

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

S.R.

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7 **SENATE 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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16 WHEREAS, the Arkansas Department of Labor promulgated Safety Code No. 11
17 for construction and maintenance of electrical transmission and distribution
18 facilities on February 25, 1963, over thirty (30) years ago; and

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

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

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

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

32 WHEREAS, the safety practices of states surrounding Arkansas with regard
33 to the construction and maintenance of electrical transmission and
34 distribution facilities varies significantly from the safety practices on such
35 facilities in the State of Arkansas;

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3 NOW THEREFORE,

4 BE IT RESOLVED BY THE SENATE OF THE SEVENTY-NINTH GENERAL ASSEMBLY OF THE

5 STATE OF ARKANSAS:

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

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

15 2. A journeyman or senior lineman who regularly works on the
16 construction or maintenance of electrical transmission or distribution
17 facilities from each of the electric utilities which accepts the invitation to
18 participate on the commission shall be designated as a member of the
19 commission. If the linemen at the participating utilities are represented by
20 a labor organization, the labor organization may designate the lineman to sit
21 on the commission, otherwise the lineman will be selected by the respective
22 affected labor organizations.

23 3. In return for accepting an offer to serve on the commission, each
24 industry representative must confirm that the representatives_ respective
25 utility will pay all costs and expenses of its industry representative as well
26 as its designated lineman (including the lineman_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 That, the commission shall make a recommendation to the Arkansas
8 Department of Labor with regard to any proposed changes in Safety Code No. 11
9 by July 1, 1993, and the term of the commission shall expire on July 31, 1993;
10 and

11 That, the Arkansas Department of Labor should give due deference to the
12 recommendations of the commission and respond by issuing a new proposed Safety
13 Code No. 11 by October 1, 1993.

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