

H B

275



STATE OF ALASKA  
1990 LEGISLATIVE SESSION

BILL VERSION: CSHB 275 (L&C)

PUBLISH DATE: \_\_\_\_\_

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
 Title: "An Act relating to workplace  
 safety for certain franchises."  
 Sponsor: Spohnholz  
 Requestor: House Labor & Commerce

Agency Affected: Labor  
 BRU: Labor Standards & Safety  
 Components: Occupational Safety & Health

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	43.6	43.6	43.6	43.6	43.6	43.6
TRAVEL	5.0	5.0	5.0	5.0	5.0	5.0
CONTRACTUAL	11.4	11.4	11.4	11.4	11.4	11.4
SUPPLIES	0.8	0.8	0.8	0.8	0.8	0.8
EQUIPMENT	3.0	3.0	3.0	3.0	3.0	3.0
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	63.8	63.8	63.8	63.8	63.8	63.8

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	63.8	63.8	63.8	63.8	63.8	63.8
FEDERAL FUNDS						
OTHER						
TOTAL	63.8	63.8	63.8	63.8	63.8	63.8

POSITIONS:

FULL-TIME						
PART-TIME	2.0	2.0	2.0	2.0	2.0	2.0
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Note: There is no fiscal impact in FY'90.

see attached

Prepared by: Tom Stuart, Director Phone: 264-2452  
 Division: Labor Standards & Safety Date: 3/30/90

Approved by Commissioner: Jim Sampson Date: 3/30/90  
 Agency: Department of Labor

Distribution (by preparer) :  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

Fiscal Note Analysis  
for

"An Act relating to workplace safety for certain franchises."

This bill would increase the number and frequency of inspections required for every all night grocery and gasoline station in the state. In order to accomplish this the department would have to hire one part time compliance officer and a part time clerk. Because of the penalties involved, we expect an increase in the number of contested violations which would mean an increase in the costs for the OSHA Review Board. Additional legal support would also be required. The costs are summarized as follows:

Personal Services	43.6
Compliance Officer (29.3)	
Clerk Typist (14.3)	
Travel for Compliance Officer	5.0
Contractual	11.4
OSHA Review Board (2.5)	
Legal Support (2.5)	
Costs for positions (6.4)	
Commodities for positions	.8
Equipment for positions	3.0
<u>Total Cost</u>	<u>63.8</u>

This analysis assumes a start date of 7/1/90 with no fiscal impact to FY'90.

Contractual, Commodities, and Equipment costs for positions shown above are normal costs for these positions which include: phone & postage costs, office space rent, indirect costs, office supplies, and office equipment.

Position Title <b>Occupational Safety Compliance Officer IA</b>			No. of Positions <b>1</b>	Range/Step <b>50B</b>	Org. Unit <b>LTC</b>
Time Status <b>PPT</b>	Staff Months <b>6</b>		Location <b>Anchorage</b>		Election District
Type of Expenditure			Amount		
1	2	3			
Salary	\$22,100				
Benefits	\$7,200				
Premium Pay					
Other					
Total Personal Services			\$29,300		
Travel			\$5,000		
Contractual			\$9,200		
Commodities			\$500		
Equipment			\$1,500		
Other					
Total Cost			\$45,500		
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004		\$45,500		
GF Program Receipts	1005				
Other					
Justification					
<p>This position would inspect every all night grocery and gasoline station in Anchorage every two months and inspect on a semi-annual basis, all night groceries and gasoline stations in other parts of Alaska.</p> <p>Travel costs would allow the officer to cover all parts of the state.</p> <p>Contractual, commodity, and equipment costs are average per-employee costs.</p>					

**Request For  
New Position**

Agency Department of Labor  
 BRU Labor Standards & Safety  
 Component Occupational Safety & Health

Page 3 of 4

Revised Date

**FY 91**

Position Title <b>Clerk Typist III</b>			No. of Positions <b>1</b>	Range/Step <b>8A</b>	Barg. Unit <b>GGU</b>
Time Status <b>PPT</b>	Staff Months <b>6</b>		Location <b>Anchorage</b>		Election District
Type of Expenditure			Justification		
		Amount	<p>This position would provide the clerical support for this program.</p> <p>Contractual, commodity, and equipment costs are average per-employee costs.</p>		
<b>1</b>	<b>2</b>	<b>3</b>			
Salary	<b>\$9,800</b>				
Benefits	<b>\$4,500</b>				
Premium Pay					
Other					
<b>Total Personal Services</b>		<b>\$14,300</b>			
Travel					
Contractual		<b>\$2,200</b>			
Commodities		<b>\$300</b>			
Equipment		<b>\$1,500</b>			
Other					
<b>Total Cost</b>		<b>\$18,300</b>			
Funding Source for Total Cost					
Federal Receipts	1002				
G. P. Match	1003				
General Fund	1004	<b>\$18,300</b>			
GP Program Receipts	1005				
Other					

**Request For  
New Position**

Agency Department of Labor  
 BRU Labor Standards & Safety  
 Component Occupational Safety & Health

Page 4 of 4  
 Revised Date

**FY 91**

# HOUSE COMMITTEE REPORT

(7)

Date Referred: April 2, 1990  
(Finance added 4/2)

FURTHER REFERRALS:  
FINANCE

Date of Committee Action: 4-18-90

The JUDICIARY Committee considered:

HB 275

HOUSE BILL NO. 275

WORKPLACE SAFETY FOR ALL-NIGHT FRANCHISES

"An Act relating to workplace safety for certain franchises."

