

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

8772 HOUSE STATE AFFAIRS

963

GLOSSARY OF TERMS

Ash Ash is determined during the proximate analysis, but also forms an integral part of the ultimate analysis. (See Ultimate analysis.)

Ash content The ash content of a coal is the percentage of incombustible material in coal determined under standardized conditions by burning a sample and measuring the ash. (See Proximate analysis.)

Carbon Carbon is determined by catalytic burning in oxygen and the subsequent measurement of the amount of carbon dioxide formed. Total organic carbon is equal to the total carbon content less the carbonate carbon. Total carbon in a sample is greater than the fixed carbon content. (See Ultimate analysis.)

Coking and metallurgical potential Coking and metallurgical potentials refer to the degree to which coals swell, fuse, and run together to produce a strong coke substance under certain specified conditions. Coking or caking coals are the most important of the bituminous coals because of their suitability for the production of coke for metallurgical uses. Coking coals are typically low-ash, low-sulfur, and low- to medium-volatile bituminous rank.

Fixed carbon content Fixed carbon is the solid combustible matter of coal remaining after the removal of moisture, volatile matter, and ash. It is determined by difference and is expressed as a percentage. (See Proximate analysis.)

Fluid temperature The point indicated by the spreading out of the completely melted ash cone into a flat layer. (See Fusibility of ash.)

Free-swelling index (FSI) FSI is a measurement obtained by the rapid heating of a coal sample in a non-restraining crucible. It ranges on a scale of 0 to 9, where noncaking and nonswelling coals are 0 on the scale. FSI gives an indication of the caking characteristics of a given coal.

Fusibility of ash (F°) Ash-fusibility temperatures vary with the character of coals, particularly the ash content, and is less for low-rank coals. Among the types performed are either a 3-point or 4-point (reducing atmosphere only) ash fusibility or an 8-point (reducing and oxidizing atmospheres) ash fusibility. The melting temperature and deformational changes of an ash cone are measured at various stages. In the 3-point test, temperatures are measured at the point of initial deformation, softening point, and fluid stage. In the 4-point test, an additional measurement is taken at the hemispherical stage, as follows:

Point of initial deformation The tip of the ash cone begins to deform.

Softening point The point where the ash cone height is equal to one-half its width.

Hemispherical stage The point where the ash cone height is equal to its width.

Fluid temperature The point indicated by the spreading out of the completely melted ash cone into a flat layer.

Hardgrove grindability index (HGI) HGI is a measurement that peaks in the bituminous ranks and is less for lignites and anthracites. Intermediate-rank coals are softer and easier to grind, whereas lower and higher rank coals are more difficult to grind and hence have lower grindability indices. The grindability index is calculated by measuring the quantity of -200 mesh fine coal produced at different moisture levels; that is, at two or three temperatures. The relative ease of pulverization is compared to a standard coal having an HGI of 100.

Heating content or heating value Heating content refers to the amount of heat obtainable from coal expressed in British thermal units (Btu) per pound. It is determined by the use of an adiabatic bomb calorimeter, which measures the temperature rise after combustion of a coal sample in an oxygen bomb.

Hemispherical stage The point where the ash cone height is equal to its width. (See Fusibility of ash.)

Hydrogen Hydrogen is determined by catalytic burning in oxygen and the subsequent measurement of the water formed and absorbed by a desiccant. (See Ultimate analysis.)

Major-oxide composition of ash Major oxides include SiO_2 , Al_2O_3 , Fe_2O_3 , TiO_2 , CaO , MgO , Na_2O , K_2O , P_2O_5 , and SO_3 . These compounds typically compose over 99 percent of coal ash.

Moisture content Moisture content includes surface moisture that can be removed by natural drying, and inherent moisture that is contained structurally in the coal substance. Surficial water on coal is free or adherent. Inherent moisture is held physically by vapor pressure or other phenomena. The total moisture content also includes chemically bound water. The equilibrium or bed moisture (for classification by rank) is the inherent moisture-holding capacity of a given coal (in situ) measured at 30°C with a 97 percent relative humidity atmosphere. (See Proximate analysis.)

Nitrogen Nitrogen is determined typically by a chemical digestion with the contained nitrogen converted to ammonia by the Kjeldahl-Gunning method. (See Ultimate analysis.)

Oxygen Oxygen is estimated by difference; total carbon, hydrogen, sulfur, nitrogen, and ash are subtracted from 100 percent. (See Ultimate analysis.)

Point of initial deformation The tip of the ash cone begins to deform. (See Fusibility of ash.)

Proximate analysis A proximate analysis of coal includes determinations of the moisture, volatile matter, ash, and fixed carbon (by difference) content by prescribed methods. A complete proximate analysis is reported on as-received, moisture-free, and moisture- and ash-free bases and totals 100 percent. Sometimes, analyses are reported on an equilibrium-bed-moisture basis as well. Unless otherwise stated, analyses are assumed to be on an as-received basis.

Rank Rank is the basis of coal classification in the natural series from lignite to anthracite and refers to the degree of metamorphism of coal. Higher rank indicates greater metamorphism. Bituminous coals and anthracites are considered to be high-rank; subbituminous coals and lignites, low-rank. Classes of high-rank coals are:

<u>ASTM*</u> <u>abbreviation</u>	<u>Rank</u> <u>(in decreasing order)</u>
ma	meta-anthracite
an	anthracite
sa	semianthracite
lvb	low volatile bituminous
mvb	medium volatile bituminous
hvAb	high volatile A bituminous
hvBb	high volatile B bituminous
hvCb	high volatile C bituminous

* American Society for Testing and Materials.

Softening point The point where the ash cone height is equal to one-half its width. (See Fusibility of ash.)

Sulfur Total sulfur is composed of pyritic (or sulfide), organic, and sulfate forms. Pyritic sulfur is combined with iron in the minerals pyrite and marcasite. Pyritic sulfur is usually the most abundant form in coals and is chiefly responsible for acid mine drainage. Organic sulfur, typically the most abundant form in Alaskan coals, is bonded to the carbon structure. Sulfates form mainly by weathering, into calcium and iron varieties. Three methods used for sulfur determinations are Eschka, high-temperature combustion, and bomb-washing. (See Ultimate analysis.)

Trace elements in coal and coal ash Trace element analysis is important for environmental concerns attendant to coal mining and use. The most important trace elements are arsenic, beryllium, boron, cadmium, chromium, cobalt, copper, fluorine, gallium, germanium, indium, lanthanum, lead, mercury, molybdenum, nickel, selenium, thallium, titanium, uranium, vanadium, yttrium, and zinc. Trace-element analysis is performed by atomic absorption, spark-source mass spectrophotometry, X-ray fluorescence, and neutron activation.

Ultimate analysis An ultimate analysis of coal determines the contents of the elements carbon, hydrogen, sulfur, nitrogen, oxygen (by difference), and ash. These quantities always total 100 percent.

Vitrinite reflectance Vitrinite reflectance is a measurement of the extent to which light is reflected from the surface of a polished coal sample. The measurements are made on the vitrinitic maceral components of the coal substance and are used in the determination of rank and coking characteristics of coal. Maximum reflectances are measured in oil for at least 100 vitrinite particles.

Volatile matter content Volatile matter includes substances in coal other than moisture that are given off as gas and vapor during combustion. (See Proximate analysis.)

ALASKA'S

HIGH-RANK

COALS

**THE FOLLOWING DOCUMENT
HAS NOT BEEN FILMED
BUT IS AVAILABLE IN THE
ORIGINAL FILE**



	<u>EXPORT</u>
Mineral	719,000
	<u>IMPORT</u>
II	1,227,6000

Mineral	<u>EXPORT</u>
	14,000
	<u>IMPORT</u>
	2,800
Coal	<u>EXPORT</u>
	22,850,000
I	<u>IMPORT</u>
	116,280

Mineral	<u>EXPORT</u>
	1,351,200
	<u>IMPORT</u>
	1,953,6000
Coal	<u>EXPORT</u>
	50,500,000
II	<u>IMPORT</u>
	252,500

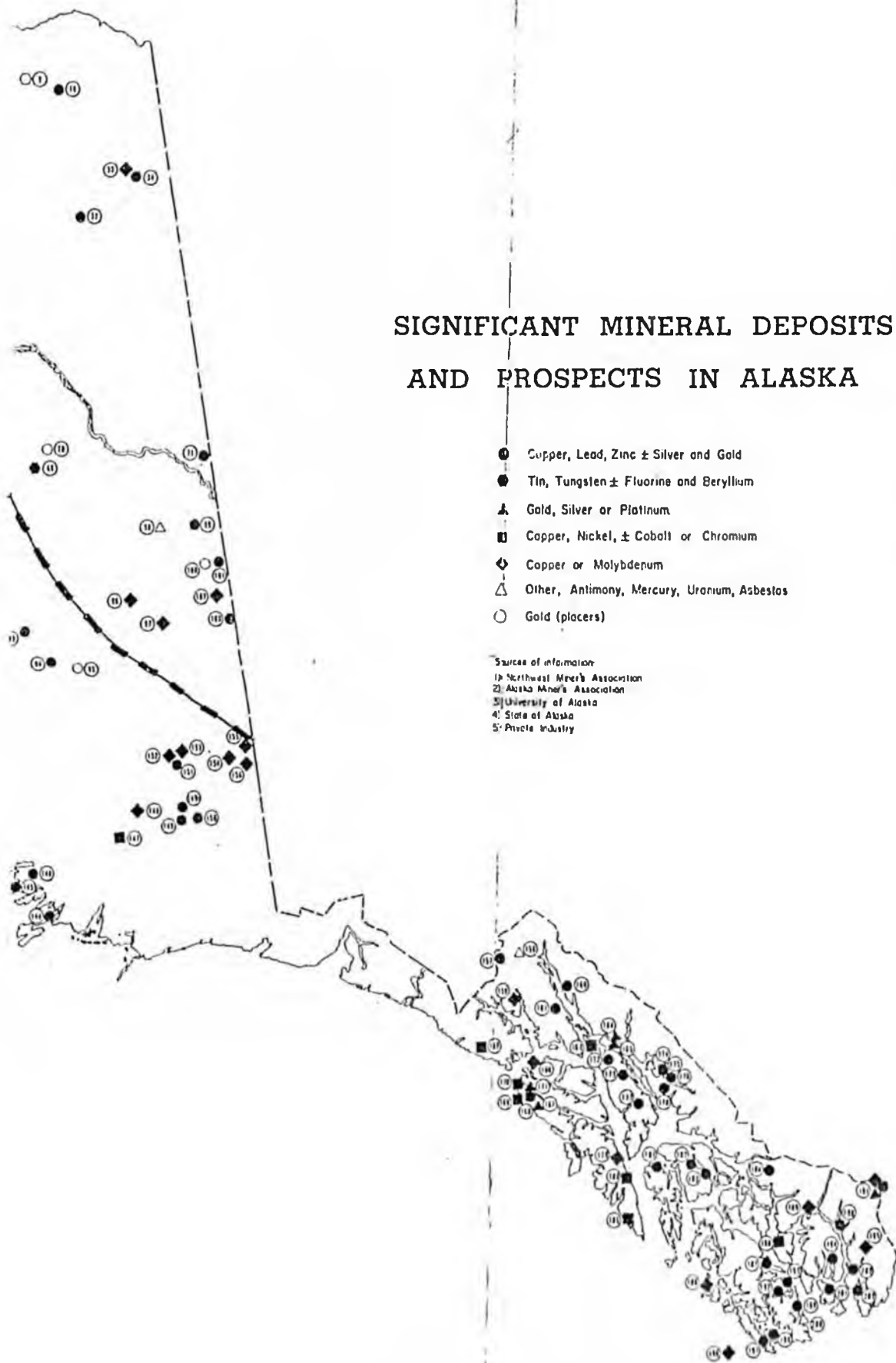
Gulf of Alaska

PLATE I
 INTERIOR ALASKA MINERAL
 DEPOSIT LOCATION MAP
 INFORMATION COMPILED BY ALASKA MINERS ASSOCIATION
 RAILROAD COMMITTEE APRIL, 1982
 DRAWN BY SMAR DATE 5/1/82







**THE FOLLOWING DOCUMENT
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ORIGINAL FILE**

SIGNIFICANT MINERAL DEPOSITS
AND PROSPECTS IN ALASKA










**THE FOLLOWING DOCUMENT
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ORIGINAL FILE**




Quaternary Deposits

-  Qe : undifferentiated eolian sand and silt
-  Qlo : loess
-  Qer : reworked eolian deposits
-  Qes : dune sand



Lacustrine and Marine Deposits

-  Ql : undifferentiated lacustrine deposits
-  Qlb : lake beach deposits
-  Qld : fan-delta deposits
-  Qli : thaw-lake deposits
-  Qmb : marine beach deposits
-  Qme : estuarine deposits
-  Qml : deltaic and lagoonal deposits

