

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

8424 SENATE LABOR & COMMERCE

VECO, INC.

INSTRUMENTATION INSPECTION FORM

CONTRACT NO: _____

PAGE ____ OF ____

REFERENCE DRAWING (S) NO: _____

LOCATION: _____

ITEMS THAT ARE INSPECTED SHALL BE CHECKED ACCEPTABLE OR UNACCEPTABLE. IF AN ITEM IS CHECKED UNACCEPTABLE IT SHALL BE ENTERED INTO THE INSPECTION LOG, OR A NONCONFORMANCE GENERATED AS REQUIRED BY THE QUALITY CONTROL PROGRAM. ADDITIONAL INFORMATION AND INSPECTIONS MAY BE REQUIRED BY THE CONTRACT OR SPECIFICATIONS.

	ACCEPTABLE	UNACCEPTABLE
TUBING MATERIAL TYPE and GRADE	<input type="checkbox"/>	<input type="checkbox"/>
TUBING MATERIAL SIZE and WALL THICKNESS	<input type="checkbox"/>	<input type="checkbox"/>
TUBE CUTTING and DEBURRING	<input type="checkbox"/>	<input type="checkbox"/>
TUBE BENDING and RADIUS	<input type="checkbox"/>	<input type="checkbox"/>
USE of DEPTH MEASUREMENT TOOL	<input type="checkbox"/>	<input type="checkbox"/>
FINAL GAP INSPECTION (using Swagelock go-no-go gauge)	<input type="checkbox"/>	<input type="checkbox"/>
TUBING SUPPORT and ROUTING	<input type="checkbox"/>	<input type="checkbox"/>
CORRECT INSTRUMENTS INSTALLED PER DRAWINGS	<input type="checkbox"/>	<input type="checkbox"/>
PRESSURE TEST COMPLETE *	<input type="checkbox"/>	<input type="checkbox"/>

* TEST RESULTS SHALL BE DOCUMENTED ON CLIENT SUPPLIED FORMS. WHEN TEST FORMS ARE TO BE SUPPLIED BY VECO THEY WILL BE SUBMITTED FOR REVIEW PRIOR TO THEIR USE.

ADDITIONAL TESTS OR INSPECTIONS

INSPECTED BY: _____ DATE _____

REVIEWED BY: _____ DATE _____

VECO, INC.

INSULATION INSPECTION FORM

CONTRACT NO: _____

PAGE ____ OF ____

REFERENCE DRAWING (S) NO: _____

LOCATION: _____

ITEMS THAT ARE INSPECTED SHALL BE CHECKED ACCEPTABLE OR UNACCEPTABLE. IF AN ITEM IS CHECKED UNACCEPTABLE IT SHALL BE ENTERED INTO THE INSPECTION LOG, OR A NONCONFORMANCE GENERATED AS REQUIRED BY THE QUALITY CONTROL PROGRAM. ADDITIONAL INFORMATION AND INSPECTIONS MAY BE REQUIRED BY THE CONTRACT OR SPECIFICATIONS.

PREFORMED INSULATION

ACCEPTABLE

UNACCEPTABLE

CORRECT INSULATION MATERIALS

INSULATION FITUP

JACKET SEAM OVERLAP and ORIENTATION

REQUIRED SEALERS and TAPE

BAND SPACING, LOCATION and TIGHTNESS

WEEP HOLES

IN SITU INSULATION

CORRECT TYPE OF INSULATION MATERIALS

JACKET SEAM OVERLAP and ORIENTATION

REQUIRED SEALERS and TAPE

BAND SPACING, LOCATION and TIGHTNESS

SURFACE and AMBIENT TEMPERATURES

COMPONENT A and B TEMPERATURES

SHOT TIMES ACCORDING TO PROCEDURE

ADDITIONAL TESTS OR INSPECTIONS _____

INSPECTED BY: _____ DATE _____

REVIEWED BY: _____ DATE _____

VECO, INC.

NONCONFORMANCE REPORT

DISCRIPTION OF ITEM:

NCR NO.

DATE:

CONTRACT NO.

P.O. NO.

NONCONFORMANCE:

INITIATED BY:

REVIEWED BY:

DISPOSTION:

DISPOSITIONED BY:

DATE:

DESCRIPTION OF DISPOSITIONS

REPAIR (Write a Detailed Repair Procedure)

REPROCESS (Specify Reprocessing Procedure)

" USE AS IS "

REPLACE (Specify Replacement)

ABOVE DISPOSITION WAS REVIEWED AND ACCEPTED BY: _____ TITLE _____ DATE _____

REINSPECTION OF CORRECTED

- ITEM " REPAIRED " AS SPECIFIED IN
- ITEM " REPROCESSED " AS SPECIFIED IN
- ITEM " USED AS IS " AS SPECIFIED IN DISPOSITION
- ITEM " REPLACED " AS SPECIFIED IN DISPOSITION

INSPECTED AND ACCEPTED BY: _____ TITLE _____ DATE _____

CORRECTIVE ACTION REQUIRED TO PREVENT RECURRENCE:

CORRECTIVE ACTION BY: _____ TITLE _____ DATE _____

VECO, INC.

OVER SHORT OR DAMAGE REPORT

LOCATION: _____ CONTRACT NO. _____

RECEIVED FROM VENDOR:		O.S. & D REPORT NO.	
ADDRESS	Inv. or Packing Slip NO.	DATE	
	Inv. or Packing Slip Date	PURCHASE ORDER NO.	

SHIPPED VIA:	TRAILOR OR CAR NO.	FREIGHT BILL (PRO) NO.	WAYBILL NO.
VESSEL	VOYAGE NO.	DOCK	DATE
HAS CARRIER BEEN ADVISED OF DISCREPANCY ? YES <input type="checkbox"/> NO <input type="checkbox"/>	PRINT NAME OF CARRIER AGENT ADVISED		DATE ADVISED

DESCRIPTION OF OVER, SHORT OR DAMAGED ITEMS

ITEM	QUANTITY	UNIT	DESCRIPTION	OVER/SHORT OR DAMAGED	UNIT COST	TOTAL

DISCREPANCY DISCOVERED	CONDITION OF CONTAINERS	INDICATE IF-	CLAIM TO BE INITIATED AGAINST
UPON OPENING CONTAINER	BROKEN	CONCEALED DAMAGE OR SHORTAGE	CARRIER
UNLOADING	WET	VISIBLE DAMAGE	VENDOR
TRANSIT SHED/WAREHOUSE	INTACT	PILFERAGE	STEVEDORING COMPANY
DOCK	GOOD EXTERIOR CONDITION	SHORTLANDED	UNKOWN
SHIPS HOLD	STEEL BANDED	UNACCEPTABLE VENDOR SUBSTITUTION	INCONSEQUENTIAL LOSS: NO CLAIM ACTION
OTHER	OTHER	OTHER	OTHER

REMARKS: _____

PREPARED BY: _____

VECO, INC.

POSTWELD HEAT TREATMENT FORM

CONTRACT NUMBER _____ LOCATION _____

CLIENT _____

MAKE OF _____

EQUIPMENT _____

RECORDER SERIAL NUMBER _____

ISOMETRIC NUMBER _____

LINE _____

WELD NUMBER (S) _____

PIPE DATA: SPEC. _____ GRADE _____ O.D. _____ WT. _____

HEAT TREATMENT DATA (FROM STRIP CHART)

HEATING RATE PER HOUR _____ ABOVE _____

START TIME OF SOAK _____ TEMP. _____

TIME HALFWAY INTO _____ TEMP. _____

END OF SOAK _____ TEMP _____

COOLING RATE PER HOUR _____ TEMP. _____

*** ATTACH STRIP CHART TO THIS REPORT FOR DOCUMENTATION PURPOSES**

COMMENTS: _____

OPERATOR _____ DATE _____

QUALITY CONTROL _____ DATE _____

CLIENT _____ DATE _____

APPENDIX 2
QUALITY CONTROL MANUAL
REVISION LOG

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO : SCS C-SSHB 249 (L&C)

Revision Date: _____

Department Affected: Labor

Title: Electrical/Mechanical Tradespersons

BRU: Labor Standards & Safety

Component: Mechanical Inspection

Sponsor: Representative G. Davls

Requestor: Senate Labor & Commerce

COMPONENT SERIAL NO. 346

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	32.7	32.7				
TRAVEL	35.2	35.2				
CONTRACTUAL	39.6	39.6				
SUPPLIES	7.6	7.6				
EQUIPMENT	3.5					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	118.6	115.1	0.0	0.0	0.0	0.0

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

REVENUE	167.6	167.6				
FUND SOURCE:	PR #1005	PR #1005				

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt	118.6	115.1				
1007 I/A Receipts						
Other						
TOTAL	118.6	115.1	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	1.0	1.0				
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)

(see attached)

Prepared by: Donald G. Study, CSP, Director Phone: 465-6003

Division: Labor Standards & Safety Date: 4/27/93

Approved by Commissioner: Charles W. Mahlen 

Agency: Department of Labor Date: 4/27/93

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Fiscal Note Analysis for
Electrical/Mechanical Tradespersons

This bill would place responsibility with the Mechanical Inspection component of the Department of Labor for licensing, enforcement, and oversight of the Electrical Examiners Board which sunsetted June 30, 1992 and of the Mechanical Examiners Board which is due to sunset June 30, 1993.

Licenses for electrical and mechanical administrators would be issued and enforced under the department's Certifications of Fitness program. A full time position would be established to provide clerical and administrative support to the program.

A Clerk Typist III position would be established to provide clerical support necessary to the operation of the program. Duties would include: implementation of a computerized photo-identification licensing system to issue licenses and collect & maintain records of fees; issue and receive certificate of fitness application forms; assist with testing applicants; and answer routine questions from the public.

Travel funds would be required for board members to meet and to allow investigators to travel to work sites to investigate alleged violations. Also included is funding for a Hearing Officer to travel between Juneau, Anchorage, and Fairbanks to conduct hearings and appeals.

Additional contractual and commodity expenses would also be incurred by the position for phones, space, vehicle lease, office supplies, and other normal position costs. In addition funds for program costs such as mass mailings to licensees, forms production and mailing, third party testing services, and legal support have been included. Also, one time contractual funding for computer programming to integrate the licensing functions into the departments licensing system is also required.

Equipment needed would be a personal computer, telephone, desk, and chair. This would be a one time cost.

Revenue from testing and licensing is expected to fund these program costs. The revenue estimates are:

	<u>per year</u>
Electrical Administrators - 616 licenses x \$250.00 biennial fee =	\$77,000
Mechanical Administrators - 605 licenses x \$250.00 biennial fee =	\$75,625
Examination - 150 applications x 2 categories x \$50.00 fee =	\$15,000

Total estimated revenue = \$167,625.00

An immediate effective date is assumed.