### RECOMMENDATIONS:

- be replaced with CSHB 275 (Jud)  the same title  
 a new title  
 have attached amendment(s)  
 do pass  
 do not pass  
 no recommendation  
 individual recommendations  
 additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of intent

ATTACHES NEW FISCAL NOTE(s):  
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- fiscal impact \_\_\_\_\_  
 zero fiscal note \_\_\_\_\_  
 zero with analysis \_\_\_\_\_

- fiscal note(s) LABOR 4-2-90  
 ~~zero fiscal note(s) \_\_\_\_\_~~  
 zero fn/analysis \_\_\_\_\_

SIGNING DO PASS:

SIGNING:

(Check approp. column)

Do Not  
Pass  
No Rec  
Amend

Peter J. Goll  
J. Ellis ELLIS  
Davidson DAVIDSON  
Michael Gruenberg Gruenberg  
Mike Davis DAVIS

	Do Not Pass	No Rec	Amend
<u>Mike Miller</u> Miller			<input checked="" type="checkbox"/>

Chairman's Signature  
Chairman's Signature

Original sponsor(s): REP. SPOHNHOLZ, Martin

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 275 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to workplace safety for certain  
7 franchises and corporations."

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

9 \* Section 1. AS 18 is amended by adding a new chapter to read:

10 CHAPTER 61. SAFETY REQUIREMENTS FOR ALL-NIGHT BUSINESS ENTERPRISES.

11 Sec. 18.61.010. SAFETY REQUIREMENTS FOR ALL-NIGHT BUSINESS  
12 ENTERPRISES. (a) A business enterprise whose industry is defined by  
13 the United States office of management and budget in the 1972 standard  
14 industrial classification code manual as number 5411 (grocery stores)  
15 or 5541 (gasoline service stations), and that remains open for 24  
16 hours a day, shall

17 (1) where practicable equip the workplace with alarm equip-  
18 ment that signals to the peace officer in the jurisdiction within  
19 which the workplace is located that a robbery is taking place; and

20 (2) provide training for each employee, beginning within 30  
21 days after the employee is first hired, in how to minimize the danger  
22 of or prevent accidents, robberies, and other violence on the work-  
23 place premises.

24 (b) A franchisor that requires a franchisee to remain open 24  
25 hours a day is liable for the cost of complying with (a) of this sec-  
26 tion.

27 (c) An employer who violates this section is liable for civil  
28 penalties under AS 18.60.095.

29 (d) A business enterprise shall maintain the records required by

1 the department concerning compliance with this section.

2 (e) The department may adopt regulations necessary to implement  
3 this chapter.

4 (f) In this chapter,

5 (1) "business enterprise" means

6 (A) a franchisee;

7 (B) a corporation that has three or more outlets at  
8 different locations;

9 (2) "department," "employee," and "employer" have the  
10 meanings given in AS 18.60.105(a).

11 \* Sec. 2. Notwithstanding AS 18.61.010, enacted by sec. 1 of this Act,  
12 an employer shall, no later than 90 days after the effective date of this  
13 Act, install the required equipment and begin training of employees hired  
14 before the effective date of this Act or hired within 60 days after the  
15 effective date of this Act.

6-1200H /  
Cramer  
4/18/90

Original sponsor(s): REP. SPOHNHOLZ, Martin

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 275 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to workplace safety for certain  
7 franchises and corporations."

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

9 \* Section 1. AS 18 is amended by adding a new chapter to read:

10 CHAPTER 61. SAFETY REQUIREMENTS FOR ALL-NIGHT BUSINESS ENTERPRISES.

11 Sec. 18.61.010. SAFETY REQUIREMENTS FOR ALL-NIGHT BUSINESS  
12 ENTERPRISES. (a) A business enterprise whose industry is defined by  
13 the United States office of management and budget in the 1972 standard  
14 industrial classification code manual as number 5411 (grocery stores)  
15 or 5541 (gasoline service stations), and that remains open for 24  
16 hours a day, shall

17 (1) where practicable equip the workplace with alarm equip-  
18 ment that signals to the peace officer in the jurisdiction within  
19 which the workplace is located that a robbery is taking place; and

20 (2) provide training for each employee, beginning within 30  
21 days after the employee is first hired, in how to minimize the danger  
22 of or prevent accidents, robberies, and other violence on the work-  
23 place premises.

24 (b) A franchisor that requires a franchisee to remain open 24  
25 hours a day is liable for the cost of complying with (a) of this sec-  
26 tion.

27 (c) An employer who violates this section is liable for civil  
28 penalties under AS 18.60.095.

29 (d) A business enterprise shall maintain the records required by

1 the department concerning compliance with this section.

