

CHAPTER 38**ASBESTOS PROJECT REGULATIONS***S.F. 435*

AN ACT relating to state licensing of asbestos professionals who perform work in schools.

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

Section 1. Section 88B.1, subsections 4 and 6, Code 1989, are amended to read as follows:

4. "Certificate License" means an authorization issued by the division permitting an individual person, including a supervisor or contractor, to work on an asbestos project, to inspect buildings for asbestos-containing building materials, to develop management plans, and to act as an asbestos project designer.

6. "License Permit" means an authorization issued by the division permitting a business entity to remove or encapsulate asbestos.

Sec. 2. Section 88B.2, Code 1989, is amended to read as follows:

88B.2 LICENSE PERMIT REQUIRED – EXCEPTIONS.

Except as otherwise provided in this chapter, a business entity shall not engage in the removal or encapsulation of asbestos unless the entity holds a license permit for that purpose. This chapter does not apply to a business entity, other than a school, which uses its own employees in removing or encapsulating asbestos for the purpose of renovating, maintaining or repairing its own facilities, except that a business entity exempted from this chapter which assigns an employee to remove or encapsulate asbestos shall provide training on the health and safety aspects of the removal or encapsulation including the federal and state standards applicable to the asbestos project. The training program shall be available for review and approval upon inspection by the division.

Sec. 3. Section 88B.4, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

88B.4 QUALIFICATION FOR PERMIT.

To qualify for a permit, a business entity shall submit an application to the division in the form required by the division and shall pay the fee prescribed by the division.

Sec. 4. Section 88B.5, subsection 2, Code 1989, is amended by striking the subsection and inserting in lieu thereof the following:

2. The application shall include information prescribed by rules adopted by the commissioner.

Sec. 5. Section 88B.6, Code 1989, is amended to read as follows:

88B.6 TERM AND RENEWAL.

1. A license permit expires on the first anniversary of its effective date, unless it is renewed for a one-year term as provided in this section.

2. At least one month before the license permit expires, the division shall send to the licensee permittee, at the last known address of the licensee permittee, a renewal notice that states:

a. The date on which the current license permit expires.

b. The date by which the renewal application must be received by the division for the renewal to be issued and mailed before the license permit expires.

c. The amount of the renewal fee.

3. Before the license permit expires, the licensee permittee periodically may renew it for an additional one-year term, if the business entity:

a. Otherwise is entitled to be licensed a permit.

b. Submits a renewal application to the division in the form required by the division.

c. Pays the renewal fee prescribed by the division.

Sec. 6. Section 88B.7, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

88B.7 RECORDS REQUIRED.

The permittee shall keep a record of each asbestos project it performs and shall make the record available to the division or department of education at any reasonable time. Records shall contain information and be kept for a time prescribed by the division in rules adopted by the division.

Sec. 7. Section 88B.8, Code 1989, is amended to read as follows:

88B.8 REPRIMANDS, SUSPENSIONS AND REVOCATIONS.

1. The division may reprimand a permittee or licensee or suspend or revoke a permit or license, in accordance with chapter 17A, if the permittee or licensee:

1 a. Fraudulently or deceptively obtains or attempts to obtain a permit or license.

2 b. Fails at any time to meet the qualifications for a permit or license or to comply with a rule adopted by the commissioner under this chapter.

3 c. Fails to meet any applicable federal or state standard for removal or encapsulation of asbestos.

4 d. Employs or permits an ~~uncertified~~ unlicensed person to work on an asbestos project.

2. The department of education may reprimand a training institution or suspend or revoke a training institution authorization in accordance with chapter 17A, if the training institution:

a. Fraudulently or deceptively obtains or attempts to obtain a training authorization.

b. Fails at any time to meet the qualifications for authorization or to comply with a rule adopted by the director of the department of education under this chapter.

c. Fails to meet any applicable federal or state standard for training.

Sec. 8. Section 88B.9, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The division shall not approve any waivers on work conducted at a school unless the request is accompanied by a recommendation from an asbestos project designer.

