

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

8422 SENATE LABOR & COMMERCE

Alaska State Legislature

Senator Tim Kelly, Chair
Senator Steve Rieger, Vice Chair
Senator Drue Pearce
Senator Judy Salo
Senator Georgianna Lincoln



SENATE LABOR AND COMMERCE COMMITTEE

STATE CAPITOL, SUITE 101
JUNEAU, ALASKA 99801-1182
PHONE: (907) 465-3822
FAX: (907) 465-3756

3111 C STREET, SUITE 550
ANCHORAGE, ALASKA 99503
(907) 561-7612

MEMORANDUM

TO: Shelly Dugan, City Clerk
City of North Pole
FAX: 488-3002

FROM: Josh Fink, Legislative Aide
Senator Tim Kelly
Phone: 465-3819
FAX: 465-3756

DATE: May 3, 1993

RE: HB 221: Workers' Compensation for Volunteer Ambulance
Attendants, Police Officers, and Fire Fighters

Per our conversation, attached is a copy of the bill. For purposes of this legislation, municipality encompass the city of North Pole, the borough, and the city of Fairbanks. Accordingly, I have faxed this to the borough, though not Fairbanks as I understand they do not have any volunteers.

As I mentioned, I am under the gun to get Senator Kelly some information on this -- the fiscal impact on the borough and your position statement. You can fax this information to my above indicated fax number.

Your assistance is greatly appreciated. Thank you.

Alaska State Legislature

Senator Tim Kelly, Chair
Senator Steve Rieger, Vice Chair
Senator Drue Pearce
Senator Judy Saio
Senator Georgianna Lincoln



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ANCHORAGE, ALASKA 99503
(907) 561-7612

MEMORANDUM

TO: Sandra Stringer, Borough of Fairbanks
FAX: 459-1102

FROM: Josh Fink, Legislative Aide
Senator Tim Kelly
Phone: 465-3819
FAX: 465-3756

DATE: May 3, 1993

RE: HB 221: Workers' Compensation for Volunteer Ambulance
Attendants, Police Officers, and Fire Fighters

Per our conversation, attached is a copy of the bill. For purposes of this legislation, municipality encompasses the borough, and the cities of North Pole and Fairbanks. Accordingly, I will fax this to North Pole and Fairbanks for their fiscal analysis and position.

As I mentioned, I am under the gun to get Senator Kelly some information on this -- the fiscal impact on the borough and your position statement. You can fax this information to my above indicated fax number.

Your assistance is greatly appreciated. Thank you.

Alaska State Legislature

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Senator Steve Rieger, Vice Chair
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SENATE LABOR AND COMMERCE
COMMITTEE

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(907) 561-7612

MEMORANDUM

TO: Donna Pierce, Deputy City Manager
City and Borough of Juneau
FAX: 586-5385

FROM: Josh Fink, Legislative Aide
Senator Tim Kelly
Phone: 465-3819
FAX: 465-3756

DATE: May 3, 1993

RE: HB 221: Workers' Compensation for Volunteer Ambulance
Attendants, Police Officers, and Fire Fighters

Per our conversation, attached is a copy of the bill. .

As I mentioned, I am under the gun to get Senator Kelly some information on this -- the fiscal impact on the borough and your position statement. You can fax this information to my above indicated fax number.

Your timely assistance is greatly appreciated.

Thank you.



MARK R. PALESH
CITY/BOROUGH MANAGER

CITY AND BOROUGH OF JUNEAU

TO: Josh Fink, Legislative Aide
FROM: Donna ^{T. Palesh} ~~k~~, Legislative Deputy City/Borough Manager
RE: HB221 ^{Dep} ~~er~~
DATE: May 3, 1993

I have reviewed HB221 as per your request. We are taking local action to provide worker's compensation benefits for volunteer firefighters at their gross weekly earnings, subject to the state cap of \$700 per week. I assume the cap is not affected by this bill. Please advise us if this is not correct. Our insurance agents have stated that they do not have sufficient data to estimate the fiscal impact. Our own rough estimate is about \$10,000 per year for this provision.

Section 2 of this bill concerns us in that it does not define "volunteer ambulance attendant, or police officer." Volunteer firefighter is defined elsewhere in the law; to our knowledge the others are not. Individual volunteers should be officially recognized by the municipality, and acting under the auspices of the police or fire chief, before being entitled to benefits under this bill.

Thank you for an opportunity to comment.

P.O. BOX 55109
NORTH POLE, ALASKA
99705



TOP OF THE WORLD
PHONE: 907-488-2201
AT YOUR SERVICE

MEMORANDUM

TO: Josh Fink, Legislative Aide
Senator Tim Kelly
FAX: 465-3756

FROM: Mayor Lute Cunningham *LC*
City of North Pole

DATE: May 3, 1993

RE: HB 221: Workers' Compensation for Volunteer Ambulance
Attendants, Police Officers and Firefighters

To give you some perspective on the city's position on HB 221, I am providing the following general information:

The City of North Pole has an extensive volunteer program in its fire and police departments. The exact number of volunteers fluctuates, but averages 30 individuals at any given time. All volunteers receive extensive training at city expense, which includes EMT training for fire department volunteers. Many of the fire department volunteers are state certified EMT III's. All volunteers are provided uniforms and the appropriate equipment at city expense. Fire department volunteers receive a stipend for every "run" responded to. All volunteers are covered by the city's workers' compensation insurance.

Although I can't provide you with a dollar amount at this time, you can be assured that adoption of HB 221 would have a significantly negative fiscal impact on the City of North Pole using either of the calculation methods proposed. North Pole, like most municipalities in the state, is faced with finding alternative sources of revenue to replace cuts in state aid to municipalities. In addition, it appears that municipalities are going to be faced with assuming financial responsibility for other programs formerly funded by the state. The City of North Pole is adamantly opposed to state-mandated responsibilities imposed without any consideration of the fiscal impact involved.

I have lobbied strongly against this legislation because of the fiscal impact it would have on municipalities. The net effect of the adoption of HB 221 would be to drastically reduce, or completely eliminate, the City of North Pole's ability to operate a volunteer program.

I hope this information is helpful to Senator Kelly. Please let me know if you need additional information or comment. Thanks for giving the city an opportunity to comment on HB 221.

Municipality of Anchorage



P.O. BOX 196650
ANCHORAGE, ALASKA 99519-6650
(907) 343-4201

TOM FINK
MAYOR

DEPARTMENT OF FINANCE
Risk Management Section

May 5, 1993

Josh Fink, Legislative Aide
Senator Tim Kelly
Alaska State Legislature
3111 C Street, Suite 550
Anchorage, Alaska 99503

Re: House Bill 221

Dear Mr. Fink,

This legislation could be very expensive for the Municipalities around the State of Alaska.


First of all, it takes away the ability of a political subdivision to set a predetermined rate for weekly compensation. By calculating the gross weekly earnings on the basis of the earnings of the past two years, subject to Sec. (I) 23.30.220, it is possible that the volunteer could earn more through compensation benefits than the regular firefighter, ambulance attendant or police officer. Section (4) 23.30.220, should not be amended to set the weekly earnings between section 1 and 4 to the higher of the two amounts of the two sections.

Section 23.30.238 makes ambulance attendants, police officers, and firefighter employees of the City. This new section should not stand, as volunteers should not be considered employees.

The language in this section could create litigation and possible benefits allowed in other areas for the volunteers. Although injury claims for these volunteers might be infrequent, just 2 or 3 serious injuries could result in workers' compensation payments in excess of one million.

The Administration opposes both the new section and the proposed changes to the workers' compensation statutes outlined in this House Bill.

Yours very truly,


Harry E. Sjöberg
Risk Manager

HES/cm

c:HB221.htm



Alaska State Legislature

REPRESENTATIVE BILL HUDSON

State Capitol
Juneau, Alaska
99801-1182
(907) 465-3744

COMMITTEES
CHAIR
Labor & Commerce
VICE CHAIR
Resources
MEMBER
Transportation
Regulation Review
Economic Development
Task Force

SPONSOR STATEMENT

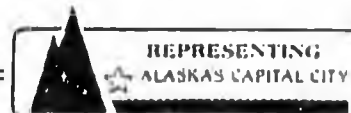
HOUSE BILL 221

House Bill 221 was introduced to clarify Workers' Compensation statutes that have been the cause of much confusion or misinterpretation, particularly with regard to benefits for volunteers.

Workers compensation benefits are intended, subject to minimum and maximum limits, to replace the lost wages of injured workers. Section 1 of HB 221 recognizes that volunteers should receive wage replacement based on the actual wages lost or the comparable wage they would receive were they paid employees rather than volunteers. Current law limits wage loss benefits for volunteer fire fighters, for example, who may have high earning capacity in their regular employment, to the benefits based on the wage paid a carrier fire fighter. House Bill 221 corrects the inequities in benefit calculations for volunteer ambulance attendants, police officers and fire fighters by calculating compensation based on the higher wage earned.

Section 2 of HB 221 is to clarify the original intent of AS 23.30.243, which is to extend coverage for volunteer fire fighters. In the past year, compensation benefits for volunteer fire fighters, while engaged in fire department activities other than responding to emergencies, has been questioned. Since "employees" are covered for injuries arising out of and in the course of employment, volunteer fire fighters are similarly covered. Unfortunately, AS 23.30.243 has been misinterpreted to limit coverage only to those instances where the volunteer was responding to an emergency. This section was originally intended to extend coverage, not limit it.

Therefore, in order to restore the original intent of AS 23.30.243, and to clarify once and for all that volunteers are employees and are covered as any other employee for the purposes of workers' compensation, Section 2 of HB 221 amends AS 23.30 by adding a new section that defines volunteer ambulance attendants, police officers and fire fighters as "employees."



Section 3 repeals AS 23.30.092. This statute has been interpreted to mean that a municipality "may" provide workers compensation coverage for volunteers. Conversely, it may be incorrectly interpreted to mean that a municipality may elect not to provide coverage. In reality, this section provides that an alternative policy may substitute for a workers' compensation policy so long as the benefits are equal or better than a statutory workers' compensation policy. However, this section has done nothing but cause confusion and I believe repealing it will clarify that all volunteers who meet the definition in AS 23.30 must be covered by workers' compensation.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 221

Revision Date: _____
Title: 'An Act relating to workers' compensation for volunteer ambulance attendants, police officers and fire fighters.'
Sponsor: Hudson
Requestor: _____

Department Affected: Administration
BRU: Risk Management
Component: _____
COMPONENT SERIAL NO. 0071

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY93) impact: 0

ANALYSIS: (Attach a separate page if necessary.)
This bill would not affect Risk Management budget requirements.

Prepared by: Don Hitchcock, Director
Division: Risk Management

Phone: (907) 465-2180
Date: _____

Approved by Commissioner: Nancy Bear Usura
Agency: Administration

Date: 3/18/93

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO : HB 221

Revision Date: _____

Department Affected: Labor

Title: Workers' Compensation :
Volunteer Fire Fighters, Etc

BRU: Workers' Compensation

Component: _____

Sponsor: Representatives Hudson, Grussendorf

Workers' Compensation

Requestor: House Community & Regional Affairs

COMPONENT SERIAL NO. 344

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Paul B. Arnoldt, Director *Paul B. Arnoldt* Phone: 465-2790
 Division: Workers' Compensation Date: 3/16/93

Approved by Commissioner: Charles W. Mahler *C. Mahler*
 Agency: Department of Labor Date: 3/16/93

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**DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(207) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

150 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 22, 1993

SUBJECT: Sectional Summary of HB 221

TO: Representative Bill Hudson

FROM: Michael F. Ford *M.F.*
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Provides that for purposes of calculating the compensation paid to a volunteer ambulance attendant, police officer, or fire fighter, the person would receive workers' compensation benefits equal to that paid a full-time employee where the injury occurred or equal to the amount that the person would receive based on earnings in their regular employment, whichever is higher.

Section 2. Provides that a person who is injured while performing service as a volunteer ambulance attendant, police officer, or fire fighter, is for purposes of workers' compensation benefits considered an employee of the municipality in which the person performs the volunteer service, if the person is not already covered by insurance.

Section 3. Repeals a provision of law allowing a municipality to elect to extend coverage to volunteer ambulance attendants, police officers, or fire fighters.

Section 4. Effective date.

MFF:gc
93-251.glc

satisfactory proof that an employer is no longer entitled to it. After revocation the board may grant a new certificate to an employer, upon the employer's petition and satisfactory proof of the employer's financial ability as provided in this chapter. An employer authorized as a self-insurer shall provide claims facilities through its own staffed adjusting facilities located within the state, or independent, licensed, resident adjusters with power to effect settlement within the state. (§ 39 ch 193 SLA 1959; am § 1 ch 1 SLA 1962)

Collateral references. — 32 Am. Jur. 2d, Workers' Compensation, § 663.
100 C.J.S., Workmen's Compensation, §§ 354-356.

Homeowners' or personal liability insurance as providing coverage for liability under workmen's compensation laws. 41 ALR3d 1306.

Sec. 23.30.092. Volunteer ambulance attendants', police officers', and fire fighters' insurance. A political subdivision may elect to provide benefits and compensation to its volunteer ambulance attendants, police officers, or fire fighters by obtaining insurance that would provide its volunteer ambulance attendants, police officers, or fire fighters with benefits and compensation at least equivalent to those conferred upon volunteer ambulance attendants, police officers, or fire fighters by this chapter, and the election shall be considered compliance with the coverage and insurance provisions of this chapter. The election shall be made by filing copies of the insurance policy or policies with the commissioner. (§ 3 ch 41 SLA 1968; am § 1 ch 77 SLA 1979)

Revisor's notes. — In 1989, the terms "police officers" and "fire fighters" were substituted for "policemen," and "fire-

men" in this section under §§ 59 and 60, ch. 50, SLA 1989.

