

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 424

Short Title: OSHA Witness Statements/AB.

(Public)

Sponsors: Representatives Goodwin; Baddour, Bonner, Bowie, Fitch, Grady, Hardaway, Hensley, H. Hunter, Hurley, Insko, Jarrell, Smith, Tolson, Warner, and Wright.

Referred to: Commerce, if favorable, Judiciary II.

March 6, 1997

A BILL TO BE ENTITLED

1 AN ACT CLARIFYING WHEN WITNESS STATEMENTS OBTAINED PURSUANT
2 TO THE ENFORCEMENT OF THE OCCUPATIONAL SAFETY AND HEALTH
3 ACT MAY BE RELEASED.
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5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 95-136(e1) reads as rewritten:

7 "(e1) The In order to encourage witnesses and complainants to speak freely without
8 fear of reprisal to duly authorized agents of the Commissioner carrying out their duties
9 pursuant to this Article, the names of witnesses or complainants, and any information
10 within statements taken from witnesses or complainants during the course of inspections
11 or investigations conducted pursuant to this Article that would name or otherwise identify
12 the witnesses or complainants, shall not be released or ordered to be released to any
13 employer or third party-party by the Review Board or any court, either during the
14 pendency or after final determination of proceedings under this Article, unless their
15 testimony or statements are needed by the Commissioner to enforce the provisions of this
16 Article. A witness or complainant may, however, sign a written release permitting the
17 Commissioner to provide information specified in the release to any persons or entities
18 designated in the release. Nothing in this section shall be construed to prohibit the use of
19 Commissioner from using the name or statement of a witness or complainant in

1 ~~enforcement proceedings or hearings held pursuant to this Article.~~ at hearings to enforce the
2 provisions of this Article. After a witness called by the Commissioner has testified on
3 direct examination at a hearing on the merits, the Review Board or court shall, on motion
4 of the respondent, order the Commissioner to produce any statement of the witness in the
5 possession of the Commissioner that relates to the subject matter of the testimony of the
6 witness. The Commissioner may permit the use of names and statements of witnesses
7 and complainants and information obtained during the course of inspections or
8 investigations conducted pursuant to this Article by public officials in the performance of
9 their public duties."

10 Section 2. This act is effective when it becomes law.