Glacial Deposits




-  Qd : undifferentiated drift
-  Qo : outwash/inwash
-  Qis : ice-stagnation deposits

Other Surficial Deposits








-  Qs : swamp deposits
-  Qu : undifferentiated surficial deposits

BEDROCK






Igneous Rocks

-  Big : granitic rocks, coarse-grained gneiss, migmatite
-  Biv : volcanic rocks
-  Biu : undifferentiated igneous rocks

Sedimentary Rocks

-  Bsa : sandstone
-  Bsc : conglomerate
-  Bsch : chert
-  Bsh : shale
-  Bsi : siltstone
-  Bsl : limestone, dolostone
-  Bsu : undifferentiated sedimentary rocks




Metamorphic Rocks

-  Bmg : greenstone
-  Bmm : marble, dolostone
-  Bmq : quartzite
-  Bms : schist, serpentine
-  Bmu : undifferentiated metamorphic rocks






Other Bedrock

-  Bu : undifferentiated or unknown bedrock

metamorphic equivalents
May be deeply weathered

-  BM : Medium-jointed, fine- to medium-grained quartzose sedimentary rocks and their metamorphic equivalents
May be deeply weathered
-  BO : All other lithologies
May be deeply weathered
-  BU : Undifferentiated bedrock lithologies
May be deeply weathered

EXPLANATION FOR ROADS AND CORRIDORS

-  Existing Road
-  Proposed Transportation Corridors
-  Generation 1 Corridors
-  Generation 2 Corridors
-  Generation 3 Corridors

DRAFT



Department of Natural Resources
Division of Geological and Geophysical Surveys
Geologic Data Modeling System

Map projection: Albers' Equal Area

HB

44

REPRESENTATIVE
TERRY MARTIN
CHAIRMAN
BUDGET & AUDIT COMMITTEE
MEMBER
HOUSE FINANCE COMMITTEE

Alaska State Legislature



MAY 15 - JAN 15 258-8169
716 W. 4TH, SUITE 650
ANCHORAGE, AK 99504

JAN 15 - MAY 15 465-3783
STATE CAPITOL
JUNEAU, AK 99801-1182

HOME 333-6990
355 DONNA DRIVE, #11
ANCHORAGE, AK 99504

MEMORANDUM

DATE: January 17, 1995

TO: Representative Jeannette James, Chair
State Affairs Committee

FROM: Representative Terry Martin *TMM*

RE: Scheduling of HB44

At your earliest convenience, would you please schedule House Bill 44 relating to the elimination of political organizations and districts from receiving proceeds through pull-tab charitable gaming practices.

My staff will submit the required information pertaining to the bill as soon as possible. If you have any questions, please contact Tom Anderson at 6590.



RECEIVED

FEB 13 1995

Rep. Brian Porter

CS FOR HOUSE BILL NO. 44()

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsors: REPRESENTATIVES MARTIN, Rokeberg, Porter, Bunde, Green

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to reporting by permittees, licensees, and vendors; providing that a
 2 political use is not an authorized use of charitable gaming proceeds, other than
 3 proceeds from raffles; prohibiting the contribution of charitable gaming proceeds,
 4 other than proceeds from raffles, to candidates for certain public offices, their
 5 campaign organizations, or to political groups; providing that a political group is not
 6 a qualified organization for purposes of charitable gaming, other than raffles; relating
 7 to what is a qualified organization for the purpose of charitable gaming permitting;
 8 and providing for an effective date."

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

10 * Section 1. AS 05.15.060(a) is amended to read:

11 (a) The department shall adopt regulations under AS 44.62 (Administrative

1 Procedure Act) necessary to carry out this chapter covering, but not limited to,

2 (1) the issuance, renewal, and revocation of permits, licenses, and vendor
3 registrations;

4 (2) a method of ascertaining net proceeds, the determination of items of
5 expense that may be incurred or paid, and the limitation of the amount of the items of
6 expense to prevent the proceeds from the activity permitted from being diverted to
7 noncharitable, noneducational, nonreligious, or profit-making organizations, individuals,
8 or groups;

9 (3) the immediate revocation of permits, licenses, and vendor registrations
10 authorized under this chapter if this chapter or regulations adopted under it are violated;

11 (4) the requiring of detailed, sworn, financial reports of operations from
12 permittees and licensees including detailed statements of receipts and payments;

13 (5) the investigation of permittees, licensees, registered vendors, and their
14 employees, including the fingerprinting of those permittees, licensees, registered vendors,
15 and employees whom the department considers it advisable to fingerprint;

16 (6) the method and manner of conducting authorized activities and
17 awarding of prizes or awards, and the equipment that may be used;

18 (7) the number of activities that may be held, operated, or conducted
19 under a permit during a specified period; however, the department may not allow more
20 than 14 bingo sessions a month and 35 bingo games a session to be conducted under a
21 permit; the holders of a multiple-beneficiary permit under AS 05.15.100(d) may hold,
22 operate, or conduct the number of sessions and games a month equal to the number
23 allowed an individual permittee per month multiplied by the number of holders of the
24 multiple-beneficiary permit;

25 (8) a method of accounting for receipts and disbursements by operators,
26 including the keeping of records and requirements for the deposit of all receipts in a
27 -bank;

28 (9) the disposition of funds in possession of a permittee, a person,
29 municipality, or qualified organization that possesses an operator's license, or a registered
30 vendor at the time a permit, a license, or a vendor registration is surrendered, revoked,
31 or invalidated;

32 (10) restrictions on the participation by employees of the Department of

1 Fish and Game in salmon classics; and in king salmon classics, and by employees of
2 Douglas Island Pink and Chum in king salmon classics;

3 (11) the requiring of reports of all donations or contributions by
4 permittees, licensees, or vendors to political candidates or their campaign
5 organizations or to political groups;

6 (12) other matters the department considers necessary to carry out this
7 chapter or protect the best interest of the public.

8 * Sec. 2. AS 05.15.100 is amended by adding a new subsection to read:

9 (e) The department may issue a permit to a political organization for activities
10 conducted under AS 05.15.155. A permit issued under this subsection gives the political
11 organization the privilege of conducting raffles but no other forms of charitable gaming.
12 A political organization receiving a permit under this subsection must satisfy all the
13 requirements of this chapter relating to permittees. A political organization may not hold
14 or otherwise participate in a multiple-beneficiary permit.

15 * Sec. 3. AS 05.15.115 is amended by adding a new subsection to read:

16 (e) A political organization holding a permit to conduct raffles under
17 AS 05.15.100(e) may not enter into a contract with an operator to conduct, on behalf of
18 the political organization, the raffles permitted under the authority of the permit.

19 * Sec. 4. AS 05.15.150 is amended to read:

20 Sec. 05.15.150. LIMITATION ON USE OF PROCEEDS. (a) The authority to
21 conduct the activity authorized by this chapter is contingent upon the dedication of the
22 net proceeds of the charitable gaming activity to the awarding of prizes to contestants or
23 participants and to [POLITICAL,] educational, civic, public, charitable, patriotic, or
24 religious uses in the state. "Educational [POLITICAL, EDUCATIONAL] , civic, public,
25 charitable, patriotic, or religious uses" means uses benefiting persons either by bringing
26 them under the influence of education or religion or relieving them from disease,
27 suffering, or constraint, or by assisting them in establishing themselves in life, or by
28 providing for the promotion of the welfare and well-being of the membership of the
29 organization within their own community, [OR THROUGH AIDING CANDIDATES
30 FOR PUBLIC OFFICE OR GROUPS THAT SUPPORT CANDIDATES FOR PUBLIC
31 OFFICE,] or by erecting or maintaining public buildings or works, or lessening the

1 burden on government, but does not include

2 (1) the direct or indirect

3 (A) payment of any portion of the net proceeds of a bingo or
4 pull-tab game to a lobbyist registered under AS 24.45;

5 (B) contribution of any portion of the net proceeds of a
6 charitable gaming activity, other than raffles, to a candidate for a public
7 office of the state or a political subdivision of the state, to the candidate's
8 campaign organization, to a political party as defined under AS 15.60, or to
9 an organization or club organized under or formally affiliated with a
10 political party; or

11 (2) the erection, acquisition, improvement, maintenance, or repair of real,
12 personal, or mixed property unless it is used exclusively for one or more of the permitted
13 uses.

14 (b) The net proceeds derived from the activity must be devoted within one year
15 to one or more of the uses stated in (a) of this section. If the net proceeds are derived
16 from raffles, the proceeds must be devoted within one year to one or more of the
17 uses stated in (a) of this section or to a political use as provided in AS 05.15.155. A
18 municipality or qualified organization desiring to hold the net proceeds for a period
19 longer than one year must apply to the department for special permission and upon good
20 cause shown the department may grant the request.

21 * Sec. 5. AS 05.15.150 is amended by adding a new subsection to read:

22 (c) In addition to the uses specified in (a) of this section, a permittee may
23 dedicate the net proceeds of raffles to political uses within the state. In this subsection,
24 "political uses" means uses benefiting persons through aiding candidates for public office
25 or groups that support candidates for public office.

26 * Sec. 6. AS 05.15 is amended by adding a new section to read:

27 Sec. 05.15.155. POLITICAL RAFFLES. (a) Notwithstanding AS 05.15.150,
28 a political organization that holds a permit under AS 05.15.100(e) may conduct raffles.
29 The authority to conduct the raffles is contingent upon the dedication of the net proceeds
30 of the raffles to the awarding of prizes to contestants or participants and to political,
31 educational, civic, public, charitable, patriotic, or religious uses in the state. "Educational,

1 civic, public, charitable, patriotic, or religious uses" means those uses described in
2 AS 05.15.150(a). "Political uses" has the meaning given in AS 05.15.150(c). The net
3 proceeds derived from raffles under this subsection must be devoted within one year to
4 one or more of the uses described in this subsection. A political organization desiring to
5 hold the net proceeds for a period longer than one year must apply to the department for
6 special permission and upon good cause shown the department may grant the request.

7 * Sec. 7. AS 05.15.690(34) is amended to read:

8 (34) "qualified organization" means a bona fide civic or service
9 organization or a bona fide religious, charitable, fraternal, veterans, labor, [POLITICAL,
10 or educational organization, police or fire department and company, dog mushers'
11 association, outboard motor association, or fishing derby or nonprofit trade association
12 in the state, that operates without profits to its members and that has been in existence
13 continually for a period of three years immediately before applying for a license; the
14 organization may be a firm, corporation, company, association, or partnership;

15 * Sec. 8. This Act takes effect January 1, 1996.

REPRESENTATIVE
TERRY MARTIN
CHAIRMAN
BUDGET & AUDIT COMMITTEE
MEMBER
HOUSE FINANCE COMMITTEE

Alaska State Legislature



MAY 15 - JAN 15 258-8169
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JAN 15 - MAY 15 465-3783
STATE CAPITOL
JUNEAU, AK 99801-1182

HOME 333-6990
355 DONNA DRIVE, #11
ANCHORAGE, AK 99504

SPONSOR STATEMENT HB 44

Providing that a Political Use is not an Authorized Use
of Charitable Gaming Proceeds.

In August of 1994 before the Primary Election, the Anchorage Daily News published an informative article disclosing where candidates for the governorship were receiving financial support. Lawyers became very prominent, as did construction and the oil industries, as well as the fishing industry who flapped its wings to get candidates' attention. Five days later the Voice of the Times brought into focus two other major players who financed political campaigns - unions and state employee groups.

Both articles missed the real *Motherload*. The newest, most prolific motherload to fill Alaska's campaign coffers is Gam(bl)ing - or more specifically, pull-tab permits. Alaska is the only state that allows political parties and local political districts to maintain gambling permits while also allowing a limitless contributory ability from political units and pull-tab permittees to candidates. The lack of restrictions on gambling dollars directed to political campaigns has given those in control over permits an incalculable influence and control over elected officials who are beholden to them for special voting and political generosity. The process is one in which the operators and political district officers decide who will receive the largest gambling receipts, thus gaining the highest level of control. The operators of the permits can and do use the political permits at the most profitable places and at the most prolific times, while the true charitable permittees suffer accordingly.

There should be an outcry of public disdain for this practice in Alaska, but it will not be heard until the facts of gambling's influence are exposed. The gurus of ethics who, for the last ten years, have been shouting the virtues of reform of special interests in political campaigns, have developed a scam of the worst kind involving political parties posing as charitable organizations in the name of reform.



What we have seen guised as a 'charity' is nothing less than raw political abuse of influence peddling and powers to corrupt the minds of the innocent for personal gains. This misuse of charity is no longer to be concealed. Rather it should be brought to bear before the public, in its true form, as an instrument of power that attracts the greed of elected officials.

Since the passage of legislation orchestrated through several Spenard lawyer/legislators and gam(b)ling operators that legalized pull-tabs and licensing (monopolizing) operators under the guise of "reform", we see the industry's growth escalate from an annual gross revenue of \$60 million dollars in 1988 to over \$227 million in 1993.