Position Title Clerk Typist III		No. of Positions 1	Range/Step 8 A	Org. Unit GGU
Time Status Full Time	Staff Months 12	Location Anchorage		Election District 7
Type of Expenditure		Amount		
Salary	\$21,996			
Benefits	10,679			
Premium Pay				
Other				
Total Personal Services		\$32,675		
Travel				
Contractual		2,000		
Commodities		500		
Equipment		3,500		
Other				
Total Cost		\$38,675		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004			
I-A Receipts	1007			
GF Program Receipts	1005	38,675		
Other				
<p>Justification</p> <p>This position will provide clerical and administrative support necessary to the operation of the program. Duties will include: collect and maintain records of fees; issue and receive application forms; issuing licenses; and answer routine questions from the public.</p> <p>Contractual costs include postage, phone, space rent, and other per employee costs.</p> <p>Commodities cover normal office supplies for this position.</p> <p>Equipment is for a personal computer, desk and chair and is a one time cost.</p>				

**Request For
New Position**

Agency Labor
 BRU Labor Standards & Safety
 Component Mechanical Inspection

Page 3 of 3
 Revised Date

FY 94

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

NC 2
Bill Version: CSSSHB 249 (STA)
(H) Publish Date: 4/20/93

Revision Date: _____
Title: An Act reestablishing the Board of Electrical Examiners and extending the termination date of the Board of Mechanical Examiners
Sponsor: Representative G. Davis
Requestor: House Labor & Commerce

Department Affected: Commerce and Economic Development
BRU: Occupational Licensing
Component: Operations
COMPONENT SERIAL NO. 1844

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	51.4	51.4	51.4	51.4	51.4	51.4
TRAVEL	12.6	12.5	12.6	12.6	12.5	12.6
CONTRACTUAL	12.0	12.0	12.0	12.0	12.0	12.0
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	77.0	77.0	77.0	77.0	77.0	77.0

CAPITAL						
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REVENUE FUND SOURCE:	77.0	77.0	77.0	77.0	77.0	77.0
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FUNDING:

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	77.0	77.0	77.0	77.0	77.0	77.0
1006 GF/MHTIA						
OTHER						
TOTAL	77.0	77.0	77.0	77.0	77.0	77.0

POSITIONS:

FULL-TIME	1	1	1	1	1	1
PART-TIME	(1)	(1)	(1)	(1)	(1)	(1)
TEMPORARY						

Estimate of current year (FY 93) impact: None

ANALYSIS: (Attach a separate page if necessary.)
SEE ATTACHED

Prepared by: Karl Luck, Director
Division: Occupational Licensing

Phone: 465-2538
Date: 4/20/93

Approved by Commissioner: Paul Fuhs
Agency: Commerce and Economic Development

Date: 4/20/93

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FISCAL NOTES

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. ^{110.2} CSSSHB 249 (STA)
page 2

ANALYSIS: (continued)

CS for Sponsor Substitute for HB 249 recreates the Board of Electrical Examiners which was sunset in 1991. The following cost increases are for Electrical Administrators (EA) licenses and regulation projects associated with the change to statute, plus division cost for administration of board. A licensing examiner position (PCN 2076) is reclassified from part-time to full-time position since previous EA licensing examiner position was reassigned to cover four additional licensing functions assigned in SLA 92 with no position increase. Mechanical Administrator (MA) licensing function is currently budgeted for in FY 94; no additional funds are required. All funds are program receipts from electrical administrator fees. No general funds are required.

Personal Services

PCN-Loan 2076 reclassified part-time - full-time	\$19.4
Administrative costs	<u>32.0</u>

Subtotal	\$51.4
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Travel

(Board) 4 meetings @ \$2.8 per	11.2
Out-of-state to professional	
(national) meeting	<u>1.4</u>

Subtotal	12.6
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Contractual Services

Exams - 4 per year @ \$2.5 ea.	10.0
Printing	1.5
Mail	<u>.5</u>

Subtotal	12.0
----------	------

Supplies

1.0

Subtotal	<u>1.0</u>
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TOTAL	<u>\$77.0</u>
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Revenue 616 licensees @ \$250 ea. divided by 2 (biennial period)	77.0
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FISCAL NOTE

No. 1
 Bill () :ion: SSHB 249
 (H) Publish Date: 3/31/93

**STATE OF ALASKA
 1993 LEGISLATIVE SESSION**

Revision Date: _____
 Title: Electrical/Mechanical Tradespersons
 Sponsor: Representative G. Davis
 Requestor: House Labor & Commerce

Department Affected: Labor
 BRU: Labor Standards & Safety
 Component: Mechanical Inspection
 COMPONENT SERIAL NO. 346

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	100.8	100.8	100.8	100.8	100.8	100.8
TRAVEL	10.0	10.0	10.0	10.0	10.0	10.0
CONTRACTUAL	39.6	29.0	29.0	29.0	29.0	29.0
SUPPLIES	7.6	7.6	7.6	7.6	7.6	7.6
EQUIPMENT	7.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	165.0	147.4	147.4	147.4	147.4	147.4

CAPITAL						
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REVENUE	165.0	165.0	165.0	165.0	165.0	165.0
FUND SOURCE:	PR #1005	PR #1005	PR #1005	PR #1005	PR #1005	PR #1005

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt	165.0	147.4	147.4	147.4	147.4	147.4
1006 GF/MHTIA						
Other						
TOTAL	165.0	147.4	147.4	147.4	147.4	147.4

POSITIONS:

FULL-TIME	2.0	2.0	2.0	2.0	2.0	2.0
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)
 (see attached)

Prepared by: Donald G. Study, CSP, Director Phone: 465-6003
 Division: Labor Standards & Safety Date: 3/29/93
 Approved by Commissioner: Charles W. Mahler
 Agency: Department of Labor Date: 3/29/93

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Fiscal Note Analysis for

"An Act relating to... transfer of Electrical and Mechanical Administrators
licensing and enforcement to the Department of Labor..."

This bill would place responsibility on the Mechanical Inspection component of the Department of Labor for the licensing and enforcement functions of the Electrical Examiners Board which sunsetted June 30, 1992 and of the Mechanical Examiners Board which is due to sunset June 30, 1993. In addition the bill would allow the department to change the time periods for certificates of fitness by regulation. Currently certificates are for one or three years as set in statute, the department would phase in two year certificates in an effort to stabilize annual revenues.

Certificates for electrical and mechanical administrators would be issued and enforced under the department's Certificates of Fitness program. Two full time positions would be needed to investigate violations, enforce the certificate requirements and provide clerical and administrative support to the program.

An Investigator II position would be established to provide application review, investigation of violations and enforcement of the certificate requirements, including the preparation and presentation of cases for hearings or appeals and actions in court to enforce statutory compliance.

A Clerk Typist III position would provide clerical support necessary to the operation of the program. Duties would include: implementation of a computerized photo-identification licensing system to issue licenses and collect & maintain records of fees; issue and receive certificate of fitness application forms; assist with testing applicants; and answer routine questions from the public.

Travel funds would be required to allow the Investigator to travel to work sites to investigate alleged violations and to enforce licensing requirements. Also included is funding for a Hearing Officer to travel between Juneau, Anchorage, and Fairbanks to conduct hearings and appeals.

Additional contractual and commodity expenses would also be incurred by the two positions for phones, space, vehicle lease, office supplies, and other normal position costs. In addition funds for program costs such as mass mailings to licensees, forms production and mailing, third party testing services, and legal support have been included. Also, one time contractual funding for computer programming to integrate the licensing functions into the departments licensing system is also required.



Equipment needed would be two personal computers, telephones, desks, and chairs.

Revenue from testing and licensing is expected to fund these program costs. The revenue estimates are:

Electrical Administrators - 600 licenses x \$125.00 fee =	\$75,000
Mechanical Administrators - 600 licenses x \$125.00 fee =	\$75,000
Examination - 150 applications x 2 categories x \$50.00 fee =	\$15,000

Total estimated revenue = \$165,000.00

An effective date of July 1, 1993 is assumed.

Position Title Investigator II		No. of Positions 1	Range/Step 16 M	Barg. Unit GGU
Time Status Full Time	Staff Months 12	Location Anchorage		Election District 7
Type of Expenditure		Amount		
Salary	\$49,860			
Benefits	18,233			
Premium Pay				
Other				
Total Personal Services		\$68,093		
Travel		6,000		
Contractual		8,000		
Commodities		500		
Equipment		3,500		
Other				
Total Cost		\$86,093		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1001			
E-A Receipts	1007			
GF Program Receipts	1005	86,093		
Other				
				

Justification

This position will provide the following services: application review and approval; licensing enforcement and investigation of violations; will issue cease and desist orders, subpoenas, and stop work orders when necessary; will prepare and present cases for hearings or appeals; and will bring actions to court to enforce compliance with statutes.

Travel funds would cover costs of travel around the state to investigate persons who may be engaging in a violation of this licensing program.

Contractual costs include postage, phone, space rent, and other per employee costs. Also included are funds to lease a vehicle for the Investigator to use in performance of the position duties.

Commodities cover normal office supplies for this position.

Equipment is for a personal computer, desk and chair and is a one time cost.

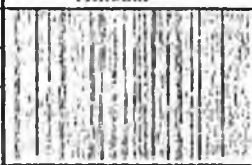

**Request For
New Position**

Agency Labor
 BRU Labor Standards & Safety
 Component Mechanical Inspection

Page 3 of 4
 Revised Date

FY 94

SS HS 249
 100.1

Position Title Clerk Typist III		No. of Positions 1	Range/Step 8 A	Barg. Unit GGU
Time Status Full Time	Staff Months 12	Location Anchorage		Election District 7
Type of Expenditure		Amount		
Salary	\$21,996			
Benefits	10,679			
Premium Pay				
Other				
Total Personal Services		\$32,675		
Travel				
Contractual		2,000		
Commodities		500		
Equipment		3,500		
Other				
Total Cost		\$38,675		
Funding Source for Total Cost				
Federal Receipts	1002			
G. E. Match	1003			
General Fund	1004			
I-A Receipts	1007			
GI Program Receipts	1005	38,675		
Other				
				
Justification				
<p>This position will provide clerical support necessary to the operation of the program. Duties will include: collect and maintain records of fees; issue and receive application forms; issuing licenses; and answer routine questions from the public.</p> <p>Contractual costs include postage, phone, space rent, and other per employee costs.</p> <p>Commodities cover normal office supplies for this position.</p> <p>Equipment is for a personal computer, desk and chair and is a one time cost.</p>				

**Request For
New Position**

Agency Labor
 BRU Labor Standards & Safety
 Component Mechanical Inspection

Page 4 of 4
 Revised Date

FY 94

SS HS 249
 No. 1

SENATE COMMITTEE REP

DATE: 4/23/93

FURTHER: FINANCE

DATE TURNED INTO OFFICE:

4/27/93

L&C Committee considered CS SSB 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."

and recommends:

replace with SENATE CS CS 55 HB 249 (L&C)

or adopt previous CS _____

attaches amendment(s)

same title
 new title
 technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal
DOL	4/27/93		118.6

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

DO PASS:

OTHER RECOMMENDATIONS:

Steve Kim

J. G. Salo No Rec.
Deanna... NR

Tom Kelly - Do Pass

Chair: Signature and Recommendation

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.

