

Senate Study Bill 196

Conference Committee Text

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1 1 Section 1. Section [88B.1](#), Code 1995, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 7. "Public and commercial building" means
1 4 a building which is not a school building, except that the
1 5 term does not include a residential apartment building of
1 6 fewer than ten units.

1 7 Sec. 2. Section [88B.2](#), Code 1995, is amended to read as
1 8 follows:

1 9 88B.2 PERMIT REQUIRED – APPLICATION, QUALIFICATIONS, AND
1 10 EXCEPTIONS.

1 11 1. To qualify for a permit, a business entity shall submit
1 12 an application to the division in the form required by the
1 13 division and pay the prescribed fee.

1 14 2. Except as otherwise provided in this

~~chapter~~

~~section, a~~

1 15 business entity shall not engage in the removal or
1 16 encapsulation of asbestos unless the entity holds a permit for
1 17 that purpose. This

~~chapter~~

~~section does not apply to a~~

1 18 business entity which uses its own employees in removing or
1 19 encapsulating asbestos for the purpose of renovating,
1 20 maintaining, or repairing its own facilities

~~, except that a~~

~~business entity exempted from this chapter which assigns an~~

1 21

~~employee to remove or encapsulate asbestos shall provide~~

1 22

~~training on the health and safety aspects of the removal or~~

1 23

~~encapsulation including the federal and state standards~~

1 24

~~applicable to the asbestos project~~

1 25

~~The training program~~

1 26

~~shall be available for review and approval upon inspection by~~

~~the division.~~

1 28 Sec. 3. Section [88B.3](#), subsection 3, Code 1995, is amended
1 29 to read as follows:
1 30 3. The commissioner shall prescribe fees for the issuance
1 31 and renewal of licenses.

~~and~~

- ~~permits, and training course~~
1 32 approval or accreditation. The fees shall be based on the
1 33 costs of licensing.

~~and~~

- permitting and

~~other costs of~~

-
1 34 administering this chapter, and shall give due regard to the
1 35 time spent by personnel of the division in performing duties
2 1 and to any travel expenses incurred. All fees provided for in
2 2 this chapter shall be collected by the commissioner and
2 3 remitted to the treasurer of state for deposit in the general
2 4 fund of the state.

2 5 Sec. 4. Section [88B.4](#), Code 1995, is amended by striking
2 6 the section and inserting in lieu thereof the following:

2 7 88B.4 PERMIT ‐ TERM, RENEWAL, AND RECORDS REQUIRED.

2 8 1. A permit expires on the first anniversary of its
2 9 effective date, unless it is renewed for a one-year term as
2 10 provided in this section.

2 11 2. At least one month before the permit expires, the
2 12 division shall send to the permittee, at the last known
2 13 address of the permittee, a renewal notice that states all of
2 14 the following:

2 15 a. The date on which the current permit expires.

2 16 b. The date by which the renewal application must be
2 17 received by the division for the renewal to be issued and
2 18 mailed before the permit expires.

2 19 c. The amount of the renewal fee.

2 20 3. Before the permit expires, the permittee may renew it
2 21 for an additional one-year term, if the business entity:

2 22 a. Otherwise is entitled to a permit.

2 23 b. Submits a renewal application to the division in the
2 24 form required by the division.

2 25 c. Pays the renewal fee prescribed by the division.

2 26 4. The permittee shall keep a record of each asbestos
2 27 project it performs and shall make the record available to the
2 28 division at any reasonable time. Records shall contain
2 29 information and be kept for a time prescribed in rules adopted
2 30 by the division.

2 31 Sec. 5. Section [88B.5](#), Code 1995, is amended by striking
2 32 the section and inserting in lieu thereof the following:

2 33 88B.5 WAIVERS AND ALTERNATIVE PROCEDURES.

2 34 1. In an emergency that results from a sudden, unexpected
2 35 event that is not a planned renovation or demolition, the
3 1 commissioner may waive the requirement for a permit.

3 2 2. If the business entity is not primarily engaged in the
3 3 removal or encapsulation of asbestos, the commissioner may
3 4 waive the requirement for a permit if worker protection
3 5 requirements are met.

3 6 3. The division shall not approve any waivers on work
3 7 conducted at a school or a public or commercial building
3 8 unless the request is accompanied by a recommendation from an
3 9 asbestos project designer.

3 10 Sec. 6. Section [88B.6](#), Code 1995, is amended by striking
3 11 the section and inserting in lieu thereof the following:

3 12 88B.6 LICENSING OF ASBESTOS WORKERS.

3 13 1. APPLICATION.

3 14 a. To apply for a license, an individual shall submit an
3 15 application to the division in the form required by the
3 16 division and shall pay the prescribed fee.

3 17 b. The application shall include information prescribed by
3 18 rules adopted by the commissioner.

3 19 c. A license is valid for one year from the completion
3 20 date of the required training and may be renewed by providing
3 21 information as required in subsection 2, paragraphs "e" and
3 22 "f".

3 23 2. QUALIFICATIONS.

