

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 am S

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 and submit a news release to  
15 the electronic news media in the state so as to receive 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 the field they are assigned to inspect. Training in safety principles,  
24 codes and standards may be substituted for such work experience up to a  
25 maximum of three years.

26 \* Sec. 3. AS 18.60 is amended by adding a new section to read:

27 Sec. 18.60.058. REPORTING OF INJURIES AND ILLNESSES. (a) In the  
28 event of an employment accident which is fatal to one or more employees  
29 or which results in the hospitalization of one or more employees, their

1 employer shall report the accident by telephone, telegram, radio, or  
2 in person to the nearest office of the division of occupational safety  
3 and health. The report must relate the circumstances of the accident,  
4 the number of fatalities, and the extent of any injuries. The report  
5 must be made immediately but in no event later than 24 hours after  
6 receipt by the employer of information that the accident has occurred.  
7 No equipment, material, or product related to the injury or fatality  
8 may be moved or altered until clearance is given by the department,  
9 except when compliance with this requirement would interfere for an  
10 unreasonable length of time with work or create additional hazards.  
11 If equipment, material, or products must be moved or altered before  
12 department clearance, the employer shall submit a detailed investigative  
13 report of the accident to the division.

14 \* Sec. 4. AS 18.60.075(a) is amended to read:

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

17 (1) complying with all occupational safety and health  
18 standards and regulations promulgated by the department;

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

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

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

29 \* Sec. 5. AS 18.60.087 is amended by adding a new subsection to read:

1 (b) Comments relating to an employer's compliance with the provi-  
2 sions of secs. 10 - 105 of this chapter made by an employee or an  
3 employee representative to the representative of the department during  
4 the course of an inspection, and the name of any employee or employee  
5 representative making such comments to a representative of the depart-  
6 ment, are confidential and may not be made available by the department  
7 to the employer without the consent of the employee or the employee  
8 representative.

9 \* Sec. 6. AS 18.60.088(b) is amended to read:

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

17 \* Sec. 7. AS 18.60.097 is repealed and re-enacted to read:

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

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

28 (c) An order of the OSHA Review Board under sec. 93(c) or (e) of  
29 this chapter or of the commissioner under sec. 96 of this chapter

1 becomes final and is not subject to review by any court if a notice of  
2 appeal is not filed with the superior court within the period provided  
3 for by Rule 45 of the Rules of Appellate Procedure of the State of  
4 Alaska.

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

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

10 \* Sec. 8. This Act takes effect immediately in accordance with AS 01.10.-

11 070(c).