

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 618

Short Title: OSHA Experts.

(Public)

Sponsors: Senators Tally; Plexico, Gulley, and Winner of Mecklenburg.

Referred to: Judiciary I.

March 29, 1993

A BILL TO BE ENTITLED

AN ACT TO DESIGNATE EXPERT WITNESSES WITHIN THE DEPARTMENT
OF LABOR FOR PURPOSES OF THIRD-PARTY LITIGATION.

The General Assembly of North Carolina enacts:

Section 1. Article 16 of Chapter 95 of the General Statutes is amended by adding the following new section to read:

"§ 95-137.1. Expert witnesses.

(a) For purposes of this section the term 'expert witness' means any employee of the Office of Occupational Safety and Health of the Department who has knowledge in a specialized field, who is involved in the enforcement of this Article, or who is a custodian of any records relating to this Article, and shall include but not be limited to the Commissioner and any duly authorized agent of the Commissioner whose duty is to inspect and investigate all factories, plants, establishments, construction sites or other workplaces, or work environments, and who has the authority to issue citations pursuant to this Article.

(b) Should any individual listed in subsection (a) of this section be subpoenaed to testify regarding the production or disclosure of documentary or testimonial evidence, in the individual's official employment capacity, at any proceeding to which the Department is not a party, and in which any individual will be away from the individual's ordinary duties, that individual shall be considered an expert witness.

(c) Any expert witness shall receive compensation on an hourly basis from the party serving the subpoena. The hourly rate of the compensation shall be established by the Commissioner. The compensatory amount shall be paid to the Office of Occupational Safety and Health and credited to the General Fund as nontax revenue.

1 (d) Travel expenses incurred by an expert witness shall be reimbursed pursuant
2 to G.S. 7A-314(b) and shall be paid by the party serving the subpoena to the Office of
3 Occupational Safety and Health and credited to the General Fund as nontax revenues."

4 Sec. 2. This act becomes effective October 1, 1993, and shall apply to all
5 subpoenas issued on or after that date.