

Sec. 6. Section one hundred four point three (104.3), subsection one (1), paragraph k, Code 1977, is amended to read as follows:

k. The amount of fees charged and collected for inspection, permits, and licenses. Fees shall be set at an amount sufficient to cover costs as determined from consideration of the reasonable time required to conduct an inspection, reasonable hourly wages paid to inspectors, and reasonable transportation and similar expenses.

Sec. 7. The provisions of sections two (2) through six (6) of this Act are effective July 1, 1978.

Sec. 8. This Act shall take effect and be in force from and after its publication in the Ankeny Press-Citizen, a newspaper published in Ankeny, Iowa, and in The Cedar Valley Daily Times, a newspaper published in Vinton, Iowa.

Approved May 15, 1978

I hereby certify that the foregoing Act, Senate File 2233, was published in the Ankeny Press-Citizen, Ankeny, Iowa on May 25, 1978, and in The Cedar Valley Daily Times, Vinton, Iowa on May 23, 1978

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1055

BOILER INSPECTION

H. F. 2069

AN ACT relating to the inspection of boilers and similar vessels by the bureau of labor.

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

Section 1. Section eighty-nine point one (89.1), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

89.1 AUTHORITY. The labor commissioner shall enforce the provisions of this chapter and may employ qualified personnel under the provisions of chapter nineteen A (19A) of the Code to administer the provisions of this chapter.

The provisions of this chapter shall apply to all boilers and unfired steam pressure vessels in this state, except as otherwise provided in this chapter.

Sec. 2. Chapter eighty-nine (89), Code 1977, is amended by adding the following new section after section eighty-nine

point one (89.1) of the Code:

NEW SECTION. DEFINITIONS. For the purpose of this chapter unless the context otherwise requires:

1. "Commissioner" means the labor commissioner or his or her designee.
2. "Special inspector" means an inspector who holds a commission from the commissioner of labor and who is not a state employee.
3. "Place of public assembly" means any building or portion of a building designed, intended, and used for occupation by persons for purposes of entertainment, instruction, or amusement and shall include theaters, motion picture theaters, hospitals, places of worship, schools, colleges, and institutions of health and custodial care.
4. "Boiler" means a vessel in which water or other liquids are heated, steam or other vapors are generated, steam or other vapors are superheated, or any combination thereof, under pressure or vacuum by the direct application of heat.
5. "Steam heating boiler" means a boiler operating at not more than fifteen pounds per square inch; or a hot water heating boiler operating at not more than one hundred sixty pounds per square inch and not more than two hundred fifty degrees Fahrenheit at the boiler outlet.
6. "Unfired steam pressure vessel" means a vessel or container used for the containment of steam pressure either internal or external in which the pressure is obtained from an external source.
7. "Power boiler" means a boiler in which steam or other vapor is generated at a pressure of more than fifteen pounds per square inch or a water boiler intended for operation at pressures in excess of one hundred sixty pounds per square inch or temperatures in excess of two hundred fifty degrees Fahrenheit.

Sec. 3. Section eighty-nine point two (89.2), Code 1977, is amended to read as follows:

89.2 INSPECTION MADE--CERTIFICATE.

1. It shall be the duty of the ~~state-boiler-inspector commissioner~~, to inspect or cause to be inspected internally and externally, at least once every twelve months, except as otherwise provided in this section, in order to determine whether all such equipment is in a safe and satisfactory condition, and properly constructed and maintained for the purpose for which ~~the-same~~ it is used, all ~~steam boilers, tanks,~~

~~jacket-kettles, generators, all steam boilers used for heating purposes carrying a pressure of not more than fifteen pounds per square inch gauge and located in places of public assembly, all hot water heating boilers carrying a pressure of not more than thirty pounds per square inch gauge~~ and unfired steam pressure vessels operating in excess of fifteen pounds per square inch, all low pressure heating boilers and unfired steam pressure vessels located in places of public assembly and other appurtenances used in this state for generating or transmitting steam for power, or for using steam under pressure for heating or steaming purposes, ~~in order to determine whether said equipment is in a safe and satisfactory condition, and properly constructed and maintained for the purpose for which the same is used.~~

2. The ~~labor~~ commissioner and the boiler inspectors shall have the right and power to may enter any building or structure, public or private, for the purpose of inspecting any equipment covered by this chapter or gathering information with reference thereto.