Sec. 23.30.095. Medical treatments, services, and examinations. (a) The employer shall furnish medical, surgical, and other attendance or treatment, nurse and hospital service, medicine, crutches, and apparatus for the period which the nature of the injury or the process of recovery requires, not exceeding two years from and after the date of injury to the employee. However, if the condition requiring the treatment, apparatus, or medicine is a latent one, the two-year period runs from the time the employee has knowledge of the nature of the employee's disability and its relationship to the employment and after disablement. It shall be additionally provided that, if continued treatment or care or both beyond the two-year period is indicated, the injured employee has the right of review by the board. The board may authorize continued treatment or care or both as the process of recovery may require. When medical care is required, the injured employee may designate a licensed physician to provide all medical and related benefits. The employee may not make more than one change in the employee's choice of attending physician without

ALASKA WORKERS' COMPENSATION BOARD

P.O. Box 25512



Juneau, Alaska 99802-5512

In the Matter of the Self-
Insurance Certificate of

THE CITY AND BOROUGH OF JUNEAU,
ALASKA.

FILED with
ALASKA WORKERS'

FEB 17 1993

COMPENSATION BOARD
JUNEAU, ALASKA

We met in Juneau, Alaska on 4 February 1993 to consider a petition of the City and Borough of Juneau (CBJ) for an order extending coverage under the CBJ's Certificate of Self-Insurance to volunteer firemen. The CBJ is represented by attorney T.G. Batchelor. Ken Kareen, the CBJ Personnel Director testified at hearing. The Alaska Department of Labor, Workers' Compensation Division was represented by Self-Insurance Administrator Richard Austerman. We closed the record and concluded our deliberations on 4 February 1993.

The CBJ is a self-insured employer under the Alaska Workers' Compensation Act (AWCA)¹ and regulations promulgated

AS 23.30.075(a) provides in pertinent part: "An employer under this chapter, unless exempted, shall either insure and keep insured for the employer's liability under this chapter in an insurance company . . . or shall furnish the board satisfactory proof of the employer's financial ability to pay directly the compensation provided for."

AS 23.30.090 provides in pertinent part: "If an employer has complied with the provisions of this chapter relating to self-insurance, the board shall issue the employer a certificate which shall remain in force for a period fixed by the

thereunder at Chapter 46 of Title 8 of the Alaska Administrative Code (8 AAC 46).

The CBJ asserts that volunteer firemen² have workers' compensation coverage under AS 23.30.243(a) under certain circumstances, i.e., proceeding to or engaging in a fire suppression or rescue operation or the protection of life or property.³ The CBJ asserts it is not clear what other types of activities are covered under the AWCA for the volunteer firemen.

By its petition, the CBJ seeks an order which would extend AWCA coverage to volunteer firemen under the CBJ self-insurance certificate, while engaged in "approved" training and community service activities. At hearing, the CBJ informed us it wishes us to determine if we have any objection to their voluntarily providing coverage under its certificate of self-insurance.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

AS 23.30.092 provides:

A political subdivision may elect to provide benefits and compensation to its volunteer . . . firemen by obtaining insurance which would provide its volunteer . . . firemen with benefits and compensation at least equivalent to those conferred upon volunteer . . . firemen by this chapter, and the election shall be considered compliance with the coverage and insurance provisions of this chapter. The election shall be made by filing copies of the

board."

² AS 23.30.265(30) provides: "'volunteer fireman' means an individual whose name is registered with the state fire marshal as a member of a regularly organized volunteer fire department or who serves with a full-time fire department on a temporary, voluntary basis."

³ AS 23.30.243 is quoted and discussed below.

insurance policy or policies with the commissioner.

AS 23.30.243(a) provides:

For the purpose of workers' compensation, any injury, disability or death incurred by a fireman by reason of the fireman's proceeding to or engaging in a fire suppression or rescue operation, or the protection or preservation of life or property, anywhere in the state is considered to have arisen out of and been sustained in the course of employment, and the fire department or regularly organized volunteer fire department of the fireman's primary employment or registration is considered to be the employer, except when the injured, at the time of injury or death, is acting for compensation from another.

AS 23.30.092 provides a procedure for the resolution of the CBJ's problem, i.e., purchasing workers' compensation insurance coverage for the volunteer firemen, and filing a copy of the insurance policy with the Commissioner of Labor. We assume the CBJ is aware of this option, and has declined to purchase such insurance due to the cost.

The question remains, can the CBJ cover its volunteer firemen under its self-insurance certificate? This issue has never been addressed by the AWC. We have reviewed the AWCA and 8 AAC 46, the Self-Insurance regulations. We find nothing which prohibits the CBJ from electing to cover its volunteer firemen under its self-insurance certificate. We find nothing which leads us to believe that AS 23.30.092 was intended to require a municipality to purchase insurance as the exclusive method of insuring its volunteers for workers' compensation liability. Absent any specific language precluding it, we find it is permissible for the CBJ to self-insure workers' compensation liability for its volunteer firemen.

Concerning the specific terms of the coverage which the CBJ wishes to provide, and which we are asked to authorize, we find

nothing which prohibits the CBJ and volunteer firemen from entering into an agreement under which the CBJ agrees to provide workers' compensation coverage in accord 8 AAC 46 and the guidelines set out in the petition.⁴ After doing so, the CBJ should notify the Self-Insurance Administrator. 8 AAC 46.100. It must, of course, also notify its excess insurance carrier as the change will effect the CBJ's exposure to liability for workers' compensation benefits. We find that the parameters of coverage the CBJ wishes to provide its volunteer fireman, including coverage during training, is a matter within its discretion, subject only to its ability to meet its obligation to injured employees and volunteers under the AWCA. The CBJ's ability to pay is an issue which is reviewed annually, and more often if necessary, by the Self-Insurance Administrator and the AWCB.

Finally we turn to the issue of our authority to enter an order binding the CBJ to provide workers' compensation coverage to volunteers during training. The CBJ argues that signing the proposed order will bind the AWCB and the CBJ to providing coverage to volunteer firemen during training. We do not agree. The discussion above is based on the assumption that the CBJ elects to provide the coverage under consideration, and elects to remain bound by that election. We must now consider how the AWCB can resolve a case where a volunteer fireman is injured during training, but due to a change in personnel or policy, or for whatever reason, the CBJ declines to voluntarily provide coverage to the injured volunteer.

Assuming such a "volunteer" is truly a volunteer, and not an employee⁵, we presume we would apply AS 23.30.243. Notably, that

⁴ We note that 8 AAC 46.120 requires that all records necessary to complete and verify the accuracy of all reports and documents submitted to the AWCB must be retained for three years.

⁵ AS 23.30.265(12) provides: "'employee' means an employee employed by an employer as defined in (13) of this section."

statute does not mention firemen who are injured during training. Based on the plain language of the statute, it appears likely coverage under the AWCA would be denied. We do not issue advisory opinions. Furthermore, we find it would be improper to enter an order which appears to be contrary to the express language of AS 23.30.243. For those reasons we decline to execute the order proposed. We believe the most effective method of assuring volunteer firemen coverage under the Alaska Workers' Compensation Act is by means of an amendment of the AWCA, presumably AS 23.30.243.

At hearing, the CBJ informed us that legislation had been introduced in 1992 which would have amended AS 23.30.243 by adding 'training' to the scope of its coverage. We recognize that volunteer firemen are an important and valuable community asset. It is obvious that in order to become and remain qualified to engage in fire fighting and related emergency activities, volunteers must engage in training, and that they should have insurance in the event they are injured while engaging in such authorized activities. This panel favors amending AS 23.30.243 in order to provide coverage under the AWCA to volunteer firemen while they engage in authorized training activities. A copy of this Decision and Order shall be forwarded to the Commissioner of Labor, who is also the Chairman of the AWCB, with the request that he consider an appropriate amendment to the AWCA.

AS 23.30.265(13) provides: "'employer' means the state or political subdivision or a person employing one or more persons in connection with a business or industry coming within the scope of this chapter and carried on in this state."

We determine if a person is an employee by applying the "relative-nature-of-the-work test." This multi-part test is set out in 8 AAC 45.890. Obviously we have insufficient information to determine if a hypothetical "volunteer" may qualify as an "employee" for the purposes of this decision.

In Re: CBJ Self-Insurance Certificate

ORDER

The proposed order is denied.

Dated at Juneau, Alaska this 17th day of FEBRUARY, 1993

ALASKA WORKERS' COMPENSATION BOARD

/s/ LAWSON N. LAIR
Lawson N. Lair, Designated Chairman

/s/ DON KOENIGS
Don Koenigs, Member

UNAVAILABLE FOR SIGNATURE
Nancy J. Ridgley, Member

APPEAL PROCEDURES

A compensation order may be appealed through proceedings in Superior Court brought by a party in interest against the Board and all other parties to the proceedings before the Board, as provided in the Rules of Appellate Procedure of the State of Alaska.

A compensation order becomes effective when filed in the office of the Board, and unless proceedings to appeal it are instituted, it becomes final on the 31st day after it is filed.

CERTIFICATION

I hereby certify that the foregoing is a full, true and correct copy of the Decision and Order in the matter of The Self-Insurance Certificate of THE CITY AND BOROUGH OF JUNEAU, ALASKA; dated and filed in the office of the Alaska Workers' Compensation Board in Juneau, Alaska, this 17th day of February, 1993.



Bruce Dalrymple
Bruce Dalrymple

ALASKA STATE FIREFIGHTERS ASSOCIATION

P.O. Box 2992, Cordova, Alaska 99574



March 31, 1993.

Dear Sirs:

As President of the Alaska State Firefighters Association I am asking for your support to aid the passage of H.B. 221.

When I joined the Cordova Volunteer Fire Department I was told I was covered by the Alaska Worker's Compensation Act (AWCA). It was my understanding that this was whenever I participated in department training drills, I performed maintenance duties, responded to emergencies or took part in sanctioned Fire Department activities.

There is now some question as to the level of coverage volunteers have. After a training accident at the William Hagavig Regional Training Center last year there was a delay in assuring coverage for two injured firefighters. This is not acceptable! The level of coverage needs to be clarified in the AWCA to ensure adequate coverage for all volunteer fire fighters state wide. H.B. 221 will do this.

To give a little background to this issue consider that the Alaska Worker's Compensation Board (AWCB) stated in a ruling handed down Feb 17, 1993, that "Assuming such a 'volunteer', is truly a volunteer, and not an employee, we presume we would apply AS 23.30.243. Notably, that statute does not mention firemen who are injured during training. Based on the plain language of the statute, it appears likely coverage under the AWCA would be denied." The AWCB goes on to say. "We believe the most effective method of assuring volunteer firemen coverage under the Alaska Workers' Compensation Act is by means of an amendment to the AWCA, presumably AS 23.30.243."

Last fall I wrote a letter of support for what became H.B 150. I now feel the addition of the wording "participating in training" is not going to cover volunteers adequately. Volunteers perform many functions in addition to training. These include pre fire planning, fire investigation, building and equipment maintenance, administrative duties, fire investigation and teaching fire prevention to citizens. These are only a portion of the activities volunteers may participate in to maintain a fire department.

On March 12, 1993 Representative Bill Hudson and Representative Ben Grussendorf introduced H.B. 221. This bill assures that Volunteer Ambulance Attendants, Police Officers and Fire Fighters are considered employees of the municipality in which they provide their services. As employees they would receive the same coverage as a paid person which is only right since they are all taking the same risks while performing the same tasks.

H.B. 221 is appropriate and needs your full support.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert J. Plumb", with a long horizontal line extending to the right.

Robert J. Plumb, president

03/25/93
12:37:36

PUBLIC OPINION MESSAGE SYSTEM
MEMBER OFFICE HUD Hudson

POMS100
LHSCDEB
WASTEBASKET

From: Mr. Greg Hayden
Box 1826

Valdez

AK99686

Tel: 835-4560

Bill# HB 221 Title: WORKERS COMP: VOLUNTEER FIRE FIGHTERS, ETC
Subject:

SUPPORTS THIS LEGISLATION

Message: THANK YOU FOR INTRODUCING HB 221 IN SUPPORT OF VOLUNTEER
FIREFIGHTERS. THIS BILL IS EXTREMELY IMPORTANT TO US. SINCERELY, GREG HAYDEN,
VALDEZ VOLUNTEER FIREFIGHTERS ASSOCIATION.

Entered By: LIOCDJG on 3/25/93 PomID 9009 Distribution 1

MSG:

Enter Next Message PF4 Menu PF6 WasteBasket PF7 Previous POM PF10 BigWaste

4B[

M-M27 LINE 1 COL 1

04/01/93
13:53:30

PUBLIC OPINION MESSAGE SYSTEM
MEMBER OFFICE HUD Hudson

POMS100
LHSCDEB
WASTEBASKET

From: Mr. Pat
Box 240282

Eggers

*

Douglas

AK99824

Tel: 364-3366

Bill# HB 221 Title: WORKERS COMP: VOLUNTEER FIRE FIGHTERS, ETC
Subject:

SUPPORTS THIS LEGISLATION

Message: WE NEED HB 221. I REPRESENT THE FIREFIGHTERS IN YOUR AREA AS FIRST VICE-PRESIDENT OF ALASKA STATE FIREFIGHTERS ASSOCIATION. THIS BILL IS OUR TOP PRIORITY THIS YEAR. PLEASE LEND YOUR SUPPORT FOR THIS IMPORTANT CLARIFYING BILL. THANK YOU VERY MUCH.

