

Introduced: 2/25/74
Referred: Labor and Management
and Finance

1 IN THE SENATE

BY THE LABOR AND MANAGEMENT COMMITTEE

2 SENATE JOINT RESOLUTION NO. 56

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 Public Law 91-596, cited as the Occupational Safety and Health
10 Act of 1970, is an infringement on the guaranteed constitutional right of
11 the several states; and

12 WHEREAS the responsibility for occupational safety and health is con-
13 stitutionally, historically and logically that of the states and not of the
14 central government in Washington; and

15 WHEREAS P.L. 91-596 will add by authoritative estimates from 5 billion
16 to 35 billion dollars a year to what American citizens must pay for houses,
17 apartments, office buildings, highways, streets, water systems and other
18 public improvements; and

19 WHEREAS P.L. 91-596, in its brief history, has already given rise to
20 litigation on the constitutional argument that (1) it imposes criminal
21 penalties on employers without the due process of law required by the Fifth
22 Amendment to the United States Constitution; (2) it denies employers the
23 right to trial by jury in violation of the Sixth Amendment; and (3) it pro-
24 vides for unreasonable search and seizure on an employer's premises, in
25 violation of the Fourth Amendment to the Constitution of the United States;
26 and

27 WHEREAS P.L. 91-596 imposes an intolerable burden upon the economy of
28 the nation and especially the small businessman and has no history of success
29 and no logical arguments to indicate that it will have success in reducing

1 occupational hazards; and

2 WHEREAS there are strong arguments to indicate that it will in fact
3 create occupational hazards; and

4 WHEREAS Alaska, with its high dependency upon construction as a major
5 part of the state's economy and high percentage of struggling small business
6 firms, is most adversely affected;

7 BE IT RESOLVED that the Eighth State Legislature respectfully petitions
8 the Congress of the United States to immediately repeal P.L. 91-596.

9 COPIES of this resolution shall be sent to the Honorable James Eastland,
10 President Pro Tempore of the U. S. Senate; the Honorable Carl Albert, Speaker
11 of the U. S. House of Representatives; and to the Honorable Ted Stevens and
12 the Honorable Mike Gravel, U. S. Senators, and the Honorable Don Young, U. S.
13 Representative, members of the Alaska delegation in Congress.

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