investigative duties needs clarification so that regulations are adequately enforced and consumer complaints are properly handled.
- C. Although AS 08.01.090 states that the Administrative Procedures Act (AS 44.62) applies to proceedings held under the Centralized Licensing Chapter, the Board of Welding Examiners is excluded from a listing of agencies to which administrative adjudication procedures apply (AS 44.62.330). As a result of the omission, the applicability of the adjudication procedures is in doubt. The Board should be included in the listing in AS 44.62.330 through an amendment to the statutes.

Recommendation No. 5

The Board should continue its efforts in revising administrative regulations.

One of the primary activities of the Board over the past several years was the substantial revision of 12 AAC 72, the administrative regulations governing the occupation of welding in Alaska. The changes became effective August 21, 1978.

In the course of our review we noted several areas of 12 AAC 72 which merit further consideration, and possibly amendment.

1. Requirements for welder qualification (12 AAC 72.015) and welding inspector licensure (12 AAC 72.055) apply to all compensated welding operations in the State "in which weldment failure would involve hazard to life or property". The applicability of the regulations needs clarification to simplify interpretation and to make their enforcement manageable.
2. 12 AAC 72.045 requires "continuous employment" on a process (without interruption of more than 90 consecutive days) as a condition of maintaining a current welder qualification certificate. We believe this is unduly restrictive because:
 - a. The regulations also require that a certificate be current under the code or job specifications under which it was issued.
 - b. A welder qualified in several processes may be assigned by his employer to only one process for several months. Before he could be assigned to another process, additional time and expense would be required for re-testing.
 - c. The limited construction season in Alaska causes many welders to be without work for more than 90 day periods.
3. 12 AAC 72.105 requires an annual renewal of welding inspector licenses. This conflicts with AS 08.01.100 which requires biennial renewal of occupational licenses. It also creates additional administrative effort for both the Division of Occupational Licensing and the licensee, with no demonstrable benefit to the public.
4. 12 AAC 72.085 provides for quarterly examinations for welding inspector license. The provision,

which exceeds the regular semi-annual administration of the exam by the American Welding Society (AWS), was included to give sufficient opportunity to become licensed under the revised regulations. While we concur with the Board's reasoning, we feel they should review this policy in light of increased costs and the relatively small number (an average of 9) who take the exam each quarter.

In reviewing questionnaire responses from licensed WI's, we noted concern regarding the interpretation, acceptance and enforceability of the regulations. Doubts concerning the enforceability were likewise expressed by Board members who responded to a separate questionnaire: three believed they could not be enforced, especially among small operators; two said they could be enforced if State funding for investigation was adequate.

We believe that the cited opinions of members of the occupation support our contention that additional revisions to the regulations are needed to make them clear, reasonable and within the scope of the Board's purpose.

Recommendation No. 6

With the assistance of the Division of Occupational Licensing (OL), the Board should develop procedures for defining its objectives and reporting its performance to the Governor and the Legislature.

As part of the "sunset" process of determining whether there is a continued public need for its existence, each Board must identify formal objectives. Where practical, these objectives should be quantifiable so that the Board's performance can be measured.

The budget process is the vehicle by which State agencies usually identify goals and objectives. While OL prepares such documents on a division-wide basis, objectives and measurements have not been developed for individual boards (see our October 30, 1978 performance review of (OL).

Furthermore, although required by AS 08.99.080(a)(8), the Board has not been submitting annual reports to the Governor and the Legislature. We recommend such reports be prepared and contain, at a minimum, the following information:

1. Board's purpose and objectives;
2. operating receipts and expenditures;
3. participation by Board members;
4. changes in statutes and regulations; and

5. significant activities and concerns.

The process of identifying objectives and reporting performance not only allows outside parties to evaluate the need for the Board, it also provides an important tool for the Board to evaluate itself and adjust its priorities for the most effective use of its resources.

ANALYSIS OF PUBLIC NEED

Limited Analysis

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

- I. The extent to which the board, commission or program has operated in the public interest.
 - A. The Board revised its regulations (effective August, 1978), incorporating a nationally recognized program for certifying welding inspectors. However, we found that the regulations: (1) duplicate efforts of the national organization; (2) are vague with regard to applicability; (3) difficult to enforce (see Recommendations No. 1 and No. 5).
- II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.
 - A. Due to statutory membership requirements and appointment delays, neither the public nor the occupation is assured of adequate representation on the Board (see Recommendation No. 3).
 - B. The responsibility for enforcement of Board regulations is not clearly defined (see Recommendation No. 4).
 - C. The Board has not developed written plans or reported achievements by which to evaluate its performance (see Recommendation No. 6).
 - D. The Division of Occupational Licensing (OL) has not maintained updated statistics for Board use (see the OL Performance Audit Report).
- III. The extent to which the board, commission or agency has recommended statutory changes which are generally of benefit to the public interest.

- A. Statutes governing the Board have not been revised since 1970. We noted several sections which have become obsolete, yet the Board has not proposed any changes (see Recommendation No. 4).
- IV. The extent to which the board, commission or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, and availability of service which it has provided.
- A. We found no documentation of Board efforts to encourage input on the effect of its regulations and decisions, except as noted in V below.
- V. The extent to which the board, commission or agency has encouraged public participation in the making of its regulations and decisions.
- A. In accordance with the Administrative Procedures Act, the Board solicited written and oral testimony from persons interested in its proposed regulation revisions.
- B. Board meetings are held four times per year and are announced in Anchorage, Fairbanks, Juneau and Ketchikan newspapers. However, they are not advertised in a timely manner (see the OL Performance Audit Report).
- VI. The efficiency with which public inquiries or complaints regarding the activities of the board, commission or agency filed with it, with the department to which a board or commission is administratively assigned, or with the office of the ombudsman have been processed and resolved.
- A. No formal complaints concerning Board activities have been filed with OL.
- B. Of the two complaints filed with the Ombudsman during the last three years, both were closed and considered rectified.
- VII. The extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public.
- A. The Board has not adequately reviewed applications for licensure. As a result licenses were issued to several persons whose qualifications were not adequately documented (see Recommendation No. 2).