PROPOSED AMENDMENTS TO SCS CSSS HB249(L&C)

*Section 1. AS 08.40.045 is amended to read:

Sec. 08.40.045. CATEGORIES OF LICENSES. The department [BOARD] may adopt regulations establishing categories of electrical administrators, establishing qualifications for those categories and the content of examinations for applicants for each category.

*Sec. 2. AS 08.40.050 is amended to read:

Sec. 08.40.050 REGULATIONS. The department [BOARD] shall adopt regulations subject to the Administrative Procedure Act (AS 44.62), relating to the examination and licensing of electrical administrators, the establishing of the continued competency of an applicant for license renewal and reinstatement, and the suspension or revocation of licenses.

Sec. 3 AS 08.40.060 is amended to read:

Sec. 08.40.060 EXAMINATIONS. A licensing examination shall be offered by the department [BOARD] at least twice during each year at appropriate places in the state.

Sec. 5 AS 08.40.120(b) amended to read:

(b) If an applicant for a license submits proof satisfactory to the department [BOARD] that the applicant is licensed as an electrical administrator or the equivalent by another state or territory, that the applicant meets qualifications established by the board under AS 08.40.045, and that the applicant has passed an examination equivalent to the test administered under (a) of this section except insofar as that examination tests knowledge and skill particularly required to meet the environment and usages of the trade peculiar to this state, the board shall waive all of the examination required under (a) of this section except those parts that test knowledge and skill particularly required to meet the environment and usages of the trade peculiar to this state.

Sec. 7. AS 08.40.150 is amended to read:

Sec. 08.40.150 FEES. Each applicant and each licensee shall pay application and renewal fees established by regulations adopted under AS 08.40.050 [AS 08.01.065].

Sec. 8. AS 08.40.170(a) is amended to read:

a) The department [BOARD] may suspend, revoke, or refuse to grant a license upon a finding that

- (1) the application is fraudulent or misleading;
- (2) the licensee has knowingly violated AS 08.40.005 - 08.40.200 or a lawful rule, order, or regulation of the board;
- (3) the licensee is incompetent, or has engaged in fraudulent practices.

PROPOSED AMENDMENTS TO SCS CSSS HB249(L&C)

Sec. 11. AS 08.40.230 is amended to read:

Sec. 08.40.230 CATEGORIES OF LICENSES. The department [BOARD] may adopt regulations establishing categories of mechanical administrators, qualifications for those categories, and the content of examinations for applicants for each category.

Sec. 12. AS 08.40.240 is amended to read:

Sec. 08.40.240 REGULATIONS. The department [BOARD] shall adopt regulations under the Administrative Procedure Act (AS 44.62), relating to the examination and licensing of mechanical administrators, the establishing of the continued competency of licensees for license renewal and reinstatement, and the suspension or revocation of licenses.

Sec. 13. AS 08.40.250 is amended to read:

Sec. 08.40.250 EXAMINATIONS. The department [BOARD] shall conduct licensing examinations at least twice each year at appropriate places in the state.

Sec. 15. AS 08.40.270(b) is amended to read:

(b) If an applicant for a license submits proof satisfactory to the department [BOARD] that the applicant is licensed as a mechanical administrator or the equivalent by another state or territory, meets qualifications established by the department [BOARD] under AS 08.40.230, and has passed an examination equivalent to the test administered under (a) of this section except insofar as that examination tests knowledge and skill particularly required to meet the environment and usages of the trade peculiar to this state, the department [BOARD] shall waive all of the examination required under (a) of this section except those parts that test knowledge and skill particularly required to meet the environment and usages of the trade peculiar to this state.

Sec. 16. AS 08.40.290(b) is amended to read:

(b) A lapsed license may be reinstated upon proof of continued competency by payment of all unpaid renewal fees and any penalty fee established under AS 08.40.300 [AS 08.01.100(b)], unless the license has been lapsed for more than two years. If a person's license has been lapsed for more than two years, the person is required to take an examination under AS 08.40.270.

Sec. 17. AS 08.40.310 is amended to read:

Sec. 08.40.310 FEES. Each applicant and each licensee shall pay application and renewal fees established under AS 08.40.240 [AS 08.01.065].

PROPOSED AMENDMENTS TO SCS CSSS HB249(L&C)

Sec. 18. AS 08.40.315 is enacted to read:

Sec. 08.40.315 APPEALS. Notwithstanding the provisions of the Administrative Procedures Act appeals of actions taken by the department in regards to the implementation of AS 08.40 will be heard by an appeals panel consisting of three members appointed by the governor, subject to confirmation by the legislature, including a representative of industry, a mechanical administrator and a member of the public.

Sec. 19. AS 08.40.320(a) is amended to read:

(a) The department [BOARD] may take disciplinary action against a licensee or applicant upon a finding that

- (1) the application is fraudulent or misleading;
- (2) the licensee has knowingly violated AS 08.40.210 - 08.40.490 or an order or regulation of the board or the department; or
- (3) the licensee is incompetent or has engaged in fraudulent practices.

Sec. 29. AS 08.01.010(12), 08.01.010(15); 08.03.010(c)(12), 08.03.010(c)(15); 08.40.011 and 08.40.220 are repealed.

Sec. 30.

(c) A person who is doing business subject to the provisions of AS 08.40 shall have 30 days from the date of the first examination under the department to meet the provisions of AS 08.18.026.

(d) A person who is doing business subject to the provisions of AS 08.40 shall have 30 days from the date of the first examination under the department to meet the provisions of AS 08.18.02S.

SENATE CS FOR CS FOR SS FOR HOUSE BILL NO. 249(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 4/28/93
Referred: Finance

Sponsor(s): REPRESENTATIVE G.DAVIS

A BILL

FOR AN ACT ENTITLED

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

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

5 * Section 1. AS 08.01.110(2) is amended to read:

6 (2) "commissioner" means the commissioner of commerce and
7 economic development except that, with respect to the Board of Mechanical
8 Examiners, the Board of Electrical Examiners, and licensing by those boards,
9 "commissioner" means the commissioner of labor;

10 * Sec. 2. AS 08.01.110(3) is amended to read:

11 (3) "department" means the Department of Commerce and Economic
12 Development except that, with respect to the Board of Mechanical Examiners, the
13 Board of Electrical Examiners, and licensing by those boards, "department"
14 means the Department of Labor;

1 * Sec. 3. AS 08.03.010(c)(15) is amended to read:
2 (15) Board of Mechanical Examiners (AS 08.40.220) - June 30, 1994
3 [1992];

4 * Sec. 4. AS 08.03.010(c) is amended by adding a new paragraph to read:
5 (25) Board of Electrical Examiners (AS 08.40.011) - June 30, 1994.

6 * Sec. 5. AS 08.40.011(a) is amended to read:
7 (a) There is created the Board of Electrical Examiners consisting of three
8 members appointed by the governor, subject to confirmation by the legislature,
9 including a [, TWO OF WHOM ARE] licensed electrical administrator, a
10 professional engineer registered under AS 08.48, [ADMINISTRATORS] and [ONE
11 OF WHOM IS] a public member. The governor shall provide for geographical
12 distribution in the appointments.

13 * Sec. 6. AS 08.40.011 is amended by adding a new subsection to read:
14 (c) Notwithstanding AS 08.01.035, the members of the board shall serve
15 staggered terms of three years.

16 * Sec. ~~7~~⁴. AS 08.40.090(a) is amended to read:
17 (a) A person may not act as an electrical administrator in the state without a
18 license issued by the department unless the person is covered by an exclusion under
19 AS 08.40.190.

20 * Sec. ~~8~~⁶. AS 08.40.135(b) is amended to read:
21 (b) A lapsed license may be reinstated upon proof of continued competency,
22 and by payment of all unpaid renewal fees and any penalty fee established under
23 AS 08.40.150 v [AS 08.01.100(b)] ^{department} unless the license has been lapsed for more than ~~four~~ {TWO} years.
24 If a person's license has been lapsed for more than ~~four~~ {TWO} years, the person is
25 required to take an examination under AS 08.40.120.

26 * Sec. 9. AS 08.40.180 is amended to read:
27 Sec. 08.40.180. VIOLATION OF AS 08.40.010 - 08.40.200. A person who
28 knowingly violates AS 08.40.005 - 08.40.200, or who knowingly violates a valid rule,
29 regulation, or order of the [board] is guilty of a ~~violation~~ [MISDEMEANOR, AND
30 UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN ⁵⁰⁰⁰ \$300,
31 OR BY IMPRISONMENT FOR NOT MORE THAN 60 DAYS OR BY BOTH].

1 * Sec. 10. AS 08.40.200(2) is amended to read:
2 (1) "Board" means the Board of Electrical Examiners;
3 (2) "department" means the Department of Labor [COMMERCE AND
4 ECONOMIC DEVELOPMENT]; (and renumber accordingly)

5 * Sec. 11. AS 08.40.220(a) is amended to read:

6 (a) There is created the Board of Mechanical Examiners consisting of three
7 members, including a licensed mechanical administrator, a professional engineer
8 registered under AS 08.48, and a public member [. EACH MEMBER OF THE
9 BOARD SHALL RESIDE IN A DIFFERENT JUDICIAL DISTRICT OF THE
10 STATE. TWO MEMBERS OF THE BOARD SHALL BE LICENSED
11 MECHANICAL ADMINISTRATORS AND ONE MEMBER SHALL BE A PUBLIC
12 MEMBER. ONE OF THE LICENSED MECHANICAL ADMINISTRATOR
13 MEMBERS OF THE BOARD SHALL BE A RESIDENT OF A COMMUNITY
14 WITH A POPULATION OF LESS THAN 5,000 PERSONS].

15 * Sec. ~~12~~¹⁴. AS 08.40.260(a) is amended to read:

16 (a) A person may not act as a mechanical administrator without a license
17 unless the person is covered by an exclusion under AS 08.40.390.

18 * Sec. ~~13~~²⁹. AS 08.40.330 is amended to read:

19 Sec. 08.40.330. INVESTIGATIONS. The department [EITHER THE
20 DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT OR THE
21 DEPARTMENT OF LABOR] may investigate alleged or apparent violations of
22 AS 08.40.210 - 08.40.490. The [A] department, upon showing proper credentials, may
23 enter, during regular hours of work, a construction site where it appears that
24 mechanical work is being done. The [A] department may make inquiries about the
25 identity of the mechanical administrator or the person acting in the capacity of a
26 mechanical administrator. Upon demand, a mechanical administrator or person acting
27 in the capacity of a mechanical administrator, or that person's representative, shall
28 produce evidence of current licensure.