When zeroing in on just political permits we see a phenomenal growth of gross revenues in 1989 of \$374,958 to \$3,978,179 in 1993. There are 13 Democrat organizations, 5 Republican units and the Alaska Independent Party that have pull-tab permits.

Labor organizations also depend on gam(b)ling activities, especially pull-tabs, to fuel their political machinery. During 1993, 21 labor unions received \$4,269,972 in gross revenues through their permits. By holding gaming permits, politicians, political parties and precincts strip millions of dollars away from the true charities.

True charities serve a purpose in that they assist those who require aid, whether by training to work, or by clothing and feeding. The gaming process in-turn reduces state expenditures and services. Those who own gaming permits for reasons other than charity control the distribution to political groups and candidates, and end up controlling the legislature in a more sinister way than true advocates of ideologies in a democratic-representative government. This new motherload that fills political coffers must be eliminated. As evident by the 1994 Primary and General Elections, the amount of political contributions and proceeds originating from charitable gaming (pull tab) receipts distributed to Alaskan political candidates is overwhelming. House Bill 44 is the vehicle through which to change this problem. I urge your support.

House Democratic Campaign Committee

<u>Gaming Operator</u>	<u>Date</u>	<u>Amount</u>
Northern Lights Bingo	Feb. 14, '94	\$2,462.00
Northern Lights Bingo	Mar. 11, '94	\$2,000.00
Northern Lights Bingo	Apr. 14, '94	\$2,000.00
Northern Lights Bingo	May. 10, '94	\$2,000.00
Northern Lights Bingo	Jun. 15, '94	\$1,000.00
Northern Lights Bingo	Jul. 14, '94	\$4,000.00
Northern Lights Bingo	Aug. 16, '94	\$8,000.00
Northern Lights Bingo	Oct. 7, '94	\$4,000.00
Northern Lights Bingo	Oct. 21, '94	\$3,000.00
<hr/>		
	1994 TOTAL	\$28,462.00

Alaska Democrat Party

<u>Gaming Operator</u>	<u>Date</u>	<u>Amount</u>
Northern Lights Bingo	Jan. 29, '93	\$5,664.00
Northern Lights Bingo	Feb. 17, '93	\$3,427.00
Northern Lights Bingo	Mar. 30, '93	\$3,172.00
Northern Lights Bingo	May. 3, '93	\$3,043.00
Northern Lights Bingo	May. 17, '93	\$2,225.00
Northern Lights Bingo	Jun. 16, '93	\$2,513.00
Northern Lights Bingo	Jul. 26, '93	\$1,531.00
Northern Lights Bingo	Aug. 30, '93	\$1,032.00
Northern Lights Bingo	Sep. 30, '93	\$798.00
Northern Lights Bingo	Oct. 30, '93	\$3,894.00
Northern Lights Bingo	Nov. 28, '93	\$2,705.00
Northern Lights Bingo	Dec. 31, '94	\$2,780.00
<hr/>		
	1993 TOTAL	\$32,784.00
Rippie World	Aug. 12, '94	\$1,827.00
Rippie World	Oct. 7, '94	\$4,000.00
Rippie World	Nov. 9, '94	\$6,000.00
<hr/>		
	1994 TOTAL	\$11,827.00

Anchorage Republican Woman's Club

<u>Gaming Operator</u>	<u>Date</u>	<u>Amount</u>
Alaska Bingo Management	Mar. 24, '94	\$2,000.00
Alaska Bingo Management	Apr. 25, '94	\$1,841.00
Alaska Bingo Management	Jun. 1, '94	\$1,000.00
Central AK Fund Raising Activities	Jun. 26, '94	\$4,000.00
Central AK Fund Raising Activities	Aug. 10, '94	\$5,000.00
Central AK Fund Raising Activities	Sep. 15, '94	\$3,151.00
Central AK Fund Raising Activities	Oct. 19, '94	\$5,000.00
1994 TOTAL		\$21,992.00

District 25 Democrats

<u>Gaming Operator</u>	<u>Date</u>	<u>Amount</u>
State Fair Bingo proceeds	Sep. 2, '94	\$1,545.00
State Fair Bingo proceeds	Sep. 8, '94	\$2,270.00
State Fair Bingo proceeds	Sep. 8, '94	\$1,571.05
State Fair Bingo proceeds	Sep. 8, '94	\$330.00
1994 TOTAL		\$5,716.05

Valdez Democratic Precinct

<u>Gaming Operator</u>	<u>Date</u>	<u>Amount</u>
Rippie World	Jan. 17, '94	\$5,000.00
Rippie World	Feb. 22, '94	\$9,000.00
Rippie World	Mar. 17, '94	\$9,000.00
Rippie World	Apr. 20, '94	\$4,000.00
Rippie World	May. 16, '94	\$6,000.00
Rippie World	Jun. 27, '94	\$8,000.00
Rippie World	Jul. 19, '94	\$8,000.00
Rippie World	Sep. 2, '94	\$3,500.00
1994 TOTAL		\$52,500.00

Alaska Ironworkers PAC

<u>Gaming Operator</u>	<u>Date</u>	<u>Amount</u>
Rippie World	Aug. 10, '94	\$7,000.00
Rippie World	Sep. 8, '94	\$11,000.00
Rippie World	Oct. 7, '94	\$9,000.00
Rippie World	Nov. 11, '94	\$11,000.00
<hr/>		
	1994 TOTAL	\$38,000.00

Mat-Su Democrats

<u>Gaming Operator</u>	<u>Date</u>	<u>Amount</u>
State Fair Bingo/Pulltab proceeds	Aug. 25, '94	\$8,599.00
State Fair Bingo/Pulltab proceeds	Sep. 6, '94	\$6,104.01
<hr/>		
	1994 TOTAL	\$14,703.01

1994 TOTALS \$173,200

State of Alaska
Department of Revenue

TONY KNOWLES
Governor
P.O. Box 110001
Juneau, Alaska 99811-0001
NEWS RELEASE



Wilson Condon
Commissioner
907-465-2300
FAX: 907-465-2388

FOR IMMEDIATE RELEASE: January 25, 1995

R95-01

CHARITABLE GAMING TASK FORCE NAMED

Recognizing the need for a well-regulated, viable charitable gaming industry that provides funding for non profit organizations, Governor Tony Knowles today appointed an eleven-member task force to make recommendations regarding administration of charitable games.

The task force will address such questions as: Are charities receiving appropriate proceeds from gaming? What can government do to ensure that gaming is run fairly? How can government make gaming more efficient?

The eleven members named to the task force are all knowledgeable about charitable gaming. Most are operators of such games or represent permittees. They include: Father Francis McGuigan of Fairbanks, Ruth Shannon of Fairbanks, Jim Harmon of Anchorage, Mark Higgins of Anchorage, Dmitri Philemonof of Anchorage, Theodore Boom of Anchorage, George Wright of Juneau, Gerald Richards of Fairbanks, and Kilsoo Seo of Bethel. Lanie Fleischer of Anchorage will serve as chair of the task force.

The task force will hold public meetings in Anchorage, Fairbanks, and Juneau. The meetings will be held during the first two weeks of February and will be teleconferenced across the state. The public is encouraged to participate. All requests for teleconference access will be honored.

The task force will present a report making recommendations for the administration of charitable gaming to the commissioner of revenue by May 1, 1995. Minority viewpoints will be included in the report.

-30-

Contact: Jeff Prather - 465-2279

State of Alaska
Office of the Governor

TONY KNOWLES
Governor
P.O. Box 110001
Juneau, Alaska 99811-0001
NEWS RELEASE



Bob King
Press Secretary
907-465-3600
FAX: 907-465-1833

FOR IMMEDIATE RELEASE: January 25, 1995

95-20A

JUNEAU NEWS CONFERENCE ADVISORY

There will be a news conference in the Governor's Conference Room in the state capitol at 10:30 a.m. on Thursday, January 26, 1995.

At the news conference, the Governor will be presented with the executive summary of the recommendations of his ten policy transition teams.

Both Governor Knowles and Lieutenant Governor Fran Ulmer, who chaired the transition teams, will be present at the conference.

The Governor will also have some remarks regarding the upcoming meeting of the National Governors' Association that he will attend this weekend in Washington, D.C.

The news conference will be teleconferenced to the Governor's offices in Anchorage and Fairbanks. Video from the news conference will be aired on the Governor's window on Ratnet.

Contact Bob King at 465-3600 if you have any questions.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 44

Revision Date: 2/13/95 Dept. Affected: Revenue
 Title: Gaming proceeds/Define Charitable Gaming BRU: Revenue Operations
organizations Component: Charitable Gaming Division
 Sponsor: Representative Martin
 Requester: State Affairs COMPONENT SERIAL NO. 1883

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	(19.2)	(20.2)	(21.2)	(22.2)	(23.4)	(24.5)
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FUND SOURCE (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	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The Department of Revenue, Charitable Gaming Division anticipates a slight decrease of program receipts due to a loss of pull-tab taxes and net proceeds tax for political permittees.

Prepared by: Jeff Prather, Acting Director Phone: 465-2279
 Division: Charitable Gaming Division Date: 2/13/95
 Approved by: [Signature]
 Commissioner: Wilson L. Condon Date: 2/13/95
 Agency: Department of Revenue

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information, call the Governor's Legislative Office

1. Raffles excluded
2. Qualification for permit shall not pass Polit. Parties or Political groups.
3. No proceeds ^{Dir} indirect to Parties Polit. groups or pol. candid. .
4. Report Polit. cont to Dir of gaming if pass. permit

HB

46

9-LS0217F✓
Bannister
2/17/95

CS FOR HOUSE BILL NO. 46()

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVE GREEN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the practice of architecture, engineering, and land surveying."

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

3 * Section 1. AS 08.48.221 is amended to read:

4 Sec. 08.48.221. SEALS. Each registrant may obtain a seal of the design
5 authorized by the board, bearing the registrant's name, registration number, and the
6 legend, "Registered Professional Architect," "Registered Professional Engineer," or
7 "Registered Professional Land Surveyor," as appropriate. When a registrant issues
8 final drawings, specifications, surveys, plats, plates, reports, or similar documents,
9 the registrant shall sign the documents and stamp the documents with the seal.

10 [FINAL DRAWINGS, SPECIFICATIONS, SURVEYS, PLATS, PLATES, REPORTS
11 AND OTHER SIMILAR DOCUMENTS SHALL, WHEN ISSUED, BE SIGNED AND
12 STAMPED WITH THE SEAL.] The board shall adopt regulations governing the use of
13 seals by the registrant. An architect, engineer, or land surveyor may not affix or permit
14 a seal and signature to be affixed to an instrument after the expiration of a certificate or

1 for the purpose of aiding or abetting another person to evade or attempt to evade a
2 provision of this chapter. The registrant, by affixing the registrant's seal to final
3 drawings, specifications, surveys, plats, plates, reports, and other similar documents, and
4 signing them, certifies that these documents were prepared by or under the registrant's
5 direct supervision, unless the registrant certifies on the face of the document to the extent
6 of the registrant's responsibility.

7 * Sec. 2. AS 08.48.281 is amended to read:

8 Sec. 08.48.281. PROHIBITED PRACTICE. A person may not practice or offer
9 to practice the profession of architecture, engineering, or land surveying in the state, or
10 use in connection with the person's name or otherwise assume or advertise a title or
11 description tending to convey the impression that the person is an [A REGISTERED]
12 architect, an engineer, or a land surveyor, unless the person has been registered under the
13 provisions of this chapter or is a person to whom these provisions do not apply, or, in the
14 case of a corporation, unless it has been authorized under this chapter.

15 * Sec. 3. AS 08.48.331 is amended to read:

16 Sec. 08.48.331. EXEMPTIONS. This chapter does not apply to

17 (1) a contractor performing work designed by a professional architect or
18 engineer or the supervision of the construction of the work as a supervisor or
19 superintendent for a contractor;

20 (2) workers in building trades crafts, superintendents, supervisors, or
21 inspectors in the performance of their customary duties;

22 (3) an officer or employee of the United States government practicing
23 architecture, engineering, or land surveying as required by the person's official capacity;

24 (4) an employee or a subordinate of a person registered under this chapter
25 if the work or service is done under the direct supervision of a person registered under
26 this chapter;

27 (5) associates, consultants, or specialists retained by a registered
28 individual, a partnership of registered individuals, or a corporation authorized to practice
29 architecture, engineering, or land surveying under this chapter, in the performance of
30 professional services if responsible charge of the work remains with the individual, the
31 partnership, or a designated representative of the corporation;

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(6) a person preparing drawings or specifications for

(A) a building for the person's own use and occupancy as a single family residence;

(B) farm or ranch buildings, unless the public health, safety, or welfare is involved;

(C) a building that is intended to be used only as a residence by not more than four families and that is not more than two stories high;

(D) a garage, workshop, or similar building that contains less than 2,000 square feet of floor space to be used for a private noncommercial purpose;

(7) a specialty contractor licensed under AS 08.18 while engaged in the business of construction contracting or designing systems for work within the specialty to be performed or supervised by the specialty contractor, or a contractor preparing shop or field drawings for work that the specialty contractor has contracted to perform;

(8) a person furnishing drawings, specifications, instruments of service, or other data for alterations or repairs to a building that do not change or affect the structural system or the safety of the building, or that do not affect the public health, safety, or welfare;

(9) a person who is employed by a postsecondary educational institution to teach engineering, architectural, or land surveying courses; in this paragraph, "postsecondary educational institution" has the meaning given in AS 14.48.210;

(10) an officer or employee of an individual, firm, partnership, association, or corporation, who practices engineering only when required by the person's official capacity or work duties connected with the person's employment, and the individual, firm, partnership, association, or corporation is not engaged in the business of offering engineering services to the public.

