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# Alaska State Legislature

## Senate

Official Business

### Labor & Commerce Committee

Pouch V  
State Capitol  
Juneau, Alaska 99811

CSHB 835: Establishes the Alaska Safety Advisory Council in the Department of Labor consisting of 13 members appointed by the Governor. The council is to work in cooperation with official and unofficial organizations and State or local departments that are interested in the promotion of safety so that possible resources can be marshalled and used to reduce the menace of accidental death and injury.

The Council is to make recommendations to the various state and federal departments that are concerned with safety programs and accident prevention, and to make recommendations to the Governor and the Legislature on the achievement of a coordinated State policy and program for the safety and health of State residents, and hold an annual governor's safety conference to bring together citizens interested in safety and health matters.

The Finance CS adds language to the section pertaining to DNR, and states that the commissioner shall adopt regulations to establish and operate mine rescue teams to assure the availability of mine rescue capability for purposes of emergency rescue and recovery as required by the Federal Mine and Health and Safety Act of 1977.

Bill No. House Bill No. 835 (Finance) am  
Title "An Act relating to Health and Safety."

Date April 20, 1982.

Contact: *Judy Knight*  
Judy Knight  
465-2700

At the present time, a number of state, federal, and local government agencies have responsibilities for providing safety and health protection to Alaskans in the work place, on the highways, in the home, and in recreational pursuits. Establishment of an Alaska Safety Advisory Council as proposed in House Bill 835 would provide a needed and effective vehicle for formal coordination of the efforts of the various government agencies which administer safety and health programs.

The bill provides for the council to be comprised of a cross section of Alaska's citizens. This is an excellent approach inasmuch as it will provide the council with the diversification needed when recommendations are formulated for addressing safety and health issues which are of concern to all Alaskans. Despite vigorous attempts by government agencies to involve Alaska's public in the development and delivery of safety and health programs, it is often difficult to obtain input from all segments of the population. The council, as proposed in this bill, is a positive step towards filling this void.

In the Department of Labor, our Workers' Compensation, Occupational Safety and Health, and Mechanical Inspection programs would all be favorably impacted by this bill.

The proposed annual safety conference will also provide an excellent forum for a meaningful exchange of information among Alaska's citizens; and state, federal, and local government agencies who are concerned with or have responsibilities for safety and health in the state.

This bill should do much to assist the department in meeting its goal of protecting workers from work-related safety and health hazards. The department supports this bill.

EP:mjs  
1101:28

**Sec. 39.20.160. Regulations.** The fixing and payment under AS 39.20.110 — 39.20.170 of travel and per diem allowances and of advances and recovery and reimbursement of travel expenses shall be in accordance with regulations adopted by the commissioner of administration. The regulations shall be uniform for all officials and employees, and all agencies and departments. The regulations shall also govern the use of public transportation facilities by officials and employees. The regulations relate to the internal management of state agencies and their adoption is not subject to the Administrative Procedure Act (AS 44.62). (§ 9 ch 60 SLA 1957; am § 2 ch 13 SLA 1963)

**Sec. 39.20.170. Construction of AS 39.20.110 — 39.20.170.** AS 39.20.110 — 39.20.170 may not be construed to modify or repeal a law providing for the travel expenses of the governor, or members of the legislature, or members of boards or commissions of the state government. (§ 10 ch 60 SLA 1957)

**Sec. 39.20.180. Transportation and per diem expenses for members of boards, commissions, etc.** Except as otherwise provided by law, from and after March 27, 1962, the provisions in this section relating to per diem and transportation govern exclusively and supersede all other provisions of law with respect to a member of a state board, commission, committee, judicial council, or other similar body of persons of the state organized or established under the authority of law, but excluding any other state employee other than a legislator, who is otherwise entitled by law to receive from the state payments for expenses of transportation, and for reimbursement or for per diem in lieu of reimbursement for other expenses incident to his duties as such member:

(1) For transportation, the member is entitled either to the use of state transportation requests, or to be reimbursed for expenses of transportation to the same extent, in the same manner, and under the same conditions as provided for state officials and employees by the provisions of AS 39.20.110 — 39.20.170.

(2) For reimbursement for other expenses, the member is entitled to a per diem allowance prescribed by the commissioner of administration under the regulatory authority set out in AS 39.20.160 for each day or portion of a day spent in actual meeting or on authorized official business incident to his duties as a member. (§ 1 ch 130 SLA 1953; am § 1 ch 34 SLA 1960; am § 1 ch 37 SLA 1962; am § 5 ch 136 SLA 1967; am § 12 ch 47 SLA 1974)

**Cross reference.** — As to coverage of state board and commission members under the Worker's Compensation Act, see AS 23.30.242.