3 24 a. An individual person is not eligible to be a contractor
3 25 or supervisor, or to work on an asbestos project, unless the
3 26 person holds a license issued by the division.

3 27 b. An individual person is not eligible to be an inspector
3 28 for asbestos-containing building material in a school or a
3 29 public or commercial building unless the person holds a
3 30 license issued by the division.

3 31 c. An individual person is not eligible to be an asbestos
3 32 management planner for a school or a public or commercial
3 33 building unless the person holds a license issued by the
3 34 division.

3 35 d. An individual person is not eligible to be an asbestos
4 1 project designer for a school or a public or commercial
4 2 building unless the person holds a license issued by the
4 3 division.

4 4 e. To qualify for a license, the applicant must have
4 5 successfully completed training as established by the
4 6 division, paid a fee, and met other requirements as specified
4 7 by the division by rule.

4 8 f. To qualify for a license as an asbestos abatement
4 9 worker, supervisor, or contractor, the applicant must have
4 10 been examined by a physician within the preceding year and
4 11 declared by the physician to be physically capable of working
4 12 while wearing a respirator.

4 13 3. EXCEPTION. A license is not required of an employee
4 14 employed by an employer exempted under section 88B.2,
4 15 subsection 2, provided the employee is trained on appropriate
4 16 removal or encapsulation procedures, safety and health issues
4 17 regarding asbestos removal or encapsulation, and federal and
4 18 state standards applicable to the asbestos project. The
4 19 training program shall be available for review and approval
4 20 upon inspection by the division.

4 21 Sec. 7. Section [88B.7](#), Code 1995, is amended by striking
4 22 the section and inserting in lieu thereof the following:

4 23 88B.7 ACCREDITATION OF TRAINING COURSES.

4 24 The division shall adopt rules for the accreditation of
4 25 training courses including the qualifications for courses,
4 26 fees to be charged for accreditation and renewal, and testing
4 27 of attendees.

4 28 Sec. 8. Section [88B.8](#), Code 1995, is amended to read as
4 29 follows:

4 30 88B.8 REPRIMANDS, SUSPENSIONS AND REVOCATIONS.

4 31 1. The division may

~~reprimand a permittee or licensee or~~

~~suspend,~~

~~or~~

~~revoke, or deny a permit or license, in accordance~~

4 33 with chapter 17A, if the permittee or licensee does any of the
4 34 following:

4 35 a. Fraudulently or deceptively obtains or attempts to
5 1 obtain a permit or license.

5 2 b. Fails at any time to meet the qualifications for a

5 3 permit or license or to comply with a rule adopted by the
5 4 commissioner under this chapter.
5 5 c. Fails to meet any applicable federal or state standard
5 6 for removal or encapsulation of asbestos.
5 7 d. Employs or permits an unlicensed person to work on an
5 8 asbestos project.
5 9 2. The

~~department of education~~
~~division~~ may

~~reprimand a~~

5 10

~~training institution or~~
~~suspend,~~

~~or~~

~~revoke, or deny~~ a training
5 11 institution

~~authorization~~

~~accreditation~~ in accordance with
5 12 chapter 17A, if the training institution does any of the
5 13 following:
5 14 a. Fraudulently or deceptively obtains or attempts to
5 15 obtain a training

~~authorization~~

~~accreditation.~~
5 16 b. Fails at any time to meet the qualifications for
5 17

~~authorization~~

~~accreditation~~ or to comply with a rule adopted
5 18 by the

~~director of the department of education~~

~~commissioner~~

5 19 under this chapter.

5 20 c. Fails to meet any applicable federal or state standard
5 21 for training.

5 22 Sec. 9. Section [428A.8](#), unnumbered paragraph 1, Code 1995,
5 23 is amended to read as follows:

5 24 On or before the tenth day of each month the county
5 25 recorder shall determine and pay to the treasurer of state
5 26 eighty-two and three-fourths percent of the receipts from the
5 27 real estate transfer tax collected during the preceding month
5 28 and the treasurer of state shall deposit

~~ninety five percent~~

5 29

~~of~~

~~the receipts in the general fund of the state~~

~~and transfer~~

5 30

~~five percent of the receipts to the Iowa finance authority for~~

5 31

~~deposit in the housing improvement fund created in section~~

5 32

~~16.100~~

5 33 Sec. 10. Sections 88B.9, 88B.10, and 88B.13, Code 1995,
5 34 are repealed.

5 35 Sec. 11. The Code editor shall reverse the order of
6 1 sections 88B.2 and 88B.3 and shall renumber other sections of
6 2 chapter 88B as appropriate.

6 3 EXPLANATION

6 4 This bill shifts the responsibility of the federal Asbestos
6 5 Hazard Abatement Reauthorization Act (AHARA) training program
6 6 accreditation from the department of education to the
6 7 department of employment services, labor division. It also
6 8 expands the training requirements at all levels of asbestos
6 9 abatement workers to those working in public and commercial
6 10 buildings to meet the requirements of the reauthorized AHARA.

6 11 LSB 1817SC 76

6 12 ec/jj/8