Alaska State Legislature

WHILE IN SESSION
CAPITOL BUILDING
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(907) 465-4931
(907) 465-4316 FAX

INTERIM ADDRESS
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ANCHORAGE ALASKA 99501
(907) 258-8198
(907) 258-8171 FAX



CHIEF CLERK
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DEPT. OF COMMERCE & ECONOMIC DEVELOPMENT
DEPT. OF ENVIRONMENTAL CONSERVATION

Representative Joe Green
District 12

RECEIVED BY

MAR 16 1995

Rep. Jeannette James

TO: Representative Jeanette James, Chair
House State Affairs Committee

FR: Representative Joe Green *Joe*

RE: HB 46

DATE: March 15, 1995

I am requesting a hearing on HB 46 - Architects, Engineers, & Land Surveyors.

This bill clarifies when a document must be stamped or sealed, further identifies who is able to call themselves an "engineer", and restores an exemption from requirements of the chapter.

The Labor & Commerce Committee heard extensive testimony on this legislation, and adopted a committee substitute that added sections 1 and 3. Three groups provided virtually all of the testimony on the bill; utilities, the petroleum industry, and the professional design community. These groups are currently working to resolve a disagreement on the exemption language added to AS 08.48.331, in Section 3 of the bill.

When the bill is heard, I would appreciate your consideration of an amendment I will offer to the language added in section 3. This is the only change I anticipate, and necessary only because representatives of the above groups could not coordinate their schedules before the Labor & Commerce Chairman wished to move the bill.

Alaska State Legislature

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CHAIR, RESOURCES COMMITTEE
VICE CHAIR, JUDICIARY COMMITTEE
MEMBER, STATE AFFAIRS COMMITTEE

FINANCE SUBCOMMITTEES
DEPT. OF NATURAL RESOURCES
DEPT. OF COMMERCE & ECONOMIC DEVELOPMENT
DEPT. OF ENVIRONMENTAL CONSERVATION

Representative Joe Green

District 10

Sectional Description

CSHB46 - Architects, Engineers, & Land Surveyors

Sec. 1 Re-words the deleted paragraph into a more active case. The intent of the language is not changed.

Sec. 2 Removes a technical conflict with the statutory language that defines engineer.

AS 08.48.281 states that a person may not "practice or offer to practice" "or advertise a title or description tending to convey the impression that the person is a *registered* architect, engineer, or land surveyor unless the person has been registered under the provisions of this chapter..."

According to this language, a person can tend "to convey the impression" that they are an engineer, just not a registered engineer. This conflicts with the language, and the intent in AS 08.48.341(6) which states that "engineer" means a professional engineer, and AS 08.48.341(12) which defines "professional engineer" as a person who has been legally registered as a professional engineer by the board.

Deleting "a registered" from .281 renders the prohibition more consistent with .341(6) and .341(12).

Sec. 3 Re-introduces an exemption that was removed in 1990. Subsection (10) allows an employee of a company who is required to practice engineering as part of their official work capacity, and who is not engaged in the business of offering engineering services to the public, to do so without being registered by the Board.

Alaska State Legislature

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CHIEF CHAIR, RESOURCES COMMITTEE
VICE CHAIR, JUDICIARY COMMITTEE
MEMBER, STATE AFFAIRS COMMITTEE

FINANCE SUBCOMMITTEES
DEPT. OF NATURAL RESOURCES
DEPT. OF COMMERCE & ECONOMIC DEVELOPMENT
DEPT. OF ENVIRONMENTAL CONSERVATION

Representative Joe Green
District 13

Sponsor Statement

CSHB46 - Architects, Engineers, & Land Surveyors

CSHB46 has three goals: 1) Clarify when a registrant will use the seal to stamp a document, 2) correct an ambiguity in the law that governs who can claim to be an architect, engineer, or land surveyor, and 3) re-introduce an exemption from the requirements of the chapter.

Section 1 is clarified by re-writing into a more active case the instructions of when a registrant will stamp a document.

Enforcement of the law in Section 2 is made difficult by the inclusion of the word "registered" in the language that states who may and may not practice a profession. When enforcement officers apprehend an individual for practicing engineering, a common defense is that they did not purport to be a "registered" engineer, only an engineer. Even though "engineer" is defined elsewhere in statute, prosecutors are loath to take these cases due to this ambiguity.

CSHB46 clarifies this section of law by expanding the category of who is prohibited from practicing a profession. If CSHB46 passes, it will be illegal to "assume or advertise a title" of "engineer" unless you are registered by the Board.

Another problem CSHB46 addresses, in Section 3, is an exemption removed in 1990 that has proved to be unworkable for a number of Alaskan companies. Currently, several groups of people who work as architects, engineers, and land surveyors, are exempted from the requirements of this chapter. Until 1990, employees who do not offer their services to the public, but practice engineering as part of their regular work duties for their employer, were also exempted. This bill restores that exemption.

MECHANICAL AND ELECTRICAL
CONSULTING ENGINEERS

Engineering, Inc.

March 13, 1995

Representative Pete Kort
State Capital
Juneau, Alaska 99801
Fax: 465-2819

Dear Representative Kort:

REFERENCE: House Bill HB 46

I am writing to you to express my opposition to HB 46, in its entirety. I speak first as an Alaskan resident, second as president of an engineering firm, and third as chairman of the AELS Board (The board has been polled, and they concur with my opposition). My opposition to the bill is based on the following concerns:

1. **Section 1, AS 08.48.221 Seals:** The proposed change says that only registered architects, engineers, or land surveyors need to seal their plans. As you know, sealing of plans is required so that the public knows who provided the design, so designers can be held responsible and accountable for their work. Placing a seal on plans therefore causes designers to very carefully review their work to ensure they are doing the best they can to provide a safe, code compliant design or report. This change says to me that if adopted, unlicensed people may prepare plans, specifications, reports, etc., since they do not have to seal their work product, implying also that they do not have to accept responsibility for their work product, since the designer will be unknown. There is *no way* that this provision will enhance public safety; rather it will open the doors to potentially unqualified "designers" or self proclaimed engineers to furnish designs that may very well violate good engineering principles, code, or logical construction.
2. **Section 3, AS 08.48.331 Exemptions:** Paragraph 10 of this amendment invites all kinds of unqualified people to practice engineering without a license so long as they do it for their company. The trouble is, the resultant building, facility, or project may not (and probably will not) reflect good engineering principles, code compliance, or safe construction. The public or the employees of the company who enter, or otherwise use these facilities, or subsequent purchasers of these facilities, could no longer rely on any assurance that the facility or its subsequent renovations have been designed by competent architects or engineers. Reliance on plan reviews or inspections by OSHA, the State Fire Marshall, or other such regulatory agencies for assurance of proper design would be absurd because:
 - These agencies rely on the competence of the design teams, as evidenced by their seal on the plans. Their plan review is cursory, at best, and certainly does not go into calculation verifications, site conditions, etc.

Senator Loren Leman

March 13, 1995

Page 2

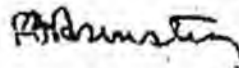
- These agencies are not staffed with experts in all the disciplines needed to properly review plans potentially designed by sub-professionals.
- Nobody can build quality into a design after it has been improperly prepared. Construction elements build on one another so improper design can build up to a disaster of a project.
- Only the original designer has access to all the assumptions needed to prepare a proper design. A reviewer (such as a Fire Marshall) relies on the professional competence of the designer (as evidenced by his seal) and on that designer's proper use of assumptions and site conditions.

Rather than having the legislature prepare legislation such as this to respond to special interests, I propose that you introduce language that would provide specific exemptions, or allow the AELS Board to define specific exemptions based on the relative risk to the public or employees that use the facilities. For example, a majority of the design done by cable TV or telecommunications utilities using voltages less than 120 volts should probably be exempt, provided their designs comply with accepted industry guidelines, applicable codes, and utility right of way agreements. Their *buildings*, however, should be designed by licensed professionals, including power, lighting, civil, and structural systems. Proposed language has been discussed by Sharon Macklin and me, who in turn is working with oil representatives to try and structure a compromise.

I was not able to testify on this important piece of legislation at your scheduled hearing on March 8, because I was traveling to a rural community at the time.

Thank you for considering this important concern.

Very truly yours,



Richard S. Armstrong, P.E.
President

enj

95-262

cc:

Representative Norman Rokeberg	Fax: 465-2040
Representative Brian Porter	Fax: 465-3834
Representative Jerry Sanders	Fax: 465-3476
Representative Beverly Masek	Fax: 465-2294
Representative Kim Elton	Fax: 465-2108
Representative Gene Kubina	Fax: 465-3799



FACSIMILE TRANSMITTAL

To: Rep. Pete Kott
Time: 17:43:33
Pages (including cover): 1

From: USKH Juneau
Date: 3/13/95

Dear Rep. Pete Kott:

Reference: House Bill No. 46

I am writing to express my opposition to HB 46. I do support exemptions for the telecommunication and oil industries. However, the wording in the current version on the bill is much too broad (ref. Section 3. AS 08.48.331 EXEMPTIONS, Par. 10).

I request your support for Sen. Leman's effort to craft legislation that would provide the exemptions requested by the telecommunication and oil industries with specific wording. The current bill does not provide adequate protection for public health, safety and welfare.

I am a registered civil engineer. I live and work in Juneau. I am a member of the AELS Registration Board, but speak only for myself.

I appreciate your consideration.

D. Lance Mearig, P.E.



March 8, 1995

The Honorable Representative Pete Kott
State Capitol, Room 432
Juneau, Alaska 99801-1182

RE: HB 46

Dear Representative Kott:

Prime Cable of Alaska is in favor of returning the pre-1990 exemption of utilities for engineering stamp requirements on internal documents. Please keep in mind during revisions of this legislation that cable television is considered a telecommunications utility and that we operate under a Certificate of Public Convenience from the APUC like the telephone companies. Our facilities are as benign if not more so than the telcos and our subscribers would suffer the same financial burden due to the added engineering stamp requirement without any benefit.

I may be reached at 786-9355 if you or your staff have any questions on our stance on this or any other legislation that affects cable television. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Haynes".

Gary Haynes
Vice President of Operations

Alaska State Legislature



Representative Joe Green

CHIEF CLERK
CLERK OF THE HOUSE
CLERK OF THE SENATE
CLERK OF THE JOINT LEGISLATIVE COMMITTEE
CLERK OF THE HOUSE AND SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

TO: Representative Pete Kott, Chairman
House Labor & Commerce Committee

FR: Representative Joe Green *el*

RE: HB 46

DATE: February 28, 1995

I am requesting a hearing on HB 46 - An Act relating to the practice of architecture, engineering, and land surveying.

I have attached a proposed committee substitute and would request that you adopt it in lieu of the original bill. The CS adds two sections, section 1, and section 3, to the bill. The language from the original bill remains in the CS as section 2. I have attached a sectional description and a fiscal note.

I understand that the Board of Architects, Engineers, and Land Surveyors opposes the bill. I have attached a letter of opposition from the Board. The committee substitute is supported by Alaskans working in public utilities and in the oil industry.

To this end, I would appreciate a hearing on next Wednesday, March 8, when a number of utility and industry representatives will be in town to testify.

Thank you for your consideration.

STATE OF ALASKA

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

TONY KNOWLES, GOVERNOR

P.O. BOX 110806
JUNEAU, ALASKA 99811-0806
PHONE: (907) 465-2534
TDD: (907) 465-5437

February 17, 1995

FEB 27 1995

Mr. Karl Luck, Director
Division of Occupational Licensing
P.O. Box 110806
Juneau, AK 99811-0806

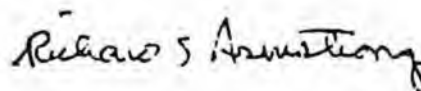
Re: HB 46

Dear Mr. Luck:

The Board of Registration for Architects, Engineers and Land Surveyors reviewed HB 46 at its February 16-17, 1995 meeting, and has taken action to oppose this bill. The position of the Board is to retain use of the term "registered" in reference to architect, engineer or land surveyor in this section.

Please let us know if you have any questions of the Board in this matter.

