

Labor 2/19 L. Passed 2/20/85 (of 487)
Senate 2/19

FILED FEB 13 1985

SENATE FILE 247

BY COMMITTEE ON LABOR
AND INDUSTRIAL RELATIONS

Formerly SSB 64
Approved 2/13 (of 373)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the authority, procedures and standards
2 for the issuance of search warrants to the bureau of
3 labor.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 247

1 Section 1. Section 91.10, Code 1985, is amended to read as
2 follows:

3 91.10 POWER TO SECURE EVIDENCE.

4 1. The labor commissioner and the commissioner's deputy
5 may issue subpoenas, administer oaths, and take testimony in
6 all matters relating to the duties required of them.
7 Witnesses subpoenaed and testifying before the commissioner or
8 the commissioner's deputy shall be paid the same fees as
9 witnesses under section 622.69, payment to be made out of the
10 funds appropriated to the bureau of labor.

11 2. The labor commissioner or commissioner's deputy may
12 conduct inspections where the right to inspect is provided by
13 the laws administered by the bureau of labor or conduct
14 investigations of complaints received by the bureau of labor
15 with respect to such laws.

16 While conducting such authorized investigation, the bureau
17 of labor may enter at any reasonable time in and upon any
18 private or public property to investigate any actual or
19 possible violation of laws or rules administered by the labor
20 commissioner.

21 a. If the owner, occupant or person in charge of property
22 refuses admittance to conduct an inspection, or if prior to
23 refusal the labor commissioner or deputy demonstrates the
24 necessity for a warrant, the labor commissioner or deputy may
25 make application under oath or affirmation to the district
26 court of the county in which the property is located for the
27 issuance of a search warrant.

28 b. In the application the labor commissioner or deputy
29 shall state that an inspection of the property is mandated by
30 the laws or rules of this state or that a search of certain
31 premises, areas, or things designated in the application may
32 result in evidence tending to reveal the existence of
33 violations of health or safety requirements imposed by laws or
34 rules of this state. The application shall describe the
35 reason for the inspection, the name and location or address of

1 the property, the date of the last inspection if known,
2 declare the need for inspection, declare the date of denial of
3 admission if denial has occurred, and state that the
4 inspection has no purpose other than to carry out the law or
5 rule pursuant to which inspection is to be made.

6 c. If the court is satisfied from the examination of the
7 applicant, and of witnesses or affidavits, if any, and of the
8 allegations of the application, of the existence of the
9 grounds of the application, or that there is probable cause to
10 believe their existence, the court may issue a search warrant.

11 d. Application for a search warrant may be made without
12 notice to the owner, occupant, employer or other person in
13 charge.

14 e. The bureau of labor must execute the warrant within
15 thirty days after its date.

16 Sec. 2. This Act, being deemed of immediate importance,
17 takes effect from and after its publication in The Sioux City
18 Journal, a newspaper published in Sioux City, Iowa, and in The
19 New Iowa Bystander, a newspaper published in Des Moines, Iowa.

20 EXPLANATION

21 The bureau of labor regularly conducts inspections under
22 laws administered by the agency.

23 On January 16, 1985, the Supreme Court in Commissioner of
24 Labor, Allen J. Meier vs. Honorable Paul J. Sulhoff,
25 241/831247, indicated that for the court to issue search
26 warrants in aid of administrative inspections, the agency
27 requires specific legislative authorization. Section 1 of
28 this bill provides warrant authority and prescribes the
29 procedures and standards for the issuance of a search warrant.
30 Section 2 of this bill provides that the Act will be effective
31 from and after its publication.

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SF 247*

*SSB 64
Labor & Ind. Relations*

SENATE FILE 247

BY (PROPOSED COMMITTEE ON LABOR BILL)

SSB 64

LABOR & INDUSTRIAL RELATIONS: Deluhery, Chair; Hultman and Welsh

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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10 funds appropriated to the bureau of labor.

11 2. The labor commissioner or commissioner's deputy may
12 conduct inspections with respect to the laws administered by
13 the bureau of labor or conduct investigations of complaints
14 received by the bureau of labor with respect to such laws, as
15 the commissioner deems necessary.

16 While conducting an investigation, the bureau of labor may
17 enter at any reasonable time in and upon any private or public
18 property to investigate any actual or possible violation of
19 laws or rules administered by the labor commissioner.

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