- B. Few complaints have been received against members of the regulated occupation. All but one dealt with unlicensed (rather than unethical or substandard) practice.

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

- A. We found no complaints or other evidence to indicate discriminatory practices by the Board. However, application forms request information on age. The question is of a potentially discriminatory nature and should be eliminated unless it is based on a bona fide occupational qualification.

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

- A. Please refer to the previous section, Findings and Recommendations.

APPENDIXES

APPENDIX A

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

Revenue (See Note 1)	\$ -0-
Expenditures (See Note 2)	<u>(11,289)</u>
Excess of Expenditures Over Revenues	<u><u>\$(11,289)</u></u>

Note 1

Prior to the revision of its regulations in August, 1978, the Board did not assess any fees for licensure. Examination fees are remitted directly to the American Welding Society which administers the examination. Therefore no revenue was reported for the Board prior to the Fiscal Year 1979.

Note 2

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

APPENDIX B

ADMINISTRATIVE STATISTICS

<u>Licensed Welding Inspectors as of</u> <u>3/12/79 (see Note 1)</u>	<u>Number</u>	<u>As % of Tctal</u>
Alaska residence	27	55%
Out-of-state residence	<u>22</u>	<u>45%</u>
Total	<u>49</u>	<u>100%</u>

<u>American Welding Society Welding</u> <u>Inspector Examination</u>	<u>No. of Examinees at</u> <u>Anchorage Test Site</u> (Unaudited - See Note 2)
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Date

Fall, 1976	14
Spring, 1977	19
Summer, 1977	3
Fall, 1977	8
Winter, 1978	3
Spring, 1978	6
Summer, 1978	11
Fall, 1978	9
Winter, 1979	<u>8</u>
Total No. Examined	<u>81</u>
Divided by No. of Examinations given	<u>9</u>
Average No. per exam	<u>9</u>

Board Meetings in Calendar
Years 1976-1978

Average Number of Meetings per calendar year (see Note 3)	4.7 meetings
Average Number of Board members per meeting	4.6 members

Note 1

We were unable to determine, from information on file with OL, the legal residence of licensees. The above figures reflect mailing addresses.

Note 2

Numbers of individuals taking examinations were provided by the American Welding Society.

Note 3

At its January 27, 1978 meeting, the Board adopted a policy to hold meetings four times per year, on Fridays preceeding examinations. All meetings have been held in Anchorage.

APPENDIX C

QUESTIONNAIRE SENT TO BOARD MEMBERS

1. What are the goals and objectives of the Board?

*Number of Board
Members' Responses
(See Notes 1 and 2)*

Description

*Decrease hazards to public/environment
by improving the quality of welded
products.*

3

Improve quality of welded products.

1

*Should be quality control, but currently
involves self-protective business interests.*

1

2. What are the past accomplishments and future plans of the Board for meeting its goals?

*Number of Board
Members' Responses*

Description

Past accomplishments:

*Revised regulations to license welding
inspectors, thereby improving welding in
general.*

4

Economic self-interest.

1

Future plans:

Maintain quality of criteria.

2

Give technical advice to State departments.

1

*Should support Bureau concept; too much
ill will towards present Board.*

1

Continue pre-joint activity.

1

3. In what ways would the absence of regulation of welding in Alaska be detrimental to the public interest?

Number of Board Members' Responses

Description

Quality of component inspection and welder certification would suffer; non-code work would increase to detriment of the public.	3
<u>Not detrimental</u> ; profesisonal societies have certification programs; private industry monitors itself.	1
Left unmonitored, quality would be circumvented to increase profits.	2
Higher cost because weldment failure is more expensive after a product is operating.	1

4. What alternatives to Board regulation of welding exist? Are the alternatives viable? Why?

Number of Board Members' Responses

Description

Bureau such as introduced by 5B121; <u>not viable</u> ; too expensive, bureaucratic.	1
Require extensive insurance coverage, relying on insurance companies to enforce standards; too expensive.	1
Eliminate Board; let industry police itself: Viable.	1
Not viable; not effective in part; only some large companies have developed quality control programs.	2
Utilize procedures other than welding; not practical.	1

5. Are existing statutes (AS 08.01 and AS 08.99) obsolete, vague, unduly restrictive, and/or inadequate to provide the Board with the authority to meet its objectives? What changes would you suggest?

Number of Board Members' Responses

Description

<i>Adequate; no changes suggested.</i>	2
<i>Inadequate; need Bureau to perform physical function.</i>	1
<i>Somewhat vague, restrictive; Board's authority is doubtful but interest in welding has increased.</i>	1
<i>Obsolete; should address licensing of inspectors rather than welders, test facilities and code writing.</i>	1

6. Are the recently amended regulations:

Number of Board Members' Responses

A. <u>too restrictive; too lenient?</u>	
<i>No; satisfactory.</i>	4
<i>Yes.</i>	1
B. <u>easily interpreted?</u>	
<i>Yes.</i>	4
<i>No.</i>	1
C. <u>enforceable?</u>	
<i>No, especially among small operators</i>	3
<i>Yes, if State adequately funds investigations.</i>	2
D. <u>accepted by those being regulated?</u>	
<i>Yes.</i>	2
<i>Partially or generally.</i>	2
<i>Voluntary compliance.</i>	1