

Dearden
McKibben
Hedge

SSB 3191
Business & Labor
Relations

Success By
SF/HF 2307

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
WORKFORCE DEVELOPMENT BILL)

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

A BILL FOR

1 An Act relating to public and workplace safety and wage
2 collection laws administered by the labor commissioner,
3 including changes in the regulation of boilers in places of
4 public assembly and of elevator installers, and of employers
5 under the wage payment collection law.

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

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

1 Section 1. Section 89.2, subsection 4, Code 1999, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:

4 4. "Public assembly" means the assembly of people in any
5 of the following:

6 a. A building or structure primarily used as a theater,
7 motion picture theater, museum, arena, exhibition hall,
8 school, college, dormitory, bowling alley, physical fitness
9 center, family entertainment center, lodge hall, union hall,
10 pool hall, casino, place of worship, funeral home, institution
11 of health and custodial care, hospital, or child care or adult
12 day care.

13 b. A building or structure, a portion of which is
14 primarily used for amusement, entertainment, or instruction.

15 c. A building or structure owned by or leased to the state
16 or any of its agencies or political subdivisions.

17 However, for purposes of this chapter, "public assembly"
18 does not include the assembly of people in buildings or
19 structures containing only eating and drinking establishments
20 or in any building used exclusively by an employer for
21 training or instruction of its own employees.

22 Sec. 2. Section 89A.1, Code Supplement 1999, is amended by
23 adding the following new subsection:

24 NEW SUBSECTION. 16A. "Owner" means the owner of a
25 facility, unless the facility is a new installation or is
26 undergoing major alterations, in which case the owner shall be
27 considered the person responsible for the installation or
28 alteration of the facility until the facility has passed final
29 inspection by the division.

30 Sec. 3. NEW SECTION. 91A.14 FORMER EMPLOYEES.

31 The rights and obligations outlined in this chapter
32 continue until they are fulfilled, even though the employer-
33 employee relationship has been severed.

34
35

EXPLANATION

1 This bill makes changes or adds to definitions in the
2 boiler law and the elevator law, and specifically provides for
3 the applicability of the Iowa wage payment collection law to
4 former employees.

5 The bill replaces the definition of "places of public
6 assembly" with a definition for "public assembly", defining
7 the term to mean, in the context of the boiler law, the
8 assembly of people in a building or structure primarily used
9 as a theater, motion picture theater, museum, arena,
10 exhibition hall, school, college, dormitory, bowling alley,
11 physical fitness center, family entertainment center, lodge
12 hall, union hall, pool hall, casino, place of worship, funeral
13 home, institution of health and custodial care, hospital, or
14 child care or adult day care. The term also includes a
15 building or structure, a portion of which is primarily used
16 for amusement, entertainment, or instruction, as well as any
17 building or structure owned by or leased to the state, or its
18 agencies or political subdivisions. However, the term does
19 not include the assembly of people in eating and drinking
20 establishments or in any building used exclusively by an
21 employer for employee training or instruction.

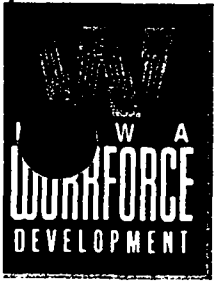
22 The bill creates in Code chapter 89A a definition of
23 "owner" of a facility. A facility is defined in that chapter
24 to mean an elevator, dumbwaiter, escalator, moving walk, lift,
25 or inclined or vertical wheelchair lift subject to regulation
26 under that chapter, and includes hoistways, rails, guides, and
27 all other related mechanical and electrical equipment. Under
28 the bill, "owner" means the owner of the facility unless the
29 facility is a new installation or is undergoing major
30 alterations, in which case the person installing or altering
31 the facility is the owner until the elevator has passed final
32 inspection by the division.

33 The bill also establishes that the Iowa wage payment
34 collection law applies to former as well as current employees,
35 until the duties and obligations outlined in Code chapter 91A

S.F. _____ H.F. _____

1 are fulfilled.

- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35



MEMORANDUM

DATE: January 26, 2000

TO: General Assembly

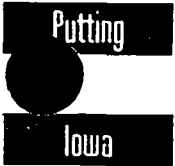
FROM: Jane S. Barto, Legislative Liaison
Iowa Workforce Development
281-5082

RE: LSB #5317DP – An Act relating to public and workplace safety and wage collection laws administered by the Labor Commissioner, including changes in the regulation of boilers in places of public assembly and of elevator installers, and of employers under the wage payment collection law.

Thomas J. Vilsack
Governor

Sally J. Pederson
Lt. Governor

Richard V. Runnig
Director



Section 1. More clearly defines the facilities where public assembly occurs. It replaces the definition in the boiler law of "places of public assembly" with "public assembly" because the phrase "places of public assembly" was not used in the law after the phrase was defined. The division continues to get multiple requests for information about which facilities are places of public assembly. A clear definition in the Code will give the public and the division direction.

Section 2. Chapter 89A requires facilities (elevators, dumbwaiters, escalators, etc) to meet Code requirements before the division issues an operating permit. A recurring problem has been the elevator company which installs the facility before receiving an installation permit or that does not meet Code. The owner is faced with the problem of removing or replacing the facility before the facility can be used. The owners of the building have reasonably relied on the elevator company's expertise. The division is now forced to enforce the Code against the owner rather than the elevator company that should be responsible for the problem.

