

CHAPTER 1015**EMPLOYMENT PRACTICES AND OCCUPATIONAL SAFETY AND HEALTH REGULATION***S.F. 2181*

AN ACT relating to employment practices and public safety programs administered by the division of labor services of the department of workforce development.

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

Section 1. Section 88.5, subsection 1, Code 2009, is amended by striking the subsection and inserting in lieu thereof the following:

1. *Promulgation of rules.* The commissioner shall, by rule, promulgate standards as needed to conform state occupational safety and health standards to federal occupational safety and health standards. The commissioner shall follow the rulemaking procedures of chapter 17A, and shall file a notice of intended action within ninety days of federal publication of a new, amended, or revoked federal standard.

Sec. 2. Section 88.19, Code 2009, is amended to read as follows:

88.19 Annual report.

Within one hundred twenty days following the convening of each session of each general assembly, the commissioner shall prepare and submit to the governor for transmittal to the general assembly a report upon the subject matter of this chapter, the progress toward achievement of the purpose of this chapter, the needs and requirements in the field of occupational safety and health, and any other relevant information. Such reports may include information regarding occupational safety and health standards, and criteria for such standards, developed during the preceding year; evaluation of standards and criteria previously developed under this chapter, defining areas of emphasis for new criteria and standards; and evaluation of the degree of observance of applicable occupational safety and health standards, and a summary of inspection and enforcement activity undertaken, ~~including remedial actions taken under chapter 89A~~; analysis and evaluation of research activities for which results have been obtained under governmental and nongovernmental sponsorship; an analysis of major occupational diseases; evaluation of available control and measurement technology for hazards for which standards or criteria have been developed during the preceding year; description of cooperative efforts undertaken between government agencies and other interested parties in the implementation of this chapter during the preceding year; a progress report on the development of an adequate supply of trained personnel in the field of occupational safety and health, including estimates of future needs and the efforts being made by government and others to meet those needs; listing of all toxic substances in industrial usage for which labeling requirements, criteria, or standards have not yet been established; and such recommendations for additional legislation as are deemed necessary to protect the safety and health of the worker and improve the administration of this chapter.

Sec. 3. Section 89.3, subsection 9, Code Supplement 2009, is amended by striking the subsection and inserting in lieu thereof the following:

9. An internal inspection shall not be required on an unfired steam pressure vessel that was manufactured without an inspection opening.

Sec. 4. Section 89.4, subsection 3, Code 2009, is amended by striking the subsection.

Sec. 5. Section 89.6, Code 2009, is amended to read as follows:

89.6 New boilers — ~~notice~~ Notice to commissioner.

1. 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 the equipment shall be given to the commissioner. The notice shall designate the proposed place of installation, the type and capacity of the equipment, the use to be made thereof, the name of the company which manufactured the equipment, and whether the equipment is new or used.

2. Before any power boiler is converted to a low pressure boiler, the owner or user shall give ten days' written notice of intent to convert the boiler to the commissioner. The notice shall designate the boiler location, the uses of the building, and other information specified by rule by the board.

Sec. 6. Section 89.14, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 9. The board may adopt rules governing the conversion of power boilers to low pressure boilers.

Sec. 7. Section 91.4, subsection 5, Code 2009, is amended to read as follows:

5. The director of the department of workforce development, in consultation with the labor commissioner, shall, at the time provided by law, make an annual report to the governor setting forth in appropriate form the business and expense of the division of labor services for the preceding year, the number of remedial actions taken under chapter 89A, the number of disputes or violations processed by the division and the disposition of the disputes or violations, and other matters pertaining to the division which are of public interest, together with recommendations for change or amendment of the laws in this chapter and chapters 88, 88A, 88B, 89, 89A, 89B, 90A, 91A, 91C, 91D, 91E, 92, and 94A, and section 85.68, and the recommendations, if any, shall be transmitted by the governor to the first general assembly in session after the report is filed.

Sec. 8. Section 92.12, Code 2009, is amended to read as follows:

92.12 Migrant labor permits.

1. Every person, firm, or corporation employing migrant laborers shall obtain and keep on file, accessible to any officer charged with the enforcement of this chapter, a ~~special~~ work permit, prior to the employment of such migratory laborer.

2. ~~Special work~~ Work permits for migrant workers shall be issued by the superintendent of schools, or the superintendent's designee, nearest the temporary living quarters of the family, ~~or by the county director of social welfare or by the department of workforce development,~~ upon application of the parent or head of the migrant family. The person authorized to issue such permits for migratory workers shall not issue such permit until the person has received, examined, and approved ~~one of the following as evidence of age: a birth certificate, passport, baptism certificate, or school record~~ documentation of proof of age as described in section 92.11. ~~Applicants under fourteen years of age must obtain a certificate from a registered nurse or physician stating that the applicant for the work permit has reached the normal development of a child of the applicant's age and is in sufficiently sound health and physically able to perform the work for which the permit is sought.~~

3. One copy of the permit issued shall be given to the employer to be kept on file for the length of employment and upon termination of employment shall be returned to the labor commissioner. One copy of the permit shall be kept by the issuing officer, and one copy forwarded to the commissioner, ~~along with the certificate of fitness of the persons under fourteen years of age.~~ The blank forms for the work permit for migratory workers shall be formulated by the commissioner and furnished by the commissioner to the issuing officer.

Approved March 2, 2010