

H B

275

HOUSE COMMITTEE REPORT

(7)

Date Referred: April 7, 1989

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: 3/29/90

The LABOR & COMMERCE 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 CS HB 275 (L+C) the same title
- have attached amendment(s) a new title
- 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 Labour fiscal note(s) _____
- zero fiscal note _____ zero fiscal note(s) _____
- zero with analysis _____ zero fn/analysis _____

SIGNING DO PASS:

SIGNING:
 (Check approp. column)

Do Not Pass
No Rec
Amend

<u>David Duley</u>	<u>Collins</u>			
<u>Finkelstein</u>	<u>Leman</u>			X
<u>Bacher</u>				
<u>Greenberg</u>				

David Duley
 Chairman's Signature

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION: CSHB 275 (L&C)
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Labor
Title: "An Act relating to workplace safety for certain franchises." BRU: Labor Standards & Safety
Spousor: Spohnholz Components: _____
Requestor: House Labor & Commerce 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						
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REVENUE						
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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 FY90.

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 Occupational Safety Compliance Officer IA		No. of Positions 1	Range/Step 50B	Barg. Unit LTC
Time Status PPT	Staff Months 6	Location Anchorage		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		
GP Program Receipts	1005			
Other				

Justification

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.

Travel costs would allow the officer to cover all parts of the state.

Contractual, commodity, and equipment costs are average per-employee costs.

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

FY 91

#1 by Gruenberg

Department of Labor
Proposed Amendments to HB 275

1. Amend page 1, line 9 to read:

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

2. Amend page 1, line 10 to read:

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

3. Replace language in lines 25-29 on page 1 and line 1 on page 2 with:

not
(c) A franchisor who violates (a) of this section is subject to a civil penalty not to exceed \$1,000 as determined by the commissioner of labor.

4. Add a new subsection (e) after line 3 on page 2 to read:

(e) The department of labor may adopt regulations necessary to implement the provisions of this chapter.

5. On line 4 of page 2, change the reference to AS 18.60.062 to AS 18.61.010.

6. On line 5 of page 2, change the phrase "an employer" to "a franchisor".

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION: HB 275
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Labor
Title: "An Act relating to workplace
safety for certain franchises." BRU: Labor Standards & Safety
Sponsor: Spohnholz Components: _____
Requestor: House Labor & Commerce Occupational Safety & Health

EXPENDITURES/REVENUES: (Thousands of Dollars)

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PART-TIME	2.0	2.0	2.0	2.0	2.0	2.0
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

see attached

Prepared by: Tom Stuart, Director Phone: 465-2712
Division: Labor Standards & Safety Date: 3/23/90
Approved by Commissioner: Jim Sampson Date: 3/23/90
Agency: Department of Labor

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

Fiscal Note Analysis
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**Request For
New Position**

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

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**Request For
New Position**

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

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 Revised Date

FY 91

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) of this 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. i 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.