Quoted in *Employers Liab. Assurance Corp. v. Groothuis*, 8 Alas. L.J. No. 12, p. 334 Nov., 1970.

Cited in *Laborers & Hod Carriers Local 341 v. Groothuis*, Sup. Ct. Op. No. 773 (File Nos. 1435, 1459), 494 P.2d 308 (1972).

impracticable to place a monument in its true position, a witness monument shall be erected and marked to indicate the true position of the corner or angle. (§ 47-3-31 ACLA 1949; am § 1 ch 16 SLA 1955)

**Effect of amendments.** — The 1965 amendment substituted "at the northeast corner of the claim" for "on the surface at or adjacent to the point of discovery" in paragraph (1), rewrote paragraph (1) (D),

and deleted "on the vein at the center of each end line and" formerly appearing between "erecting" and "at each corner" near the beginning of paragraph (2).

**Sec. 27.10.080. Water rights where claim includes both banks of a stream.**

Repealed by § 2 ch 50 SLA 1966.

**Editor's notes.** — The repealed section derived from § 47-3-35 ACLA 1949.

## Chapter 20. Mine Operation.

### Section

- 10. Regulations
- 15, 20. [Repealed]
- 21. Department may inspect mining operations
- 25, 30. [Repealed]
- 31. Correcting unsafe conditions
- 35, 40. [Repealed]

### Section

- 41. Reports to be confidential
- 45, 50. [Repealed]
- 51. Penalties
- 55, 60. [Repealed]
- 61. Definition of mining operation
- 65 — 480. [Repealed]

**Sec. 27.20.010. Regulations.** (a) The commissioner of natural resources may adopt the rules, regulations, and orders which he considers necessary to carry out the purposes of AS 27.20.005 — 27.20.061, and his rules and regulations shall have the force and effect of law. Rules, regulations, and orders authorized by AS 27.20.005 — 27.20.061 shall be consistent with its purposes, and may include but are not limited to rules, regulations, and orders pertaining to and supplementing the subject matter contained in AS 27.20.005 — 27.20.061. The commissioner of natural resources, in adopting coal mining safety regulations, shall, as nearly as is practicable, conform to the federal regulations applicable to bituminous coal and lignite mine safety.

(b) All rules, regulations and orders authorized by AS 27.20.005 — 27.20.061 shall be adopted in accordance with the Administrative Procedure Act (AS 44.62.010 — 44.62.650). (§ 2 ch 70 SLA 1960; am § 1 ch 75 SLA 1963)

**Effect of amendments.** — The 1963 amendment added the last sentence in subsection (a).

**Sec. 27.10.240. Definitions.** In § 230 of this chapter

(1) the term "geological surveys" means surveys on the ground for mineral deposits by the proper application of the principles and techniques of the science of geology as they relate to the search for and discovery of mineral deposits;

(2) the term "geochemical surveys" means surveys on the ground for mineral deposits by the proper application of the principles and techniques of the science of chemistry as they relate to the search for and discovery of mineral deposits;

(3) the term "geophysical surveys" means surveys on the ground for mineral deposits through the employment of generally recognized equipment and methods for measuring physical differences between rock types or discontinuities in geological formations;

(4) the term "qualified expert" means an individual qualified by education or experience to conduct geological, geochemical, or geophysical surveys. (§ 47-3-62 ACLA 1949; added by § 1 ch 67 SLA 1960)

## Chapter 15. Mining Rights on State-Owned Lands.

### Revisor's Note.

Rights to minerals on state-owned lands may be acquired under AS 38.05.185—38.05.280. For information on mining rights on federal public domain in Alaska, see the appropriate federal law and ch. 10 of this title.

### Section

10. Grubstake contracts to be in writing and recorded

**Sec. 27.15.010. Grubstake contracts to be in writing and recorded.** All contracts, commonly known as "grubstaking," except as between the parties making them, are void, unless in writing, subscribed by the parties and filed for record with the recorder of the district in which locations thereunder are made. The contract must contain the names of the parties and the duration of the contract. (§ 47-3-10 ACLA 1949)

Cross reference.—See AS 27.10.020 and note thereto.

Am. Jur. reference.—36 Am. Jur., Mines and Minerals, §§ 171, 172.

## Chapter 20. Mine Operation.

### Article

1. Administration by Department (§§ 27.20.005—27.20.010)
2. Coal Mines (§§ 27.20.015—27.20.335)
3. Other Mines (§§ 27.20.340—27.20.480)

### Article 1. Administration by Department.

#### Section

5. Purposes

#### Section

10. Rules and regulations

**Sec. 27.20.005. Purposes.** This chapter is intended to provide uniform safety standards for all mining operations conducted within

the state; to afford maximum freedom of operation to mining operators while assuring proper working conditions for their employees in regard to mining operations; to insure the protection of the public safety and public interest; and to provide for the conservation of natural resources in the public interest in relating to mining operations. (§ 1 ch 70 SLA 1960)

Am. Jur. and C.J.S. references.— 58 C.J.S. Mines and Minerals § 229.  
 36 Am. Jur., Mines and Minerals, §§  
 146 to 156.