29 * Sec. ~~14~~²¹. AS 08.40.340 is amended to read:

30 Sec. 08.40.340. ISSUANCE OF CITATIONS. The department [EITHER
31 THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT OR
THE DEPARTMENT OF LABOR] may issue a citation for a violation if there is

1 probable cause to believe a person has violated AS 08.40.210 - 08.40.490. Each day
2 a violation continues after a citation for the violation has been issued constitutes a
3 separate violation.

4 * Sec. ~~15~~²². AS 08.40.350(c) is amended to read:

5 (c) The department is [DEPARTMENT OF COMMERCE AND ECONOMIC
6 DEVELOPMENT AND THE DEPARTMENT OF LABOR ARE] responsible for the
7 issuance of books containing appropriate citations [,] and [EACH] shall maintain a
8 record of each book issued and each citation contained in it. The [EACH] department
9 shall require and retain a receipt for every book issued to an employee of the [THAT]
10 department.

11 * Sec. ~~16~~²³. AS 08.40.350(d) is amended to read:

12 (d) The department [THAT ISSUES A CITATION UNDER AS 08.40.340]
13 shall deposit the original or a copy of the citation with a court having jurisdiction over
14 the alleged offense. Upon its deposit with the court, the citation may be disposed of
15 only by trial in the court or other official action taken by the magistrate, judge, or
16 prosecutor. The department [THAT ISSUED THE CITATION] may not dispose of
17 a citation [IT] or copies of it or of the record of its issuance except as required under
18 this subsection and (e) of this section.

19 * Sec. ~~17~~²⁴. AS 08.40.350(e) is amended to read:

20 (e) The department [DEPARTMENT OF COMMERCE AND ECONOMIC
21 DEVELOPMENT AND THE DEPARTMENT OF LABOR] shall require the return
22 of a copy of every citation issued [BY THE RESPECTIVE DEPARTMENT] under
23 AS 08.40.340 and of all copies of every citation that has been spoiled or upon which
24 an entry has been made and not issued to an alleged violator. The department
25 [DEPARTMENTS] shall also maintain, in connection with every citation issued [BY
26 THE RESPECTIVE DEPARTMENT], a record of the disposition of the charge by the
27 court where the original or copy of the citation was deposited.

28 * Sec. ~~16~~⁵. AS 08.40.360 is amended to read:

29 Sec. 08.40.360. CEASE AND DESIST ORDER. (a) If the commissioner of
30 labor [COMMERCE AND ECONOMIC DEVELOPMENT] determines that a person
31 is acting as a mechanical administrator in violation of AS 08.40.210 - 08.40.490, the

1 commissioner may issue a cease and desist order prohibiting further action by the
2 person as a mechanical administrator. The cease and desist order remains in effect
3 until the person has submitted evidence acceptable to the commissioner showing that
4 the violation has been corrected.

5 (b) A person affected by an order issued under (a) of this section may seek
6 equitable relief preventing the commissioner [OF COMMERCE AND ECONOMIC
7 DEVELOPMENT] from enforcing the order.

8 * Sec. ²⁶~~19~~. AS 08.40.370 is amended to read:

9 Sec. 08.40.370. INJUNCTIVE RELIEF. The commissioner of labor
10 [COMMERCE AND ECONOMIC DEVELOPMENT] may seek an injunction in the
11 superior court to enjoin a person from violating AS 08.40.210 - 08.40.490.

12 * Sec. ²⁷~~20~~. AS 08.40.380(a) is amended to read:

13 (a) A person who knowingly violates AS 08.40.210 - 08.40.490, or who
14 knowingly violates a regulation or order of [the board or] the department, is guilty of
15 a ~~violation~~ MISDEMEANOR, AND UPON CONVICTION IS PUNISHABLE BY A
16 FINE OF NOT MORE THAN ^{\$5000} \$300, OR BY IMPRISONMENT FOR NOT MORE
17 THAN 60 DAYS, OR BY BOTH].

18 * Sec. ²⁸~~21~~. AS 08.40.490(1) is repealed and reenacted to read:

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

20 * Sec. 22. EXEMPTION FROM AS 44.66.050(e). This Act is exempt from
21 AS 44.66.050(e) to the extent that AS 44.66.050(e) provides that no more than one board may
22 be continued or reestablished in a legislative bill.

23 * Sec. ³⁰~~23~~. TRANSITION. (a) Except to the extent that they are inconsistent with this Act,
24 and the regulations of TN Board of Mechanical Examiners
the regulations of the Board of Electrical Examiners that were in effect on the day before the
25 August 31, 1993 effective date of this Act] shall govern licensing by the Department of Labor
26 Department [Board of Electrical Examiners
reestablished] under this Act until the regulations are amended or repealed by the board.

27 (b) Notwithstanding AS 08.40, as amended by this Act, or the terms of a license, the
28 or the license of a mechanical administrator license of an electrical administrator that is valid on the effective date of this Act remains
29 be renewed upon proof of continued competence and payment of
valid until December 31, 1993, or until revoked or suspended by the Board of Electrical
30 renewal fees established under AS 08.40.310 Examiners, whichever occurs earlier, if the licensee submits an application for license renewal
31 [to the board] before August 1, ¹⁹⁹⁴ [1993].

1 (c) Notwithstanding AS 08.40.220(a), as amended by sec. 11 of this Act, the members
2 of the Board of Mechanical Examiners who hold office on the effective date of this Act, retain
3 their membership on the board until the expiration of their terms, their resignation, or their
4 removal by the governor, whichever occurs earlier. After the effective date of this Act, the
5 governor shall make appointments to the board as vacancies occur so that AS 08.40.220(a),
6 as amended by sec. 11 of this Act, ~~is~~ implemented expeditiously.

7 ~~(d)~~^e Litigation, hearings, investigations, and other proceedings pending under a law
8 amended or repealed by this Act, or in connection with functions transferred by this Act,
9 continue in effect and may be continued and completed notwithstanding a transfer or
10 amendment or repeal provided for in this Act.

11 ~~(e)~~^f Contracts, rights, liabilities and obligations created by or under a law amended or
12 repealed by this Act and in effect on the effective date of this Act, remain in effect
13 notwithstanding this Act's taking effect. Records, equipment, appropriations, and other
14 property of agencies of the state whose functions are transferred under this Act shall be
15 transferred to implement the provisions of this Act.

16 * Sec. ~~24~~³¹. This Act takes effect immediately under AS 01.10.070(c).

8-LS1772A ✓
Lauterbach
2/22/94

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

BY

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. 249, relating to electrical and mechanical
3 administrators.**

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. 249, relating to electrical and
8 mechanical administrators.**

8-LS078IN ✓
Lauterbach
2/24/94

SENATE CS FOR CS FOR SS FOR HOUSE BILL NO. 249()

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE G.DAVIS

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to electrical and mechanical administrators; and providing for
2 an effective date."

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

4 * Section 1. AS 08.01.010 is amended by adding a new paragraph to read:

5 (35) regulation of electrical and mechanical administrators under
6 AS 08.40.

7 * Sec. 2. AS 08.01.050(a) is amended to read:

8 (a) The department shall perform the following administrative and budgetary
9 services when appropriate:

- 10 (1) collect and record fees;
- 11 (2) maintain records and files;
- 12 (3) issue and receive application forms;
- 13 (4) notify applicants of acceptance or rejection as determined by the
- 14 board or as determined by the department under AS 08.06 for acupuncturists, under

1 AS 08.11 for audiologists, under AS 08.18 for contractors, under AS 08.40 for
2 electrical and mechanical administrators, under AS 08.45 for naturopaths, or under
3 AS 08.55 for hearing aid dealers;

4 (5) designate dates examinations are to be held and notify applicants;

5 (6) publish notice of examinations and proceedings;

6 (7) arrange space for holding examinations and proceedings;

7 (8) notify applicants of results of examinations;

8 (9) issue licenses or temporary licenses as authorized by the board or
9 as authorized by the department under AS 08.06 for acupuncturists, under AS 08.11
10 for audiologists, under AS 08.18 for contractors, under AS 08.40 for electrical and
11 mechanical administrators, under AS 08.45 for naturopaths, or under AS 08.55 for
12 hearing aid dealers;

13 (10) issue duplicate licenses upon submission of a written request by
14 the licensee attesting to loss of or the failure to receive the original and payment by
15 the licensee of a fee established by regulation adopted by the department;

16 (11) notify licensees of renewal dates at least 30 days before the
17 expiration date of their licenses;

18 (12) compile and maintain a current register of licensees;

19 (13) answer routine inquiries;

20 (14) maintain files relating to individual licensees;

21 (15) arrange for printing and advertising;

22 (16) purchase supplies;

23 (17) employ additional help when needed;

24 (18) perform other services that may be requested by the board;

25 (19) provide inspection, enforcement, and investigative services to the
26 boards and for the occupations listed in AS 08.01.010, regarding all licenses issued by
27 or through the department;

28 (20) retain and safeguard the official seal of a board and prepare, sign,
29 and affix a board seal, as appropriate, for licenses approved by a board;

30 (21) issue business licenses under AS 43.70.

31 * Sec. 3. AS 08.40.045 is amended to read:

1 Sec. 08.40.045. CATEGORIES OF LICENSES. The department [BOARD]
2 may adopt regulations establishing categories of electrical administrators, establishing
3 qualifications for those categories and the content of examinations for applicants for
4 each category.

5 * Sec. 4. AS 08.40.050 is amended to read:

6 Sec. 08.40.050. REGULATIONS. The department [BOARD] shall adopt
7 regulations subject to AS 44.62 ([THE] Administrative Procedure Act) [(AS 44.62)],
8 relating to the examination and licensing of electrical administrators, the establishing
9 of the continued competency of an applicant for license renewal and reinstatement, and
10 the suspension or revocation of licenses.

11 * Sec. 5. AS 08.40.060 is amended to read:

12 Sec. 08.40.060. EXAMINATIONS. A licensing examination shall be offered
13 by the department [BOARD] at least twice during each year at appropriate places in
14 the state.

15 * Sec. 6. AS 08.40.090(a) is amended to read:

16 (a) A person may not act as an electrical administrator in the state without a
17 license issued by the department unless the person is covered by an exclusion under
18 AS 08.40.190.

19 * Sec. 7. AS 08.40.120(b) is amended to read:

20 (b) If an applicant for a license submits proof satisfactory to the department
21 [BOARD] that the applicant is licensed as an electrical administrator or the equivalent
22 by another state or territory, that the applicant meets qualifications established by the
23 department [BOARD] under AS 08.40.045, and that the applicant has passed an
24 examination equivalent to the test administered under (a) of this section except insofar
25 as that examination tests knowledge and skill particularly required to meet the
26 environment and usages of the trade peculiar to this state, the department [BOARD]
27 shall waive all of the examination required under (a) of this section except those parts
28 that test knowledge and skill particularly required to meet the environment and usages
29 of the trade peculiar to this state.

