9 surety licensed to do business in Iowa as surety. In lieu of a bond, the
10 operator may deposit cash or government securities with the depart-
11 ment on the same conditions as prescribed by this section for filing of
12 bonds. The amount of the bond or other security required to be filed
13 with an application for registration of a surface mining site, or to in-
14 crease the area of a site previously registered, shall be equal to the esti-
15 mated cost of rehabilitating the site as required under section 83A.17
16 *and section two (2) of this Act.* The estimated cost of rehabilitation
17 of each individual site shall be determined by the department on the
18 basis of relevant factors including, but not limited to, topography of
19 the site, mining methods being employed, depth and composition of
20 overburden, and depth of the mineral deposit being mined. The de-
21 partment may require an applicant for registration or amendment of
22 registration of a site to furnish information necessary to estimate the
23 cost of rehabilitating the site. The penalty of the bond or the amount
24 of cash or securities on deposit may be increased or reduced from time
25 to time in accordance with section 83A.15.

1 SEC. 10. Section eighty-three A point twenty-eight (83A.28), Code
2 1975, is amended to read as follows:
3   **83A.28 Forfeiture of bond.** The attorney general, upon request
4 of the committee, shall institute proceedings for forfeiture of the bond
5 posted by an operator to guarantee rehabilitation of a site where the
6 operator is in violation of any of the provisions of this chapter or any
7 rule adopted by the department pursuant to this chapter. Forfeiture of
8 the operator's bond shall fully satisfy all obligations of the operator to
9 rehabilitate affected land covered by the bond. The department shall
10 have the power to rehabilitate as required by section 83A.17 *and sec-
11 tion two (2) of this Act* any surface mined land with respect to which
12 a bond has been forfeited, using the proceeds of the forfeiture to pay
13 for the necessary rehabilitation work.

   Approved May 15, 1975

CHAPTER 88

OCCUPATIONAL SAFETY AND HEALTH

S. F. 92

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section eighty-eight point five (88.5), subsection four
2 (4), Code 1975, is amended to read as follows:
3   4. Labels, warnings, protective equipment. Any standard promul-
4 gated under this section shall prescribe the use of labels or other appro-
5 priate forms of warning as are necessary to insure that employees are
6 appraised of all hazards to which they are exposed, relevant symptoms
7 and appropriate emergency treatment, and proper conditions and pre-
8 cautions of safe use or exposure. Where appropriate, such standard
9 shall also prescribe suitable protective equipment and control or tech-
10 nological procedures to be used in connection with such hazards and
11 shall provide for monitoring or measuring employee exposure at such

12   locations and intervals, and in such manner as may be necessary for
13   the protection of employees. In addition, where appropriate, any such
14   standard shall prescribe the type and frequency of medical examina-
15   tions or other tests which shall be made available, by the employer or
16   at his cost, to employees exposed to such hazard in order to most effec-
17   tively determine whether the health of such employee is adversely af-
18   fected by such exposure. The results of such examinations or tests *shall*
19   *be furnished to the commissioner, and* if released by the employee,
20   shall be furnished to the employee's physician, *and* the employer's
21   physician, ~~and the commissioner~~.

1   SEC. 2. Section eighty-eight point five (88.5), subsection seven (7),
2   Code 1975, is amended to read as follows:
3   7. Special variance. Where there are conflicts with standards, rules
4   promulgated by any federal agency other than the United States de-
5   partment of labor, special variances from standards, rules promulgated
6   under this chapter ~~shall~~ *may* be granted to avoid such regulatory con-
7   flicts. Such variances shall take into consideration the safety of the em-
8   ployees involved. Notwithstanding any other provision of this chapter,
9   and with respect to this paragraph, any employer seeking relief under
10   this provision must file an application therefor with the commissioner
11   and the commissioner shall forthwith hold a hearing at which employ-
12   ees or other interested persons, including representatives of the federal
13   regulatory agencies involved, may appear and upon the showing that
14   such a conflict indeed exists the commissioner ~~shall~~ *may* issue a special
15   variance until the conflict is resolved.

1   SEC. 3. Section eighty-eight point fourteen (88.14), subsection three
2   (3), Code 1975, is amended to read as follows:
3   3. Nonserious violations. Any employer who has received a cita-
4   tion for a violation of the requirements of section 88.4, of any stan-
5   dard, rule or order promulgated pursuant to section 88.5 or of
6   regulations prescribed pursuant to this chapter and such violation is
7   specifically determined not to be of a serious nature, may be assessed a
8   civil penalty of up to one thousand dollars for each such violation, ~~but~~
9   ~~no penalty shall be assessed for a violation of each such standard, rule~~
10   ~~or regulation found during the first inspection~~.

Approved February 28, 1975

CHAPTER 89
LABOR COMMISSIONER WITNESSES
H. F. 228

AN ACT relating to the payment of witnesses by the labor commissioner.

Be It Enacted by the General Assembly of the State of Iowa:

1   SECTION 1. Section ninety-one point ten (91.10), Code 1975, is
2   amended to read as follows:
3   **91.10 Power to secure evidence.** The labor commissioner and
4   his deputy shall have the power to issue subpoenas, administer oaths,
5   and take testimony in all matters relating to the duties required of
6   them, ~~said testimony to be taken in some suitable place in the vicinity~~
7   ~~to which testimony is applicable~~. No witness shall be compelled by