

Original sponsor: Rules Committee by
request of the Governor

Offered: 5/30/76

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 588 am FCC

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 overnight hospitalization of one or more

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

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

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

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

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

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

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

1 serious physical harm to his employees.

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

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

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

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

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

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

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

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

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

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

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

13 070(c).