

FILED MAR 16 1995

SENATE FILE 383
BY COMMITTEE ON BUSINESS
AND LABOR RELATIONS

(SUCCESSOR TO SSB 274)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the occupational safety and health law by
2 providing for the confidentiality of trade secrets and for
3 state tort claims liability and providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22

S.F. 383

1 Section 1. Section 88.12, Code 1995, is amended to read as
2 follows:

3 88.12 CONFIDENTIALITY OF TRADE SECRETS.

4 Notwithstanding any provisions of this chapter, all
5 information reported to or otherwise obtained by the
6 commissioner, ~~or the commissioner's representative,~~ or a
7 person under contract with the commissioner pursuant to
8 section 88.2, subsection 4, in connection with any inspection
9 or proceeding under this chapter which contains or might
10 reveal a trade secret shall be considered confidential, except
11 that such information may be disclosed to other officers or
12 employees concerned with carrying out this chapter or when
13 relevant to any proceeding under this chapter. In any such
14 proceeding the commissioner, the appeal board, or the court
15 shall issue such orders as may be appropriate to protect the
16 confidentiality of trade secrets.

17 Sec. 2. Notwithstanding section 669.2, subsection 4, a
18 person under contract with the labor commissioner pursuant to
19 section 88.2, subsection 4, for the purposes of the
20 investigation commenced as a result of the explosion at Terra
21 International Inc. in Woodbury county, is considered an
22 "employee of the state" for purposes of chapter 669.

23 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
24 immediate importance, takes effect upon enactment.

25 EXPLANATION

26 This bill provides that information that might reveal a
27 trade secret obtained by a person under contract with the
28 labor commissioner pursuant to section 88.12, subsection 4,
29 shall be deemed to be confidential. The commissioner has
30 authority pursuant to section 88.12, subsection 4, to hire
31 experts, consultants, or organizations to investigate
32 complaints under the occupational safety and health law.

33 The bill also provides that any person under contract with
34 the commissioner for purposes of investigating the explosion
35 at Terra International in Woodbury county is considered a

1 state employee for purposes of the state tort claims Act.

2 The bill takes effect upon enactment.

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

Dearden
Diannetto
Freeman

SSB-274

Business & Labor

Succeeded By

SE/HF 383

SENATE FILE

BY (PROPOSED COMMITTEE ON SMALL
BUSINESS AND LABOR RELATIONS
BILL BY CHAIRPERSON DEARDEN)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the confidentiality of trade secrets
2 concerning the occupational safety and health law and
3 providing for immediate and retroactive applicability.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

1 Section 1. Section 88.12, Code 1995, is amended to read as
2 follows:

3 88.12 CONFIDENTIALITY OF TRADE SECRETS.

4 Notwithstanding any provisions of this chapter, all
5 information reported to or otherwise obtained by the
6 commissioner, ~~or~~ the commissioner's representative, or a
7 person under contract with the commissioner pursuant to
8 section 88.2, subsection 4, in connection with any inspection
9 or proceeding under this chapter which contains or might
10 reveal a trade secret shall be considered confidential, except
11 that such information may be disclosed to other officers or
12 employees concerned with carrying out this chapter or when
13 relevant to any proceeding under this chapter. In any such
14 proceeding the commissioner, the appeal board, or the court
15 shall issue such orders as may be appropriate to protect the
16 confidentiality of trade secrets.

17 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
18 immediate importance, takes effect upon enactment.

19 Sec. 3. RETROACTIVE APPLICABILITY. This Act is
20 retroactively applicable to January 1, 1995, and is applicable
21 on and after that date.

22 EXPLANATION

23 This bill provides that information that might reveal a
24 trade secret obtained by a person under contract with the
25 labor commissioner pursuant to section 88.12, subsection 4,
26 shall be deemed to be confidential. The commissioner has
27 authority pursuant to section 88.12, subsection 4, to hire
28 experts, consultants, or organizations to investigate
29 complaints under the occupational safety and health law.

30 The bill takes effect upon enactment and is retroactively
31 applicable to January 1, 1995.

32
33
34
35