

(The bill H.R. 1264 and the staff memorandum follow:)

H.R. 1264, 90th Congress, 1st Session, by Mr. Sisk, on January 10, 1967

A BILL To amend title II of the Act of September 19, 1918 (40 Stat. 960), as amended, relating to industrial safety in the District of Columbia

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of title II of the Act approved September 19, 1918 (40 Stat. 960), as amended (sec. 36-432, D.C. Code), is amended (a) by striking in the definition of "Employer" the term "industrial employment"; and (b) by striking in the definition of "Place of employment" the word "industrial".

SEC. 2. Section 3 of title II of such Act of September 19, 1918, as amended (sec. 36-433, D.C. Code), is amended by adding the following sentence: "To promote the safety of persons employed in buildings or other structures, such rules, regulations, and standards may require, without limitation, changes in the permanent or temporary features of such buildings or other structures."

SEC. 3. Section 12 of title II of the Act of September 19, 1918, as amended, is amended by striking out "more than \$300, or by imprisonment of not exceeding ninety days. Prosecution for violation of this title shall be in the name of the District of Columbia on information filed in the municipal court for the District of Columbia" and inserting in lieu thereof the following: "less than \$100 or more than \$1,000, or by imprisonment of not more than ninety days. In any case involving personal injury, no forfeiture of collateral shall be permitted. Prosecutions for violations of this title shall be in the name of the District of Columbia on information filed in the District of Columbia Court of General Sessions."

STAFF MEMORANDUM ON H.R. 1264

PRESENT LAW

Chapter 2 of the Minimum Wage and Industrial Safety Act—approved Sept. 19, 1918, (40 Stat. 960), amended by act approved Oct. 14, 1941 (55 Stat. 738, D.C. Code, Title 36 Sec. 431)—as presently interpreted, authorizes the Minimum Wage and Industrial Safety Board to establish and enforce, rules and regulations governing the safety of employees in industrial employment in the District of Columbia.

The Industrial Safety Board is empowered to establish "reasonable" standards of safety for the protection of life and health of employees, to conduct inspections and investigations, to enforce reasonable standards, and to cite employers for any violations of the provisions of the Act for violation of the rules and regulations. Penalties for violation are a fine of not more than \$300 or imprisonment for not exceeding 90 days.

PURPOSE OF THE LEGISLATION

Prior to 1964, existing laws was interpreted as applying to safety standards in all places of employment in the District of Columbia except in federal or District of Columbia government establishments, the latter being specifically exempt under the Act. Because of a jurisdictional question between the Industrial Safety Board and the District of Columbia Department of Licenses and Inspections in 1964, the Corporation Counsel concluded in an opinion dated Nov. 5, 1964 that the history and intent of the legislation, as well as the terms of the Act limited the application to the places of industrial employment only.

The purpose of the amendments proposed in H.R. 1264 is to make the terms of the Act generally applicable to all places of employment in the District of Columbia, with exception of those of the federal and District governments, and to increase the penalties for violation of the Act to fines of not less than \$100 or more than \$1,000 or by imprisonment for not more than 90 days.

QUESTIONS

1. Is it the intent of the amendment to make the Act applicable to *all* places of employment—

- A. A private home which employs domestic help?
- B. The stenographer in a lawyer's office?