2 (e) The department may adopt regulations necessary to implement  
3 this chapter.

4 (f) In this chapter,

5 (1) "business enterprise" means

6 (A) a franchisee;

7 (B) a corporation that has three or more outlets at  
8 different locations;

9 (2) "department," "employee," and "employer" have the  
10 meanings given in AS 18.60.105(a).

11 \* Sec. 2. Notwithstanding AS 18.61.010, enacted by sec. 1 of this Act,  
12 an employer shall, no later than 90 days after the effective date of this  
13 Act, install the required equipment and begin training of employees hired  
14 before the effective date of this Act or hired within 60 days after the  
15 effective date of this Act.  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A M E N D M E N T

OFFERED IN THE HOUSE

BY REP. MARTIN

TO: CSHB 275 (L&C)

Page 1, line 21, after "premises":

Insert "and in how to minimize or prevent shoplifting on the premises"

A M E N D M E N T

OFFERED IN THE HOUSE

BY REP. MARTIN

TO: CSHB 275 (L&C)

Page 1, lines 16 - 18:

Delete all material.

Page 1, line 19:

Delete "(2)"

STATE OF ALASKA  
THE LEGISLATURE

PO BOX STATE CAPITOL  
JUNEAU, ALASKA 998  
907 455 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 7, 1990

SUBJECT: Amendments to CSHB 275 (L&C)  
(Workplace safety)

TO: Representative Terry Martin

FROM: Teresa B. Cramer *TBC*  
Legislative Counsel

You have asked for answers to questions on the second amendment prepared to CSHB 275 (L&C) at your request.

Robbery and shoplifting are both crimes of theft. However, the elements for robbery in both the first and second degrees require proof that the crime occurred "in the course of taking or attempting to take property from the immediate presence and control of another" and that the robber use or threaten the immediate use of force. (See AS 11.41.510 and 11.41.520.) The crime of concealment of merchandise, which is the statutory name for shoplifting, does not require the presence of a victim or any threat of force. The elements of that crime, set out in AS 11.46.220, require the knowing concealment with intent to deprive the owner of the merchandise. I have attached copies of the statutes referred to for your convenience.

I have not included a definition of "shoplifting" in the second amendment. The requirement imposed by the amendment, that employers provide training in minimizing or preventing shoplifting, does not require a close scrutiny of what is and what is not shoplifting.

You have asked why the bill does not include all 24 hour markets and liquor stores. There is no legal reason of which I am aware for excluding them from the coverage of the bill. The original sponsor may have further insight to offer on the scope of the bill.

Representative Terry Martin  
Page 2  
April 7, 1990

If I may be of further assistance, please advise.

TC:pl  
WKP4/029

Enclosure: AS 11.41.500  
AS 11.41.510  
AS 11.46.220

6-1200E  
Cramer  
3/28/90

Original sponsor(s): REP. SPOHNHOLZ

1 IN THE HOUSE BY THE LABOR & COMMERCE COMMITTEE

2 CS FOR HOUSE BILL NO. 275 (L&C)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to workplace safety for certain  
7 franchises."

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

9 \* Section 1. AS 18 is amended by adding a new chapter to read:

10 CHAPTER 61. SAFETY REQUIREMENTS FOR ALL-NIGHT FRANCHISES.

11 Sec. 18.61.010. SAFETY REQUIREMENTS FOR ALL-NIGHT FRANCHISES.

12 (a) A franchisee whose industry is defined by the United States  
13 office of management and budget in the 1972 standard industrial clas-  
14 sification code manual as number 5411 (grocery stores) or 5541 (gaso-  
15 line service stations), and who remains open for 24 hours a day, shall

16 (1) equip the workplace with sound alarm equipment that  
17 signals to the peace officer in the jurisdiction within which the  
18 workplace is located that a robbery is taking place; and

19 (2) provide training for each employee, beginning within 30  
20 days after the employee is first hired, in how to minimize the danger  
21 of or prevent a robbery or other violence on the franchised premises.

22 (b) A franchisor that requires a franchisee to remain open 24  
23 hours a day is liable for the cost of complying with (a) if it is a sec-  
24 tion.

25 (c) An employer who violates this section is liable for civil  
26 penalties under AS 18.60.095. In addition, an employer who knowingly  
27 refuses or fails to provide an employee with training required by this  
28 section is liable to the employee who did not receive training for a  
29 civil penalty in the amount of \$100 and for costs and attorneys fees

1 as the court may allow.

2 (d) A franchisee shall maintain the records required by the  
3 department concerning compliance with this section.

4 (e) The department may adopt regulations necessary to implement  
5 this chapter.

6 (f) In this chapter, "department," "employee," and "employer"  
7 have the meanings given in AS 18.60.105(a).

8 \* Sec. 2. Notwithstanding AS 18.61.010, enacted by sec. 1 of this Act,  
9 an employer shall, no later than 90 days after the effective date of this  
10 Act, install the required equipment and begin training of employees hired  
11 before the effective date of this Act or within 60 days after the effective  
12 date of this Act.