

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

March 13, 2017

1:44 p.m.

MEMBERS PRESENT

Representative Matt Claman, Chair
Representative Zach Fansler, Vice Chair
Representative Gabrielle LeDoux
Representative David Eastman
Representative Chuck Kopp

MEMBERS ABSENT

Representative Jonathan Kreiss-Tomkins
Representative Lora Reinbold
Representative Charisse Millett (alternate)
Representative Louise Stutes (alternate)

OTHER MEMBERS PRESENT

Representative Sam Kito, III

COMMITTEE CALENDAR

HOUSE BILL NO. 121

"An Act relating to occupational safety and health enforcement penalties; and providing for an effective date."

- MOVED HB 121 OUT OF COMMITTEE

HOUSE BILL NO. 42

"An Act relating to seizure of property; relating to forfeiture to the state; relating to criminal law; amending Rules 3, 4, 11, 12, 16, 32, 32.2, 32.3, 39, 39.1, and 42, Alaska Rules of Criminal Procedure, Rules 501, 801, and 803, Alaska Rules of Evidence, and Rules 202, 209, and 217, Alaska Rules of Appellate Procedure; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: HB 121

SHORT TITLE: OCC. HEALTH AND SAFETY CIVIL PENALTIES

SPONSOR(S): LABOR & COMMERCE

02/13/17 (H) READ THE FIRST TIME - REFERRALS
02/13/17 (H) L&C, JUD
02/27/17 (H) L&C AT 3:15 PM BARNES 124
02/27/17 (H) Heard & Held
02/27/17 (H) MINUTE (L&C)
03/01/17 (H) L&C AT 3:15 PM BARNES 124
03/01/17 (H) Moved HB 121 Out of Committee
03/01/17 (H) MINUTE (L&C)
03/03/17 (H) L&C RPT 4DP
03/03/17 (H) DP: STUTES, WOOL, JOSEPHSON, KITO
03/08/17 (H) JUD AT 1:00 PM GRUENBERG 120
03/08/17 (H) Heard & Held
03/08/17 (H) MINUTE (JUD)
03/13/17 (H) JUD AT 1:00 PM GRUENBERG 120

WITNESS REGISTER

DEBORAH KELLY, Director
Division of Labor Standards & Safety
Department of Labor & Workforce Development (DLWD)
Juneau, Alaska

POSITION STATEMENT: During the hearing of HB 121, testified and answered question.

ACTION NARRATIVE

[1:44:12 PM](#)

CHAIR MATT CLAMAN called the House Judiciary Standing Committee meeting to order at 1:44 p.m. Representatives LeDoux, Eastman, Fansler, and Claman were present at the call to order. Representative Kopp arrived as the meeting was in progress.

HB 121-OCC. HEALTH AND SAFETY CIVIL PENALTIES

[1:44:40 PM](#)

CHAIR CLAMAN announced that the only order of business would be HOUSE BILL NO. 121, "An Act relating to occupational safety and health enforcement penalties; and providing for an effective date."

[1:45:23 PM](#)

DEBORAH KELLY, Director, Division of Labor Standards & Safety, Department of Labor & Workforce Development (DLWD), in response to Chair Claman, replied that the short version of HB 121 is that it will require the department to set maximum penalties for safety and health standard violations by regulation, and limit those penalties to the federal equivalent for those penalty types. This will allow the department to comply with its federal requirement, she said.

[1:46:18 PM](#)

REPRESENTATIVE EASTMAN asked whether there was concern that the current regulations were not adequately taking care of workers, or whether there are some safety concerns.

MS. KELLY responded that she had not heard any complaints that the standards were not adequate and, she explained, as needed, the department does conduct the public process to develop new safety and health standards for the state based on input from its local industries.

CHAIR CLAMAN, after ascertaining no one wished to testify, did not reopen public testimony.

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REPRESENTATIVE EASTMAN commented that safety is very important and he opined that Alaska had done an adequate job of attending to that. He related that any time he hears an argument that "if you don't do something the federal government is going to do something less desirable," it is concerning that one of the main reasons the state would be taking an action was due to something the federal government was doing. There are concerns of the federal government doing this or that, and he asked that the committee put Alaska's best interests as primary, if not as the sole consideration.

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REPRESENTATIVE FANSLER moved to report HB 121, Version 30-LS0362\), out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 121 moved from the House Judiciary Standing Committee.

[1:50:43 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 1:50 p.m.