3. Upon making an inspection of any equipment covered by this chapter, the ~~inspector~~ commissioner shall give issue to the owner or user thereof a certificate of inspection, ~~upon forms prescribed by the labor commissioner,~~ which certificate shall be posted ~~in~~ at a place near the location of ~~said the~~ equipment.

4. The owner or user of any equipment covered in this chapter, or persons in charge of same, shall not allow or permit a greater pressure in any unit than is stated in the certificate of inspection issued by the ~~inspector~~ commissioner.

5. The ~~boiler inspector is hereby empowered to~~ commissioner may inspect boilers and tanks and other equipment stamped with the American* society of* mechanical* engineers code symbol for other than steam pressure, manufactured in Iowa, when requested by the manufacturer.

6. Each ~~fired steam~~ boiler of one hundred thousand pounds per hour or more capacity, used or proposed to be used within this state, which has internal continuous water treatment under the direct supervision of a graduate engineer or chemist, or one having equivalent experience in the treatment of boiler water where the ~~said~~ water treatment is for the purpose of controlling and limiting serious corrosion and other deteriorating factors, and with respect to which boiler the ~~state boiler inspector~~ commissioner has determined that the owner or user has complied with the record keeping requirements

*According to enrolled Act

hereafter prescribed, shall be inspected at least once every two years internally and externally while not under pressure, and at least once every two years externally while under pressure by the state boiler inspector or by one of the deputy inspectors as to its construction, installation, condition and operation. ~~if-at~~ At any time a hydrostatic test shall be deemed necessary to determine the safety of a boiler, ~~the same shall be made, under the supervision of the inspector,~~ tests shall be conducted by the owner or user ~~thereof~~ of the equipment under the supervision of the commissioner.

~~Not more than twenty-four months shall elapse between internal inspections, and external inspections while under pressure shall also be made at no greater intervals.~~

7. The owner or user of such a boiler of one hundred thousand pounds per hour or more capacity desiring to qualify for biennial inspection shall keep available for examination by the ~~state boiler inspector or by any of the deputy inspectors~~ commissioner accurate records showing the date and actual time ~~such~~ the boiler is out of service and the reason or reasons therefor, and ~~such~~ the chemical physical laboratory analysis of samples of the boiler water taken at regular intervals of not more than forty-eight hours of operation as will adequately show the condition of ~~such~~ the water and any elements or characteristics thereof which are capable of producing corrosion or other deterioration of the boiler or its parts.

8. Internal inspections of sectional cast iron steam and cast iron hot water heating boilers shall be conducted only as deemed necessary by the commissioner. External operating inspections shall be conducted annually.

9. Internal inspections of steel hot water boilers shall be conducted once every six years. The initial inspection of all affected boilers shall be apportioned by the commissioner over the six-year period after the effective date of this Act. External operating inspections shall be conducted annually.

10. All power boilers that are converted to low pressure boilers shall have a fifteen pound safety valve installed and be approved by the commissioner no later than thirty days after the expiration date of the certificate for the boiler.

Sec. 4. Section eighty-nine point three (89.3), Code 1977, is amended to read as follows:

89.3 BOILERS EXEMPT.

1. The provisions of this chapter shall not apply to boilers the following boilers:

a. Boilers of railway locomotives subject to federal inspection, boilers.

b. Boilers operated and regularly inspected by railway companies operating in interstate commerce, boilers.

c. Boilers under the jurisdiction and subject to inspection by the United States government, boilers.

d. Steam heating boilers and unfired steam pressure vessels associated therewith and mobile power boilers used exclusively for agricultural purposes, heating.

e. Heating boilers in residences, buildings, except buildings of public assembly as defined in section 89.12 and apartment houses using a pressure of less than fifteen pounds per square inch or having a safety valve set at not higher than fifteen pounds pressure per square inch, and fire.

f. Fire engine boilers brought into the state for temporary use in times of emergency.

g. Low pressure heating boilers used in buildings other than those for public assembly.

All high-pressure boilers that are converted to low-pressure boilers shall have a fifteen-pound safety valve installed and be approved by a commissioned inspector from the bureau of labor not later than thirty days after the expiration date of the certificate for said boiler.

2. Unfired steam pressure vessels not exceeding the following limitations are not required to be reported to the bureau of labor commissioner and shall be exempt from regular inspection under provisions of this chapter:

4 a. A vessel not greater than five cubic feet in volume and not having a pressure greater than two hundred fifty pounds per square inch.