Sincerely,



Richard Armstrong, P.E.
President, AELS Board

cc: Representative Green

Post-It™ brand fax transmittal memo 7571		# of pages =	21
To	Rep. Ed. Cott	From	R. B. White
Co.		Co.	Rockwell Int.
Dept.		Phone #	707-257-4100
Fax #	707-257-2211	Fax #	707-257-4100

Raytheon
Engineers & Constructors
411 B Street, Suite 201
Anchorage AK 99501

207 265 6088
FAX 907 265 1408

Raytheon
Engineers & Constructors

March 17, 1995

Representative Pete Kott
Chairman, Labor & Commerce Committee
State Capital
Juneau, Alaska
99801-1182

Dear Representative Kott;

Subject:
CS for HB-46, Draft 9-LS0217F
Occupational Licensing:
Architects, Engineers, and Land Surveyors

Raytheon Engineers and Constructors has been actively supplying engineering services in the State of Alaska for nearly 2 decades. We have been performing all levels of technical and construction services working with both governmental agencies and commercial companies and plan to continue providing this service for years to come.

We would like you to support the merits of CS House Bill 46. This bill is in the best interest of Alaska in providing the proper level of quality technical controls while still committed to protecting the public safety. This bill provides clarification and eliminates ambiguous wording to the AE & LS statutes and supports the competitive nature of doing business.

The following is a brief summary of the bill and highlights the benefits that would be derived from passage of CS House Bill 46.

A state program for occupational licensing of architects, engineers and land surveyors (AE&LS) offers the same type of public benefits that are common in most occupational licensing programs. Those benefits are three fold. First, they establish a method for verifying that persons meet minimum standards of technical competency, such as through requiring tests and experience. Second, they establish a method of identifying those qualified persons, such as by authorizing the use of a title or seal. Third,

they establish a means of assuring that such persons meet standards of professional conduct in their dealings with the public.

The existence of AE&LS occupational licensing further allows other government regulators a method of specifying the conduct of activities which might impact public safety. A common example of this is regulations that require the use of professional structural engineers in the design of bridges.

Occupational licensing of AE&LS is a necessary and common way to protect the public from unqualified people that might both offer services or practice in areas where public safety is an issue. The AE&LS occupations require extensive education and experience; and the public needs to know that unqualified people or companies will not be offering their services to the public.

The mandatory requirements of the AE&LS statutes should implement three principles. First, only registered professional engineers can use a seal to certify final drawings and specifications. Second, only duly registered professional engineers may use that title when providing services to the general public. Third, only registered engineers can practice or offer to practice the profession in connection with the public.

CS for HB-46 clarifies and amends the AE&LS statutes in three important ways, two of which are very positive.

Section 1 of CS HB-46 clarifies an ambiguously worded sentence regarding the use of seals. The amendment will clarify that occupational licensing controls the use of the seal and will affirm that the statutory authority to determine what drawings and specifications need to be sealed by a registered professional engineer does not reside in occupational licensing statutes.

Section 1 in no way diminishes the importance of AE&LS licensing or compromises public safety. Existing statutes governing a wide range of commercial activities govern when drawings and specifications must be sealed. There are many examples of these at the state and federal level: 1)The reference manual for building officials sanctioned under state regulation requires that all design work be sealed and signed; 2)Spill Prevention, Control and Countermeasure plans must be reviewed and certified by a registered professional engineer under federal regulation; 3)Under State regulations, plans that affect public water systems must be signed and sealed by a registered engineer. These are just a few examples.

Section 2 of the bill similarly resolves an existing inconsistency in statute; but likely not in the best way. Currently the occupational licensing statute for engineers, architects, and land surveyors contains an inconsistency. Section 281 of statute says that a person may not claim he or she is a "registered engineer" unless he or she is a registered engineer. This is very proper. On the other hand, Section 321 of statute says that a person is evidenced to be practicing engineering if he or she claims to be an "engineer". In other words you can't claim to be any type of engineer unless you are a registered engineer. Section two of the bill would resolve this inconsistency in favor of this latter definition. This would seem to be troublesome in firms offering engineering services to the public. For example, unregistered engineers, even if properly supervised by a registered engineer may not be able to use the job title of "engineer". Further, only the six categories of engineer recognized in the AE&LS regulations could exist; so, for example, "software engineers" would have to revert to, say, "programmers". Worse, without Section 3 of the bill, many in-house engineers in non-engineering companies would also be in violation. A potentially better way is to resolve the inconsistency in favor of the first definition.

Third, Section 3 of the bill restores the "in-house exemption" from engineering licensing, making Alaska more competitive and probably preserving jobs. Until 1990, Alaska, like 36 other states, exempted engineers from occupational licensing requirements if they provided services "in-house" (in other words, not directly to the public). Restoring this in-house exemption will ensure that the many in-house engineers that are highly trained and skilled are able to keep doing their job. As described above, public safety of these activities is protected by other statutes and in house employers are able to assess the competency of there staff engineers without requiring licensing.

CS House Bill 46 has our full endorsement and we hope that the above clarification's will help you decide to support this bill.

Sincerely,



Randall B. White, PE
Engineering Manager

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. CSHB46 (L&C)

Revision Date: March 16, 1995 Department: Commerce and Economic Development
 Title: An Act relating to the practice of architecture, engineering, and land surveying. BRU: Occupational Licensing
 Sponsor: Representative Green Component: Operations
 Requestor: Representative Kott COMPONENT SERIAL #: 1844

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES						
--------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 95) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

CSHB 46 (L&C) makes several changes to AS 08.48 amending the practice of architecture, engineering, and land surveying; however, new funds are not required to implement these changes.

Prepared by: Jennifer Strickler, Admin. Officer Phone: 465-2144
 Division: Occupational Licensing Date: 3/16/95
 Approved by Commissioner: William L. Hensley Date: 3/16/95
 Agency: Commerce and Economic Development

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 46

Revision Date: January 24, 1995 Department: Commerce and Economic Development
 Title: An Act relating to the practice of architecture, engineering, and land surveying. BRU: Occupational Licensing
 Sponsor: Representative Green Component: Operations
 Requestor: Representative Green COMPONENT SERIAL N 1844

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES						
---------------------------	--	--	--	--	--	--

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 95) cost: \$ 0.0

POSITIONS						
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

HB 46 amends AS 08.48.281 to prohibit an individual from conveying the impression that the individual is an architect, engineer, or a land surveyor, unless the individual is a "registered" architect, engineer, or a land surveyor. New funds are not required to implement this amendment.

Prepared by: Jennifer Strickler, Admin. Officer Phone: 485-2144
 Division: Occupational Licensing Date: 1/24/95
 Approved by Commissioner: William L. Hensley Date: 1/24/95
 Agency: Commerce and Economic Development

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FISCAL NOTE

STATE OF ALASKA

BILL NO. HB46

1995 LEGISLATIVE SESSION

Revision Date: Original Dept Affected: Natural Resources
 Title: An Act relating to the practice of architecture, engineering, and land surveying. BRU: Resource Development
 Component: Land Development
 Sponsor: Representative Green
 Requestor: _____ Component Serial No. 431

(Thousands of Dollars)

Expenditures/Revenues	FY96	FY97	FY98	FY99	FY00	FY01
OPERATING EXPENDITURES						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

(Thousands of Dollars)

FUND SOURCE	FY96	FY97	FY98	FY99	FY00	FY01
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ None

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

There is no anticipated fiscal impact associated with implementation of this legislation.
 The legislation is a technical correction only to make sure that only registered land surveyors, architects and engineers can practice or offer professional advice.

Prepared by: Ron Swanson, Director Phone: 762-2692
 Division: Land Date: 20-Jan-95
 Approved by Commissioner: Mr. Rutherford, Acting Comm. Date: 1/20/95
 Agency: Natural Resources

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Occupational Licensing:
Architects, Engineers, and Land Surveyors

Position Statement: 03/21/95

Overview

For the record: George R. Findling, Manager of Government Relations for ARCO Alaska, Inc. I am a registered professional engineer in the State of California, although I have not been engaged in the practice of engineering in Alaska since 1990. With two provisos, we support CS for HB-46. I want to quickly cover two topics.

First, the underpinning for our position on HB - 46 is the belief that occupational licensing is to insure that only those meeting minimum qualifications can offer services to the general public. Said extremely, it protects the public from shysters. But, we also believe that the protecting the public in the outcome of an activity rests not in the occupational statutes, but in the statutes and regulations covering that activity. For example, building codes, fire inspections, and environmental compliance.

My second topic is the status of the discussions we have been engaged in with various parties to reach mutually agreeable language. I'm sorry that I can not report that we have found that language. But I do feel it is still within reach. Let me address the issues by section.

In section 1, we believe that this is a technical correction, which clarifies the existing law. Others believe that it changes the law. The parties I met with agreed that it would be appropriate to request an expedited Attorney General's opinion on this issue. To us, the issue is brought into focus if the sentence is converted to active voice as required by the manual of legislative drafting. The new wording is in the active voice. Then, all that remains is to identify who is to do what the statute seeks to have done. We find that when viewed in the context of the rest of the section, that it must be telling the registrant what to do. Again, we respectfully suggest that an Attorney General's opinion be sought on this issue.

HB 46

In our discussions we did not find much disagreement on Section 2. For employees of private companies, Section 2 is rendered moot with Section 3's exemption.

In Section 3 of the bill, we are still struggling with how to identify the activities that should not be exempted. As background, 37 other states have basically similar exemptions. Indeed, Alaska had this exemption prior to 1990. I listened recently to the original tapes of the committee hearing where this exemption language was dropped and did not hear any reason for that action. Clearly not restoring this exemption will raise costs and reduce Alaska's competitiveness. Let me quickly say, that ARCO in no way is trying to avoid meeting legitimate safety concerns. In all our discussions, no one has identified any specific concerns with our operations. But if any are, we will address them through the agency which regulates that activity.

Others concerned with Section 10 believe that there are some unique situations in Alaska, where there is no regulating agency at the state or local level and where public access and safety may be an issue. The new language in 10 is an attempt to cover that case. We are still reviewing this, but believe that the new language may be overly broad and in conflict with section 6. We understand that others are trying to refine that language.

Thank you for the opportunity to testify and I'll be happy to answer questions.

House Labor and Commerce Committee
CS for House Bill No. 46

Testimony of Nancy Schoephoester
Government Relations, ARCO Alaska, Inc.
March 8, 1995

MR. CHAIRMAN, members of the House Labor and Commerce Committee. My name is Nancy Schoephoester. I represent ARCO Alaska, Inc. Thank you for the opportunity to come before you today to speak in support of CS for House Bill No. 46 relating to the practice of architects, engineers and land surveyors.

A state program for occupational licensing of architects, engineers and land surveyors (AE&LS) offers the same type of public benefits that are common in most occupational licensing programs. Those benefits are three fold. First, they establish a method for verifying that persons meet minimum standards of technical competency, such as through requiring tests and experience. Second, they establish a method of identifying those qualified persons, such as by authorizing the use of a title or seal. Third, they establish a means of assuring that such persons meet standards of professional conduct in their dealings with the public.

The existence of AE&LS occupational licensing further allows other government regulators a method of specifying the conduct of activities which might impact public safety. A common example of this is regulations that require the use of professional structural engineers in the design of bridges.

Occupational licensing of AE&LS is a necessary and common way to protect the public from unqualified people who might both offer services or practice in areas where public safety is an issue. the AE&LS occupations require extensive education and experience; and the public needs to know that unqualified people or companies will not be offering their services to the public.

The mandatory requirements of the AE&LS statutes should implement three principles. First, only registered professional engineers can use a seal to certify final drawings and specifications. Second, only duly registered

professional engineers may use that title when providing services to the general public. Third, only registered engineers can practice or offer to practice the profession in connection with the public.

CS for HB 46 clarifies an ambiguously worded sentence regarding the use of seals. The amendment will clarify that occupational licensing controls the use of the seal and will affirm that the statutory authority to determine what drawings and specifications need to be sealed by a registered professional engineer does not reside in occupational licensing statutes.

Section 1 in no way diminishes the importance of AE&LS licensing or compromises public safety. Existing statutes governing a wide range of commercial activities govern when drawings and specifications must be sealed. There are many examples of these at the state and federal level: 1) The reference manual for building officials sanctioned under state regulation requires that all design work be sealed and signed; 2) Spill Prevention, Control and Countermeasure plans must be reviewed and certified by a registered professional engineer under federal regulation; 3) Under state regulations, plans that affect public water systems must be signed and sealed by a registered engineer. These are just a few examples.