30 * Sec. 8. AS 08.40.170(a) is amended to read:

31 (a) The department [BOARD] may suspend, revoke, or refuse to grant a

1 license upon a finding that

2 (1) the application is fraudulent or misleading;

3 (2) the licensee has knowingly violated AS 08.40.005 - 08.40.200 or
4 a lawful rule, order, or regulation of the department [BOARD];

5 (3) the licensee is incompetent, or has engaged in fraudulent practices.

6 * Sec. 9. AS 08.40.180 is amended to read:

7 Sec. 08.40.180. VIOLATION OF AS 08.40.010 - 08.40.200. A person who
8 knowingly violates AS 08.40.005 - 08.40.200, or who knowingly violates a valid rule,
9 regulation, or order of the department [BOARD], is guilty of a misdemeanor, and
10 upon conviction is punishable by a fine of not more than \$5,000 if the person is an
11 individual and not more than \$10,000 if the person is an organization [\$300, OR
12 BY IMPRISONMENT FOR NOT MORE THAN 60 DAYS OR BY BOTH].

13 * Sec. 10. AS 08.40.230 is amended to read:

14 Sec. 08.40.230. CATEGORIES OF LICENSES. The department [BOARD]
15 may adopt regulations establishing categories of mechanical administrators,
16 qualifications for those categories, and the content of examinations for applicants for
17 each category.

18 * Sec. 11. AS 08.40.240 is amended to read:

19 Sec. 08.40.240. REGULATIONS. The department [BOARD] shall adopt
20 regulations under AS 44.62 ([THE] Administrative Procedure Act) [(AS 44.62)],
21 relating to the examination and licensing of mechanical administrators, the establishing
22 of the continued competency of licensees for license renewal and reinstatement, and
23 the suspension or revocation of licenses.

24 * Sec. 12. AS 08.40.250 is amended to read:

25 Sec. 08.40.250. EXAMINATIONS. The department [BOARD] shall conduct
26 licensing examinations at least twice each year at appropriate places in the state.

27 * Sec. 13. AS 08.40.260(a) is amended to read:

28 (a) A person may not act as a mechanical administrator without a license
29 unless the person is covered by an exclusion under AS 08.40.390.

30 * Sec. 14. AS 08.40.270(b) is amended to read:

31 (b) If an applicant for a license submits proof satisfactory to the department

1 [BOARD] that the applicant is licensed as a mechanical administrator or the equivalent
2 by another state or territory, meets qualifications established by the department
3 [BOARD] under AS 08.40.230, and has passed an examination equivalent to the test
4 administered under (a) of this section except insofar as that examination tests
5 knowledge and skill particularly required to meet the environment and usages of the
6 trade peculiar to this state, the department [BOARD] shall waive all of the
7 examination required under (a) of this section except those parts that test knowledge
8 and skill particularly required to meet the environment and usages of the trade peculiar
9 to this state.

10 * Sec. 15. AS 08.40.320(a) is amended to read:

11 (a) The department [BOARD] may take disciplinary action against a licensee
12 or applicant upon a finding that

13 (1) the application is fraudulent or misleading;

14 (2) the licensee has knowingly violated AS 08.40.210 - 08.40.490 or
15 an order or regulation of [THE BOARD OR] the department; or

16 (3) the licensee is incompetent or has engaged in fraudulent practices.

17 * Sec. 16. AS 08.40.380(a) is amended to read:

18 (a) A person who knowingly violates AS 08.40.210 - 08.40.490, or who
19 knowingly violates a regulation or order of [THE BOARD OR] the department, is
20 guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than
21 \$5,000 if the person is an individual and not more than \$10,000 if the person is
22 an organization [\$300], OR BY IMPRISONMENT FOR NOT MORE THAN 60
23 DAYS, OR BY BOTH].

24 * Sec. 17. AS 08.01.010(12), 08.01.010(15); AS 08.03.010(c)(15); and AS 08.40.011,
25 08.40.200(1), and 08.40.220 are repealed.

26 * Sec. 18. TRANSITION. (a) Notwithstanding AS 08.40, as amended by this Act, a
27 person may act as an electrical administrator without a license issued under AS 08.40 until
28 30 days after the date of the first examination offered by the Department of Commerce and
29 Economic Development for electrical administrators.

30 (b) Notwithstanding AS 08.40, as amended by this Act, a person may act as a
31 mechanical administrator without a license issued under AS 08.40 until 30 days after the date

1 of the first examination offered by the Department of Commerce and Economic Development
2 for mechanical administrators.

3 (c) Notwithstanding AS 08.40, as amended by this Act, or the terms of a license, the
4 license of an electrical or mechanical administrator that was valid on August 31, 1993, may
5 be renewed, without the requirement of taking an examination, upon proof of continued
6 competency as determined by the Department of Commerce and Economic Development and
7 payment of the required fee.

8 (d) Litigation, hearings, investigations, and other proceedings pending under a law
9 amended or repealed by this Act, or in connection with functions transferred by this Act,
10 continue in effect and may be continued and completed notwithstanding a transfer or
11 amendment or repeal provided for in this Act.

12 (e) Contracts, rights, liabilities and obligations created by or under a law amended or
13 repealed by this Act and in effect on the effective date of this Act, remain in effect
14 notwithstanding this Act's taking effect. Records, equipment, appropriations, and other
15 property of agencies of the state whose functions are transferred under this Act shall be
16 transferred to implement the provisions of this Act.

17 * Sec. 19. This Act takes effect immediately under AS 01.10.070(c).

HB

268

9 2 7 0

SENATE COMMITTEE REPORT

DATE: 4/16/93

FURTHER:

DATE TURNED INTO OFFICE: 4/22/93

L&C Committee considered HOUSE BILL NO. 268 am

"An Act extending the termination date of the Board of Dispensing Opticians; and providing for an effective date."

and recommends:

- replace with _____ CS _____ (_____)
 or adopt previous _____ CS _____ (_____)
 attaches amendment(s)

- same title
 new title
 technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
DCED	4/1	✓	

Appropriation No Fiscal Note

DO PASS:

Alvin Rini
J. E. Salo

OTHER RECOMMENDATIONS:

Don Sharp N.R.

Tim Kelly

Chair: Signature and Recommendation

BILL: HB 268 SHORT TITLE: EXTEND BOARD OF DISPENSING OPTICIANS
BILL VERSION: HB 268 AM
SPONSOR(S): REPRESENTATIVE(S) JAMES

HB 268 Bill/Resolution Floor Action Page 2 of 2

Current Status: (S) L&C

Jrn-Date	Jrn-Page	Action
1 04/01/93	910	(H) READ THE FIRST TIME - REFERRAL(S)
2 04/01/93	910	(H) FINANCE
3 04/13/93	1174	(H) FIN RPT 7DP
4 04/13/93	1175	(H) DP: MACLEAN, LARSON, HANLEY, MARTIN
5 04/13/93	1175	(H) DP: PARNELL, BROWN, FOSTER
6 04/13/93	1175	(H) -ZERO FISCAL NOTE (DCED) 4/13/93
7 04/15/93	1263	(H) RULES TO CALENDAR 4/15/93
8 04/15/93	1263	(H) READ THE SECOND TIME
9 04/15/93	1264	(H) AMENDMENT NO 1 BY NAVARRE
10 04/15/93	1264	(H) AM NO 1 ADOPTED UNAN CONSENT
11 04/15/93	1264	(H) ADVANCED TO THIRD READING UNAN CONSENT
12 04/15/93	1264	(H) READ THE THIRD TIME HB 268 AM
13 04/15/93	1264	(H) PASSED Y38 N- E1 A1
14 04/15/93	1265	(H) EFFECTIVE DATE VOTE SAME AS PASSAGE
15 04/15/93	1273	(H) TRANSMITTED TO (S)
16 04/16/93	1434	(S) READ THE FIRST TIME - REFERRAL(S)
17 04/16/93	1434	(S) LABOR & COMMERCE

FISCAL NOTE

N^C 1
 Bill Version: HB 268
 (H) Publish Date: 4/13/93

STATE OF ALASKA 1993 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Commerce & Economic Development
 Title: An Act extending the termination date BRU: Occupational Licensing
of the Board of Dispensing Opticians:.... Component: Operations
 Sponsor: Rep. James
 Requestor: House Finance COMPONENT SERIAL NO. 1844

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

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

REVENUE FUND SOURCE:	.0	.0	.0	.0	.0	.0
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FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
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 (FY 93) Impact: \$ None

ANALYSIS: (Attach a separate page if necessary)
 HB 268 extends the termination date of the Board of Dispensing Opticians to June 30, 1996. Funding for the board is included in the department's FY 94 operating budget request; therefore, new funds are not required.
 Average Annual Costs: \$11.7
 Average Annual Revenue: \$6.8
 NOTE: A regulation project to adjust fees is currently under review in the Department of Law.

Prepared by: Jennifer Strickler, Administrative Officer Phone: 465-2144
 Division: Occupational Licensing Date: 4/1/93
 Approved by Commissioner: Paul Fuhs Date: 4/2/93
 Agency: Commerce & Economic Development

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ORIGINAL

FISCAL NOTE

DISPENSING OPTICIANS, BOARD OF
AS 08.71.010-.240

There is created the Board of Dispensing Opticians in the Department of Commerce and Economic Development.

Purpose: The board performs the following duties: examines and issues licenses to applicants, renews licenses, and holds hearings and orders disciplinary sanctions against persons whom violate applicable statutes and regulations.

Originating Legislation: Chapter 45, SLA 1973

Status: Active. The sunset termination date was 6/30/92. The board has until 6/30/93 to wind-down affairs.

Travel and Per Diem: Standard as authorized under AS 39.20.180.

Compensation: None.

Board Membership: The board consists of four opticians licensed under AS 08.71.080 and one public member appointed by the governor.

Special Facts: The board is required to keep a record of all proceedings open to the public, including the name of each applicant for examination and each licensee.

Budget Information for FY 93³²: Dollar amounts are in thousands.

EXPENDITURES	REVENUES
\$11.5	\$5.7

Recommendation: No change is recommended.

³² Expenditure and revenue amounts were obtained from the Division of Occupational Licensing's cost allocation spreadsheets. The source of funding is general fund/program receipts.

LEGISLATIVE COMMITTEE REPORT

DATE: 4/16/93

FURTHER:

DATE TURNED INTO OFFICE: 4/22/93

L&C Committee considered HOUSE BILL NO. 270

"An Act extending the termination date of the Board of Examiners in Optometry; and providing for an effective date."

and recommends:

- replace with _____ CS _____ ()
- or adopt previous _____ CS _____ ()
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
DCED	4/9	<input checked="" type="checkbox"/>	

Appropriation No Fiscal Note

DO PASS:

Alvin Ruiz
J. E. Salo

OTHER RECOMMENDATIONS:

Ben May N.R.

