

HB

5 8 8

"An Act relating to occupational safety and health; and providing for an effective date."

# COMMITTEE REPORT

3/19/76

HOUSE

Mr. Speaker:

Date May 12, 1976

The Committee on JUDICIARY has had HB 588

under consideration. A Majority of the members of the Committee

( ) recommends it DO PASS

( ) recommends it DO NOT PASS

( ) recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR HB 588 AND THAT

CS FOR HB 580 DO PASS

( ) "and" recommends it BE REFERRED TO THE \_\_\_\_\_  
COMMITTEE

( ) reports it back WITHOUT RECOMMENDATION

( ) "other"

Members signing the Majority report:

|                     |                |       |
|---------------------|----------------|-------|
| <u>Terry Hardin</u> | <u>Do Pass</u> | _____ |
| <u>Paul M. Ryan</u> | <u>" "</u>     | _____ |
| <u>John Bradley</u> | <u>" "</u>     | _____ |
| _____               | _____          | _____ |

Members NOT concurring in the Majority report:

|                |                              |
|----------------|------------------------------|
| <u>Shubert</u> | recommends: <u>no action</u> |
| _____          | recommends:                  |
| _____          | recommends:                  |
| _____          | recommends:                  |
| _____          | recommends:                  |

Terry Hardin Chairman

AMENDMENT

OFFERED IN THE HOUSE:

By: Labor & Management

To: \_\_\_\_\_ HOUSE BILL No. 588

SENATE BILL No. \_\_\_\_\_

PAGE: 1

LINE: 23

*new sentence!*  
INSERT. Training in safety principles, codes and standards may be substituted for such work experience up to a maximum of three years.

Naomi Smith - Director OSHA

Introduced: 1/16/76  
Referred: Labor & Management  
and Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 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;  
7 and 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  
13 the reasons for the action, forward a copy to the OSHA Review Board  
14 and cause a copy to be published in newspapers in the state so as to  
15 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.  
18 There is established in the department a division of occupational  
19 safety and health to be administered by a director responsible to the  
20 commissioner. Minimum qualifications shall be established for employees  
21 of the department acting as safety inspectors. These qualifications  
22 shall include, as a minimum requirement, at least five years general  
work experience in industry [THE FIELD THEY ARE ASSIGNED TO INSPECT].

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

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

- 26
- (1) complying with all occupational safety and health standards and regulations promulgated by the department;
  - (2) furnishing and prescribing the use of suitable protective

*Technical*

*better definition  
of qualifications*

*to  
limited  
previously*

1 equipment, safety devices and safeguards as are prescribed for the  
2 work and work place; [AND]

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

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

11 \* Sec. 4. AS 18.60.087 is amended to read:

12 Sec. 18.60.087. EMPLOYER AND EMPLOYEE PARTICIPATION. (a) A  
13 representative of the employer and a representative authorized by the  
14 employees shall be given an opportunity to accompany the representative  
15 of the department during the physical inspection of a work place for  
16 the purpose of aiding the inspection. If the authorized representative  
17 is an employee, time spent aiding the inspection shall be considered  
18 as time worked and he shall be compensated accordingly. When there is  
19 no authorized employee representative, there shall be consultation  
20 with a reasonable number of employees concerning matters of health and  
21 safety in the work place.

22 (b) Comments relating to an [employer's compliance with the  
23 provisions of secs. 10 - 105 of this chapter] made by an employee or an  
24 employee representative to the representative of the department  
25 during the course of an inspection, and [the name of any employee or  
26 employee representative making [AND] comments to a representative of  
27 the department, <sup>concerning an</sup> are confidential and may not be made available by the  
28 department to the employer without the consent of the employee or the  
29 employee representative.

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

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

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

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

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

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

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

29 (e) The court shall review an order of the OSHA Review Board or

*Give Dept Right to Appeal*

1 of the commissioner on a substantial-evidence basis.

2 \* Sec. 7. This Act takes effect immediately in accordance with AS  
3 01.10.070(c).

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*Strength  
Confidentiality*

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