Section 2 of the bill similarly resolves an existing inconsistency in statute, but likely not in the best way. Currently the occupational licensing statute for engineers, architects, and land surveyors contains an inconsistency. Section 281 of statute says that a person may not claim her or she is a "registered engineer" unless he or she is a registered engineer. This is very proper. On the other hand, Section 321 of statute says that a person is evidenced to be practicing engineering if he or she claims to be an "engineer". In other words, you can't claim to be any type of engineer unless you are a registered engineer. Section 2 of this bill would resolve this inconsistency in favor of this latter definition. This would seem to be troublesome in firms offering engineering services to the public. For example, unregistered engineers, even if properly supervised by a registered engineer, may not be able to use the job title of "engineer". Further, only the six categories of engineer recognized in the AE&LS regulations could exist; so, for example, "software engineers" would have to revert to, say, "programmers". Worse, without Section 3 of the bill, many in-house engineers in non-engineering companies would also be in violation. A potentially better way is to resolve the inconsistency in favor of the first definition.

Third, Section 3 of the bill restores the "in-house exemption" from engineering licensing, making Alaska more competitive and probably preserving jobs. Until 1990, Alaska, like 36 other states, exempted engineers from occupational licensing requirements if they provided services "in-house" (in other words, not directly to the public). Restoring this in-house exemption will ensure that the many in-house engineers who are highly trained and skilled are able to keep doing their job. As described above, public safety of these activities is protected by other statutes and in-house employers are able to assess the competency of their staff engineers without requiring licensing.

ENGINEER REGISTRATION EXEMPTIONS
IN OTHER STATES

1. **Alabama**

Code of Alabama/ 34-8-7 (1994).

34-8-7. Exemptions from chapter.

- (a) The following shall be exempted from the provisions of this chapter: a person, firm or corporation constructing a building or other improvements on his or its own property.

2. **Arizona**

Arizona Revised Statutes § 32-144 (1993). Exemptions and limitations.

- A. Architecture, engineering, geology, assaying, landscape architecture or land surveying may be practiced without compliance with the requirements of this chapter by:

7. A nonregistrant who designs buildings or structures to be erected on property owned or leased by him or by a person, firm or corporation, including a utility, telephone, mining or railroad company, which employs such nonregistrant on a full-time basis, if the buildings or structures are intended solely for the use of the owner or lessee of the property, are not ordinarily occupied by more than twenty people, are not for sale to, rental to or use by the public and conform to the building code adopted by the city, town or county in which the building is to be erected or altered.

- B. The requirements of this chapter shall not apply to work done by any communications common carrier or its affiliates or any public service corporation or manufacturing industry or by full-time employees of any of them, provided such work is in connection with or incidental to the products, systems or non-engineering services of such communications common carrier or its affiliates or public service corporation or manufacturing industry, and provided that the engineering service is not offered directly to the public.

3. **California**

California Business & Professions Code - § 6747 (1994). Exception for engineering work by certain industrial corporations.

This chapter, except for those provisions which apply to civil engineers and civil engineering, shall not be applicable to the performance of

engineering work by a manufacturing, mining, public utility, research and development or other industrial corporation or by employees of such corporation, provided such work is in connection with or incidental to the products, systems, or services of such corporation or its affiliates.

4. **Colorado**

Colorado Revised Statutes 12-25-103 (1994). Exemptions.

(1) This part 1 shall not be construed to affect any of the following:

(c) Partnerships, professional associations, joint stock companies, limited liability companies, or corporations, or the employees of any such organizations, who perform engineering services for themselves or their affiliates.

5. **Connecticut**

Connecticut General Statutes - § 20-309 (1992). Exemptions.

The following-described persons shall be exempt from the provisions of this chapter:

(c) any manufacturing or scientific research and development corporation and the officers and employees of any such corporation while engaged in the performance of their employment by such corporation, provided the engineering work performed by such corporation, officers and employees shall be incidental to the research and development or manufacturing activities of such corporation.

6. **Delaware**

24 Delaware Code § 2803 (1993). Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them, except where the context clearly indicates a different meaning:

(7) "Practice of engineering" or "to practice engineering" or "practice engineering" . . . does not include . . . engineering services performed by an employee of a firm or corporation that does not offer professional engineering services to the general public.

7. **Idaho**

Idaho Code - § 54-1223 (1994). Saving clause -- Exemptions.

A. This act shall not be construed to prevent or to affect:

- (7) Individuals Doing Work for Corporations or Companies. The practice of engineering by employees of a corporation or a company as long as the services provided by them are for internal corporate or company use only.

8. **Illinois**

§ 225 Illinois Compiled Statutes 325/3 (1994). Applications of the Act -- Exemptions.

(b) Nothing in the Act shall prevent:

- (4) Services performed by employees of a business organization engaged in utility industrial or manufacturing operations, or by employees of laboratory research affiliates of such business organization which are rendered in connection with the fabrication or production, sale, and installation of products, systems, or non engineering services of the business organization or its affiliates.

9. **Iowa**

Iowa Code - § 542B.26 (1993). Applicability of chapter.

This chapter shall not apply to any full-time employee of any corporation while doing work for that corporation, except in the case of corporations offering their services to the public as professional engineers or land surveyors.

10. **Kentucky**

Kentucky Revised Statutes Annotated § 322.030. Exceptions to KRS 322.020.

KRS 322.020 shall not apply to:

- (4) An engineer or land surveyor engaged solely as an officer or employee of a privately owned public utility or of a corporation engaged in interstate commerce as defined in the Interstate Commerce Act (24 Stat. 379) as amended.

11. **Louisiana**

Louisiana Revised Statutes § 37:701 (1993). Public and private work; application of provisions.

- c. This Chapter shall not apply to, affect, interfere with, or in anywise regulate employees of a person, firm, or corporation engaged in industrial operations, including, but not limited to, producing, processing, manufacturing, transmitting, distributing, or transporting, when performing services within the state of Louisiana in the course and scope of the business of said person, firm, corporation, or affiliates thereof. In the event any of the activities set forth in this Subsection shall fall within the

definition of practice of engineering as defined in Paragraph (8) of Section 682 of this Chapter, such activities shall be under the supervision and charge of a professional engineer, duly registered under the provisions of this Chapter.

12. **Maine**

32 Maine Revised Statutes §1225 (1993). Exemptions.

The following persons are exempt from this chapter:

INTERSTATE COMMERCE CORPORATION EMPLOYEES. An officer or employee of a corporation engaged in interstate commerce as defined in the Act of Congress entitled "An Act to Regulate Commerce" approved February 4, 1887, as amended, or in interstate communication as defined in the Act of Congress entitled "Communications Act of 1934" approved June 9, 1934, while working solely as an employee of such corporation. An officer or employee of such corporation customarily in responsible charge of the engineering work of such corporation within this State shall be a registrant under this chapter.

13. **Maryland**

Maryland Business Occupations and Professions Annotated - §14-302 (1993).
Practice by corporate officers and employees.

(b) Manufacturing and industrial work. -- An officer or employee of a corporation may practice engineering without a license if:

(1) the corporation is engaged in:

(i) manufacturing; (ii) industrial processes; (iii) industrial engineering; or (iv) maintenance and repair of structures or equipment used in industrial processes or manufacturing; and

(2) the work of the officer or employee relates to the products or systems of the corporation or its subsidiaries or affiliates.

14. **Massachusetts**

Massachusetts Annotated Laws ch. 112, § 81R (1994). Practices or Performance of Work Not Prevented or Affected.

Nothing in said sections shall be construed to prevent or to affect:

g. the performance of engineering work or services by employees of a corporation engaged in manufacturing, research or development operations, which work or services are performed in connection with the research or development activities of or the manufacture, sale, installation, maintenance, repair or service of the products of, such

corporation, or of its parent, affiliates or subsidiaries; provided, that such research or development activities which are not related to the manufacture, sale, installation, maintenance, repair or service of the products of such corporation, or of its parents, affiliates or subsidiaries, are not primarily in connection with the construction of fixed works which are to be made available for use by the general public.

15. **Michigan**

Michigan Compiled Laws § 339.2012 (1992). Persons exempted.

Sec. 2012. The following persons are exempt from the requirements of this article:

(a) A professional engineer employed by a railroad or other interstate corporation, whose employment and practice is confined to the property of the corporation.

16. **Missouri**

§ 327.191 Revised Statutes Missouri (1993). Unauthorized practice prohibited, persons excepted.

[N]othing in this chapter shall apply to the following persons:

(2) Any person who is a regular full-time employee of a person, who performs professional engineering work for such employer if and only if such work and service so performed is done solely in connection with a facility owned or wholly operated by the employer and occupied or maintained by the employer of the employee performing such work or service;

(3) Any person engaged in engineering who is a full-time, regular employee of a person engaged in manufacturing operations and which engineering so performed by said person relates to the manufacture, sale or installation of the products of such person.

17. **Nebraska**

Revised Statutes Nebraska § 81-853 (1994). Engineers and architects; registration; persons exempt; provisions not applicable; when.

(1) The following persons shall be exempt from the provisions of sections 81-839 to 81-856: . . . (e) a person who is a full-time regular employee of a commercial firm, association, or corporation performing engineering or architectural services solely in connection with products or services of such firm, association, or corporation if such person or entity does not offer such professional engineering or architectural services to the public.

18. **Nevada**

Nevada Revised Statutes Annotated § 625.240 (1993). Conditions under which association may practice professional engineering.

1. The provisions of this section do not apply to a firm, partnership, corporation or other person:

(a) Practicing professional engineering for his or its own benefit and not engaging in the practice of professional engineering for others or offering professional engineering services to others.

19. **New Jersey**

New Jersey Statutes § 45:8-27 (1993). License required; display of license; exceptions; corporations, firms, partnerships and associations.

Nothing in this act shall be construed as required licensing for the purpose of practicing professional engineering or land surveying by any person, firm, or corporation upon property owned or leased by such person, firm or corporation, unless the same involves the public safety, public health or public welfare.

20. **New Mexico**

New Mexico Statutes Annotated § 61-23-22 (1994). Engineering; exemptions. (Effective until July 1, 2000.)

C. An engineer employed by a firm, association or corporation who performs only the engineering services involved in the operation of the employer's business shall be exempt from the provisions of the Engineering and Surveying Practice Act, provided that neither the employee nor the employer offers engineering services to the public.

21. **New York**

New York Consolidated Laws Service Education § 7208 (1994). Exempt persons.

This article shall not be construed to affect or prevent the following, provided that no title, sign, card or device shall be used in such manner as to tend to convey the impression that the person rendering such service is a professional engineer or land surveyor licensed in this state or is practicing engineering or land surveying:

j. The practice of engineering or land surveying or having the title "engineer" or "surveyor" solely as an officer or an employee of a corporation engaged in interstate commerce;

k. the practice of engineering by a manufacturing corporation or by employees of such corporation, or use of the title "engineer" by such

employees, in connection with or incidental to goods produced by, or sold by, or nonengineering services rendered by, such corporation or its manufacturing affiliates.

22. North Carolina

North Carolina General Statutes § 89C-25 (1994). Limitations on application of Chapter.

This Chapter shall not be construed to prevent or affect:

- (8) The performance of internal engineering or survey work by a manufacturing or communications common carrier company, or by a research and development company, or by employees of such corporations provided that such work is in connection with, or incidental to products of, or nonengineering services rendered by such corporations or their affiliates.

23. North Dakota

North Dakota Century Code, § 43-19.1-29 (1993). Exemption clause.

This chapter shall not be construed to prevent or affect:

5. The practice of engineering and land surveying by any person regularly employed to perform engineering services solely for his employer or for a subsidiary or affiliated corporation or limited liability company of his employer, providing the engineering performed is in connection with the property, products, or services of his employer.

24. Ohio

Ohio Revised Code Annotated § 4733.18 (BALDWIN). Exemptions from registration; temporary certification.

B. The following persons are exempt from sections 4733.01 to 4733.21 of the Revised Code:

4. This chapter does not require registration for the purpose of practicing professional engineering, or professional surveying by an individual, firm, or corporation on property owned or leased by said individual, firm, or corporation unless the same involves the public welfare of the safeguarding of life, health or property or for the performance of engineering or surveying which relates solely to the design or fabrication of manufactured products.

25. Oregon

Oregon Revised Statutes - §672.060 (1993). Exceptions to application of ORS 672.002 to 672.325.

ORS 672.002 to 672.325 do not apply to:

- (6) The performance of engineering work by any person, firm or corporation, or by full-time employees of any of them, provided:
 - (a) The work is in connection with or incidental to the operations of such persons, firms or corporations; and
 - (b) The engineering work is not offered directly to the public.

26. Pennsylvania

63 Pennsylvania Statutes § 152 (1994). Exemptions from licensure and registration.

Except as specifically provided in this section, this act shall not be construed to require licensure and registration in the following cases:

(f) The practice of engineering, land surveying or geology by any person or by any employee of any copartnership, association or corporation upon property owned by such person or such copartnership, association or corporation, unless such practice affects the public safety or health or the property of some other person or entity.

(g) The practice of engineering, land surveying or geology work by a manufacturing, mining, communications common carrier, research and development or other industrial corporation or by employees of such corporation, provided such work is in connection with or incidental to products of, or non-engineering services rendered by, such corporation or its affiliates.