**Sec. 27.20.010. Rules and regulations.** (a) The commissioner of natural resources may adopt the rules, regulations and orders which he considers necessary to carry out the purposes of this chapter, and his rules and regulations shall have the force and effect of law. Rules, regulations and orders authorized by this chapter shall be consistent with its purposes and may include, but are not limited to, rules, regulations and orders pertaining to and supplementing the subject matter contained in this chapter.

(b) All rules, regulations and orders authorized by this chapter shall be adopted in accordance with the Administrative Procedure Act (AS 44.62). (§ 2 ch 70 SLA 1960)

**Article 2. Coal Mines.**

Section	Section
15. Application	105. Speed and occupancy requirements for cages, skips and buckets
20. Department may make exceptions	110. Lamps in nongaseous mines
25. Department may inspect mines	115. Lamps in gaseous mines
30. Notice to remedy defects	119. Department may require safety lamps
35. Mine operators to register and report statistics	125. Use of internal-combustion engines
40. Record and report of injuries	130. Use of electric locomotives
45. Report and subsequent proceedings in case of serious or fatal accidents	135. Clearance on hauling roads
50. Miners to report dangerous conditions	140. Haulage roads to be kept clear and low roof offsets whitened
55. Act endangering persons or property is a misdemeanor	145. Landings to be whitewashed and lighted
60. Miners may be searched	150. Track safety requirements
65. Copy of law to be posted	155. Safety in room and pillar work
70. First-aid equipment and training	160. Timbers to be furnished and roof and sides secured
75. Artificial breathing apparatus required	165. Storage and handling of explosives
80. Two exits required	170. Magazine safety rules
85. Safeguards on slopes and inclines	175. Thawing explosives
90. No combustible structures at mine openings	180. Handling of explosives in the mine
95. Safety requirements for machinery and appliances	185. Blasting regulations
100. Additional requirements for hoisting machinery	190. Gaseous mine defined
	195. Shot firing in gaseous mines
	200. Blasting in nongaseous mines
	205. Additional blasting precautions

**Sec. 27.20.055. Act endangering persons or property is a misdemeanor.**

Repealed by § 3 ch 75 SLA 1963.

**Editor's notes.** — The repealed section derived from § 47-3-146(b) ACLA 1949.

**Sec. 27.20.060. Miners may be searched.**

Repealed by § 3 ch 75 SLA 1963.

**Editor's notes** — The repealed section derived from § 47-3-146(c) ACLA 1949.

**Sec. 27.20.061. Definition of mining operation. In AS 27.20.005 — 27.20.061**

(1) "mining operation" includes all parts of a mine or mineral exploration project in the state and any mining or treatment plant or equipment connected with it underground or on the surface, which contributes or may contribute to the mining or treatment of ore or other metalliferous or nonmetalliferous mineral product; the term also includes a site of tunneling, shaft-sinking, quarrying or excavation of rock for other purposes, including but not limited to the construction of water or highway tunnels or drains or of underground sites for the housing of industrial plants or other facilities;

(2) "department" means the Department of Natural Resources. (§ 2 ch 75 SLA 1963)

**Secs. 27.20.065 — 27.20.335. Posting of law; health and safety requirements; penalties for violations; employment of certified foremen and firebosses required; penalty for violation; certificates of competency; disposition of money received; scope.**

Repealed by § 3 ch 75 SLA 1963.

**Editor's notes.** — The repealed sections ACLA 1949; §§ 3-8, ch. 21, SLA 1953; § 4, derived from §§ 47-3-146(d) — 47-3-192 ch. 70, SLA 1960.

**Secs. 27.20.340 — 27.20.480. Application of chapter; jurisdiction of commissioner; inspections; notice of dangerous conditions; accident reports and investigations; health and safety requirements; first-aid requirements.**

Repealed by § 3 ch 75 SLA 1963.

**Editor's notes.** The repealed sections 47-3-220 — 47-3-228 ACLA 1949; § 1, ch. 7, SLA 1953; §§ 5-7, ch. 70, SLA 1960. derived from §§ 47-3-201 — 47-3-218.

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE  
FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 835 Page 1 of 4

Title "An Act Creating the Alaska Safety Advisory Council."