Tim Kelly

Chair: Signature and Recommendation

**BILL: HB 270 SHORT TITLE: EXTEND BOARD OF EXAMINERS IN
OPTOMETRY**

**BILL VERSION:
SPONSOR(S): LABOR & COMMERCE**

CURRENT STATUS: (S) L&C STATUS DATE: 04/16/93

HB 270 Bill/Resolution Floor Action Page 2 of 2

Current Status: (S) L&C

Jrn-Date	Jrn-Page	Action
1 04/02/93	958	(H) READ THE FIRST TIME - REFERRAL(S)
2 04/02/93	958	(H) FINANCE
3 04/13/93	1175	(H) FIN RPT 7DP
4 04/13/93	1175	(H) DP: MACLEAN, LARSON, HANLEY, MARTIN
5 04/13/93	1175	(H) DP: PARNELL, BROWN, FOSTER
6 04/13/93	1175	(H) -ZERO FISCAL NOTE (DCED) 4/13/93
7 04/15/93	1265	(H) RULES TO CALENDAR 4/15/93
8 04/15/93	1265	(H) READ THE SECOND TIME
9 04/15/93	1265	(H) - ADVANCED TO THIRD READING UNAN CONSENT
10 04/15/93	1265	(H) READ THE THIRD TIME HB 270
11 04/15/93	1266	(H) PASSED Y38 N- E1 A1
12 04/15/93	1266	(H) EFFECTIVE DATE VOTE SAME AS PASSAGE
13 04/15/93	1273	(H) TRANSMITTED TO (S)
14 04/16/93	1434	(S) READ THE FIRST TIME - REFERRAL(S)
15 04/16/93	1435	(S) LABOR & COMMERCE

FISCAL NOTE

Bill Version: HB 270
 (H) Publish Date: 4/13/93

STATE OF ALASKA 1993 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Commerce & Economic Development
 Title: An Act extending the termination date BRU: Occupational Licensing
of the Board of Examiners in Optometry:... Component: Operations
 Sponsor: House Labor & Commerce
 Requestor: House Finance COMPONENT SERIAL NO. 1844

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
CAPITAL						
REVENUE FUND SOURCE:	.0	.0	.0	.0	.0	.0

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
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 (FY 93) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

The bill extends the termination date of the Board of Examiners in Optometry to June 30, 1996. Funding for the board is included in the FY 94 operating budget; therefore, new funds are not required. Regulations to adjust fees to cover program costs are under review in the Department of Law.

Average Annual Costs: \$14.0

Average Annual Revenue: 5.3

Prepared by: Jennifer Strickler, Administrative Officer
 Division: Occupational Licensing

Phone: 465-2144
 Date: 4/9/93

Approved by Commissioner: Paul Fuhs
 Agency: Commerce & Economic Development

Date: _____

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ORIGINAL

FISCAL NOTE

EXAMINERS IN OPTOMETRY, BOARD OF
AS 08.72.010-.310

The Board of Examiners in Optometry is within the Department of Commerce and Economic Development.

Purpose: The board was created to regulate and control the practice of optometry and to protect and promote the public health, welfare, and safety.

Originating Legislation: Section 35-3-132, ACLA 1949

Status: The board's sunset termination date was 6/30/92, and is currently in the wind-down period which ends 6/30/93.

Travel and Per Diem: Standard as authorized under AS 39.20.180.

Compensation: None.

Board Membership: The board consists of five persons. Four members shall be licensed, practicing optometrists who have been residents for at least three years and one member shall be a public member.

Budget Information for FY 93³⁵: Dollar amounts are in thousands.

EXPENDITURES	REVENUES
\$13.7	\$6.4

Recommendation: No change is recommended.

³⁵ Expenditure and allocation spreadsheet. ~~_____~~ obtained from the Division of Occupational Licensing's cost

HB

271

4 2 7 2

PUBLIC ACCOUNTANCY, BOARD OF
AS 08.04.005-.080

The Board of Public Accountancy is created within the Department of Commerce and Economic Development.

Purpose: It is the policy of the State, and the purpose of Chapter 04, Accountants, to promote the reliability of information that is used for guidance in financial transactions or assessing the financial status or performance of commercial, noncommercial, and governmental enterprises.

Originating Legislation: Chapter 187, SLA 1960

Status: Active. The board shall hold a minimum of four meetings a year.

Travel and Per Diem: Standard as authorized under AS 39.20.180.

Compensation: None.

Board Membership: The board consists of seven members appointed by the governor. Five members shall be certified public accountants or public accountants and two members shall be public members.

Special Facts: The governor shall remove any member of the board whose certificate, license, or permit has been revoked or suspended.

Budget Information for FY 93⁹⁹: Dollar amounts are in thousands.

EXPENDITURES	REVENUES
\$99.7	\$101.3

Recommendation: No change is recommended.

⁹⁹ Expenditure and revenue amounts were obtained from the Division of Occupational Licensing cost allocation spreadsheets. Funding source is general fund/program receipts.

FISCAL NOTE

No. 1
 Bill Version: HB 271
 (H) Publish Date: 4/13/93

STATE OF ALASKA 1993 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Commerce & Economic Development
 Title: An Act extending the termination date BRU: Occupational Licensing
of the Board of Public Accountancy:.... Component: Operations
 Sponsor: House Labor & Commerce
 Requestor: House Finance COMPONENT SERIAL NO. 1844

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

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

REVENUE FUND SOURCE:	.0	.0	.0	.0	.0	.0
----------------------	----	----	----	----	----	----

FUNDING:

(Thousands of Dollars)

FUNDING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	.0	.0	.0	.0	.0	.0

POSITIONS:

POSITIONS	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
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 (FY 93) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)
 The bill extends the termination date of the Board of Public Accountancy to June 30, 1997. Funding for the board is included in the FY 94 operating budget; therefore, new funds are not required.

Average Annual Costs: \$102.0
 Average Annual Revenue: 110.4

Prepared by: Jennifer Strickler, Administrative Officer Phone: 465-2144
 Division: Occupational Licensing Date: 4/9/93

Approved by Commissioner: Paul Fuhs Date: _____
 Agency: Commerce & Economic Development

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ORIGINAL

FISCAL NOTE

LEGISLATIVE COMMITTEE REPORT

DATE: 4/16/93

FURTHER:

DATE TURNED INTO OFFICE: 4/22/93

L&C Committee considered HOUSE BILL NO. 271

"An Act extending the termination date of the Board of Public Accountancy; and providing for an effective date."

and recommends:

- replace with _____ CS _____ (_____)
- or adopt previous _____ CS _____ (_____)
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
DCED	4/9	<input checked="" type="checkbox"/>	

Appropriation No Fiscal Note

DO PASS:

Ann Hein

J. E. Sato

OTHER RECOMMENDATIONS:

Best Keep - No Rec

Tim Kelly

Chair: Signature and Recommendation

BILL: HB 271

SHORT TITLE: EXTEND BOARD OF PUBLIC
ACCOUNTANCY

BILL VERSION:

SPONSOR(S): LABOR & COMMERCE

CURRENT STATUS: (S) L&C

STATUS DATE: 04/16/93

HB 271

Bill/Resolution Floor Action

Page 2 of 2

Current Status: (S) L&C

Jrn-Date	Jrn-Page	Action
1 04/02/93	958	(H) READ THE FIRST TIME - REFERRAL(S)
2 04/02/93	959	(H) FINANCE
3 04/13/93	1175	(H) FIN RPT 7DP
4 04/13/93	1175	(H) DP: MACLEAN, LARSON, HANLEY, MARTIN
5 04/13/93	1175	(H) DP: PARNELL, BROWN, FOSTER
6 04/13/93	1176	(H) -ZERO FISCAL NOTE (DCED) 4/13/93
7 04/15/93	1266	(H) RULES TO CALENDAR 4/15/93
8 04/15/93	1266	(H) READ THE SECOND TIME
9 04/15/93	1266	(H) ADVANCED TO THIRD READING UNAN CONSENT
10 04/15/93	1267	(H) READ THE THIRD TIME HB 271
11 04/15/93	1267	(H) PASSED Y38 N- E1 A1
12 04/15/93	1267	(H) EFFECTIVE DATE VOTE SAME AS PASSAGE
13 04/15/93	1273	(H) TRANSMITTED TO (S)
14 04/16/93	1435	(S) READ THE FIRST TIME - REFERRAL(S)
15 04/16/93	1435	(S) LABOR & COMMERCE

STATE COMMITTEE REPORT

DATE: 4/16/93

FURTHER:

DATE TURNED INTO OFFICE: 4/22/93

L&C Committee considered HOUSE BILL NO. 272

"An Act extending the termination date of the Board of Chiropractic Examiners; and providing for an effective date."

and recommends:

- replace with _____ CS _____ ()
- or adopt previous _____ CS _____ ()
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
DCED	4/9	<input checked="" type="checkbox"/>	

Appropriation No Fiscal Note

DO PASS:

Alvin P. ...
J. E. ...

OTHER RECOMMENDATIONS:

Don ...
...

Tom Kelly

Chair: Signature and Recommendation

BILL: HB 272

SHORT TITLE: EXTEND BOARD OF CHIROPRACTIC
EXAMINERS

BILL VERSION:

SPONSOR(S): LABOR & COMMERCE

CURRENT STATUS: (S) L&C

STATUS DATE: 04/16/93

HB 272

Bill/Resolution Floor Action

Page 2 of 2

Current Status: (S) L&C

Jrn-Date	Jrn-Page	Action
1 04/02/93	959 (H)	READ THE FIRST TIME - REFERRAL(S)
2 04/02/93	959 (H)	FINANCE
3 04/13/93	1176 (H)	FIN RPT 7DP
4 04/13/93	1176 (H)	DP: MACLEAN, LARSON, HANLEY, MARTIN
5 04/13/93	1176 (H)	DP: PARNELL, BROWN, FOSTER
6 04/13/93	1176 (H)	-ZERO FISCAL NOTE (DCED) 4/13/93
7 04/15/93	1267 (H)	RULES TO CALENDAR 4/15/93
8 04/15/93	1268 (H)	READ THE SECOND TIME
9 04/15/93	1268 (H)	ADVANCED TO THIRD READING UNAN CONSENT
10 04/15/93	1268 (H)	READ THE THIRD TIME HB 272
11 04/15/93	1268 (H)	PASSED Y33 N3 E1 A3
12 04/15/93	1268 (H)	EFFECTIVE DATE VOTE SAME AS PASSAGE
13 04/15/93	1273 (H)	TRANSMITTED TO (S)
14 04/16/93	1435 (S)	READ THE FIRST TIME - REFERRAL(S)
15 04/16/93	1435 (S)	LABOR & COMMERCE

Yeas: Barnes, Brice, Bunde, Davidson, G.Davis, Finkelstein, Foster, Green, Grussendorf, Hanley, Hudson, James, Kott, Larson, Mackie, MacLean, Martin, Menard, Moses, Mulder, Navarre, Nicholia, Nordlund, Parnell, Phillips, Porter, Sanders, Therriault, Toohey, Ulmer, Vezey, Williams, Willis

Nays: Hoffman, Olberg, Sitton

Excused: B.Davis

Absent: Brown, Carney, Davies

And so, HB 272 passed the House.

