

**CS FOR HOUSE BILL NO. 311(JUD) am S**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**NINETEENTH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE JUDICIARY COMMITTEE**

**Amended: 4/17/96**

**Offered: 3/14/96**

**Sponsor(s): REPRESENTATIVES VEZEY, Toohey, Martin**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the hours a person may be employed in a mine; and  
2 requiring that workers be paid for certain time worked in a mine; and providing  
3 for an effective date."

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

5 \* **Section 1. FINDINGS AND INTENT.** The legislature finds that

6 (1) mining is an important industry in this state and has created many jobs and  
7 economic opportunities for the state;

8 (2) it is in the state's best interest to encourage mining development, consistent  
9 with good management practices to protect the health and safety of workers;

10 (3) providing an extension of allowable working hours for miners could  
11 encourage the development of mining that might not otherwise be economically viable; and

12 (4) the development of mining through the provisions of this Act should  
13 provide more job opportunities for Alaskans, especially in the area where the mine is located.

14 (b) It is the intent of this Act to encourage the development of mines in the state and

1 to encourage the mining industry to train and hire qualified state residents for these expanded  
2 opportunities to the maximum extent possible.

3 \* **Sec. 2.** AS 23.10.410 is repealed and reenacted to read:

4           Sec. 23.10.410.   LIMITATION ON PERIOD OF EMPLOYMENT IN  
5 UNDERGROUND MINES AND REQUIREMENT FOR PAY FOR CERTAIN WORK.

6           (a) Except as provided in (d) - (f) of this section, a miner may not be employed in an  
7 underground mine or workings for more than 10 hours in 24 hours, except on a day  
8 when a change of shift is made. The 10-hour limitation applies only to work actually  
9 performed at the mine face or other place where the work is actually carried on and  
10 excludes time for meals, travel to or from the mine site, and travel between the mine  
11 portal and the mine face, whether in going on or off shift, or in going to or returning  
12 from meals. However, an employer shall pay wages for the time worked from the time  
13 the miner enters the mine at the mine portal, whether or not work is performed at the  
14 mine face or other place where the work is actually carried on, until the miner leaves the  
15 mine.

16           (b) If life or property is in imminent danger, the 10-hour period may be extended  
17 for the continuance of the emergency.

18           (c) The department may not, by regulation, impose more restrictions on the hours  
19 of work of miners than are imposed by this section. The department may issue orders  
20 and adopt regulations as necessary to carry out the purposes of this section.

21           (d) On application from an employer, the commissioner may grant a variance  
22 that permits employment in an underground mine or workings for more than 10 but not  
23 more than 12 hours in a 24-hour period if the commissioner finds that

24                       (1) the additional working time is permitted under the terms of a  
25 collective bargaining agreement entered into by a bargaining organization that represents  
26 workers performing the work covered by the variance; or

27                       (2) the extension is in the best interest of resident workers of the state.

28           (e) If an employer intends to employ a miner for more than eight hours in 24  
29 hours under (a) of this section, the employer shall notify the department.

30           (f) The department may revoke a variance granted under (d) of this section or  
31 reduce the 10-hour limitation on hours of work set in (a) of this section to eight hours  
32 if the department finds that

1 (1) a significant violation of state or federal law has occurred at the  
2 mine relating to health and safety;

3 (2) the employer has not abated the hazard causing the violation after  
4 receiving notice from the commissioner and an opportunity to cure the problem;

5 (3) the reduction of hours of work is necessary to protect the health and  
6 safety of the miners; and

7 (4) the reduction of hours of work is in the best interest of the resident  
8 workers of the state.

9 (g) An employer that has abated a hazard that was the cause of a violation  
10 described in (f)(1) of this section may notify the department of the abatement. The  
11 department shall reinstate the variance or remove the reduction of hours, as  
12 appropriate, within 30 days after receiving the notice from the employer if the  
13 department finds that the hazard has been abated.

14 (h) In this section, "miner"

15 (1) means a person who works in an underground mine or workings and  
16 is engaged in actual mining operations;

17 (2) does not include mechanics, warehousemen, electricians, and other  
18 support personnel at an underground mine or workings.

19 \* **Sec. 3.** The provisions of this Act are severable under AS 01.10.030.

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