2 b. A vessel not greater than one and one-half cubic feet in volume with no limit on pressure.

3. Internal inspection inspections shall not be required on unfired steam pressure vessels where they have been manufactured without inspection plate and where it would be necessary for them to be drilled in order to be inspected as required in section 89.27--The above-mentioned unfired pressure vessels must be reported to the bureau of labor and certified by the inspector that in his judgment they are safe and in satisfactory condition for the purpose for which they are used. The existence of such unfired pressure vessels shall

be reported to the commissioner, and certified by the commissioner that the unfired pressure vessel is in a satisfactory condition for the purpose for which it is used.

Sec. 5. Section eighty-nine point four (89.4), Code 1977, is amended to read as follows:

89.4 RULES--RECORDS.

1. The commissioner ~~of-labor-is-hereby-authorized-and empowered-to~~ may prescribe rules ~~within~~ under the provisions of ~~this~~ chapter seventeen A (17A) of the Code, for the purpose of carrying ~~the-same-into-effect~~ out the provisions of this chapter, including rules for the methods of testing equipment and construction and installation of new equipment covered by this chapter, and ~~said~~ the rules shall, as nearly as possible, conform to the rules formulated by the boiler code committee of the American society of mechanical engineers ~~and-known-as-the-American-society-of-mechanical-engineers boiler-code-of-1937-as-amended~~.

2. The ~~state-boiler-inspector~~ commissioner shall investigate and ~~report-to-the-commissioner~~ record the cause of any boiler explosion that may occur in the state, the loss of life, injuries sustained, and estimated loss of property, if any; and such other data as may be of benefit in preventing a recurrence of similar explosions.

3. He The commissioner shall keep ~~in-the-office-of-the commissioner~~ a complete and accurate record of the name of the owner or user of each steam boiler or other equipment subject to this chapter, giving a full description of ~~said~~ the equipment, including the type, dimensions, age, condition, the amount of pressure allowed, and the date when last inspected.

Sec. 6. Section eighty-nine point five (89.5), Code 1977, is amended to read as follows:

89.5 NEW BOILERS--NOTICE TO COMMISSIONER. Before any equipment included under the provisions of this chapter is installed by any owner, user or lessee thereof, a ten days' written notice of intention to install ~~same~~ the equipment shall be given to the commissioner ~~of-labor~~. The notice shall designate the proposed place of installation, the type and capacity of ~~such~~ the equipment, the use to be made thereof, the name of company which manufactured ~~same~~ the equipment, and whether ~~said~~ the equipment is new or used.

Sec. 7. Section eighty-nine point six (89.6), Code 1977, is amended to read as follows:

89.6 INSURED BOILERS--CERTIFICATE OF INSPECTION.

1. The inspection required by this chapter shall not be made by the ~~state-boiler-inspector~~ commissioner where any owner or user of any equipment specified by this chapter obtains an inspection by a representative of a reputable insurance company and obtains a policy of insurance ~~from-said company~~ upon ~~said the~~ equipment from that insurance company. The representative conducting the inspection shall be commissioned by the commissioner as a special inspector for the year during which the inspection occurs and shall meet such other requirements as the commissioner may by rule establish. The commission shall be valid for one year and the special inspector shall pay a ten dollar fee for the issuance of the commission.

2. The insurance company shall file a certificate of inspection on forms approved by the commissioner ~~of-labor~~ stating that ~~such the~~ equipment is insured and that inspection shall be made in accordance with section 89.2. Upon-such showing-and-the-payment-of-a-fee-of-five-dollars-the commissioner-of-labor-shall-issue-a-certificate-of-inspection by-the-bureau-of-labor-which-shall-be-valid-only-for-the period-specified-in-section-89-2-

3. Upon such showing and the payment of a fee of five dollars for each one-year inspection and ten dollars for each two-year inspection, the commissioner ~~of-labor~~ shall issue a certificate of inspection by the bureau of labor, which shall be valid only for the period specified in section 89.2.

4. The ~~state-boiler~~ special inspector shall notify the user and the commissioner of any equipment or appurtenance found to be unsafe or unfit for operation in writing, setting forth the nature and extent of such defects and condition. ~~Said-notice~~ The commissioner shall indicate to the user whether or not said the equipment shall may be used without making repair or replacement of defective parts, or whether or how said the equipment may be used in a limited capacity before repairs or replacements are made, and the state-boiler inspector commissioner may permit the user a reasonable time to make such repairs or replacements.