Entered By: LIOCJIM on 4/ 1/93

PomID 10372

Distribution 7

MSG:

Enter Next Message PF4 Menu PF6 WasteBasket PF7 Previous POM PF10 BigWaste

4B[

M-M27 LINE 1 COL 1



Cordova Volunteer Fire Department

FIRE CHIEF DEWEY WHETSELL

P.O. Box 304
Cordova, Alaska 99574
(907) 424-6100

March 23, 1993

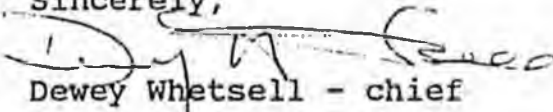
The Honorable Bill Hudson
Alaska House of Representatives
Juneau, Alaska

Dear Representative Hudson:

On behalf of the fifty volunteers of the Cordova Volunteer Fire Department, I would like to thank you for introducing H.B. 221. This bill is extremely important to us. In these times of changing legal complexities, it is important to try to protect a 270 year old American institution -- the Volunteer Fire Department. So many people depend entirely on volunteers for protection. It is vital that we protect the men and women that make up this institution.

Thank you very much.

Sincerely,


Dewey Whetsell - chief

Michael L. Gundlach
PO Box 1236
Cordova, AK 99574
March 23, 1993

The Honorable Bill Hudson
Alaska House of Representatives
Juneau, Alaska

Dear Representative Hudson:

Thank-you for introducing H.B. 221 in support of Volunteer Firefighters. This bill is extremely important to me and the members of the Cordova Volunteer Fire Dept. and the citizens of the City of Cordova.

Sincerely,



Michael L. Gundlach
Captain, CVFD

BACK UP FOR CS HB 221 (L&C)

WORKER'S COMPENSATION FOR VOLUNTEER FIRE FIGHTERS

Currently, municipalities are required to provide worker's compensation coverage or similar compensation and benefits insurance (AS 23.30.902) coverage for volunteer fire fighters when they are on the job suppressing fires.

However, ruling on a case involving fatalities and injury here in Juneau, the Worker's Compensation Board indicated that AS 23.30.243 does not require coverage for an injury that occurs during training. The board recommended extending that coverage to volunteer fire fighters during authorized training. HB 221 implements that recommendation and is supported by the Municipal League.

Changes made in CS by the L&C Committee

The CS strictly implements the Worker's Compensation Boards recommendation.

The original bill included new language on the computation of compensation and deleted the provision allowing municipalities to either provide worker's compensation or similar benefits under another insurance policy. Both provisions were opposed by the Municipal League and municipalities across the State.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO : SCS HB 221 (L&C)

Revision Date: _____

Department Affected: Labor

Title: "An Act relating to workers' compensation ..."

BRU: Workers' Compensation

Component: Workers' Compensation

Sponsor: Representative Hudson

Requestor: Senate Labor & Commerce

COMPONENT SERIAL NO. 344

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE FUND SOURCE:						
-----------------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Paul B. Arnoldt, Director Phone: 465-6059

Division: Workers' Compensation Date: 5/6/94

Approved by Commissioner: Charles W. Manie...

Agency: Department of Labor Date: 5/6/94

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8-LS1861A ✓
Ford
3/24/94

**SENATE CONCURRENT RESOLUTION NO.
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION**

BY THE SENATE LABOR AND COMMERCE COMMITTEE

**Introduced:
Referred:**

A RESOLUTION

1 **Suspending Uniform Rules 24(c), 35, 41(b), and 42(e) of the Alaska State**
2 **Legislature concerning House Bill No. 221, relating to workers' compensation for**
3 **fire fighters.**

4 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 That under Rule 54 of the Uniform Rules of the Alaska State Legislature, the
6 provisions of Rules 24(c), 35, 41(b), and 42(e) of the Uniform Rules, regarding changes to the
7 title of a bill, are suspended in consideration of House Bill No. 221, relating to workers'
8 compensation for fire fighters.

8-LS0806E ✓
Ford
3/12/94

SENATE CS FOR HOUSE BILL NO. 221()
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES HUDSON, Grussendorf, Mulder

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to workers' compensation for volunteer ambulance attendants,
2 police officers, and fire fighters; and providing for an effective date."

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

4 * Section 1. AS 23.30 is amended by adding a new section to read:

5 Sec. 23.30.236. VOLUNTEER AMBULANCE ATTENDANTS, POLICE
6 OFFICERS, AND FIRE FIGHTERS AS EMPLOYEES. A person who suffers an
7 injury while providing service as a volunteer ambulance attendant, police officer, or
8 fire fighter is for purposes of this chapter an employee of the municipality in which
9 the person provides the volunteer service if the person is not otherwise covered for that
10 injury by an employer's workers' compensation insurance policy or self-insurance
11 certificate.

12 * Sec. 2. AS 23.30.092 is repealed.

13 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

8-LS0806J ✓

Ford

3/24/94

SENATE CS FOR HOUSE BILL NO. 221(L&C)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES HUDSON, Grussendorf, Mulder

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to workers' compensation for fire fighters; and providing for
2 an effective date."

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

4 * Section 1. AS 23.30.243 (a) is amended to read:

5 (a) For the purposes of workers' compensation any injury, disability or death
6 incurred by a fire fighter by reason of the fire fighter's participation in training,
7 proceeding to or engaging in a fire suppression or rescue operation, or the protection
8 or preservation of life or property, anywhere in the state is considered to have arisen
9 out of and been sustained in the course of employment, and the fire department or
10 regularly organized volunteer fire department of the fire fighter's primary employment
11 or registration is considered to be the employer, except when the injured, at the time
12 of injury or death, is acting for compensation from another.

13 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

8-LS0806K/
Ford
5/4/94

SENATE CS FOR HOUSE BILL NO. 221(L&C)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES HUDSON, Grussendorf, Mulder

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to workers' compensation for volunteer ambulance attendants,
2 police officers, and fire fighters; and providing for an effective date."

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

4 * Section 1. AS 23.30.243 (a) is amended to read:

5 (a) For the purposes of workers' compensation any injury, disability or death
6 incurred by a fire fighter by reason of the fire fighter's participation in authorized
7 training, proceeding to or engaging in a fire suppression or rescue operation, or the
8 protection or preservation of life or property, anywhere in the state is considered to
9 have arisen out of and been sustained in the course of employment, and the fire
10 department or regularly organized volunteer fire department of the fire fighter's
11 primary employment or registration is considered to be the employer, except when the
12 injured, at the time of injury or death, is acting for compensation from another.

13 * Sec. 2. AS 23.30.220(a) is amended to read:

14 (a) The spendable weekly wage of an injured employee at the time of an injury

1 is the basis for computing compensation. It is the employee's gross weekly earnings
2 minus payroll tax deductions. The gross weekly earnings shall be calculated as
3 follows:

4 (1) the gross weekly earnings are computed by dividing by 100 the
5 gross earnings of the employee in the two calendar years immediately preceding the
6 injury;

7 (2) if the employee was absent from the labor market for 18 months
8 or more of the two calendar years preceding the injury, the board shall determine the
9 employee's gross weekly earnings for calculating compensation by considering the
10 nature of the employee's work and work history, but compensation may not exceed the
11 employee's gross weekly earnings at the time of injury;

12 (3) if an employee when injured is a minor, an apprentice, or a trainee
13 in a formal training program, as determined by the board, whose wages under normal
14 conditions would increase during the period of disability, the projected increase may
15 be considered by the board in computing the gross weekly earnings of the employee;

16 (4) if the employee is injured while performing duties as a volunteer
17 ambulance attendant, police officer, or fire fighter, the gross weekly earnings for
18 calculating compensation shall be the minimum gross weekly earnings paid a full-time
19 ambulance attendant, police officer, or fire fighter employed in the political subdivision
20 where the injury occurred, or the employee's weekly earnings as calculated under
21 (1) of this subsection, whichever is lower [, IF THE POLITICAL SUBDIVISION
22 HAS NO FULL-TIME AMBULANCE ATTENDANTS, POLICE OFFICERS, OR
23 FIRE FIGHTERS, AT A REASONABLE FIGURE PREVIOUSLY SET BY THE
24 POLITICAL SUBDIVISION TO MAKE THIS DETERMINATION BUT IN NO
25 CASE MAY THE GROSS WEEKLY EARNINGS FOR CALCULATING
26 COMPENSATION BE LESS THAN THE MINIMUM WAGE COMPUTED ON THE
27 BASIS OF 40 HOURS WORK PER WEEK].

28 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

8-LS08060 ✓
Ford
5/5/94

SENATE CS FOR HOUSE BILL NO. 221(L&C)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES HUDSON, Grussendorf, Mulder

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to workers' compensation for volunteer ambulance attendants,
2 police officers, and fire fighters; and providing for an effective date."

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

4 * Section 1. AS 23.30.243 (a) is amended to read:

5 (a) For the purposes of workers' compensation any injury, disability or death
6 incurred by a fire fighter by reason of the fire fighter's participation in authorized
7 training, proceeding to or engaging in a fire suppression or rescue operation, or the
8 protection or preservation of life or property, anywhere in the state is considered to
9 have arisen out of and been sustained in the course of employment, and the fire
10 department or regularly organized volunteer fire department of the fire fighter's
11 primary employment or registration is considered to be the employer, except when the
12 injured, at the time of injury or death, is acting for compensation from another.

13 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

HOUSE BILL NO. 221
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES HUDSON, Grussendorf

Introduced: 3/12/93

Referred: Community & Regional Affairs, Labor & Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to workers' compensation for volunteer ambulance attendants,
2 police officers, and fire fighters; and providing for an effective date."

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

4 * Section 1. AS 23.30.220(a) is amended to read:

5 (a) The spendable weekly wage of an injured employee at the time of an injury
6 is the basis for computing compensation. It is the employee's gross weekly earnings
7 minus payroll tax deductions. The gross weekly earnings shall be calculated as
8 follows:

9 (1) the gross weekly earnings are computed by dividing by 100 the
10 gross earnings of the employee in the two calendar years immediately preceding the
11 injury;

12 (2) if the employee was absent from the labor market for 18 months
13 or more of the two calendar years preceding the injury, the board shall determine the
14 employee's gross weekly earnings for calculating compensation by considering the

1 nature of the employee's work and work history, but compensation may not exceed the
2 employee's gross weekly earnings at the time of injury:

3 (3) if an employee when injured is a minor, an apprentice, or a trainee
4 in a formal training program, as determined by the board, whose wages under normal
5 conditions would increase during the period of disability, the projected increase may
6 be considered by the board in computing the gross weekly earnings of the employee:

7 (4) if the employee is injured while performing duties as a volunteer
8 ambulance attendant, police officer, or fire fighter, the gross weekly earnings for
9 calculating compensation shall be the minimum gross weekly earnings paid a full-time
10 ambulance attendant, police officer, or fire fighter employed in the political subdivision
11 where the injury occurred, or the employee's weekly earnings as calculated under
12 (1) of this subsection, whichever is higher [. IF THE POLITICAL SUBDIVISION
13 HAS NO FULL-TIME AMBULANCE ATTENDANTS, POLICE OFFICERS, OR
14 FIRE FIGHTERS, AT A REASONABLE FIGURE PREVIOUSLY SET BY THE
15 POLITICAL SUBDIVISION TO MAKE THIS DETERMINATION BUT IN NO
16 CASE MAY THE GROSS WEEKLY EARNINGS FOR CALCULATING
17 COMPENSATION BE LESS THAN THE MINIMUM WAGE COMPUTED ON THE
18 BASIS OF 40 HOURS WORK PER WEEK].

19 * Sec. 2. AS 23.30 is amended by adding a new section to read:

20 Sec. 23.30.238. VOLUNTEER AMBULANCE ATTENDANTS, POLICE
21 OFFICERS, AND FIRE FIGHTERS AS EMPLOYEES. A person who suffers an
22 injury while providing service as a volunteer ambulance attendant, police officer, or
23 fire fighter is for purposes of this chapter an employee of the municipality in which
24 the person provides the volunteer service if the person is not otherwise covered for that
25 injury by an employer's workers' compensation insurance policy or self-insurance
26 certificate.

27 * Sec. 3. AS 23.30.092 is repealed.

28 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 221

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act relating to workers' compensation for BRU: Risk Management
volunteer ambulance attendants, police officers Component: _____
 Sponsor: Hudson
 Requestor: (S) L&C COMPONENT SERIAL NO. 71

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Brad Thompson, Director
 Division: Risk Management
 Approved by Commissioner: Nancy Bear Usora
 Agency: Administration

Phone: 465-2180
 Date: _____
 Date: 4/12/94

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ALASKA WORKERS' COMPENSATION BOARD

P.O. Box 25512



Juneau, Alaska 99802-5512

In the Matter of the Self-
Insurance Certificate of

THE CITY AND BOROUGH OF JUNEAU,
ALASKA.

FILED with
ALASKA WORKERS'

FEB 17 1993

COMPENSATION BOARD
JUNEAU, ALASKA

We met in Juneau, Alaska on 4 February 1993 to consider a petition of the City and Borough of Juneau (CBJ) for an order extending coverage under the CBJ's Certificate of Self-Insurance to volunteer firemen. The CBJ is represented by attorney T.G. Batchelor. Ken Kareen, the CBJ Personnel Director testified at hearing. The Alaska Department of Labor, Workers' Compensation Division was represented by Self-Insurance Administrator Richard Austerman. We closed the record and concluded our deliberations on 4 February 1993.