FISCAL NOTE

No. 1
 Bill version: HB 272
 (H) Publish Date: 4/13/93

STATE OF ALASKA 1993 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Commerce & Economic Development
 Title: An Act extending the termination date BRU: Occupational Licensing
of the Board of Chiropractic Examiners;... Component: Operations
 Sponsor: House Labor & Commerce
 Requestor: House Finance COMPONENT SERIAL NO. 1844

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

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

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
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 (FY 93) impact: 5 None

ANALYSIS: (Attach a separate page if necessary)
 The bill extends the termination date of the Board of Chiropractic Examiners to June 30, 1996. Funding for the board is included in the FY 94 operating budget; therefore, new funds are not required. Regulations to adjust fees to cover program costs are under review in the Department of Law.
 Average Annual Costs: \$21.6
 Average Annual Revenue: 9.2

Prepared by: Jennifer Strickler, Administrative Officer Phone: 465-2144
 Division: Occupational Licensing Date: 4/9/93

Approved by Commissioner: Paul Fuhs Date: _____
 Agency: Commerce & Economic Development

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ORIGINAL

FISCAL NOTE

CHIROPRACTIC EXAMINERS, BOARD OF
AS 08.20.010-.090

There is created the Board of Chiropractic Examiners in the Department of Commerce and Economic Development.

Purpose: The board regulates and controls applications, licenses, and permits of the chiropractic profession.

Originating Legislation: Chapter 102, SLA 1976

Status: Active. The board's sunset termination date was 6/30/92, and the board is in a wind-down period.

Travel and Per Diem: Standard as authorized under AS 39.20.180.

Compensation: None.

Board Membership: The board consists of five members as follows:

- (1) four members of the board shall be licensed chiropractic physicians who have practiced chiropractic care in this State not less than two years; and
- (2) one member of the board shall be a person with no direct financial interest in the health care industry.

Special Facts: A member of the board may be removed from office by the governor for cause. Chapter 112, SLA 1992 (AS 08.20.900) authorizes the board to establish a peer review committee.

Budget Information for FY 93²⁶: Dollar amounts are in thousands.

EXPENDITURES	REVENUES
\$21.1	\$8.3

Recommendation: No change is recommended.

²⁶ Expenditure and revenue information obtained from the division of Occupational Licensing's cost allocation spreadsheet. - LEG. BUDGET & AUDIT

HB

277

Municipality
of
Anchorage



P.O. BOX 196650
ANCHORAGE, ALASKA 99519-6650
(907) 343-4545

TOM FINK,
MAYOR

OFFICE OF THE MUNICIPAL ATTORNEY

February 1, 1994

Received

FEB 07 1994

Representative Brian Porter
Chair House Judiciary Committee
Alaska State Legislature
State Capital
Juneau, Alaska 99801

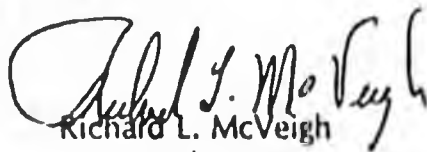
Re: House Bill 277 Relating To Defense And Indemnification Of Public Employees With
Respect To Claims Arising Out Of Conduct That Is Within The Scope Of Employment

Dear Representative Porter:

After reviewing House Bill 277 the Municipality of Anchorage supports the proposed bill. From discussions with the Municipal Risk Management Department, Police Department and the Legal Department concerning this issue the proposed bill would provide the Municipality certain benefits.

As with a prior incarnation of this legislation, CSHB 395 which was before the House Judiciary Committee in April of 1992, this bill would allow the Municipality of Anchorage flexibility to defend and indemnify its employees in appropriate circumstances, including punitive damage situations. Additionally, the legislation allows an employee a defined time period in which to assert and protect the employees' rights to defense or indemnity. The bill appropriately limits the defense of those rights to declaratory actions, for enforcing the rights to defense; cross-claims, for enforcing rights to indemnity where the employer is named as a party; and an action brought within one year, for enforcing indemnification where the employer is not named as a party. With these elements the Municipality of Anchorage supports the bill.

Sincerely,


Richard L. McVeigh
Municipal Attorney

cc: Duane Udland, Deputy Chief Police
Harry Sjoberg, Risk Manager
Mary Vollandorf, Municipal Manager's Office

matter: hb 395 sponsor

LTRS FROM M.U.A., MUNI LEAGUE
ATTN: A.P.D., POLICE CHIEF, POLICE OFF



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

January 24, 1994

TO: Representative Al Vezey, Chair
and
Members, House Committee on State Affairs

FROM: Kent E. Swisher, Executive Director

RE: HB 277 - Indemnification of public employees

It has been brought to my attention that your committee is considering HB 277-Indemnification of public employees, which would amend AS 39.90 to require public employers, including municipalities, to provide defense and indemnification of employees for actions or omissions that occurred during the course and within the scope of the employee's employment, except in cases of gross negligence or intentional or wilful misconduct. The bill allows for collective bargaining agreements to supersede state law with regard to defense and indemnification.

It is the understanding of the Alaska Municipal League that it is already common practice for municipalities to indemnify employees for actions/omissions taken during the course and scope of their employment and that such indemnification is included within most, if not all, collective bargaining agreements.

The League has no objection to the current draft of HB 277, or to the proposed Committee Substitute dated 1/20/94. It appears to codify existing common practice, to provide reasonable protection for employers by requiring the employee to keep the employer informed and to cooperate in the defense, and to provide equal treatment of all types of employees.

cc: Representative Brian Porter



Anchorage Telephone Utility

Executive Offices

January 20, 1994

Representative Brian Porter
Room 122
State Capitol
Juneau, Alaska 99801-1182

Dear Representative Porter:

I want to express my appreciation to you for introducing H.B. 277. This legislation would allow public entities to indemnify employees from personnel liability resulting from honest and efficient accomplishment of their job responsibilities. ATU fully supports this bill and urges its speedy approval.

Our society is seeing increasing numbers of former employees arguing wrongful discharge cases in front of juries. Without regard to the merits of such cases, our system of justice places public employees in a precarious position. Plaintiffs in such actions can not gain punitive damages from a public entity; punitive damages may only be applied to a private entity. Given this, plaintiffs' attorneys will often name an individual as defendant in order to establish a party with punitive liability or, as may be the case, simply to provide leverage.

While individuals so named, more often than not, eventually are relieved of liability, their lives in the meantime can be dramatically impacted. An individual so named will have all credit suspended pending outcome of the case. Simply put, the individual is unable to buy a house, a car or even a large appliance through normal credit channels until the case is settled. In many instances, such cases take years to resolve.

Received

JAN 24 1994

122

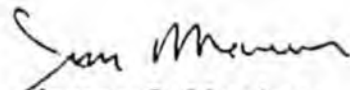
Representative Brian Porter
January 20, 1994
Page 2 of 2

Our concern in rectifying this unfair situation stems from our desire to have effective employees carrying out their responsibilities in a competent and efficient manner. Clearly, an employee who must consider his/her personal fortunes and those of his family each time he makes a decision will find his thinking swayed by this potential threat. We ask for this legislation to be passed so that our employees may work in an atmosphere free from the threat of personal reprisal.

Again, thank you for your efforts. If you need anything further from ATU regarding this legislation, please let me know.

Sincerely,

ANCHORAGE TELEPHONE UTILITY


James G. Morrison
General Manager



ANCHORAGE POLICE DEPARTMENT

4501 SOUTH BRAGAW STREET ♦ ANCHORAGE, ALASKA 99507-1599
TELEPHONE (907) 786-8500



Tom Fink, Mayor

Service since 1921

Received

JAN 19 1994

R. P. BRIAN PORTER

January 18, 1994

Representative Brian Porter
House of Representatives
Alaska State Legislature
Juneau, Alaska 99801-1182

Dear Representative Porter,

I am writing this letter in support of House Bill 277, which would require public employers to indemnify public employees with respect to law suits and legal claims made against employees who are working within the scope and authority of their position. I can safely represent that the subject of indemnification is very important to all public employees.

Law enforcement over the years has identified indemnification as a top legislative priority. Our premise is simple. We believe that when a public employee is working at the behest of their employer, and they operate in good faith and within their proper authority, employees should be indemnified.

This is not an argument for protection of bad employees. It is a request that, as a matter of law, employers protect employees who are doing the work of the government. Threatened or actual legal action has a very chilling effect on any employee. If personal assets or wealth are unfairly at risk, employees are discouraged from making decisions or taking action.

We are happy to work with you and the Legislature in the passage of this bill. If you have any questions, please contact me at 786-8552.

Sincerely,

Duane S. Udland, Deputy Chief
Anchorage Police Department
4501 South Bragaw
Anchorage, Alaska 99507

Alaska Association Chiefs of Police



January 17, 1994

Received

JAN 19 1994

REP BRIAN PORTER

Representative Brian Porter
House of Representatives
State Capital
Juneau, Alaska, 99811

Dear Representative Porter:

Two years ago the Alaska Association of Chiefs of Police, the Alaska Peace Officers Association, and the FBI National Academy Associates identified the indemnification of public employees as their number one legislative priority. This issue is even more timely and critical now. The following is the combined statement and position of the three professional law enforcement associations concerning indemnification.

"We believe that government must be held responsible for its actions. When someone is wrongly harmed through the actions of government, injured parties should be able to make claims as appropriate. However, we believe very strongly that government employees should be defended and protected when their actions are made in good faith.

Generally when a lawsuit is filed, individual employees are listed as parties to the action also. In the past, employees have not been held personally liable for actions taken at the behest of their employer unless they were clearly working outside the scope of their authority. This seems to be changing. Recent court rulings imposing personal punitive damages are placing the livelihoods of public employees in jeopardy.

The trend to hold public employees personally liable places employees in a position where their own personal assets are at risk. This means that all government employees are in danger, from the highest level policy maker to the level of worker where the policy is implemented. Even elected officials are vulnerable today.

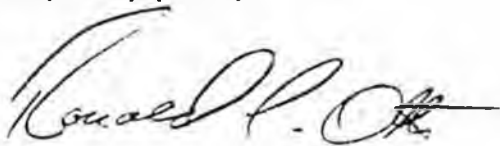
We in law enforcement believe this is an undue burden upon the public employees of this State. It carries the potential for the workings of government to become bogged down because employees fear that decisions they make in good faith may result in the loss of their assets.

When employees are doing the work of the government, within the scope of their authority, and without malice, they should not be held personally liable when they are named as parties to law suits.

Legislation should be passed that indemnifies public employees and frees them from the burden of working under the constant threat that their good faith judgments can result in the loss of their homes, their cars, or their savings."

If we can be of any assistance in the passage of your bill please let me know.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Ronald L. Otte". The signature is written in dark ink and is positioned above the typed name.