Sec. 8. Section eighty-nine point seven (89.7), subsections five (5), six (6), and seven (7), Code 1977, are amended to read as follows:

5. Steam stills, tanks, jacket kettles, sterilizers and all other reservoirs fired or unfired having a working pressure in excess of fifteen pounds per square inch, shall be charged

for ~~the-first-piece-of-equipment~~*as follows: Fifteen pounds to seventy pounds per square inch, ten dollars; seventy-one pounds to one hundred fifty pounds per square inch, twelve dollars; one hundred fifty-one pounds to four hundred fifty pounds per square inch, fourteen dollars. Additional equipment shall be charged for at the same rate as boilers.

6. If at any time the owner, user or agent of the owner of a steam boiler or equipment within the state shall ~~desire a-special~~ request an inspection of any boiler or equipment, it shall be made by the ~~boiler-inspection-department commissioner~~ after due a request therefor, and the ~~inspector making-the-inspection~~ commissioner shall collect a fee of twenty dollars for each boiler, together with ~~his~~ the expenses in connection therewith.

7. Inspections and code qualification surveys made by the commissioner at the request of a boiler or tank manufacturer ~~by-the-chief-inspector-or-any-deputy-inspector~~, shall be charged for at ~~the a~~ rate set by the commissioner not to exceed the rate currently charged by the various insurance companies for performing a similar service. This charge shall not void the regular fee for inspection or ~~cer-~~ tificate certification when the boiler or tank is installed.

Sec. 9. Section eighty-nine point eight (89.8), Code 1977, is amended to read as follows:

89.8 DISPOSAL OF FEES. All fees provided for in this chapter shall be collected by the commissioner ~~of-labor~~ and remitted to the ~~state~~ treasurer of state, together with an itemized statement showing the source of collection.

Sec. 10. Section eighty-nine point eleven (89.11), Code 1977, is amended to read as follows:

89.11 HEARING--NOTICE--DECREE. The commissioner shall notify in writing the owner or user of ~~said the~~ said the equipment of the time and place of hearing of ~~said the~~ said the petition as fixed by the court or judge, and shall serve ~~said the~~ said the notice on the defendant at least five days prior to ~~said the~~ said the hearing in the same manner as original notices are served. The general provisions relating to civil practice and procedure as may be applicable, shall govern the proceedings, except as herein modified. In the event the defendant does not appear or plead to ~~said the~~ said the action, default shall be entered against the defendant. The action shall be tried in equity, and the court or judge shall make such order or decree as the evidence warrants.

*See ch 1054, §3

Sec. 11. Section eighty-nine point twelve (89.12), Code 1977, is repealed.

Approved March 17, 1978

CHAPTER 1056

ENERGY RESOURCES DEVELOPMENT

S. F. 2209

AN ACT relating to energy resources by encouraging the development and use of solar energy and by providing property tax exemptions for coal held in inventory, solar energy systems, methane gas production systems.

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

Section 1. Chapter ninety-three (93), Code 1977, is amended by adding sections two (2) through eleven (11) of this Act.

Sec. 2. NEW SECTION. LEGISLATIVE FINDINGS. The general assembly finds that:

1. The public health, safety, and welfare of the people of the state of Iowa require that an adequate supply of energy be made available to them at all times.
2. Nonrenewable energy sources are becoming more limited.
3. State government has an obligation to encourage the use of alternative renewable energy sources.
4. Solar energy systems are an effective means of reducing the dependence of the state government and the people of the state on imported energy sources and of conserving valuable fossil fuel and other nonrenewable energy sources.
5. It is in the public interest to define solar energy systems, demonstrate and study solar energy applications, apply incentives for using solar energy including property tax exemptions, educate the public on solar technology and coordinate governmental programs affecting solar energy.

Sec. 3. NEW SECTION. DEFINITIONS. As used in this Act, unless the context otherwise requires:

1. "Conventional energy system" means an energy system using fossil fuel, nuclear or hydroelectric energy and the components of the system, including transmission lines, burners, furnaces, tanks, boilers, related controls, distribution systems, room or area units and other components.
2. "Joint solar energy system" means a solar energy system involving at least two owners or users that supplies energy