The CBJ is a self-insured employer under the Alaska Workers' Compensation Act (AWCA)' and regulations promulgated

AS 23.30.075(a) provides in pertinent part: "An employer under this chapter, unless exempted, shall either insure and keep insured for the employer's liability under this chapter in an insurance company . . . or shall furnish the board satisfactory proof of the employer's financial ability to pay directly the compensation provided for."

AS 23.30.090 provides in pertinent part: "If an employer has complied with the provisions of this chapter relating to self-insurance, the board shall issue the employer a certificate which shall remain in force for a period fixed by the

thereunder at Chapter 46 of Title 8 of the Alaska Administrative Code (8 AAC 46).

The CBJ asserts that volunteer firemen have workers' compensation coverage under AS 23.30.243(a) under certain circumstances, i.e., proceeding to or engaging in a fire suppression or rescue operation or the protection of life or property.¹ The CBJ asserts it is not clear what other types of activities are covered under the AWCA for the volunteer firemen.

By its petition, the CBJ seeks an order which would extend AWCA coverage to volunteer firemen under the CBJ self-insurance certificate, while engaged in 'approved' training and community service activities. At hearing, the CBJ informed us it wishes us to determine if we have any objection to their voluntarily providing coverage under its certificate of self-insurance.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

AS 23.30.092 provides:

A political subdivision may elect to provide benefits and compensation to its volunteer . . . firemen by obtaining insurance which would provide its volunteer . . . firemen with benefits and compensation at least equivalent to those conferred upon volunteer . . . firemen by this chapter, and the election shall be considered compliance with the coverage and insurance provisions of this chapter. The election shall be made by filing copies of the

board.*

² AS 23.30.265(30) provides: "volunteer fireman" means an individual whose name is registered with the state fire marshal as a member of a regularly organized volunteer fire department or who serves with a full-time fire department on a temporary, voluntary basis.*

¹ AS 23.30.243 is quoted and discussed below.

In Re: CBJ Self-Insurance Certificate

insurance policy or policies with the commissioner.

AS 23.30.243(a) provides:

For the purpose of workers' compensation, any injury, disability or death incurred by a fireman by reason of the fireman's proceeding to or engaging in a fire suppression or rescue operation, or the protection or preservation of life or property, anywhere in the state is considered to have arisen out of and been sustained in the course of employment, and the fire department or regularly organized volunteer fire department of the fireman's primary employment or registration is considered to be the employer, except when the injured, at the time of injury or death, is acting for compensation from another.

AS 23.30.092 provides a procedure for the resolution of the CBJ's problem, i.e., purchasing workers' compensation insurance coverage for the volunteer firemen, and filing a copy of the insurance policy with the Commissioner of Labor. We assume the CBJ is aware of this option, and has declined to purchase such insurance due to the cost.

The question remains, can the CBJ cover its volunteer firemen under its self-insurance certificate? This issue has never been addressed by the AWCB. We have reviewed the AWCA and 8 AAC 46, the Self-Insurance regulations. We find nothing which prohibits the CBJ from electing to cover its volunteer firemen under its self-insurance certificate. We find nothing which leads us to believe that AS 23.30.092 was intended to require a municipality to purchase insurance as the exclusive method of insuring its volunteers for workers' compensation liability. Absent any specific language precluding it, we find it is permissible for the CBJ to self-insure workers' compensation liability for its volunteer firemen.

Concerning the specific terms of the coverage which the CBJ wishes to provide, and which we are asked to authorize, we find

In Re: CBJ Self-Insurance Certificate

nothing which prohibits the CBJ and volunteer firemen from entering into an agreement under which the CBJ agrees to provide workers' compensation coverage in accord 8 AAC 46 and the guidelines set out in the petition.⁴ After doing so, the CBJ should notify the Self-Insurance Administrator. 8 AAC 46.100. It must, of course, also notify its excess insurance carrier as the change will effect the CBJ's exposure to liability for workers' compensation benefits. We find that the parameters of coverage the CBJ wishes to provide its volunteer fireman, including coverage during training, is a matter within its discretion, subject only to its ability to meet its obligation to injured employees and volunteers under the AWCA. The CBJ's ability to pay is an issue which is reviewed annually, and more often if necessary, by the Self-Insurance Administrator and the AWCB.

Finally we turn to the issue of our authority to enter an order binding the CBJ to provide workers' compensation coverage to volunteers during training. The CBJ argues that signing the proposed order will bind the AWCB and the CBJ to providing coverage to volunteer firemen during training. We do not agree. The discussion above is based on the assumption that the CBJ elects to provide the coverage under consideration, and elects to remain bound by that election. We must now consider how the AWCB can resolve a case where a volunteer fireman is injured during training, but due to a change in personnel or policy, or for whatever reason, the CBJ declines to voluntarily provide coverage to the injured volunteer.

Assuming such a "volunteer" is truly a volunteer, and not an employee⁵, we presume we would apply AS 23.30.243. Notably, that

⁴ We note that 8 AAC 46.120 requires that all records necessary to complete and verify the accuracy of all reports and documents submitted to the AWCB must be retained for three years.

⁵ AS 23.30.265(12) provides: "'employee' means an employee employed by an employer as defined in (13) of this section."

statute does not mention firemen who are injured during training. Based on the plain language of the statute, it appears likely coverage under the AWCA would be denied. We do not issue advisory opinions. Furthermore, we find it would be improper to enter an order which appears to be contrary to the express language of AS 23.30.243. For those reasons we decline to execute the order proposed. We believe the most effective method of assuring volunteer firemen coverage under the Alaska Workers' Compensation Act is by means of an amendment of the AWCA, presumably AS 23.30.243.

At hearing, the CEJ informed us that legislation had been introduced in 1992 which would have amended AS 23.30.243 by adding 'training' to the scope of its coverage. We recognize that volunteer firemen are an important and valuable community asset. It is obvious that in order to become and remain qualified to engage in fire fighting and related emergency activities, volunteers must engage in training, and that they should have insurance in the event they are injured while engaging in such authorized activities. This panel favors amending AS 23.30.243 in order to provide coverage under the AWCA to volunteer firemen while they engage in authorized training activities. A copy of this Decision and Order shall be forwarded to the Commissioner of Labor, who is also the Chairman of the AWCB, with the request that he consider an appropriate amendment to the AWCA.

AS 23.30.265(13) provides: "'employer' means the state or political subdivision or a person employing one or more persons in connection with a business or industry coming within the scope of this chapter and carried on in this state."

We determine if a person is an employee by applying the "relative-nature-of-the-work test." This multi-part test is set out in 8 AAC 45.890. Obviously we have insufficient information to determine if a hypothetical 'volunteer' may qualify as an 'employee' for the purposes of this decision.

In Re: CBJ Self-Insurance Certificate

ORDER

The proposed order is denied.

Dated at Juneau, Alaska this 17th day of FEBRUARY, 1993

ALASKA WORKERS' COMPENSATION BOARD

/s/ LAWSON N. LAIR
Lawson N. Lair, Designated Chairman

/s/ DON KOENIGS
Don Koenigs, Member

UNAVAILABLE FOR SIGNATURE
Nancy J. Ridgley, Member

APPEAL PROCEDURES

A compensation order may be appealed through proceedings in Superior Court brought by a party in interest against the Board and all other parties to the proceedings before the Board, as provided in the Rules of Appellate Procedure of the State of Alaska.

A compensation order becomes effective when filed in the office of the Board, and unless proceedings to appeal it are instituted, it becomes final on the 31st day after it is filed.

CERTIFICATION

I hereby certify that the foregoing is a full, true and correct copy of the Decision and Order in the matter of The Self-Insurance Certificate of THE CITY AND BOROUGH OF JUNEAU, ALASKA; dated and filed in the office of the Alaska Workers' Compensation Board in Juneau, Alaska, on 17th day of February, 1993.



Bruce Dalrymple
Bruce Dalrymple



217 Second Street, Suite 200 ■ Juneau, Alaska 99801 ■ Tel (907) 586-1325. Fax (907) 463-5480

DATE: May 4, 1993
TO: The Hon. Tim Kelly, Member
Alaska State Senate
FROM: Kent E. Swisher, Executive Director
ABOUT: HB 221, Workers' Compensation for Volunteer Firefighters

The purpose of this memorandum is to state the Alaska Municipal League's position on this measure at this time.

First, this is not a matter on which the League has a Policy Statement level position. The League's position stems from its Legislative Committee meeting in late March and is based on the understanding and discussion by local officials of the bill at that time. At this point in time, while we continue to support part of the bill, we do have concerns with some of its provisions.

HB 221 seems to do three things: (1) establish that volunteer ambulance attendants, police officers and fire fighters are covered under workers' compensation when performing service for the municipality - presumably including training activity; (2) provide a new method of computing compensation for injured volunteers, based on earnings in the volunteer's regular, compensated employment, and repeals the existing local option for determination of compensation; and (3) repeal AS 23.30.092, which seems to be the authority for a municipality to purchase workers' compensation coverage for volunteers in favor of more general language elsewhere in statute.

The League supports workers' compensation coverage being available for volunteers during training activities as well as during emergency response. Clearly, training is a necessary preparation for effective emergency response and thus is a part of the volunteer's work and should be included in workers' compensation coverage.

Initially, the perception of officials serving on AML's Legislative Committee was that the new formula for computing compensation rates would not be a concern to municipalities because of (A) the statutory cap on compensation payments contained in AS 23.30.175 (\$700/wk), and (B) the relatively small number of highly compensated volunteers. We have become aware that this is a matter of concern to some municipalities, and therefore it would be a concern for AML. Perhaps this provision could be set aside for further study during the interim.

The repeal of AS 23.30.092 does appear to remove municipalities' authority to purchase workers' compensation coverage, and would seem to add an element of ambiguity to the bill. AML would oppose that provision and ask that it be deleted from the bill.

I hope this is helpful in stating the League's position on this bill. I will be happy to discuss this matter with you at your convenience.

HB

249

Alaska State Legislature

Senator Tim Kelly, Chair
Senator Steve Rieger, Vice Chair
Senator Drue Pearce
Senator Judy Salo
Senator Georgianna Lincoln



SENATE LABOR AND COMMERCE COMMITTEE

STATE CAPITOL, SUITE 101
JUNEAU, ALASKA 99801-1182
PHONE: (907) 465-3822
FAX: (907) 465-3756

3111 C STREET, SUITE 550
ANCHORAGE, ALASKA 99503
(907) 561-7612

MEMORANDUM

TO: Senator Kelly, Chair
FROM: Josh Fink, Committee Aide
DATE: April 27, 1993
RE: Changes made in Senate CS for CS for SS for HB 249 (L&C)AM

The Senate Labor & Commerce Committee Substitute makes 4 changes to CS SS HB 249 (L&C)AM:

- 1) Transfers both boards, Mechanical Examiners and Electrical Examiners, from the Department of Commerce & Economic Development to the Department of ~~Commerce~~. **L&C**.
- 2) Reduces the extension of the boards from June 30th, 1996 to June 30th, 1994.
- 3) Eliminates the repealers in Sec. 11 of AS 08.40.130, 08.40.280 and 08.40.380(b)

08.40.130 - Electrical Administrator limited to one licensed contractor

08.40.280 - Mechanical Administrator limited to one licensed contractor

08.40.380(b) - Class B Misdemeanor for failure to appear in court to answer a citation
- 4) Immediate effective date.

Attached is a new sectional analysis and fiscal note.

DEPARTMENT OF LABOR

SECTIONAL ANALYSIS

SENATE COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 249 (LABOR & COMMERCE)

"An Act reestablishing the Board of Electrical Examiners and extending the termination date of the Board of Mechanical Examiners; relating to electrical and mechanical administrators; and providing for an effective date."

Sections 1 & 2, 10, 13 through 19, 21 and 23(d) & (e).

Establishes the Board of Mechanical Examiners and the Board of Electrical Examiners in the Department of Labor.

*These amendments were made in response to support for consolidation of the licensing and enforcement of the administrator licenses in the Department of Labor.

Section 3.

Extends the Board of Mechanical Examiners two years to June 30, 1994.

*This amendment was made in order to provide that the problems associated with the licensing and performance of electrical and mechanical administrators is addressed next year.

Section 4.

Reestablishes the Board of Electrical Examiners with a sunset date of June 30, 1994.

*This amendment was made in order to provide that the problems associated with the licensing and performance of electrical and mechanical administrators is addressed next year.

Section 5.

Changes the membership of the Board of Electrical Examiners, replacing an electrical administrator with a professional engineer.

Section 6.

Provides for the terms of the members of the Board of Electrical Examiners.

Section 7.

Restates the law that requires that a person may not act as an electrical administrator without a license unless excluded by other provisions of the law.

Section 8.

Extends the period by two years under which an electrical administrator license can be lapsed and the holder is not required to take an examination.

Section 9.

Provides that a violation of the provisions of AS 08.40.010-08.40.200 constitutes a violation subject to a maximum fine of \$300 for an individual upon conviction.

Section 11.

Changes the membership of the Board of Mechanical Examiners, replacing a mechanical administrator with a professional engineer and deleting specific residency requirements.

Section 12.

Restates the law that requires that a person may not act as a mechanical administrator without a license unless excluded by other provisions of the law.

