

Original sponsor: Rules Committee by
request of the Governor

Offered: 5/14/76
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 588

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to occupational safety and health; and
7 providing for an effective date."

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

9 * Section 1. AS 18.60.020(b) is amended to read:

10 (b) When the commissioner promulgates any regulation or standard,
11 [MAKES ANY RULE OR ORDER,] or grants any variance [EXEMPTION OR EX-
12 TENSION OF TIME] under this chapter, he shall include a statement of the
13 reasons for the action, forward a copy to the OSHA Review Board and
14 cause a copy to be published in newspapers in the state so as to receive
15 statewide coverage.

16 * Sec. 2. AS 18.60.055 is amended to read:

17 Sec. 18.60.055. DIVISION OF OCCUPATIONAL SAFETY AND HEALTH. There
18 is established in the department a division of occupational safety and
19 health to be administered by a director responsible to the commissioner.
20 Minimum qualifications shall be established for employees of the depart-
21 ment acting as safety inspectors. These qualifications shall include,
22 as a minimum requirement, at least five years general work experience in
23 industry. Training in safety principles, codes and standards may be
24 substituted for this work experience up to a maximum of three years [THE
25 FIELD THEY ARE ASSIGNED TO INSPECT].

26 * Sec. 3. AS 18.60.075(a) is amended to read:

27 (a) An employer shall do everything necessary to protect the life,
28 health and safety of employees including, but not limited to:

29 (1) complying with all occupational safety and health

standards and regulations promulgated by the department;

(2) furnishing and prescribing the use of suitable protective equipment, safety devices and safeguards as are prescribed for the work and work place; [AND]

(3) adopting and prescribing control or technological procedures, and monitoring and measuring employee exposure in connection with hazards, as may be necessary for the protection of employees; and

(4) furnishing to each of his employees employment and a place of employment which are free from recognized hazards which, in the opinion of the commissioner, are causing or are likely to cause death or serious physical harm to his employees.

* Sec. 4. AS 18.60.087 is amended by adding a new subsection to read:

(b) Comments relating to an employer's compliance with the provisions of secs. 10 - 105 of this chapter made by an employee or an employee representative to the representative of the department during the course of an inspection, and the name of any employee or employee representative making such comments to a representative of the department, are confidential and may not be made available by the department to the employer without the consent of the employee or the employee representative.

* Sec. 5. AS 18.60.088(b) is amended to read:

(b) If the department makes a special inspection, or an inspection under sec. 83 of this chapter, a copy of an employee notice shall be provided the employer no later than at the time of the inspection. Unless expressly consented to by [UPON REQUEST OF] the person giving the notice, his name and the name of employees referred to in the notice shall be kept confidential and may not appear in the copy provided the employer or in any record available to the employer.

* Sec. 6. AS 18.60.097 is repealed and re-enacted to read:

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Sec. 18.60.097. JUDICIAL REVIEW. (a) A person affected by an order of the OSHA Review Board under sec. 93(c) or (e) of this chapter or of the commissioner under sec. 96 of this chapter may obtain a review of the order by filing a notice of appeal in the superior court as provided in Rule 45 of the Rules of Appellate Procedure of the State of Alaska.

(b) The department may obtain review of an order of the OSHA Review Board under sec. 93(c) or (e) of this chapter by filing a notice of appeal in the superior court as provided in Rule 45 of the Rules of Appellate Procedure of the State of Alaska.

(c) An order of the OSHA Review Board under sec. 93(c) or (e) of this chapter or of the commissioner under sec. 96 of this chapter becomes final and is not subject to review by any court if a notice of appeal is not filed with the superior court within the period provided for by Rule 45 of the Rules of Appellate Procedure of the State of Alaska.

(d) An employer seeking judicial review of an order of the OSHA Review Board or of the commissioner must inform his affected employees of the fact that he is seeking judicial review.

(e) The court shall review an order of the OSHA Review Board or of the commissioner on a substantial-evidence basis.

* Sec. 7. This Act takes effect immediately in accordance with AS 01.10.070(c).

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