

Introduced: 4/4/73
Referred: Labor and
Management

1 IN THE SENATE

BY THE LABOR AND MANAGEMENT COMMITTEE

2 SENATE JOINT RESOLUTION NO. 36

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 Urging repeal of P.L. 91-596 (creating
6 the Office of Safety and Health
7 Administration).

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 WHEREAS the creation of the Office of Safety and Health Administration
10 in 1970 is an infringement on the constitutionally guaranteed right of self-
11 determination of the several states; and

12 WHEREAS it is clear that the responsibility for occupational safety and
13 health is constitutionally, historically and logically within the realm of
14 legitimate state authority and clearly outside the scope and expertise of a
15 centralized government located far from the actual scene of everyday prob-
16 lems; and

17 WHEREAS the imposition of P.L. 91-596 will, by authoritative estimate,
18 add 5 to 35 billion dollars a year on top of what American citizens must pay
19 for housing, office buildings, streets and highways, and other public works
20 projects; and

21 WHEREAS in its brief history P.L. 91-596 has already been opened to
22 challenge on the constitutional grounds that (1) it imposes criminal penalties
23 on employers without the due process of law required by the 5th Amendment
24 to the United States Constitution; (2) it denies employers the right to trial
25 by jury in violation of the 6th Amendment; and (3) it provides for unreason-
26 able search and seizure on an employer's premises, in violation of the 4th
27 Amendment to the Constitution of the United States; and

28 WHEREAS an intolerable burden is being placed on the nation's economy,
29 especially in the person of the small businessman, by the imposition of the

1 provisions of P.L. 91-596 with no indication or logical argument that its
2 provisions will reduce occupational hazards; and

3 WHEREAS there are even strong arguments and indications that these pro-
4 visions will serve to create occupational hazards in some industries; and

5 WHEREAS the young state of Alaska with strong economic dependency on the
6 construction industry and its large percentage of struggling small business-
7 men will likely be more adversely affected by the unrealistic and ineffective
8 provisions of P.L. 91-596 than other states;

9 BE IT RESOLVED that the Alaska Legislature urges the United States
10 Congress to take another long hard look at P.L. 91-596 with the view to
11 either correcting its more inequitable provisions or repealing the entire
12 measure outright and returning the responsibility of occupational safety to
13 state government where it rightfully belongs.

14 COPIES of this resolution shall be sent to the Honorable James Eastland,
15 President Pro Tempore of the Senate; the Honorable Carl Albert, Speaker of
16 the House of Representatives; and to the Honorable Ted Stevens and the Honor-
17 able Mike Gravel, U. S. Senators, and the Honorable Don Young, U.S. Represen-
18 tative, members of the Alaska delegation in Congress.

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