Section 20.

Provides that a violation of the provisions of AS 08.40.210-08.40.490 constitutes a violation subject to a maximum fine of \$300 for an individual upon conviction.

Section 22.

Allows the bill to address more than one board.

Section 23(a) through (c).

Provides for a transition for electrical administrator licenses; and extends the membership of the Board of Mechanical Examiners until the Governor appoints a new board.

Section 24.

Provides for an immediate effective date.

*This amendment was made in order to allow electrical administrators to renew their licenses as soon as possible.

Josh

April 19, 1993

Senator Tim Kelly
Capitol Room #101
State Capitol
Juneau, AK 99801-1182

Dear Senator Kelly,

This letter is to request your help and support to pass legislation CSSB 79 (L&C) which provides for the administration of the Alaska Electrical Contractors Licensing Laws.

At the end of the 1992 legislative session, the Board of Electrical Examiners was sunsetted due to the statute having expired. At that time no provisions were made for the continued administration of the Alaska Electrical Contractors Licensing Law. Consequently, electrical administrator licenses can not be renewed or transferred nor can new licenses be issued.

Electrical contractor licensing laws are necessary to protect the people and property in the State of Alaska from the dangers and hazards of improperly installed electrical wiring. I have been licensed since 1982. Since that time I have witnessed many installations performed by persons who do not possess an administrator's license. In each case the installations were sub-standard and the State had no one to hold responsible for this unsafe work.

Failure to pass some type of legislation to provide for this administration would, in my opinion, be a mistake for the State of Alaska and would be a dis-service to all Alaskans.

I would appreciate your help and support and, should you wish to discuss this matter further, please feel free to contact me at the below listing.

Sincerely,

M. J. Elson

Michael J. Elson
P.O. Box 3229
Palmer, AK 99645

THE FOREMAN'S, INC.

ALASKA CONSTRUCTION CONTRACTOR
ELECTRICAL - LICENSE NO. AA 484

1241 HILLCREST DRIVE P.O. BOX 91576
ANCHORAGE, ALASKA 99509-1576
(907) 279-1736

July 31, 1993

Senator Tim Kelly, 716 West 4th Avenue, Suite 400, Anchorage,
Alaska 99501-2133
Senator Dave Donley, 716 West 4th Avenue, Suite 430, Anchorage,
Alaska 99501-2133
Senator Randy Phillips, P.O. Box 142, Eagle River, Alaska 99615
Representative Kay Brown, 716 West 4th Avenue, Suite 420, Anchor-
age, Alaska 99501-2133
Representative Fran Ulmer, Room 601, Court, State Capitol, Juneau,
Alaska 99801-1182

Sirs and Madams:

We enclose a copy of our June 30, 1993 multiple-addressee letter for Senator Tim Kelly and Representative Fran Ulmer. Thanks to Senator Donley for his July 6, 1993 reply; Senator Phillips for his July 13, 1993 telephone discussion; and Representative Kay Brown's Dan Austin for research report, Department of Commerce and Economic Development reply to questions about sunset, and promise of Department of Labor policy as soon as it arrives. Thanks, also, to Representative Ulmer for her April 24, 1993 letter in response to our Public Opinion Message sent during the First Session of the Eighteenth Alaska State Legislature to House Judiciary and State Affairs Committees.

Senator Phillips advised that he, presumably in his role as Chairman of the Senate Community and Regional Affairs Committee, would be working with Senator Kelly, presumably in his role as Chair of the Senate Labor and Commerce Committee, during the interim to secure "An Act reestablishing the Board of Electrical Examiners and extending the termination date of the Board of Mechanical Examiners; relating to electrical and mechanical administrators; and providing for an effective date" envisioned by CS for Sponsor Substitute for House Bill No. 249(STA) am.

copy of

We enclose for all addressees our letter, this date, to Governor Hickel urging emergency action and rationale for the following recommendations:

1. Reinstatement of the Board of Electrical Examiners and extension of the Board of Mechanical Examiners.
2. Occupational licensing of Contractors and Administrators remain with the Department of Commerce and Economic Development.
3. Consideration of move of occupational licensing of Cen-

Senators Tim Kelly, Dave Donley, Randy Phillips; Representatives
Kay Brown and Fran Ulmer -2- July 31, 1993

- tractors and Administrators to the Department of Labor
be discontinued.
4. No exemption from licensing as Administrators for Professional Engineers.
 5. No unlicensed Administrator Professional Engineers on Boards of Examiners.

We would welcome an opportunity to discuss our recommendations, testify at public hearings, or assist in any way to achieve the important goals of legislation.

Very truly yours,

THE FOREMAN'S, INC.

Helen G. Foreman

Helen G. Foreman
Secretary-Treasurer

Enc.
hgf/s

THE FOREMAN'S, INC.

ALASKA CONSTRUCTION CONTRACTOR
ELECTRICAL - LICENSE NO. AA 484

1241 HILLCREST DRIVE P.O. BOX 91576
ANCHORAGE, ALASKA 99509-1576
(907) 279-1736

June 30, 1993

Governor Walter J. Hickel, Third Floor, State Capitol, Pouch A, Juneau 99811-0101
Senator Dave Donley, 716 West 4th Avenue, Suite 430, Anchorage, Alaska 99501-2133
Senator Johnny Ellis, 716 West 4th Avenue, Suite 440, Anchorage, Alaska 99501-2133
Senator Rick Halford, 716 West 4th Avenue, Suite 500, Anchorage, Alaska 99501-2133
Senator George G. Jacko, Jr. 716 West 4th Avenue, Suite 520, Anchorage, Alaska
✓ Senator Tim Kelly, 716 West 4th Avenue, Suite 400, Anchorage, Alaska 99501-2133
Senator Loren Leman, 716 West 4th Avenue, Suite 540, Anchorage, Alaska 99501-2133
Senator Drue Pearce, 716 West 4th Avenue, Suite 510, Anchorage, Alaska 99501-2133
Senator Randy Phillips, P.O. Box 142, Eagle River, Alaska 99577
Senator Steve Rieger, 716 West 4th Avenue, Suite 530, Anchorage, Alaska 99501-2133
Senator Judy Salo, 716 West 4th Avenue, Suite 450, Anchorage, Alaska 99501-2133
Senator Suzanne Little, 34824 Kalifonsky Beach Road, Soldotna, Alaska 99669-9728
Senator Fred Zharoff, 112 Mill Bay Road, Kodiak, Alaska 99615
Representative Ramona L. Barnes, 716 West 4th Avenue, Suite 600, Anchorage, Alaska
Representative Kay Brown, 716 West 4th Avenue, Suite 420, Anchorage, Alaska 99501-2133
Representative Con Bunde, 716 West 4th Avenue, Suite 340, Anchorage, Alaska 99501-2133
Representative Bettye Davis, 716 West 4th Avenue, Suite 470, Anchorage, Alaska 99501
Representative David Finkelstein, 716 West 4th Avenue, Suite 240-A, Anchorage, Alaska
Representative Joe Green, 716 West 4th Avenue, Suite 350, Anchorage, Alaska 99501-2133
Representative Mark Hanley, 716 West 4th Avenue, Suite 300, Anchorage, Alaska 99501
Representative Pete Kott, 716 West 4th Avenue, Suite 660, Anchorage, Alaska 99501
Representative Eileen MacLean, 716 West 4th Avenue, Suite 620, Anchorage, Alaska
Representative Terry Martin, 716 West 4th Avenue, Suite 650, Anchorage, Alaska
Representative Carl Moses, 716 West 4th Avenue, Suite 630, Anchorage, Alaska 99501-2133
Representative Eldon Mulder, 716 West 4th Avenue, Suite 310, Anchorage, Alaska
Representative Jim Nordlund, 716 West 4th Avenue, Suite 240-B, Anchorage, Alaska
Representative Sean Parnell, 716 West 4th Avenue, Suite 320, Anchorage, Alaska
Representative Gail Phillips, 716 West 4th Avenue, Suite 610, Anchorage, Alaska
Representative Brian Porter, 716 West 4th Avenue, Suite 640, Anchorage, Alaska
Representative Jerry Sanders, 716 West 4th Avenue, Suite 360, Anchorage, Alaska
Representative Cynthia Toohy, 716 West 4th Avenue, Suite 330, Anchorage, Alaska
Representative Ed Willis, 11940 Business Blvd, Eagle River, Alaska 99577
Representative Gary Davis, 34824 Kalifonsky Beach Road, Suite A, Soldotna, Alaska

Sirs and Madams:

IN RE: CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 249(STA) am "An Act reestablishing the Board of Electrical Examiners and extending the termination date of the Board of Mechanical Examiners; relating to electrical and mechanical administrators; and providing for an effective date."

We need an Executive Order or some other emergency action to continue the Board of Electrical Examiners and Board of Mechanical Examiners!

We responsible specialty contractors are deeply concerned that the First Session of the Eighteenth Alaska State Legislature did not complete work to preclude "sunset". We enclose Department of Commerce and Economic Development, Division

Governor Walter J. Hickel
Anchorage Senators, et al
Anchorage Representatives, et al

-2-

June 30, 1993

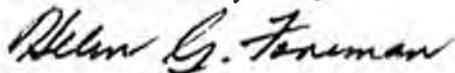
of Occupational Licensing letter copies dated June 14, 1993 and June 17, 1993 which succinctly describe legal impossibilities for enforcing existing statutes without the Board of Electrical Examiners and Board of Mechanical Examiners.

It may interest you to know that our Senior Electrical Administrator has an original administrator's license which required at least twenty (20) years of progressively responsible documented work in the field to qualify. Candidates for the examination must have Department of Labor Certificates of Fitness and 8,000 hours of progressively responsible work, fully documented. Qualifications and experience of administrators insure quality and life, health, and safety aspects of construction. They serve as mentors and inspectors for workers, too.

Please do whatever is necessary to preclude havoc!

Respectively yours,

THE FOREMAN'S, INC.



Helen G. Foreman
Secretary-Treasurer

Enc. 2
hgf/s

STATE OF ALASKA

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

WALTER J. HICKEL, GOVERNOR

P.O. BOX 110806
JUNEAU, ALASKA 99811-0806
PHONE: (907) 465-2534

June 14, 1993

TO: LICENSED ELECTRICAL ADMINISTRATORS
CONSTRUCTION CONTRACTORS
INTERESTED PERSONS

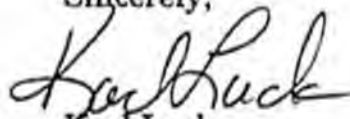
As you may or may not be aware, each licensing board is reviewed and considered for continuance every four years by the Legislature. The Board of Electrical Examiners' review date, otherwise known as "sunset" date, was June 30, 1991. Since the Legislature did not act on bills to continue the board during the 1992 session, the Board of Electrical Examiners ceased to exist on June 30, 1992, and the authority to process applications, issue new licenses, renew licenses, or offer examinations also ceased to exist.

The Legislature considered but did not pass legislation to reenact the Electrical Examiner Board during the 1993 session. All current licensees will therefore be unable to renew their licenses when the licenses expire on August 31, 1993. Electrical Administrators will cease to be a profession licensed and regulated by the State of Alaska at that time.

Even though there are existing statutes which require contractors to have an Electrical Administrator assigned to their company if they do electrical work, this requirement will be a legal impossibility once all electrical administrators' licenses expire. Beginning September 1, 1993, contractors will not be required to have an electrical administrator employed in their company. Should a future legislative session pass a bill that requires the regulating and licensing of Electrical Administrators, all contractors will be required to comply as mandated by such legislation.

We encourage you to contact the Department of Labor during the 1994 legislative session so they may advise you of any pending legislation in this area. Should you wish to express your opinions about the discontinuance of this license, you are encouraged to contact your local elected state representative or senator.

Sincerely,


Karl Luck
Director

KL/WF/mme7304W
061493b
cc: Department of Labor

WALTER J. HICKEL, GOVERNOR

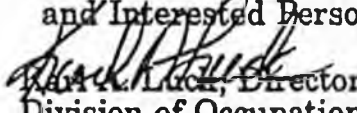
DEPARTMENT OF COMMERCE AND
ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

P.O. BOX 110806
JUNEAU, ALASKA 99811-0806
PHONE: (907) 465-2534

DATE: June 17, 1993

TO: Licensed Mechanical Administrators, Contractors
and Interested Persons

FROM: 
David A. Luck, Director
Division of Occupational Licensing
Department of Commerce and
Economic Development

SUBJECT: Closing Down of the Board of Mechanical Examiners

As you may or may not be aware, each licensing board is reviewed and approved for continuance every four years by the Legislature. The review date for the Board of Mechanical Examiners, otherwise known as "sunset" date, was June 30, 1992. Since there was no action taken during the 1992 Legislative Session to extend this board, the board has been in its wind down year since this sunset date. During 1993, the Legislature again considered but did not pass legislation to continue the board beyond June 30, 1993. Therefore, the Board of Mechanical Examiners will cease to exist and the authority to process applications, issue new licenses, renew licenses, or offer examinations will expire on June 30, 1993. All current mechanical administrator licenses will expire on August 31, 1993 and will not be renewed.

It will be legally impossible to require contractors who are doing mechanical work to have a mechanical administrator assigned once all mechanical administrators' licenses expire. Therefore, beginning September 1, 1993, contractors will not be required to have a mechanical administrator employed by their company. Should future legislative action regulate this profession, all affected individuals and contractors would be required to comply with any new requirements.