Ronald L. Otte
President

RLO/lp

ALASKA PEACE OFFICERS ASSOCIATION

State APOA Office • P.O. Box 240106 • Anchorage, Alaska 99524-0106 • (907) 277-0616



January 18, 1994

Representative Brian Porter
State Capitol
Juneau, AK 99801

Dear Representative Porter,

The Alaska Peace Officers Association supports House Bill 277. We believe that government must be held responsible for its actions. When someone is wrongly harmed through the actions of government, injured parties should be able to make claims as appropriate. However, we believe very strongly that government employees should be defended and protected when their actions are made in good faith and without malice.

Generally when a lawsuit is filed, employees are listed as parties to the action. In the past, employees have not been held personally liable for actions taken at the behest of their employer, unless they were clearly working outside the scope of their authority. This seems to be changing. Recent court rulings imposing personal punitive damages are placing the livelihoods of our public employees in jeopardy.

The trend where public employees are being held personally liable places employees in a position where their own personal assets are at risk. All government employees are in danger, from the highest level policy maker to the lowest level of workers where those policies are carried out. The social worker, the road maintenance supervisor, the police officer, the medic, the fire fighter, and elected officials are all vulnerable.

We in law enforcement believe this is an undue burden upon the state's public employees. It carries great potential for the workings of government to become bogged down because employees fear that decisions they make in good faith may result in the loss of their assets. I encourage you and your colleagues to support House Bill 277.

Sincerely,

Michael A. Grimes, Statewide President
Alaska Peace Officers Association

EXECUTIVE DIRECTOR

Edward T. Harer
Anchorage

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DIVISION OF LEGAL SERVICE

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

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

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

MEMORANDUM

February 9, 1994

SUBJECT: Sectional Summary of CSHB 277(JUD) (Public employee legal defense and indemnification)

TO: Representative Brian Porter, Chair
House Judiciary Committee

FROM: Teresa B. Cramer *TBC*
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.

Section 1 adds a new chapter to the title that applies to public officers and employees.

Sec. 39.55.010 provides that a public employer shall provide legal defense and pay settlements and judgments for a public employee when the acts or omissions that form the basis for the claim or judgment occurred during the course of and within the scope of the public employee's employment.

Subsection (b) relieves the employer of the obligation to defend and indemnify if the employee acted with gross negligence or if the acts or omissions were the result of intentional or wilful misconduct. The employer is also excused from defending or indemnifying when the case involves a disciplinary, administrative or criminal matter brought against the employee or when the employee has been convicted of a criminal offense or terminated from employment because of the conduct. If the employee settles or compromises the claim or action before asking the public employer to provide a defense and indemnify the employee, the employer is also relieved of its obligations.

Under subsection (c), the requirement to provide a legal defense and indemnification applies unless a collective bargaining agreement that covers the public employee includes a provision for defense and indemnification.

Subsection (d) excuses the employer from paying punitive damages awarded against an employee.

SECTIONAL ANALYSIS

Subsection (e) permits public employers to adopt policies requiring the employer to provide defense or indemnification or to pay punitive damages when the statute would not otherwise require the employer to do so.

Subsection (h) makes clear that former employees are entitled to the same treatment as current employees.

Sec. 39.55.020 requires the employee to notify the employer of the claim against the employee and make a good faith effort to cooperate in the defense and resolution of the claim or action. If the employer is providing or has been asked to provide a legal defense, subsection (b) prohibits the employee from settling the claim unless the employer approves. Subsection (c) permits the public employer to settle claims or actions without the employee's consent so long as the settlement resolves all the outstanding claims against the employee.

Sec. 39.55.030 sets out the employee's rights when the employer refuses to provide a legal defense. Under subsection (b), the employee may file an action for declaratory relief to secure legal defense from the employer. Subsection (c) addresses what happens if the employee settles the claim. Subsection (d) gives the employee one year after prevailing in a declaratory relief action against the employer or the entry of final judgment or dismissal in the underlying action to secure indemnification.

Sec. 39.55.040 addresses how the employer may provide a legal defense for an employee without promising to indemnify the employee if a judgment is entered against the employee.

Sec. 39.55.100 defines terms used in the chapter, including "employee," "employer," and "settlement."

TC:lmb
94-041.lmb

Alaska State Legislature

Representative Brian S. Porter



CHAIRMAN
HOUSE JUDICIARY COMMITTEE

MEMBER
HOUSE LABOR & COMMERCE COMMITTEE
SELECT COMMITTEE ON LEGISLATIVE ETHICS

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DEPARTMENT OF LAW
DEPARTMENT OF PUBLIC SAFETY
COURTS

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ANCHORAGE, AK 99501-2133
PHONE: (907) 258-8197
FAX: (907) 258-5510

DISTRICT 20

MEMORANDUM

DATE: April 12, 1994

TO: Senator Tim Kelly, Chairman
Senate Labor & Commerce Committee

FROM: Representative Brian Porter *Brian*

RE: HB 277 - Indemnification of Public Employees

=====
If at all possible, I am asking you to waive the Senate Labor & Commerce Committee referral on this proposed legislation as it did not receive a Labor & Commerce referral in the House and, in addition, has had five previous committee hearings.

The legislation would require public employers to indemnify employees who are sued for acts or omissions occurring during the performance and within the scope of the employee's duty. An employer would not be obligated to indemnify an employee for acts of intentional or willful misconduct.

The standards for indemnification set in HB 277 are those currently used, as a matter of policy, by the Department of Law when determining whether to indemnify public employees. By codifying existing practice, HB 277 eliminates the concerns that many public employees feel about whether their employers will support them in court if they are sued, yet does so in a way that protects public employers against paying for employee misconduct. This bill will codify this policy, extend it to borough, municipal and city employees, and provide these employees with the same protections in statute as currently extended to our university employees and our teachers.

House Bill 277 is supported by the Alaska Police Officers Association, the Association of Chiefs of Police, the Municipality of Anchorage and Anchorage Telephone Utility.

In the event you are unable to waive the Senate Labor & Commerce Committee referral, would you please schedule this bill for a hearing, pending referral from the Senate State Affairs Committee as soon as possible. I believe all of the necessary documentation is attached.

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

April 27, 1994

PLEASE REPLY TO:

- 1031 WEST 4TH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501-1994
PHONE: (907) 269-5100
FAX: (907) 276-3697
- KEY BANK BUILDING
100 CUSHMAN ST., SUITE 400
FAIRBANKS, ALASKA 99701-4679
PHONE: (907) 451-2811
FAX: (907) 451-2846
- P.O. BOX 110300 - STATE CAPITOL
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600
FAX: (907) 465-6735

- Juneau-Annex
Phone: (907) 465-3603
Fax: (907) 465-2539

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

The Honorable Brian Porter
Alaska State House of Representatives
State Capitol, Room 118
Juneau, AK 99801-1182

Re: CSHB 277 (Jud), defense and
indemnification of public employees

Dear Senator Kelly and Representative Porter:

This is in response to concerns raised at the Senate Labor and Commerce committee hearing yesterday regarding CSHB 277 (Jud).

On page 3, lines 1 and 2, the bill provides that it applies to a former employee to the same extent as a current employee. Proposed AS 39.55.010(h). This provision would extend defense and indemnification in the same circumstances and under the same conditions¹ to public employees whose conduct in the course and scope of employment is the subject of litigation, regardless of whether the employees still work for the public employer at the time suit is filed or continue to work for the employer throughout the pendency of the case.

In order to qualify for defense and indemnification, a current or former employee must fulfill the obligations set out in proposed AS 39.55.020. Additionally, if the public employer denies legal defense, the employee may file an action for declaratory relief to compel the employer to provide legal defense; that must be done within 30 days of the denial by the employer. Proposed AS

¹ See, e.g., proposed AS 39.55.010(a) -- (g) and 39.55.020.

39.55.030(b). An employee who is denied legal defense and settles without filing an action against the public employer waives any right to defense or indemnification. Proposed AS 39.55.030(c). An employee who is provided legal defense but not complete indemnification may bring an action for indemnification against the public employer within a year after a final judgment is entered against the employee. Proposed AS 39.55.040(c).

There was some concern that, should CSHB 277 (Jud) become law, former public employees who have been denied defense or indemnification some time ago might bring claims against their employers for expenses incurred. This concern should be minimized by the fact that the bill is not retroactive and former employees' rights to defense and indemnification are conditioned on the fulfillment of the obligations mentioned above. Former employees who have resolved litigation without taking the steps outlined in AS 39.55.030 and .040 will not meet the bill's requirements for indemnification or reimbursement of defense costs.

We do not anticipate that the bill will open a floodgate of requests for reimbursement of legal defense costs from former public employees. However, it is conceivable for some confusion or ambiguity to arise, because the bill does not contain an express effective date clause. You may wish to clarify that this bill does not authorize employees (current or former) to present claims to a public employer for reimbursement of litigation-related expenses if the employer's denial of defense or denial of indemnification occurred before the bill's effective date. Alternatively, you could state that the bill applies only to claims or actions that arise on or after the effective date of the legislation, or only to requests for defense and indemnification made after the effective date. We would be happy to work with your legislative drafters to come up with language that meets your objectives in this regard.

On a related subject, a concern was raised that a public employer might seek to avoid the obligation to defend or indemnify simply by terminating an employee who has been or might be sued. First, it must be noted that, as discussed above, former employees would be entitled to defense and indemnification with respect to matters occurring during their public employment under the same circumstances as for employees still working for the public employer. Proposed AS 39.55.010(h); see, e.g., proposed AS 39.55.010(a) -- (c), and 39.55.020. The employer's obligation to defend or indemnify would not end merely because an employee no longer works for the public employer. However, as the committee noted, the obligation does not arise at all if the claim or action at issue is based on conduct for which the employee has been terminated from employment by the public employer. Proposed AS 39.55.010(b)(3). We believe this is a legitimate and appropriate exception to the defense and indemnification policy.

Senator Tim Kelly
Representative Brian Porter

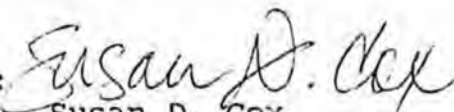
April 27, 1994
Page 3

Although it is possible, several factors counsel against an employer terminating employees just to avoid having to defend or indemnify them. Not the least of these factors is the availability of wrongful termination litigation and grievance proceedings. Moreover, as a practical matter, the employer in most cases will not receive an advantage in the expected civil litigation by terminating the employee involved. Employers are commonly held vicariously liable for the negligence of employees who act within the course and scope of their employment. Most often it is in the employer's interest to mount a common defense on behalf of both employee and employer. For these reasons, we do not believe that the exception in proposed AS 39.55.010(b)(3) will prompt public employers to terminate employees merely because their conduct may be the subject of civil litigation and may require defense and possible indemnification.

We hope this letter addresses your concerns. Please do not hesitate to contact our office if we can be of further assistance.

Very truly yours,

BRUCE M. BOTELHO
ATTORNEY GENERAL

By: 
Susan D. Cox
Assistant Attorney General

SDC:pch

cc: Raga Elim
Deborah Behr
Brad Thompson