27. Rhode Island

Rhode Island General Laws § 5-8-21 (1993). Exemptions.

This chapter shall not be construed to prevent or to affect:

(f) Manufacturing corporations. The practice of engineering, as set forth in this chapter, by manufacturing corporations, and their officers and employees while engaged in manufacturing, research and development activities for that corporation.

(g) Research and development corporations. The practice of engineering, as set forth in this chapter, by research and development corporations, and their officers and employees while engaged in research and development activities for that corporation.

28. South Dakota

South Dakota Codified Laws § 36-18-7 (1994). Persons and practices exempt from registration requirements -- Use of misleading title prohibited.

This chapter does not apply to:

- (5) Any full-time employee of a corporation, partnership, firm, business entity or public utility while exclusively doing work for said corporation, partnership, firm, business entity or public utility, if the work performed is in connection with the property, products and services utilized by his employer and not for any corporation, partnership, firm or business entity practicing or offering to practice architectural, engineering or land surveying services to the public. The provisions of this subdivision do not apply to any building or structure where the primary use is occupancy of the public.

29. Tennessee

Tennessee Code Annotated § 62-2-103 (1994). Persons exempt from chapter.

The following shall be exempted from the provisions of this chapter; provided, that . . . nothing in this section shall be construed as exempting any person who makes public use of the title "engineer," "architect," or "landscape architect" or any appellation thereof . . . :

- (3) Architects, engineers or landscape architects who are employed by a person, firm or corporation not engaged in the practice of architecture, engineering, or landscape architecture and who render architectural, engineering or landscape architectural services to their employer only and not to the general public.

30. Texas

Texas Revised Civil Statutes article 3271a (1994). Texas Engineering Practice Act.

Exemptions. Sec. 20. The following persons shall be exempt from the registration provisions of this Act, provided that such persons are not directly or indirectly represented or held out to the public to be legally qualified to engage in the practice of engineering:

- (g) Any regular full time employee of a private corporation or other private business entity who is engaged solely and exclusively in performing services for such corporation and/or its affiliates; provided, such employee's services are on, or in connection with, property owned or leased by such private corporation and/or its affiliates or other private business entity, or in which such private corporation and/or its affiliates or other business entity has an interest, estate or possessory right, or whose services affect exclusively the property, products, or interests of such private corporation and/or its affiliates or other private business entity; and, provided further, that such employee does not have the final authority for the approval of, and the ultimate responsibility for, engineering designs, plans or specifications pertaining to such property or products which are to be incorporated into fixed works, systems, or

facilities on the property of others or which are to be made available to the general public. This exemption includes the use of job titles and personnel classifications by such persons not in connection with any offer of engineering services to the public, providing that no name, title, or words are used which tend to convey the impression that an unlicensed person is offering engineering services to the public.

31. **Utah**

Utah Code Annotated § 58-22-305 (1994). Exemptions from licensure.

- (1) In addition to the exemptions from licensure in Section 58-1-307 the following persons may engage in the practice of engineering and land surveying subject to the stated circumstances and limitations without being licensed under this chapter:
 - (b) an employee of a communications, utility, railroad, mining, petroleum, manufacturing company, or an affiliate of such a company if the engineering work is done solely in connection with the products or systems of the entity and is not offered directly to the public.

32. **Vermont**

26 Vermont Statutes Annotated § 1163 (1994). Exemptions.

- (a) Persons exempt. Section 1162 of this title does not prohibit acts constituting the practice of engineering performed as a necessary part of the duties of:
 - (5) An officer or employee of a corporation engaged in interstate commerce as defined in the act of Congress entitled "An Act to Regulate Commerce" approved February 4, 1887, as amended.

33. **Virginia**

Virginia Code Annotated § 54.1-401 (1994). Exemptions.

The following shall be exempted from the provisions of this chapter:

7. Practice of engineering solely as an employee of a corporation engaged in interstate commerce, or as an employee of a public service corporation, by rendering such corporation engineering service in connection with its facilities which are subject to regulation by the State Corporation Commission; provided, that corporation employees who furnish advisory service to the public in connection with engineering matters other than in connection with such employment shall not be exempt from the provisions of this chapter.

34. Washington

Revised Code Washington (ARCW) § 18.43.130 (1994). Excepted services -- Fees.

This chapter shall not be construed to prevent or affect:

- (5) The work of a person rendering engineering or land surveying services to a corporation, as an employee of such corporation, when such services are rendered in carrying on the general business of the corporation and such general business does not consist, either wholly or in part, of the rendering of engineering services to the general public: PROVIDED, That such corporation employs at least one person holding a certificate of registration under this chapter or practicing lawfully under the provisions of this chapter.

35. West Virginia

West Virginia Code § 30-13-24 (1994). Exemptions.

This article may not be construed to prevent the practice by:

- (c) Employees and subordinates. Any regular full-time employee of a person, partnership, corporation or other business entity who is engaged solely and exclusively in performing services for such person, partnership, corporation or other business entity, who is not required by any provisions of the law other than this article to be a registered professional engineer and whose services are performed on, or in connection with, property owned or leased by such person, partnership, corporation or other business entity, or in which such person, partnership, corporation or other business entity has an interest, estate or possessory right, and are not offered or made available to the public. This exemption includes the use of job title and personal classification by such person, but no name, title or words may be used which tend to convey the impression that an unlicensed person is offering professional engineering services to the public.

36. Wisconsin

Wisconsin Statutes § 443.14 (1993). Exempt persons.

The following persons, while practicing within the scope of their respective exemptions, shall be exempt from this chapter:

- (4) Any person who practices architecture or professional engineering, exclusively as a regular employee of a private company or corporation, by rendering to the company or corporation architectural or professional engineering services in connection with its operations, so long as the person is thus actually and exclusively employed and no longer, if the company or corporation has at least one architect or professional

engineer, registered under this chapter, in responsible charge of the company's or corporation's architectural or professional engineering work in this state.

37. Wyoming

Wyoming Statutes § 33-29-136 (1994). Exemptions and limitations.

(a) Engineering or land surveying may be practiced without compliance with this act by:

(iii) Any full-time employee of any corporation while doing work for that corporation, provided, that all maps, plats, plans or designs filed in any office of public record in the state of Wyoming shall be made and certified to by a registered professional engineer or professional land surveyor as provided by W.S. 33-29-139. This exemption does not apply to corporations offering their services to the public as professional engineers or professional land surveyors or to corporations engaged in designing and supervising the building of works for public or private interests not their own.

SRP/cs

TO: George Dozier
FR: Jeff Logan *JS*
RE: Hearing on HB46
DATE: 3/6/95

For Wednesday's hearing on HB 46 we request that you schedule a teleconference to the following sites:

Anchorage (4 people)
Fairbanks ((1 person)
Palmer (1 person)
Dillingham (1 person).

Also, as there is no LIO in King Salmon (1 person) or Skagway (1 person) they would like to call in to teleconference.

Thank you.

03/08/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
15:25:33 PARTICIPANT LIST (ALL PARTICIPANTS)
TCN:50368 SCHEDULED FOR:03/08/95 15:30 TO 17:00
FOR: SOL PUBLIC HEARING HOUSE LABOR & COMMERCE
LOCATION: KEN/SOL
MR. MIKE TAURIAINEN SELF TESTIFY

03/08/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
15:22:59 PARTICIPANT LIST (TESTIFIERS ONLY) BY: JNU
TCN:50368 SCHEDULED FOR:03/08/95 15:30 TO 17:00 FOR: ALL
PUBLIC HEARING HOUSE LABOR & COMMERCE
LOCATION: MATSU
HB 46 MS PAULA ELLER ✓ TESTIFY *Support*
LOCATION: KEN/SOL
HB 46 MR. MIKE TAURIAINEN ✓ SELF TESTIFY *Support*

03/08/95 15:30:35 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1120
MESSAGE FROM: LIOCJEN IN ANCHORAGE JNU
RE TCN: 50368 SCHEDULED FOR:03/08/95 15:30 TO 17:00
SPONSOR: HOUSE LABOR & COMMERCE PURPOSE: PUBLIC HEARING
MESSAGE TEXT: CS IS ALAN SEE TO TESTIFY X *Support*

252-1881

03/08/95 15:38:33 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1120
MESSAGE FROM: LIOCMBB IN KEN/SOL JNU
RE TCN: 50368 SCHEDULED FOR:03/08/95 15:30 TO 17:00
SPONSOR: HOUSE LABOR & COMMERCE PURPOSE: PUBLIC HEARING
MESSAGE TEXT: CAN YOU FAX US THE CS FOR HB 46? THANKS!

258-1261

MESSAGE TEXT: DO YOU HAVE CS?

RE TCN: 50368 SCHEDULED FOR: 03/08/95 15:30 TO 17:00
SPONSOR: HOUSE LABOR & COMMERCE
PURPOSE: PUBLIC HEARING

03/08/95 15:37:21 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1120
MESSAGE FROM: LIOCCEN IN ANCHORAGE JNU

03/08/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150

15:49:07 PARTICIPANT LIST (ALL PARTICIPANTS) BY:ANC

TCN:50368 SCHEDULED FOR:03/08/95 15:30 TO 17:00 FOR:ANC

PUBLIC HEARING HOUSE LABOR & COMMERCE

LOCATION: ANCHORAGE

HB 46	BLAINE	BROWN	ATU TELECOMM	TESTIFY / Support
HB 46	DAN	GORDON	TELALASKA	TESTIFY / Support
HB 46	RANDY	NELSON	GTE AK	TESTIFY Support
HB 46	TOM	CRAFFORD	AK PRODUCERS ^{COUNCIL} CNCTESTIFY	Support
HB 46	BYRON	HAYNES		TESTIFY Support
HB 46	AL	DICKENS	ASTAC	TESTIFY Support
HB 46	COLIN	MAYNARD	APDC AK Professional Design Council	TESTIFY Support Opposed.

UP DATE !!

03/08/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150

15:29:03 PARTICIPANT LIST (ALL PARTICIPANTS) BY:ANC

TCN:50368 SCHEDULED FOR:03/08/95 15:30 TO 17:00 FOR:ANC

PUBLIC HEARING HOUSE LABOR & COMMERCE

LOCATION: ANCHORAGE

HB 46	BLAINE	BROWN	ATU TELECOMM	TESTIFY ✓
HB 46	DAN	GORDON	TELALASKA	TESTIFY ✓
HB 46	RANDY	NELSON	GTE AK	TESTIFY
HB 46	TOM	CRAFFORD	AK PRODUCERS CNCTESTIFY	
HB 46	BYRON	HAYNES		TESTIFY
HB 46	AL	DICKENS	ASTAC	TESTIFY

Date Referred: January 16, 1995

FURTHER REFERRALS:

State Affairs

Date of Committee Action: 3-15-95

Committee: LABOR AND COMMERCE Committee considered:

HB 46

HOUSE BILL NO. 46

ARCHITECT, ENGINEER & SURVEYOR REGULATION

in Act relating to the practice of architecture, engineering, and land surveying."

commends it be replaced

with the following committee substitute CS HB 46 (LEC)

the same title
 a new title

additional referral to _____ Committee
 attached amendment(s)

DOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s)

Commerce

zero fiscal note(s) _____

Resources

SIGNING WITH RECOMMENDATIONS

	DP	DNP	NR	AM
<u>Pete Tost</u>				<input checked="" type="checkbox"/>
<u>Norm Kotolig</u>				<input checked="" type="checkbox"/>
<u>Gene Kuehner</u>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Bruce Porter</u>			<input checked="" type="checkbox"/>	
<u>Jim Sanders</u>			<input checked="" type="checkbox"/>	
<u>Justin Mason</u>			<input checked="" type="checkbox"/>	

CHAIR'S SIGNATURE

Pete Tost

03/15/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
15:10:37 PARTICIPANT LIST (ALL PARTICIPANTS) BY:ANC
TCN:50415 SCHEDULED FOR:03/15/95 15:15 TO 17:00 FOR:ANC
PUBLIC HEARING HOUSE LABOR & COMMERCE

LOCATION: ANCHORAGE

HB 237	KEVIN	DOUGHERTY	TESTIFY
HB 237	DAVID	FORD	TESTIFY
HB 237	WILLY	VAN HEMERT	TESTIFY

03/15/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
15:45:18 PARTICIPANT LIST (ALL PARTICIPANTS) BY:ANC
TCN:50415 SCHEDULED FOR:03/15/95 15:15 TO 17:00 FOR:ANC
PUBLIC HEARING HOUSE LABOR & COMMERCE

LOCATION: ANCHORAGE

HB 46	JIM	ROWE	ATA	TESTIFY
HB 237	KEVIN	DOUGHERTY		TESTIFY
HB 237	DAVID	FORD		TESTIFY
HB 237	WILLY	VAN HEMERT		TESTIFY



Alaska State Legislature

House of Representatives

Labor and Commerce
Transportation Committee

DATE: 3-8-95

PLACE: Capitol Room 17

SUBJECT OF MEETING:

HB 46

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
GRAHAM ROLSTAD	ATA & MTR	1740 S. CHUGACH ST. PALMER ALASKA 99645		376-2955	745-5412	<input checked="" type="checkbox"/> N	
JAMES ROWE	ALASKA TEL ASSN	4341 B ST ANCH 99503	99503	563-4000	569-4000	<input checked="" type="checkbox"/> N	
NANCY SHOEPHOESTER	ARCO ALASKA	P.O. BOX 100360 ANCHORAGE, AK 99508	99508	563-5171	263-4655	<input checked="" type="checkbox"/> N	
Catherine Reardon	Division of OCC Licensing	Dept of Commerce JULIEN, AK		463-5256	465-2538	<input checked="" type="checkbox"/> N	HB 46
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

March 15, 1995

Representative Pete Kott
State of Alaska House of Representatives
Juneau, Alaska

Dear Pete;

I respectfully ask your support in assuring any changes to HB46 do not require regulated Alaska utilities to use the services of a "Registered Professional Engineer" (P.E) for normal outside plant construction (non building construction) that companies like the Matanuska Telephone Association (MTA) have been doing for the past 40 years. MTA has a service area that stretches from Eagle River along the highway corridor to Anderson. Our construction efforts are limited to a few months a year and include multiple/simultaneous projects throughout our entire service area.