We encourage you to contact the Department of Labor during the 1994 Legislative Session so they may advise you of any pending legislation in this area. We also encourage you to contact your local representative with any suggestions about future regulation of this profession.

KL/AH/ra113.KL
061793a

P.A.

Our effort is being shared with "Bud" Knox, Safety Director of the AGC. He has indicated they are trying to reach their membership through their newsletter.

"Bud" is a Mechanical Examiner.

Allen G. Foreman

THE FOREMAN'S, INC.

ALASKA CONSTRUCTION CONTRACTOR
ELECTRICAL - LICENSE NO. AA 484

1241 HILLCREST DRIVE P.O. BOX 91576
ANCHORAGE, ALASKA 99509-1576
(907) 279-1736

February 26, 1994

SENATE LABOR AND COMMERCE COMMITTEE
Attention: Josh Fink

Thank you for your assistance and guidance.

This letter addressed individually to Electrical Administrators and other interested folk who responded to a "North of the Range" effort early-to-mid-year 1993 was mailed February 26, 1994. Under date of March 3, 1994, I will be sending 150 letters individually addressed to folk from the Anchorage Chamber of Commerce Directory thought to have an interest in the legislation and likely to make an effort. The mailing will also include Electrical Contractors advertising in the Anchorage Telephone Directory Yellow Pages.

When there is a Committee Substitute for HB 249, I would appreciate your sending a FAX to the Legislative Information Office so I could pick it up.

THE FOREMAN'S, INC.

ALASKA CONSTRUCTION CONTRACTOR
ELECTRICAL - LICENSE NO. AA 484

1241 HILLCREST DRIVE P.O. BOX 91576
ANCHORAGE, ALASKA 99509-1576
(907) 279-1736

URGENT

Dear

We are part of a group deeply concerned that our state no longer has Boards of Electrical and Mechanical Examiners. Too, Specialty Contractors are not required to have Electrical and Mechanical Administrators. Safety and Quality of Construction, plus mentoring, insured by Administrators are essential building blocks for compliance with worked-for state Uniform Building Code and Statute of Repose for design and construction professionals.

Committee Substitute for Sponsor Substitute for House Bill 249 (STA) must be passed during the now convening Second Session of the Eighteenth Alaska State Legislature. We have been told there must be a "grass roots" effort to insure passage. It is suggested that Public Opinion Messages, 50 words or less, be sent to all 60 Senate and House members through Legislative Information Offices asking, as a minimum, "Pass HB 249 pertaining to Electrical and Mechanical Administrators."

We understand there are questions in Juneau. Should the Boards be reestablished? If the Boards are not reestablished, what must be included in HB 249 to insure unquestioned qualification of Administrator applicants? Should occupational licensing remain in the Department of Commerce and Economic Development or be transferred to the Department of Labor? How will "grandfathering" be assured for Specialty Contractors and Administrators examined by boards and licensed until August 31, 1993? How much time will Specialty Contractors without examined Administrators be allowed to secure licensed Administrators? You may have other questions or concerns after reviewing HB 249 amended April 22, 1993.

In addition to Public Opinion Messages, professionals, contractors, administrators, crafts people, vendors, friends, and neighbors concerned with life, health, safety, and interest issues should send personal letters to their legislators with as much detail as possible to urge passage of HB 249. Please emphasize that without this legislation there is no requirement for electrical and mechanical capability, experience, training, responsibility, and supervision above journeyman level. There should be no exemption from licensing as Administrators for professional engineers. Boards of Examiners or other qualifiers for applicants should have no unlicensed Administrator professional engineers. Copies of letters sent to legislators should be mailed to Senate President Rick Halford, House Speaker Ramona Barnes, and Senate Labor and Commerce Committee Chairman Tim Kelly.

Time is of the essence!

Please contact us for help, information, addresses, questions.

Very truly yours,

THE FOREMAN'S INC.

Helen G. Foreman
Secretary-Treasurer

hg/s

Mr. Bruce Bishop, 3605 Arctic Boulevard #480, Anchorage, Alaska 99503
Mr. Allen E. Smith, PO Box 112213, Anchorage, Alaska 99511-2213
Mr. Stanley Bishop, 800 Breakwater Circle, Anchorage, Alaska 99515
Mr. Whitham D. Reeve, P.O. Box 190225, Anchorage, Alaska 99519-0225
Mr. Joseph Mossakowski, P.O. Box 241186, Anchorage, Alaska 99524-1186
Mr. Steve Sandberg, P.O. Box 92, Chugiak, Alaska 99567
Mr. James R. Schultz, P.O. Box 658, Chugiak, Alaska 99567
Mr. Fred F. Smith, 17618 Juanita Loop, Eagle River, Alaska 99577
Mr. Gary Trieweller, P.O. Box 2905, Homer, Alaska 99603
Mr. Mark T. Cialek, P.O. Box 373, Kenai, Alaska 99611
Mr. Wayne J. Ambacher, P.O. Box 1761, Seward, Alaska 99664
Mr. Robin D. Dykstra, Seward, Alaska 99664
Mr. William H. Hays, P.O. Box 609, Soldotna, Alaska 99669
Mr. Aaron Downing, P.O. Box 872008, Wasilla, Alaska 99687
Mr. Andrew I. Maestas, 366 Slater Street, Fairbanks, Alaska 99701
Mr. Rolando N. Miranda, P.O. Box 56031, North Pole, Alaska 99705
Mr. Richard W. Woods, 13310 East Mission #16, Spokane, Washington 99216
Mr. Thomas G. Pol, 4382 Bishop Circle, Fairbanks, Alaska 99709
Mr. Charles E. Eddington, 627 Mad Russian Road, Fairbanks, Alaska 99712
Mr. Clemens M. Clooten, 1163 Linda Lou Lane, Fairbanks, Alaska 99712
Mr. Daniel M. Claspill, P.O. Box 397, Healy, Alaska 99743
Mr. Charles M. Huss, P.O. Box 277, Kotzebue, Alaska 99752
Mr. Garland Achman, P.O. Box 149, Tok, Alaska 99780
Mr. Glen E. Marunde, Box 192, Milepost 1313, Alaska, Tok, Alaska
Mr. Joel Martin, P.O. Box 210069, Auke Bay, Alaska 99821
Mr. Steven Robe Hasmussen, Ketchikan, Alaska 99901
Mr. Gordon Bunes, 218 Second Street, Wrangell, Alaska 99929
Mr. Robert DeLoach, 1207 West 47th Avenue, Anchorage, Alaska 99503
Mr. Wayne Debnam, 2551 Lyvona Lane, Anchorage, Alaska 99502
Mr. Jim Bosshart, 6636 Rosewood Street, Anchorage, Alaska
Mr. Oliver F. Foreman
Mr. David G. Foreman - P.O. Box 91576, Anchorage, Alaska 99509-1576

E N Scott Harrold
913 Sudden Valley
Bellingham, WA 98226

July 24, 1993

The Honorable Jim Kelly
716 W 4th Ave, Suite 400
Juneau, Alaska 99501-2133

Dear Senator Kelly,

During the last two legislative sessions bills have been introduced to continue or reinstate on its renewal date the Board of Electrical Examiners for another four years. The Legislature did not act on them and as a consequence the Board of Electrical Examiners ceased to exist on June 30, 1992.

Authority to process applications, offer examinations, issue new licenses, and renew old ones ceased to exist. As a consequence after August 31, 1993 licenses for Electrical Administrators will no longer be renewable.


As a licensed Electrical Administrator in Alaska the past twenty years I have taken great pride in serving the State in this capacity. My extensive experience has enabled me to enforce safe working conditions and adherence to State electrical regulations on all installations under my control.

We administrators are professional people who have conscientiously devoted years of our lives acquiring the knowledge and expertise to safeguard lives and property. We deserve more consideration than a sixty day notice that our services are no longer needed, and that the licenses we have worked hard to earn and maintain are no longer renewable.

As a long time resident and property owner in your district I urge you to vigorously support bills that will be introduced during the 1994 session calling for the reinstatement of the Board of Electrical Examiners. Only through the examination procedure can qualified Electrical Administrators be selected, trained, and licensed to provide the surveillance necessary in the construction industry to safeguard life and property.

Your vote supporting the reinstatement of the Board of Electrical Examiners is, therefore, vitally important.

Sincerely,



AA-219

THE FOREMAN'S, INC.

ALASKA CONSTRUCTION CONTRACTOR
ELECTRICAL - LICENSE NO. AA 484

1241 HILLCREST DRIVE P.O. BOX 91576
ANCHORAGE, ALASKA 99509-1576
(907) 279-1736

July 31, 1993

Governor Walter J. Hickel
Third Floor, State Capitol
Pouch A
Juneau, Alaska 99811-0101

Sir:

Please refer to our multi-addressee June 30, 1993 letter regarding reestablishment of the Board of Electrical Examiners and extending the termination date of the Board of Mechanical Examiners plus electrical and mechanical administrators, copy enclosed.

We regret that there appears to have been no emergency action as urged in our letter. Too, the Director, Division of Occupational Licensing, Department of Commerce and Economic Development in a July 6, 1993 Memorandum to a Legislative Analyst of the Legislative Research Agency wrote that "The Governor's Office has decided that future licensing of EA's and MA's will be accomplished by the Department of Labor". During the First Session of the Eighteenth Alaska State Legislature we sent Personal Opinion Messages to legislature committee members asking that licensing remain with the Department of Commerce and Economic Development. We think before the "Governor's Office" made a decision we contractors and administrators should have had an opportunity to discuss this important matter.

Please review our recommendations and take emergency action to preclude havoc in the public and private sectors. Quality and safety aspects in construction work in these specialty areas in Alaska must be assured. We urge:

1. Reinstatement of the Board of Electrical Examiners and extension of the Board of Mechanical Examiners.
2. Occupational licensing of Contractors and Administrators remain with the Department of Commerce and Economic Development.
This is consistent with the primary goal of the Department as outlined in the "Handbook on Alaska State Government", November 1991.
3. Consideration of move of occupational licensing of Contractors and Administrators to the Department of Labor be discontinued.
Department of Labor primary mission in the Handbook "is to foster and promote the welfare of the wage earners of the state, improve their working conditions and advance their opportunities for profitable employment". Occupational licensing for the state is a most important part of the Department of Commerce and Economic Development's goal "to promote an active, healthy, and expanding business community".
4. No exemption from licensing as Administrators for Professional Engineers. Continuing/IS and should be a requirement for Administrators; none exists for Professional Engineers. There is too little design-build work in this state for Professional Engineers as a group to be considered capable and experienced to insure quality and life, health, and safety aspects of construction. Most young Professional Engineers could not be expected to have sufficient on-the-job training and experience to serve as supervisors, mentors, and inspectors for workers much less be responsible that work performed and materials used conform to codes and standards.
5. No unlicensed Administrator Professional Engineers on Boards of Examiners.

We hope you will realize the urgency of this matter.

Very truly yours,

Helen G. Foreman

Helen G. Foreman, Secretary-Treasurer

Enc.

hgf/b

CHERRIER-KING-CHERRIER

CONTRACTORS, DEVELOPERS & INVESTORS

1633 POST ROAD
ANCHORAGE, ALASKA 99501
PHONE (807) 274-1551

April 23, 1993

The Honorable Tim Kelly, Senator
State of Alaska
Room 101
State Capitol
Juneau, AK 99801-1182

Reference:
House Bill 249

Dear Senator Kelly,

Please support us by voting NO on House Bill #249 when it comes up for a vote in the senate.

The Board of Electrical Examiners was sunseted last year (1992-1993), without any ill effects on the consumers and the Construction Industry.

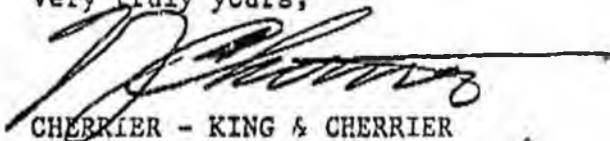
We ask that you also sunset the Board of Mechanical Examiners.

The general public is adequately protected by our existing laws that govern the workmanship and performance of all the phases of construction, i.e.- General Construction, Mechanical (Plumbing & Heating) and Electrical Construction.

Why do we need another layer of government? The cost of a new home or remodeling is high enough already. PLEASE DO AWAY WITH ONE ADDITIONAL LAYER OF GOVERNMENT! VOTE NO, on HB 249.

Thanking you in advance, we remain

Very truly yours,



CHERRIER - KING & CHERRIER
Wayne J. Cherrier, partner

LARRY & JANICE SCHULTZ
LARRY'S QUALITY HEATING AND PLUMBING, INC
2531 BARRETT AVE
JUNEAU, ALASKA 99801
789-2939 OR 789-4875

SENATOR TIM KELLY,
CAPITOL ROOM 101

DEAR SENATOR KELLY,

WE WOULD LIKE TO INFORM YOU THAT WE ARE AGAINST HOUSE
BILL 249 WHICH RELATES TO CHANGING THE AUTHORITY OF THE
MECHANICAL ADMINISTRATOR DEPARTMENT FROM COMMERCE TO LABOR.
THIS IS A DIRECT EFFORT TO GIVE UNFAIR CONSIDERATION TO
ORGANIZED LABOR. IT WILL DIRECTLY HURT SMALL BUSINESS
THROUGHOUT THE STATE AND WITH THE ECONOMIC CLIMATE AS IT
IS TODAY. WE FEEL THE LEGISLATURE SHOULD BE TRYING TO HELP
BUSINESSES RATHER THEN MAKING IT HARDER FOR THEM.

