

Introduced: 3/18/83  
Referred: Labor & Commerce  
and Judiciary

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 282

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to notices for occupational safety  
7 and health violations."

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

9 \* Section 1. AS 18.60.091(a) is amended to read:

10 (a) If, upon inspection or investigation, the department be-  
11 lieves that an employer has violated a provision of AS 18.60.010 --  
12 AS 18.60.105 that is applicable to the employer, the department shall  
13 with reasonable promptness issue a citation to the employer. Each  
14 citation shall be in writing and shall describe with particularity the  
15 nature of the violation, including reference to the provisions of the  
16 chapter or any order[, RULE] or regulation alleged to have been vio-  
17 lated, and shall fix a reasonable time for abatement of the violation.  
18 The department may prescribe procedures for the issuance of a notice  
19 instead of a citation with respect to minor violations which have no  
20 direct or immediate relationship to safety or health, or violations  
21 which are not serious and which the employer agrees to correct within  
22 a reasonable time. If an employer does not, within a reasonable time  
23 set out in the notice, correct a violation which is not serious, the  
24 department shall issue a citation to the employer.

25 \* Sec. 2. AS 18.60.093(a) is amended to read:

26 (a) If, after an inspection or investigation, or after an em-  
27 ployer's failure to correct a violation for which he has been issued a  
28 notice, the department issues a citation, the commissioner shall, at a  
29 reasonable time after the termination of the inspection or investiga-

1 tion, or expiration of the time period set out in the notice, notify  
2 the employer by certified mail of the penalty proposed to be assessed  
3 and that the employer has 15 working days within which to notify the  
4 commissioner and the OSHA Review Board that he wishes to contest the  
5 citation or proposed assessment of penalty. If, within 15 working  
6 days after [FROM THE] receipt of the penalty notice issued by the  
7 commissioner, the employer fails to notify the OSHA Review Board that  
8 he intends to contest the citation, or proposed assessment of penalty,  
9 the citation and the assessment, as proposed, are [SHALL BE] con-  
10 sidered final and not subject to review by any court.