

JAN 13 1997
LABOR & INDUSTRIAL RELATIONS

HOUSE FILE 6
BY BRUNKHORST

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

A BILL FOR

1 An Act eliminating registration requirements for construction
2 contractors.

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

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1 Section 1. Section 10A.601, subsection 1, Code 1997, is
2 amended to read as follows:

3 1. A full-time employment appeal board is created within
4 the department of inspections and appeals to hear and decide
5 contested cases under chapters 19A, 80, 88, 89A, 91E, 96, and
6 97B.

7 Sec. 2. Section 10A.601, subsection 7, Code 1997, is
8 amended to read as follows:

9 7. An application for rehearing before the appeal board
10 shall be filed pursuant to section 17A.16, unless otherwise
11 provided in chapter 19A, 80, 88, 89A, 91E, 96, or 97B. A
12 petition for judicial review of a decision of the appeal board
13 shall be filed pursuant to section 17A.19. The appeal board
14 may be represented in any such judicial review by an attorney
15 who is a regular salaried employee of the appeal board or who
16 has been designated by the appeal board for that purpose, or
17 at the appeal board's request, by the attorney general.
18 Notwithstanding the petitioner's residency requirement in
19 section 17A.19, subsection 2, a petition for judicial review
20 may be filed in the district court of the county in which the
21 petitioner was last employed or resides, provided that if the
22 petitioner does not reside in this state, the action shall be
23 brought in the district court of Polk county, Iowa, and any
24 other party to the proceeding before the appeal board shall be
25 named in the petition. Notwithstanding the thirty-day
26 requirement in section 17A.19, subsection 6, the appeal board
27 shall, within sixty days after filing of the petition for
28 judicial review or within a longer period of time allowed by
29 the court, transmit to the reviewing court the original or a
30 certified copy of the entire records of a contested case. The
31 appeal board may also certify to the court, questions of law
32 involved in any decision by the appeal board. Petitions for
33 judicial review and the questions so certified shall be given
34 precedence over all other civil cases except cases arising
35 under the workers' compensation law of this state. No bond

1 shall be required for entering an appeal from any final order,
2 judgment, or decree of the district court to the supreme
3 court.

4 Sec. 3. Section 84A.5, subsection 3, Code 1997, is amended
5 to read as follows:

6 3. The division of labor services is responsible for the
7 administration of the laws of this state relating to
8 occupational health and safety, the inspection of amusement
9 rides, the removal and encapsulation of asbestos, the
10 inspection of boilers, wage payment collection, ~~registration~~
11 ~~of construction contractors~~, the minimum wage, non-English
12 speaking employees, child labor, employment agency licensing,
13 boxing and wrestling, inspection of elevators, and hazardous
14 chemical risks under chapters 88, 88A, 88B, 89, 89A, 89B, 90A,
15 91, 91A, 91C, 91D, 91E, 92, 94, and 95. The executive head of
16 the division is the labor commissioner, appointed pursuant to
17 section 91.2.

18 Sec. 4. Section 91.4, subsection 5, Code 1997, is amended
19 to read as follows:

20 5. The director of the department of workforce
21 development, in consultation with the labor commissioner,
22 shall, at the time provided by law, make an annual report to
23 the governor setting forth in appropriate form the business
24 and expense of the division of labor services for the
25 preceding year, the number of disputes or violations processed
26 by the division and the disposition of the disputes or
27 violations, and other matters pertaining to the division which
28 are of public interest, together with recommendations for
29 change or amendment of the laws in this chapter and chapters
30 88, 88A, 88B, 89, 89A, 89B, 90A, 91A, 91C, 91D, 91E, 92, 94,
31 and 95, and the recommendations, if any, shall be transmitted
32 by the governor to the first general assembly in session after
33 the report is filed.

34 Sec. 5. Section 96.11, subsection 14, Code 1997, is
35 amended by striking the subsection.

1 Sec. 6. Section 103A.20, subsection 1, unnumbered
2 paragraph 2, Code 1997, is amended by striking the unnumbered
3 paragraph.

4 Sec. 7. Section 473.40, subsection 8, Code 1997, is
5 amended to read as follows:

6 8. The director may report an architect, professional
7 engineer, or landscape architect to the appropriate examining
8 board if the director believes the person has engaged in
9 fraudulent conduct in connection with an energy efficiency
10 rating for a building. The director may report a builder to
11 the division of labor, ~~bureau-of-contractor-registration,~~
12 services if the director believes the builder has engaged in
13 fraudulent conduct in connection with an energy efficiency
14 rating for a building.

15 Sec. 8. REPEAL. Chapter 91C, Code 1997, is repealed.

16 EXPLANATION

17 This bill repeals chapter 91C, which requires construction
18 contractors to register with the labor commissioner and
19 requires out-of-state contractors to file a bond in certain
20 circumstances.

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