WE WOULD APPRECIATE YOUR HELP IN DEFEATING THIS ISSUE.

SINCERELY,

LARRY & JANICE SCHULTZ

03/08/94
14:28:38

PUBLIC OPINION MESSAGE SYSTEM
MEMBER OFFICE KEL Kelly

POMS100
LSNCLLF

From: Mrs. Molly Patricia Hobbs
HC33 6525E

Wasilla

AK 99654

Tel: 745-3629

NON CONSTITUENT

Bill# HB 249 Title: ELECTRICAL/MECHANICAL TRADESPERSONS
Subject

SUPPORTS THIS LEGISLATION

Message: AND SB377. DISASTER IMPENDING AT ANCHORAGE PIONEERS HOME. DOA
IMPLIMENTING PLAN TO CONVERT HALF SKILLED BEDS TO ASSISTED LIVING. WE DO NEED
ABOVE BUT THEY SHOULD COME FROM RESIDENTIAL AS PROPOSED TO LEGISLATURE.
UNFORTUNATELY WE KEEP AGING AND DO ULTIMATELY NEED NURSING. ELIMINATE THAT
NUMBER AND THE'LL HAVE NOWHERE TO GO AND WE WANT THEM WITH US.

Entered By: LIOCMK on 2/14/94 PomID 4995 Distribution 60
MSG: 3 TOTAL POMS SELECTED FOR VIEWING
Enter Next Message PF4 Menu PF6 WasteBasket PF7 Previous POM PF10 BigWaste

03/08/94
14:29:10

PUBLIC OPINION MESSAGE SYSTEM
MEMBER OFFICE KEL Kelly

POMS100
LSNCLLF

From: Mr. Clem
1163 Linda Lou Ln

Clouten

Fairbanks

AK 99712

Tel: 457-7604

NON CONSTITUENT

Bill# HB 249 Title: ELECTRICAL/MECHANICAL TRADESPERSONS
Subject

SUPPORTS THIS LEGISLATION

Message: PASS HB 249 PERTAINING TO ELECTRICAL AND MECHANICAL ADMINISTRATORS.
WITHOUT THIS LEGISLATION, THERE IS NO REQUIREMENT FOR ELECTRICAL AND MECHANICAL
EXPERIENCE, RESPONSIBILITY AND SUPERVISION ABOVE THE JOURNEYMAN LEVEL. THERE
SHOULD BE NO EXCEPTIONS FROM LICENSING AS ADMINISTRATORS FOR PROFESSIONAL
ENGINEERS. OCCUPATIONAL LICENSING SHOULD BE IN THE DEPARTMENT OF COMMERCE AND
ECONOMIC DEVELOPMENT.

Entered By: LIOCMEI on 3/ 2/94 PomID 6687 Distribution 60
MSG:

Enter Next Message PF4 Menu PF6 WasteBasket PF7 Previous POM PF10 BigWaste

03/08/94
14:28:55

PUBLIC OPINION MESSAGE SYSTEM
MEMBER OFFICE K&L Kelly

POMS100
LSNCLLF

From: Mr. William
PO Box 609

Hays

Soldotna
Hays Electric Inc.
NON CONSTITUENT

AK 99669

Tel: 262-4506

Bill# HB 249 Title: ELECTRICAL/MECHANICAL TRADESPERSONS
Subject

SUPPORTS THIS LEGISLATION

Message: IT IS IMPERATIVE THAT THIS BILL BE PASSED BECAUSE THE SAFETY OF THE
PEOPLE OF ALASKA IS AT STAKE AND THE PEOPLE DESERVE TO BE PROTECTED. IT IS ALSO
MY OPINION THAT THE DEPT. OF COMMERCE ADMINISTER THE LICENSE. I ALSO BELIEVE
THOSE OF US WHO HAVE PASSED THE TEST SHOULD BE REINSTATED WITH THE SAME
NUMBERS.

Entered By: LIOCALY on 3/ 1/94 PomID 6492 Distribution 60
MSG:
Enter Next Message PF4 Menu PF6 WasteBasket PF7 Previous POM PF10 BigWaste

Alaska State Legislature

Interim:
P.O. Box 2187
Soldotna, AK 99669



Session:
State Capitol
Juneau, AK 99801
(907) 465-2693

Representative Gary L. Davis

SPONSOR STATEMENT

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL 249(STA) am

"An Act reestablishing the Board of Electrical Examiners and extending the termination date of the Board of Mechanical Examiners; relating to electrical and mechanical administrators."

The purpose of CSSSHB 249(STA) am is to reestablish the Board of Electrical Examiners and extend the termination date of the Board of Mechanical Examiners.

Since the Electrical Examiners Board sunsetted on June 30, 1992, it has not been possible to issue or renew electrical administrator licenses. The Mechanical Examiners Board will experience the same fate on June 30 this year. Currently, there are approximately 600 electrical and 600 mechanical administrators who are, by statute, responsible for inspecting the installation of electrical and mechanical systems. All the current electrical administrator licenses will expire on August 31, 1993. As a result, the state will face an increased and unnecessary risk of improperly installed electrical wiring and equipment.

The passage of this bill will help protect the people of Alaska from the danger of improperly installed electrical and mechanical equipment.

DEPARTMENT OF LABOR

SECTIONAL ANALYSIS

COMMITTEE SUBSTITUTE FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 249 (STATE AFFAIRS)

"An Act reestablishing the Board of Electrical Examiners and extending the termination date of the Board of Mechanical Examiners; relating to electrical and mechanical administrators; and providing for an effective date."

Section 1.

Extends the Board of Mechanical Examiners four years to June 30, 1996.

Section 2.

Reestablishes the Board of Electrical Examiners with a sunset date of June 30, 1995.

Section 3.

Changes the membership of the Board of Electrical Examiners, replacing an electrical administrator with a professional engineer.

Section 4.

Provides for the terms of the members of the Board of Electrical Examiners.

DELETED
ON HOUSE
FLOOR

Section 5.

Allows a professional engineer to act as an electrical administrator without examination or licensing.

Section 6.

Extends the period by two years under which an electrical administrator license can be lapsed and the holder is not required to take an examination.

Section 7.

Provides that a violation of the provisions of AS 08.40.010-08.40.200 constitutes a violation subject to a maximum fine of \$10,000 rather than a misdemeanor subject to a maximum fine of \$300 and imprisonment.

Section 8.

Changes the membership of the Board of Mechanical Examiners, replacing a mechanical administrator with a professional engineer and deleting specific residency requirements.

DELETED
ON HOUSE
FLOOR

Section 9.

Allows a professional engineer to act as a mechanical administrator without examination or licensing.

SECTIONAL ANALYSIS

DEPARTMENT OF LABOR
SECTIONAL ANALYSIS
CSSSHB 249 (STA)

Page 2

Section 10.

Provides that a violation of the provisions of AS 08.40.210-08.40.490 constitutes a violation subject to a maximum fine of \$10,000 rather than a misdemeanor subject to a maximum fine of \$300 and imprisonment.

Section 11.

Repeals the requirement that an electrical administrator or mechanical administrator may not operate for more than one contractor.

Repeals the penalties subsection related to the mechanical administrators license providing that failure to appear in court in answer to a citation is a class B misdemeanor.

Section 12.

Allows the bill to address more than one board.

Section 13.

Provides for a transition for electrical administrator licenses; extends the membership of the Board of Mechanical Examiners until the Governor appoints a new board.

Section 14.

Provides for an effective date of June 30, 1993.



**VECO ENVIRONMENTAL
AND PROFESSIONAL SERVICES, INC.**

813 W. NORTHERN LIGHTS BOULEVARD / ANCHORAGE, ALASKA 99503-2495 • 907-277-5309 • FAX 907-264-8810

January 21, 1993

Senator Steve Rieger
Senator Tim Kelly
Representative Bill Hudson
Representative Con Bunde
Alaska State Capitol
Juneau, AK 99801-1182

Reference: Electrical and Mechanical Administrator Requirements

Gentlemen:

Attached are copies of correspondence from over the past year reference electrical and mechanical administrator requirements.

If, in the current legislative session, the administrator requirements are not rescinded, then, as a minimum, I would like to see the following added to Alaska Statutes Sec 08.40.190 and Sec 08.40.390. Exclusions:

1. Fabrication and installation of any facility by a contractor which has a separate quality control (Inspection) staff that inspects and accepts the work.
2. Fabrication and installation of any facility where the owner has a separate quality control (Inspection) staff that inspects and accepts the work.

These exclusions are based on the following:

Currently, as work is done by our construction group, our Quality Control Group (Inspection) inspects the work (both in progress and final acceptance) to ensure that the work is per the drawings, specifications, and applicable codes. Our inspectors complete and sign detailed inspection checklists. Our clients (owners), in addition to reviewing our quality control plan, also perform random inspections to verify our inspections. Also, certain work activities are witnessed by our client inspection representatives.

exclusions from

exclusions

how do we ensure

January 21, 1993
Page 2

Our and our client's Quality Control groups are responsible to their respective company's executive management and not to the construction or project manager. They do keep the construction or project manager informed on the quality of the work, but the construction or project manager cannot direct the inspector to accept or reject the work.

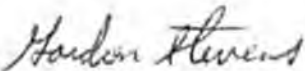
The basis for inspection and for our inspection checklists are drawings, specifications and codes provided by our clients. These drawings and specifications have been reviewed and signed off by engineers. In addition, certain drawings and procedures are subject to a process safety management review per OSHA 29CFR 1910.119.

Per the current Alaska statutes and our clients, a project could have three different people inspecting and accepting/rejecting work. Our client (the owner) has ultimate responsibility and financial liability for the operation of the facility. Yet, the statutes require the administrator to accept the work, without addressing liability.

Also enclosed is a copy of VECO, Inc.'s Quality Control Program which serves as the basis of our inspection services. The typical project Quality Control organization charts in the Quality Control Program, Section 3, shows the relationship of the inspectors to the construction staff. Also enclosed is the VECO International corporate organization chart. As can be seen, the common manager between construction and inspection is the President of VECO International. This separation of reporting is to ensure that inspection and construction remain separate and that construction staff do not override or ignore the QC Inspector's findings.

Please call me at 264-8131 if you have any questions or need further information.

Sincerely,



Gordon Stevens
General Manager, VECO Environmental and Professional Services

Enclosures



**VECO ENVIRONMENTAL
AND PROFESSIONAL SERVICES, INC.**

813 W NORTHERN LIGHTS BOULEVARD / ANCHORAGE, ALASKA 99503-2495 • 907-277-5309 • FAX 907-264-8810

October 27, 1992

State of Alaska
Department of Labor
Division of Occupational Licensing
P.O. Box 110806
Juneau, AK 99811-0806

Attention: Ann Bordeaux
Director, Division of Occupational Licensing

Subject: Electrical and Mechanical Administrator Requirements

Dear Ms. Bordeaux:

Attached are copies of correspondence from over the past year reference electrical and mechanical administrator requirements.

If in the next legislative session, the administrator requirements are not rescinded, then, as a minimum, I would like to see the following added to Alaska Statutes Sec 08.40.190 and Sec 08.40.390. Exclusions:

1. Fabrication and installation of any facility by a contractor which has a separate quality control (Inspection) staff that inspects and accepts the work.
2. Fabrication and installation of any facility where the owner has a separate quality control (Inspection) staff that inspects and accepts the work.

These exclusions are based on the following:

Currently, as work is done by our construction group, our Quality Control Group (Inspection) inspects the work (both in progress and final acceptance) to ensure that the work is per the drawings, specifications, and applicable codes. Our inspectors complete and sign detailed inspection checklists. Our clients (owners), in addition to reviewing our quality control plan, also perform random inspections to verify our inspections. Also, certain work activities are witnessed by our client inspection representatives.

A. Bordeaux
October 27, 1992
Page 2

Our and our client's Quality Control groups are responsible to their respective company's executive management and not to the construction or project manager. They do keep the construction or project manager informed on the quality of the work, but the construction or project manager cannot direct the inspector to accept or reject the work.

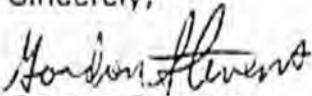
The basis for inspection and for our inspection checklists are drawings, specifications and codes provided by our clients. These drawings and specifications have been reviewed and signed off by engineers. In addition, certain drawings and procedures are subject to a process safety management review per OSHA 29CFR 1910.119.

Per the current Alaska statutes and our clients, a project could have three different people inspecting and accepting/rejecting work. Our client (the owner) has ultimate responsibility and financial liability for the operation of the facility. Yet, the statutes require the administrator to accept the work, without addressing liability.

Also enclosed is a copy of VECO, Inc.'s Quality Control Program which serves as the basis of our inspection services. The typical project Quality Control organization charts in the Quality Control Program, Section 3, shows the relationship of the inspectors to the construction staff. Also enclosed is the VECO International corporate organization chart. As can be seen, the common manager between construction and inspection is the President of VECO International. This separation of reporting is to ensure that inspection and construction remain separate and that construction staff do not override or ignore the QC Inspector's findings.

Please call me at 264-8131 if you have any questions or need further information.

