

3-13-97 Do Pass
Referred 4-1-97 Labor & Ind. Rel.

MAR 10 1997

LABOR & INDUSTRIAL RELATIONS

HOUSE FILE **523**
BY WEIGEL

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

A BILL FOR

1 An Act relating to the Iowa occupational safety and health law
2 concerning the imposition of certain civil penalties on
3 certain governmental employers for emergencies.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5

HOUSE FILE 523

H-1253

1 Amend House File 523 as follows:

2 1. Page 1, by striking line 4 and inserting the
3 following: "GOVERNMENTAL EMPLOYERS.

4 a. Notwithstanding any provision of this".

5 2. Page 1, by striking line 8 and inserting the
6 following: "situation.

7 b. For purposes of this subsection:

8 (1) "Eligible".

9 3. Page 1, by inserting after line 14 the
10 following:

11 "(2) "Emergency situation" means the existence of
12 any condition or practice that could reasonably be
13 expected to cause death or serious physical harm
14 before such condition or practice can be abated."

15 4. By renumbering and relettering as necessary.

By WEIGEL of Chickasaw

VEENSTRA of Sioux

FALCK of Fayette

WARNSTADT of Woodbury

SUKUP of Franklin

KREMER of Buchanan

H-1253 FILED MARCH 19, 1997

WE 523

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1 Section 1. Section 88.14, Code 1997, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 13. PENALTIES -- EMERGENCIES -- CERTAIN
4 GOVERNMENTAL EMPLOYERS. Notwithstanding any provision of this
5 chapter to the contrary, a civil penalty shall not be imposed
6 against an eligible governmental employer pursuant to
7 subsection 2 or 3 for violations arising out of an emergency
8 situation. For purposes of this subsection, "eligible
9 governmental employer" means a political subdivision of the
10 state or other governmental entity involved in providing
11 emergency services and includes a city fire department,
12 benefited fire district, township fire department, public
13 safety agency as defined in section 34.1, and an emergency
14 response department as defined in section 89B.3.

15 EXPLANATION

16 This bill provides that no civil penalty for a serious or
17 nonserious violation under OSHA shall be imposed against
18 certain eligible governmental employers for violations arising
19 out of an emergency situation. The bill does not prohibit the
20 imposition of a civil penalty for a willful violation or for a
21 failure to correct. "Eligible government employer" is defined
22 to include a political subdivision of the state, or other
23 governmental entity, involved in providing emergency services
24 and includes fire departments, hazardous material response
25 departments, and other public safety agencies.

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