Sec. 9. Section 88B.10, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

88B.10 LICENSING OF ASBESTOS WORKERS.

1. An individual person is not eligible to be a contractor or supervisor, or to work on an asbestos project unless the person holds a license issued by the division.

2. An individual person is not eligible to be an inspector for asbestos-containing building material in a school unless the person holds a license issued by the division.

3. An individual person is not eligible to be an asbestos management planner for a school unless the person holds a license issued by the division.

4. An individual person is not eligible to be an asbestos project designer for a school unless the person holds a license issued by the division.

5. To qualify for a license, the applicant must have successfully completed training as established by the department of education, paid a fee, and met other requirements as specified by the division by rule.

6. To qualify for a license as an asbestos abatement worker, supervisor, or contractor, the applicant must have been examined by a physician within the preceding year and declared by the physician to be physically capable of working while wearing a respirator.

7. A license is valid for one year and may be renewed by providing information as required in subsections 5 and 6.

8. The division may suspend or revoke a license, in accordance with chapter 17A, for failure of the licensee to comply with applicable rules.

Sec. 10. NEW SECTION. 88B.13 APPROVAL OF TRAINING COURSES.

The department of education shall approve training courses and shall adopt rules pursuant to chapter 17A on the qualifications for training courses, fees to be charged for approval of

training courses by the department of education, and testing of applicants to verify successful completion of training courses.

Approved April 20, 1989

CHAPTER 39
CITY AND COUNTY AMENDMENTS
S.F. 500

AN ACT relating to the powers and duties of certain local governmental bodies, by providing for the use of ordinances in certain instances, by changing procedures for certain city elections, by requiring written veto messages, by changing filing procedures for a special assessment, and by specifying the duties of city finance offices.

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

Section 1. Section 103A.10, subsection 2, paragraph b, Code 1989, is amended to read as follows:

b. In each governmental subdivision where the governing body has ~~adopted a resolution enacted an ordinance~~ accepting the application of the code.

Sec. 2. Section 103A.12, unnumbered paragraphs 1 and 2, Code 1989, are amended to read as follows:

The state building code ~~shall be~~ is applicable in each governmental subdivision of the state in which the governing body has ~~adopted or enacted a resolution or an ordinance~~ accepting the applicability of the code and ~~shall have~~ has filed a certified copy of the ~~resolution or ordinance~~ in the office of the commissioner and in the office of the secretary of state. The state building code ~~shall become~~ becomes effective in the governmental subdivision upon the date fixed by the governmental ~~subdivision resolution or ordinance~~, if the date is not more than six months after the date of adoption of the ~~resolution or ordinance~~.

A governmental subdivision in which the state building code is applicable may by ~~resolution or ordinance~~, at any time after one year has elapsed since the code became applicable, withdraw from the application of the code, if before the ~~resolution or ordinance~~ is voted upon, the local governing body holds a public hearing after giving not less than four nor more than twenty days' public notice, together with written notice to the commissioner of the time, place, and purpose of the hearing. A certified copy of the vote of the local governing body shall be transmitted within ten days after the vote is taken to the commissioner and to the secretary of state for filing. The ~~resolution or ordinance shall become~~ becomes effective at a time to be specified in it, which ~~shall must~~ be not less than one hundred eighty days after the date of adoption. Upon the effective date of the ~~resolution or ordinance~~, the state building code ~~shall cease~~ ceases to apply to the governmental subdivision except that construction of ~~any~~ a building or structure pursuant to a permit previously issued ~~shall is~~ not be affected by the withdrawal.

Sec. 3. NEW SECTION. 103A.25 PRIOR RESOLUTIONS.

A resolution accepting the state building code, which was adopted before the effective date of this Act, is an ordinance for the purpose of this chapter.

Sec. 4. Section 327G.32, unnumbered paragraph 3, Code 1989, is amended to read as follows:

~~This~~ Other portions of this section notwithstanding, a political subdivision may pass a ~~resolution or an ordinance~~ regulating the length of time a specific crossing may be blocked if the political subdivision demonstrates that a ~~resolution or an ordinance~~ is necessary for public