Sincerely,



Gordon Stevens

Manager, Environmental and Professional Services

cc: V. Molyneux w/o attachments

Attachment: QC Manual
 Organization Chart

MEMORANDUM (Brief Communications)

State of Alaska

TO:	Name Billy Miles	Dept./Div./Sect. Senator Drue Pearce's Office	Mail Stop 3100
FROM:	Name Ann Boudreaux, Director	Dept./Div./Sect. DCED/Div. of Occupational Licensing	Phone 465-2538
SUBJ:	Electrical Administrators and Mechanical Administrators		Date March 19, 1992

I agree with Mr. Stevens. The law not only permits these inspectors to work for only one contractor, it says they may not work for more than one. Thus, the "Inspector" is the employee. They have no duty to report defects. Dept. of Labor has trouble getting them to file paperwork. This law has given large firms an unfair advantage over small ones who cannot afford to hire an administrator. I believe the best protection for public safety is to put the burden back on the general contractor. We have had too high a per cent of hearings on license denials.

The sad thing is that so many people have applied for licensing through grandfathering or examination and paid a fee for the license. My recommendation is to eliminate both boards and licenses.

March 16, 1992

Senator Drue Pearce
% Alaska Legislature
P. O. Box V
Juneau, AK 99811

Dear Drue:

Jim Zawacki wrote he has forwarded to you my letter to him in reference to requirements for Electrical and Mechanical Administrators.

I'd appreciate anything you can do to pass the appropriate legislation to repeal the subject statutes.

Sincerely,

A handwritten signature in cursive script that reads "Gordon Stevens". The signature is written in dark ink and is positioned above the typed name and address.

Gordon Stevens
10301 Tree Top Lane
Anchorage, AK 99516

Alaska State Legislature

3111 "C" STREET, SUITE 425
ANCHORAGE, ALASKA 99503
(907) 561-2037

WHILE IN JUNEAU
P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-2719/2693



MEMBER
RESOURCES COMMITTEE
LABOR AND COMMERCE
COMMITTEE
OIL AND GAS COMMITTEE
FINANCE SUB COMMITTEE
NATURAL RESOURCES

Representative Jim Zawacki

March 11, 1992

Mr. Gordon Stevens
10301 Tree Top Lane
Anchorage, Alaska 99516

Dear Gordon,

Thank you very much for your letter expressing your concerns with the unnecessary and redundant requirements for Electrical and Mechanical Administrators.

Your concerns are valid and understandable and I share your desire for change.

Unfortunately, it is past the deadline to introduce any new bills by a Legislator, but Legislative Committees may still submit new legislation.

The best person to contact at this late date would be Senator Drue Pearce, Chairperson of the Senate Labor and Commerce Committee. Senator Pearce may be able to quickly introduce the necessary changes through the Labor and Commerce Committee.

I have forwarded your letter and information to Senator Pearce's office and I suggest that you contact her as well.

I support your position and will help in any way that I can. If the problem is not ironed out this session, I will be more than happy to introduce legislation next year.

Good luck and let me know if I can help in the future.

Sincerely,

A handwritten signature in cursive script that reads "Jim Zawacki".

Jim Zawacki
Representative

March 3, 1992

Representative Jim Zawaki
State Capital
Juneau, AK 99801-1182

Dear Jim:

Request that appropriate legislation be introduced and passed to repeal the requirements for Electrical and Mechanical Administrators. See attached references.

The alleged purpose of these statutes is to protect the safety of people and property in the State from danger of improperly installed electrical or mechanical work by providing a procedure to assure

- (1) the public that persons responsible for making electrical (mechanical) installations in this State are qualified; and
- (2) a sufficient number of persons are so qualified.

The requirements for Electrical and Mechanical Administrators are redundant and superfluous. the requirements also add to the cost of doing business with no return to the public or added safety.

Requirements are placed on contractors to use Administrators and for Administrators to accept the work. Yet the final authority and responsibility lie with the owner/operator and any government inspecting agency.

Requiring contractors to have Administrators does not "...assure the public that persons making installations are qualified" nor does it assure that "...a sufficient number of persons are so qualified."

March 3, 1992

Jim Zawaki

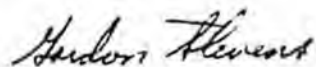
Page Two

If the purpose of these statutes is to require inspection services separate from installation to ensure a safe installation, then the current statutes and implementing regulations do not meet this purpose. Requirements for inspection to assure safe installation are currently mandated through existing State and Federal regulations. The proposed Process Hazards Management regulations (OSHA) will expand these requirements even further.

Recent proposed changes to these regulations and my written comments are attached. Division of Occupational Licensing Regulation Specialist Kevin Henderson stated that an extraordinary amount of written comments were received by the Division of Occupational Licensing on the proposed changes.

Please help us by repealing the referenced statutes.

Sincerely,



Gordon Stevens

10301 Tree Top Lane

Anchorage, AK 99516

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

P.O. BOX 110806
JUNEAU, ALASKA 99811-0806
PHONE: (907) 465-2534

465-2537

December 19, 1991

Mr. Gordon Stevens
Veco Environmental and
Professional Services
813 W. Northern Lights Blvd.
Anchorage, AK 99503-2495

Dear Mr. Stevens:

Thank you for your written comments concerning the proposed Construction Contractor, Electrical Administrator, and Mechanical Administrator Regulations. Your comments will be carefully considered by the department, the Board of Electrical Examiners, and the Board of Mechanical Examiners before any action is taken to amend or adopt these proposals. It is clear that based upon the written comments we have received to date, some of the proposed regulations will need to be changed.

Your involvement in the regulatory process will assist the department and the boards in promulgating regulations that are fair and responsive to both the industry and the public they serve.

Sincerely,



Kevin D. Henderson
Regulations Specialist

KDH/ra076.Hen
121991a

December 6, 1991

Regulations Specialist
Division of Occupational Licensing
P.O. Box 110860
Juneau, AK 99811-0860

Re: Comments on Proposed Changes to Regulations for Electrical and Mechanical Administrators

Both the Electrical and Mechanical proposed changes are for "...may work only on projects within the scope of the license...". There are projects with work that is not under the scope of any license, does that mean those projects cannot be worked? For example, process piping, which is mechanical work, installed per ANSI or API codes is excluded from these statutes, yet the proposed change states "12 AAC 21.600 (c) A mechanical contractor or general contractor ...and may work only on projects within the scope of the license of their mechanical administrator."

Both the Electrical and Mechanical proposed changes state "...employ means that the electrical (mechanical) administrator has supervisory responsibility for the electrical (mechanical) work performed by the contractor...". Does this mean that administrators can only fill positions as foremen, superintendents, construction managers, etc.? Some of our inspectors are administrators (Electrical and Mechanical) and inspect the work for compliance with the applicable owner's specifications and appropriate codes.

The statutes are silent as to liability of the administrator, contractor and the owner. The statutes state the administrator must accept the work prior to completion of the work. Does this mean the administrator has the liability as he has to certify that the work performed and materials used conform to applicable codes and standards? Does this mean that the owner specifications and standards are superseded by the codes which are guidelines for industry? As the administrator accepted the work, therefore is the administrator to indemnify the owner in the event of some future event (in effect shifting potential liability to the administrator)?

There is the potential for conflict of interpretation of codes and requirements. For example, the owner's inspector, the contractor's inspector and the contractor's administrator all may have differing opinions on interpretation of the codes. The owner has the ultimate responsibility for the facility or work, yet these regulations

require the contractor's administrator to verify and accept the work not the owner or operator.

Yours truly,

A handwritten signature in cursive script, appearing to read "Gordon Stevens".

Gordon Stevens
Manager, Professional Services

STATE OF ALA

DEPARTMENT OF COMMERCE ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONS

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 3
To	GORDON STEVENS	From
Co.		RAVIN HENDERSON
Dept.		Co.
Fax #	264-8810	465-2537
		465-2974

BOARD OF ELECTRICAL EXAMINERS

FRONTIER BUILDING
3601 "C" STREET, SUITE 722
ANCHORAGE, ALASKA

FEBRUARY 27-28, 1992
TENTATIVE AGENDA

FEBRUARY 27, 1992

JOINT SESSION OF BOARD OF ELECTRICAL AND MECHANICAL EXAMINERS 3601 "C" STREET, SUITE 336

269-4925
769-4928-Dennis

<u>TIME</u>	<u>TOPIC</u>	<u>LEAD PERSON(S)</u>
-------------	--------------	-----------------------

- | | | | |
|----|------------|--|-------------------------------------|
| 1. | 9:00 a.m. | Call To Order
Roll Call | Wanda Fleming
Licensing Examiner |
| | | Introduction of Board Members | Wanda Fleming |
| | | Election of Chairperson for
Joint Meeting | Wanda Fleming |
| 2. | 9:15 a.m. | Department of Labor Report | Department of Labor
Staff |
| 3. | 9:45 a.m. | Public Comment on Proposed
Regulations for Electrical and
Mechanical Examiners | Chairperson |
| 4. | 12:00 p.m. | Lunch | |

*Chair
PARKS*

[

BOARD OF ELECTRICAL EXAMINERS MEETING 3601 "C" STREET, SUITE 722

- | | | | |
|----|-----------|----------------------------|---------------|
| 5. | 1:00 p.m. | Call to Order
Roll Call | Wanda Fleming |
| 6. | 1:05 p.m. | Election of Chairperson | Wanda Fleming |
| 7. | 1:15 p.m. | Review Agenda | Chairperson |

BOARD OF ELECTRICAL EXAMINERS**TENTATIVE AGENDA**

Page 2

<u>TIME</u>	<u>TOPIC</u>	<u>LEAD PERSON(S)</u>
8. 1:30 p.m.	Review Minutes April 25-26, 1991 Meeting June 10, 1991 Teleconference Meeting August 5, 1991 Teleconference Meeting October 31, 1991 Teleconference Meeting	Chairperson
9. 1:45 p.m.	Division of Occupational Licensing Report and Board Procedures	Wanda Fleming
10. 2:30 p.m.	Review Statutes and Regulations	Chairperson
11. 3:30 p.m.	Review Division of Legislative Audit Report	Wanda Fleming
	Update on Sunset Bill	
12. 3:45 p.m.	Update on Attorney General's Opinion	Wanda Fleming
13. 4:00 p.m.	Public Comment	Chairperson
14. 4:30 p.m.	Recess till 9:00 a.m. February 28, 1992	
<u>FEBRUARY 28, 1992</u>		
15. 9:00 a.m.	Call To Order/Roll Call	Chairperson
16. 9:05 a.m.	Review Agenda	Chairperson
17. 9:15 a.m.	Investigative Report (Executive Session)	Dolly Hansen
18. 9:45 a.m.	Application Review with Michael Umland	Chairperson
19. 10:15 a.m.	Review Applications for Upcoming Examination	Chairperson
20. 12:00 p.m.	Lunch	
21. 1:00 p.m.	Review of Sponsoring Continuing Education Code Classes	Chairperson
	George Solli Charles "Mike" Holt	

BOARD OF ELECTRICAL EXAMINERS**TENTATIVE AGENDA**

Page 3

<u>TIME</u>	<u>TOPIC</u>	<u>LEAD PERSON(S)</u>
22. 1:30 p.m.	Correspondence Review Stanley Kwake - June 7, 1991	Wanda Fleming
23. 1:45 p.m.	National Assessment Institute Examination	Wanda Fleming
	Preparation of Exam Peculiar to Alaska	Chairperson
24. 2:15 p.m.	Review revised Electrical Administrator Applications	Wanda Fleming
	Review New Control Wiring Applications	
25. 2:45 p.m.	Review 1991 Annual Report	Chairperson
26. 3:00 p.m.	Preparation for the 1992 Annual Report	Wanda Fleming
27. 3:30 p.m.	Review 1992 Goals and Objectives	Chairperson
28. 4:00 p.m.	Schedule Next Meeting and Examination	Chairperson
29. 4:15 p.m.	Collect TA's	
30. 4:30 p.m.	Adjourn	



VECO Environmental and Professional Services, Inc.

813 W. Northern Lights Boulevard

Anchorage, Alaska 99503

Telephone: 907-264-8131

TELECOPIER NUMBER: 907-264-8810

DATE: APRIL 1, 1992

TIME: _____

FROM: VEPS, Inc.
Gordon Stevens

TO: STATE OF ALASKA, BOARDS & COMMISSIONS TASK FORCE

CITY: TUNEALU

ATTENTION: TUCKERMAN BABCOCK

DESTINATION NUMBER: 463-3454

MESSAGE:

I read your opinion article in the March 31, 1992

Anchorage Times and would appreciate it if you

would consider my attached comments

Thanks Gordon Stevens

This message comprises 10 pages (excluding this page).

IF YOU DO NOT RECEIVE ALL PAGES IN GOOD CONDITION, PLEASE CALL:

Gordon Stevens - 907-264-8131

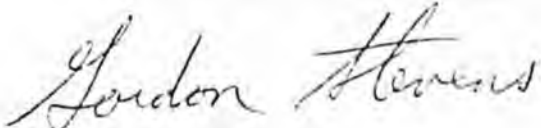
April 1, 1992

Attached are copies of correspondence reference the Electrical and Mechanical Administrators and Examiners boards.

I agree with Ann Bordreaux's comments. Even tho I work for a large contractor (VECO) and can spread the costs of administrators over many projects, many manhours are spent ensuring VECO complies with the requirements of the Alaska Statutes and regulations.

I feel very strongly that the Electrical and Mechanical Examiners Boards (and Administrators) be abolished as they serve no useful purpose, contrary to the stated purpose of "to protect the safety of people and property in the State from danger of improperly installed electrical or mechanical work by providing a procedure to assure

- (1) the public that persons responsible for making electrical (mechanical) installations in this State are qualified; and
- (2) a sufficient number of persons are so qualified.



Gordon Stevens
10301 Tree Top Lane
Anchorage, AK 99516
264-8131