

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Mitchell**

H.R.

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7 **HOUSE RESOLUTION**

8 ESTABLISHING AN INDUSTRY AND LABOR COMMISSION TO MAKE
9 RECOMMENDATIONS TO THE ARKANSAS DEPARTMENT OF LABOR
10 CONCERNING SAFETY CODE NO. 11.

11
12 **Subtitle**

13 COMMISSION ON ARKANSAS DEPARTMENT OF LABOR SAFETY CODE NO.
14 11.

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17 WHEREAS, The Arkansas Department of Labor promulgated Safety Code No. 11
18 for construction and maintenance of electrical transmission and distribution
19 facilities on February 25, 1963, over thirty (30) years ago; and

20 WHEREAS, since its promulgation no updating amendment or changes have
21 been made to Safety Code No. 11; and

22 WHEREAS, since the promulgation of Safety Code No. 11, many safety
23 improvements have been made in the areas of (1) new technology, (2) equipment
24 and (3) practices, procedures and methods of operation; and

25 WHEREAS, since the promulgation of Safety Code No. 11, the Federal
26 Occupation of Safety and Health Administration (OSHA) has asserted
27 jurisdiction over the construction and maintenance of electrical transmission
28 and distribution facilities and has promulgated regulations concerning work
29 thereon; and

30 WHEREAS, there has arisen a dispute concerning the interpretation of
31 Safety Code No. 11 which if not resolved may result in litigation against the
32 Arkansas Department of Labor; and

33 WHEREAS, the safety of workers involved in the construction and
34 maintenance of electrical transmission and distribution facilities must be a
35 primary concern of the Arkansas Department of Labor;

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2 NOW THEREFORE,

3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE SEVENTY-NINTH GENERAL
4 ASSEMBLY OF THE STATE OF ARKANSAS:

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6 That, an Industry and Labor Commission is hereby established, the make
7 up of the commission being as follows:

8 1. An invitation to have an industry representative on the commission
9 shall be extended to each of the following electrical utilities: Arkansas
10 Power & Light Company, Southwestern Electric Power Company, Oklahoma Gas and
11 Electric, Arkansas Electric Cooperative Corporation, and a municipal utility
12 selected by the Arkansas Municipal Power Association. Each utility electing
13 to participate on the commission shall designate its industry representative.

14 2. An invitation to have linemen or servicemen representatives on the
15 commission shall be extended to the Arkansas State Electrical Workers
16 Association, which shall designate as commission members journeyman or senior
17 lineman or servicemen in a number equal to the number of participating
18 utilities, and at least three (3) of whom shall be journeymen or senior
19 linemen or servicemen who regularly work on the construction or maintenance of
20 electrical transmission or distribution facilities in the State of Arkansas.

21 3. In return for accepting an offer to serve on the commission, each
22 industry representative must confirm that the representatives_ respective
23 utility will pay all costs and expenses of its industry representative, and
24 each lineman or serviceman representative must confirm that the Arkansas State
25 Electrical Workers Association will pay all costs and expenses of the
26 representative, including the representative_s regular wages.

27 4. The members of the commission shall elect one (1) of the members to
28 chair the commission.

29 That, the commission shall study and determine the following:

30 1. The extent to which current OSHA regulations with regard to the
31 construction of electrical transmission and distribution facilities preempt or
32 conflict with Safety Code No. 11.

33 2. The extent to which pending OSHA regulations concerning the
34 maintenance of electrical transmission and distribution facilities would
35 preempt or conflict with Safety Code No. 11.

1 3. The Safety Codes and/or practices currently in use in the
2 construction or maintenance of electrical transmission and distribution
3 facilities in states surrounding Arkansas.

4 4. The extent to which improved technology or work procedures may have
5 rendered Safety Code No. 11 in any way an obstacle to efficiency with no
6 appreciable increase in safety.

7 5. The extent to which Safety Code No. 11 should remain as written as a
8 valid protection of the safety of workers involved in electrical transmission
9 or distribution facilities.

10 That, the commission shall make a recommendation to the Arkansas
11 Department of Labor with regard to any proposed changes in Safety Code No. 11
12 by July 1, 1993, and the term of the commission shall expire on July 31, 1993.

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