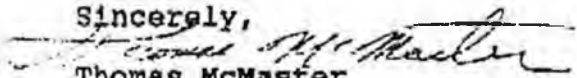
Other Utilities operating in remote areas would also be negatively impacted by the P.E. requirement.

MTA use P.E. of services for routine construction projects has not been needed in the past and is not needed now. This additional requirement would escalate telephone routine construction costs statewide.

I understand the engineering board wants to have telephone poles to be signed off by a P.E. I can see some value to this approach if it only applies to poles/communication towers over a certain height (i.e. 50 feet) or in locations where pole lines span rivers and/or canyons.

I enjoyed talking with you at the Eagle River "town hall" meeting last month. Keep up the good work.

Sincerely,


Thomas McMaster
Matanuska Telephone Association
Board Director
P.O. Box 770841
Eagle River Ak. 99577

(907) 694-9710 hm
(907) 694-1860 fax

HB

47

CS FOR HOUSE BILL NO. 47(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES BROWN, Robinson

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the crime of unlawful evasion."

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

3 * Section 1. AS 11.56.310(a) is amended to read:

4 (a) One commits the crime of escape in the second degree if, without lawful
5 authority, one

6 (1) removes oneself from

7 (A) a correctional facility while under official detention;

8 (B) official detention for a felony or for extradition; or

9 (C) official detention and during the escape, or at any time

10 before being restored to official detention, one possesses on or about oneself
11 a firearm; or

12 (2) violates AS 11.56.340 [OR 11.56.350] and during the time of the
13 unlawful evasion, or at any time before being restored to official detention, one
14 possesses on or about oneself a firearm.

15 * Sec. 2. AS 11.56.320(a) is amended to read:

- 1 (a) One commits the crime of escape in the third degree if one
2 (1) removes oneself from official detention during any lawful
3 movement or activity incident to confinement within a correctional facility for a
4 misdemeanor; or
5 (2) violates AS 11.56.340 [OR 11.56.350] and leaves or attempts to
6 leave the state.

7 * Sec. 3. AS 11.56.340 is amended to read:

8 Sec. 11.56.340. UNLAWFUL EVASION [IN THE FIRST DEGREE]. (a) A
9 person commits the crime of unlawful evasion [IN THE FIRST DEGREE] if, while
10 charged with or convicted of a felony or a misdemeanor,

11 (1) the person fails to return to official detention within the time
12 authorized following temporary leave granted for a specific purpose or limited period,
13 including leave granted under AS 33.30.181; or

14 (2) while on furlough under AS 33.30.101 - 33.30.131 the person fails
15 to return to the place of confinement or residence within the time authorized by those
16 having direct supervision.

17 (b) Unlawful evasion [IN THE FIRST DEGREE] is a class A misdemeanor.

18 * Sec. 4. AS 18.65.705(4) is amended to read:

19 (4) has not been convicted, within the five years immediately preceding
20 the application, of, and is not currently charged under a complaint, information,
21 indictment, or presentment with, any of the following misdemeanor offenses or similar
22 laws of another jurisdiction:

23 (A) AS 11.41.230, 11.41.250, 11.41.270;

24 (B) AS 11.46.315, 11.46.320, 11.46.330, 11.46.430, 11.46.484;

25 (C) AS 11.51.130;

26 (D) AS 11.56.330, 11.56.340, former AS 11.56.350
27 [11.56.350], 11.56.380, 11.56.545, 11.56.700, 11.56.710, 11.56.740, 11.56.780,
28 11.56.790, 11.56.800, 11.56.805;

29 (E) AS 11.61.110, 11.61.120, 11.61.210, 11.61.220, 11.61.240;

30 or

31 (F) AS 11.71.050, 11.71.060;

1 * Sec. 5. AS 33.30.141(b) is amended to read:

2 (b) The failure of a prisoner on a furlough to return to the place of
3 confinement or residence within the time specified by those having direct supervision
4 over the prisoner is an unlawful evasion under AS 11.56.340 [AS 11.56.340 -
5 11.56.350] .

6 * Sec. 6. AS 11.56.350 is repealed.

SPONSOR STATEMENT

HB 47

An Act relating to the crime of unlawful evasion.

Current law has two degrees of unlawful evasion--which is the failure to return to detention at a correctional facility or a "half-way" house when so required.. For individuals charged with or convicted of a felony, the offense of unlawful evasion is a class "A" misdemeanor, carrying a sentence of up to one year. For those charged with or serving time for misdemeanor offenses, the crime becomes unlawful evasion in the second degree and is lowered to a class "B" misdemeanor.

HB 47 would eliminate the distinction between first and second degree unlawful evasion, creating a single crime of unlawful evasion with the maximum class "A" misdemeanor penalty.

The success of a community corrections program depends on responsibility and trust. An individual serving time for a felony or a serious misdemeanor like drunk driving, earns the privilege of participating in a community corrections program by demonstrating personal responsibility and trustworthiness. Appropriate sanctions for violating that trust must be in place for the system to have the respect of participants.

A class "B" misdemeanor charge for unlawful evasion in the second degree, is not considered a serious enough offense to warrant efforts by law enforcement and prosecutors to apprehend and convict offenders. The penalties are relatively insignificant and carry little or no leverage to deter an inmate from simply failing to return to custody when required.

The crime of unlawful evasion is as much a violation of trust by an individual serving time for a serious misdemeanor as for one serving time for a felony.

It is appropriate that there be only the single crime of unlawful evasion carrying the maximum class "A" misdemeanor penalty. When it comes to a violation of trust, the status of the offender (felon or misdemeanant) should be irrelevant.

SECTIONAL ANALYSIS

HB 47

An Act relating to the crime of unlawful evasion.

Sections 1& 2

References to unlawful evasion in the second degree are deleted from statutes referring to the crime of escape in the second and third degree.

Section 3

The crime of unlawful evasion in the second degree is eliminated--leaving the single crime of unlawful evasion for those charged with, or convicted of either a felony or misdemeanor who "walk away" from detention, correctional facilities or half-way houses. Unlawful evasion is a class "A" misdemeanor.

Section 4

Cites the *former* unlawful evasion in the second degree (repealed by this bill) as an offense creating ineligibility for a concealed handgun permit.

Section 5

References the single crime of unlawful evasion in Department of Corrections statutes.

Section 6

Unlawful evasion in the second degree is repealed.

Legislative Information Office
716 W. 4th Ave., #420
Anchorage, AK 99501-2133
(907) 258-8162

During Session
State Capitol
Juneau, Alaska 99801-1182
(907) 465-4998

January 25, 1995

Representative Jeanette James
Chair, State Affairs Committee

Dear Representative James;

Attached is an amendment I propose to HB 47, An Act relating to the crime of unlawful evasion.

I believe this is of particular interest to you because it would correct an inadvertent oversight in the concealed weapons permit statutes.

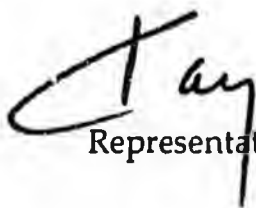
While preparing the sectional analysis for HB 47, I noticed that conviction for unlawful evasion in the second degree (AS 11.56.350, a class "B" misdemeanor) was cited as one of the offenses that would result in a five-year prohibition on eligibility for a concealed weapons permit. However, no citation was made to the crime of unlawful evasion in the first degree, a class "A" misdemeanor (AS 11.56.340).

The purpose of HB 47 is to clarify the crime of unlawful evasion--failure to return to a community corrections facility when required. The bill would eliminate the class "B" misdemeanor and leave only the single offense of unlawful evasion, a class "A" misdemeanor. The penalty would be the same whether the individual was serving a sentence for a felony or misdemeanor.

The attached amendment to HB 47 conforms the concealed weapons permit statutes to provide that conviction for unlawful evasion (AS 11.56.340) would make an individual ineligible for a permit for five years.

Please contact me or my staff (Dan Austin) at 465-4998/3768 if you have any questions on the bill or this proposed amendment.

Sincerely,



Representative Kay Brown

DISTRICT 15

Downtown • Fairview • Northstar • Romig • South Addition • Spenard

#1
AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE BROWN

TO: HB 47

- 1 Page 2, line 26, following "AS 11.56.330,":
- 2 Insert "11.56.340."

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 47

Revision Date: NA Dept. Affected: Corrections
 Title: _____ BRU: institutions
 An Act relating to the crime of unlawful evasion Component: all inst.
 Sponsor: Rep. Brown
 Requester: Rep. Brown COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0					
----------------------	-----	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (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	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill removes the phrase in the first degree for the crime of unlawful evasion in AS11.56.340 and expands it to include those convicted of a misdemeanor. Sec. 5 of the bill amends AS 33.30.141 to include the changes to As 11.56.340.

The impact of this bill on DOC are deemed to be negligible based on the following assumptions:

- 1/ Furloughed felons are currently returned to prison in incidents that would be within the scope of of 11.56.340. Thus there would be no additional impact.
- 2/ Prosecutors would continue the past practice of declining to charge in these cases.

Assumption 2 is based on very limited past practice and is not a position taken by the Department of Law. Should this practice change, DOC would be required to re-evaluate this issue as DOC would have no choice but to accept the offender into the prison system to serve any additional sentence.

Prepared by: Jerry Shriner
 Division: Comm. Office
 Approved by Commissioner: Maureen M. Pugh
 Agency: Department of Corrections

Phone: 465-4640
 Date: 1/19/95
 Date: 1-21-95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 47

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act relating to the crime of unlawful evasion." BRU: Prosecution
 Component: All
 Sponsor: Representative Brown
 Requester: Representative Brown COMPONENT SERIAL NO. 0085 - 0090

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (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	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 11.56 to consolidate the crimes of unlawful evasion in the first and second degrees into a single offense. Under current law, unlawful evasion in the first degree applies to persons charged or convicted of a felony, and the penalty is a class A misdemeanor. And, currently, unlawful evasion in the second degree applies to persons charged or convicted of a misdemeanor, and the penalty is a class B misdemeanor. The bill has the effect of raising the penalty for a person charged or convicted of a misdemeanor, who fails to return to official detention within the time authorized following temporary leave, or who, while on furlough under AS 33.30, fails to return to the place of confinement or residence, from a class B misdemeanor to a class A misdemeanor. Typically, this offense occurs when an offender walks away from or fails to return to a half-way house or residential treatment center. As a result, the bill treats all unlawful evasion offenses consistently by making them class A misdemeanors. The department believes that the change in penalties is not sufficiently different to cause many defendants to go to trial. Therefore, a fiscal impact is not expected.

Prepared by: Richard I. Pegues, Director
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelho, Attorney General
 Agency: Department of Law

Phone: 465-3672
 Date: 1/23/95
 Date: 1/23/95

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A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE BROWN

TO: HB 47

1 Page 2, following line 17:

2 Insert new bill sections to read:

3 ** Sec. 4. AS 12.55.135(e) is amended to read:

4 (e) Except as provided in AS 12.55.055(f), if a defendant is sentenced under
5 (c), (d), [OR] (f); or (g) of this section.6 (1) execution of sentence may not be suspended and probation or
7 parole may not be granted until the minimum term of imprisonment has been served;8 (2) imposition of a sentence may not be suspended except upon
9 condition that the defendant be imprisoned for no less than the minimum term of
10 imprisonment provided in the section; and11 (3) the minimum term of imprisonment may not otherwise be reduced.

12 * Sec. 5. AS 12.55.135 is amended by adding a new subsection to read:

13 (g) A defendant convicted of unlawful evasion shall be sentenced to a
14 minimum term of imprisonment of 180 days."

15 Renumber the following bill sections accordingly.