

SENATE BILL NO. 31

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/12/01

Referred: Labor and Commerce, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act related to minimum civil penalties for the death of employees due to violations**
2 **of certain occupational health and safety requirements; and providing for an effective**
3 **date."**

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

5 *** Section 1.** AS 18.60.095 is amended by adding a new subsection to read:

6 (i) Notwithstanding any contrary provision of this section, if an employer is
7 subject to a penalty under (a), (b), or (d) of this section and the violation upon which
8 the penalty is based caused or contributed to the death of an employee, the
9 commissioner shall assess under this section, for all violations connected with the
10 death, a total civil penalty of at least \$50,000 if at least one of the violations was a
11 violation described in (a) of this section. If at least one of the violations was a
12 violation described in (b) or (d) of this section and none was a violation described in
13 (a) of this section, the commissioner shall assess a total civil penalty of at least
14 \$25,000. The minimum total civil penalties established by this subsection are

1 (1) not subject to, and may not be reduced under, the provisions of (h)
2 of this section;

3 (2) in addition to any criminal penalty provided for in (e) of this
4 section or imposed under AS 11 or AS 12; and

5 (3) not subject to reduction by negotiation or settlement, unless
6 expressly approved in writing by the commissioner of labor and workforce
7 development and the attorney general.

8 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
9 read:

10 TRANSITION: REGULATIONS. Notwithstanding sec. 5 of this Act, the
11 Department of Labor and Workforce Development may immediately proceed to adopt
12 regulations necessary to implement the changes made by this Act. The regulations take effect
13 under AS 44.62 (Administrative Procedure Act), but not before July 1, 2001.

14 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
15 read:

16 APPLICABILITY. The changes made by this Act apply to penalties related to an
17 occupational fatality that occurs on or after July 1, 2001.

18 * **Sec. 4.** Section 2 of this Act takes effect immediately under AS 01.10.070(c).

19 * **Sec. 5.** Except as provided in sec. 4 of this Act, this Act takes effect July 1, 2001.