Requested by Representative Halford

Date 1/25/82

II. FISCAL DETAIL

Agency Affected Labor

Program Category Affected Worker Protection

BRU, Program, or Subprogram(s) Affected Commissioner's Office

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	14.2	15.3	16.5	17.8	19.2
300 CONTRACTUAL	0	16.4	17.7	19.1	20.6	22.2
400 COMMODITIES	0	.4	.4	.5	.5	.6
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>31.0</b>	<b>33.4</b>	<b>36.1</b>	<b>38.9</b>	<b>42.0</b>

FUNDING (Thousands of Dollars)

GENERAL FUND	0	19.7	20.3	21.1	23.9	25.1
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Fund Source)	0	11.3	13.1	15.0	15.0	16.9
Program Receipts						
(Conference Fees)						

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

This fiscal note is based on the following assumptions:

- Contractual Costs: Administrative Costs 3.0 (note 2)  
Conference Costs 13.4 (note 5)
- The Department of Labor will provide clerical/administrative support through its word processing center and its clerical staff.  
  
Cost 300: \$1,500 Reimbursable service agreement with Department of Labor, Word Processing Center  
Code 300: \$1,500 Telephone/mailing costs  
Code 400: \$ 400 Office Supplies

Total Administrative Costs \$3,400

IV. DATE February 4, 1982 PREPARED BY Nico Bus  
AGENCY Department of Labor  
PHONE (907) 465-2729

Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

3. There should not be much need for the Council to request legal advice as it will not be involved, as the bill is presently drafted, in any adjudication.
4. Travel: It is anticipated that the Council will meet three times during the year. One of these meetings will be in conjunction with the annual safety conference. It is assumed that at least five of the ten members representing industry and labor will be from Anchorage and, therefore, for purpose of this fiscal note, we are assuming that five members will require transportation.

Three meetings x \$350.00/trip x five members = \$5,250.00

As far as the three members representing government agencies, we are assuming that two will be stationed in Anchorage, and, therefore, only one of these members will require transportation.

Three meetings x \$350.00/trip x one member = \$1,050.00

Industry and labor members will receive the current per diem rate. This per diem is paid all members regardless of whether travel is required to attend the meeting.

Per diem \$80.00/day x three days x three meetings x ten members = \$7,200.00

Government employees are paid per diem when on travel status.

\$80.00/day x three days x three meetings x one member = \$720.00

Travel: Transportation	\$ 6,300
Per Diem	<u>7,920</u>
Total	\$ 14,220

5. Cost of annual Governor's Safety Conference.

The cost of holding an annual Governor's Safety Conference can vary depending on how many topics will be included, the quality of conference speakers, the length of the conference, and the facilities provided for the conference.

In order to come up with a realistic estimate, the following assumptions are made:

- A. The conference will be held in one of the major hotels in Anchorage.
- B. It will be two days in length.
- C. Only the keynote speaker will be paid - all other speakers and trainers will volunteer their services.
- D. A banquet and two luncheons will be included in the registration fee.
- E. A reasonable registration fee will be assessed in order to encourage maximum participation.

Hotel facilities (main room and 3 training rooms)	2,400
Banquet	3,000
Luncheons (two)	2,000
Cost of keynote speaker	1,000
Printing of agenda & other conference materials	3,000
Miscellaneous costs such as coffee service, etc.	2,000
Total Cost for Conference	<u>\$13,400</u>

Registration Fee \$75.00	
Anticipated participation (150 x \$75.00)	<u>(11,250)</u>
Cost to Council	2,150

6. We are assuming an inflation rate of eight percent in estimating costs after FY '83. In FY '84 we are assuming 175 conference participants, in FY '85 and FY '86, 200 participants and in FY '87, 225 participants.
7. Assumes an effective date of July 1, 1982.

## ALASKA SAFETY ADVISORY COUNCIL

### History:

In 1977 Commissioner Edmund Orbeck asked a group of industry leaders to organize a Governor's Safety Conference. Mr. Vern Smith of 3M Company and Mr. Richard Pittenger of the Alaska Associated General Contractors were instrumental in organizing a committee of industry and labor leaders to work with the departments of Labor and Transportation and Public Facilities to hold the first conference in 1977. Conferences were also held in 1978 and 1979.

Legislation to form an Alaska Safety Advisory Council was first introduced in 1978.

### OSHA - Savings and Federal Relations:

The formation of an Alaska State Advisory Council will not replace the need for a state occupational safety and health program and, therefore, no direct money savings will occur. However, such a council will do much in assisting the Department of Labor in assuring more and better public participation in the development of regulations, policies, and procedures of its occupational safety and health program. It will also assist in helping the department to make employers and employees more cognizant of the importance for safety and health on the job. This will help in improving the voluntary consultative and training services that the Department provides.

This council will not change the state-federal relationship of the occupational safety and health program. This relationship is set out in Section 23 of the Federal Occupational Safety and Health Administration (OSHA) when the latter agency recommends changes that affect the operations of the state programs.