Section 3. The federal District Court ruled in Muller v. Hotsy Corp., that an employee for the purposes of Chapter 91B is a current employee. Federal District Court decisions set precedent. The confusion occurs because Section 91B.2(3) requires the use of the definitions of employer and employee in 91A.2. However, the original legislative intent and Sections 91A.2(7)(b), 91A.4 and 91A.10(5) indicate that the definition of employee includes both current and former employees. If the Muller v Hotsy Corp. decision is applied to 91A, the wage collection law, a former employee would not be able to rely on 91A in the collection of wages due.

1000 East Grand Avenue

Des Moines, IA 50319-0209

515-281-5387



H. 3/13/00 Labor + Ind. Rel.
H. 3/15/00 Do Pass

FILED FEB 23 2000
H. 3/23/00 Unfinished Business Calendar

SENATE FILE 2307
BY COMMITTEE ON BUSINESS AND LABOR

(SUCCESSOR TO SSB 3191)

Passed Senate, Date ^(p.600) 3/9/00 Passed House, Date ^(p.1180) 4-3-00
Vote: Ayes 49 Nays 0 Vote: Ayes 96 Nays 0
Approved 4-14-00

A BILL FOR

1 An Act relating to public and workplace safety and wage
2 collection laws administered by the labor commissioner,
3 including changes in the regulation of boilers in places of
4 public assembly and of elevator installers, and of employers
5 under the wage payment collection law.

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

- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

SF 2307

1 Section 1. Section 89.2, subsection 4, Code 1999, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:

4 4. "Public assembly" means the assembly of people in any
5 of the following:

6 a. A building or structure primarily used as a theater,
7 motion picture theater, museum, arena, exhibition hall,
8 school, college, dormitory, bowling alley, physical fitness
9 center, family entertainment center, lodge hall, union hall,
10 pool hall, casino, place of worship, funeral home, institution
11 of health and custodial care, hospital, or child care or adult
12 day care.

13 b. A building or structure, a portion of which is
14 primarily used for amusement, entertainment, or instruction.

15 c. A building or structure owned by or leased to the state
16 or any of its agencies or political subdivisions.

17 However, for purposes of this chapter, "public assembly"
18 does not include the assembly of people in buildings or
19 structures containing only eating and drinking establishments
20 or in any building used exclusively by an employer for
21 training or instruction of its own employees.

22 Sec. 2. Section 89A.1, Code Supplement 1999, is amended by
23 adding the following new subsection:

24 NEW SUBSECTION. 16A. "Owner" means the owner of a
25 facility, unless the facility is a new installation or is
26 undergoing major alterations, in which case the owner shall be
27 considered the person responsible for the installation or
28 alteration of the facility until the facility has passed final
29 inspection by the division.

30 Sec. 3. NEW SECTION. 91A.14 FORMER EMPLOYEES.

31 The rights and obligations outlined in this chapter
32 continue until they are fulfilled, even though the employer-
33 employee relationship has been severed.

34

35

EXPLANATION

1 This bill makes changes or adds to definitions in the
2 boiler law and the elevator law, and specifically provides for
3 the applicability of the Iowa wage payment collection law to
4 former employees.

5 The bill replaces the definition of "places of public
6 assembly" with a definition for "public assembly", defining
7 the term to mean, in the context of the boiler law, the
8 assembly of people in a building or structure primarily used
9 as a theater, motion picture theater, museum, arena,
10 exhibition hall, school, college, dormitory, bowling alley,
11 physical fitness center, family entertainment center, lodge
12 hall, union hall, pool hall, casino, place of worship, funeral
13 home, institution of health and custodial care, hospital, or
14 child care or adult day care. The term also includes a
15 building or structure, a portion of which is primarily used
16 for amusement, entertainment, or instruction, as well as any
17 building or structure owned by or leased to the state, or its
18 agencies or political subdivisions. However, the term does
19 not include the assembly of people in eating and drinking
20 establishments or in any building used exclusively by an
21 employer for employee training or instruction.

22 The bill creates in Code chapter 89A a definition of
23 "owner" of a facility. A facility is defined in that chapter
24 to mean an elevator, dumbwaiter, escalator, moving walk, lift,
25 or inclined or vertical wheelchair lift subject to regulation
26 under that chapter, and includes hoistways, rails, guides, and
27 all other related mechanical and electrical equipment. Under
28 the bill, "owner" means the owner of the facility unless the
29 facility is a new installation or is undergoing major
30 alterations, in which case the person installing or altering
31 the facility is the owner until the elevator has passed final
32 inspection by the division.

33 The bill also establishes that the Iowa wage payment
34 collection law applies to former as well as current employees,
35 until the duties and obligations outlined in Code chapter 91A

- 1 are fulfilled.
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35

SENATE FILE 2307

AN ACT

RELATING TO PUBLIC AND WORKPLACE SAFETY AND WAGE COLLECTION LAWS ADMINISTERED BY THE LABOR COMMISSIONER, INCLUDING CHANGES IN THE REGULATION OF BOILERS IN PLACES OF PUBLIC ASSEMBLY AND OF ELEVATOR INSTALLERS, AND OF EMPLOYERS UNDER THE WAGE PAYMENT COLLECTION LAW.

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

Section 1. Section 89.2, subsection 4, Code 1999, is amended by striking the subsection and inserting in lieu thereof the following:

4. "Public assembly" means the assembly of people in any of the following:

a. A building or structure primarily used as a theater, motion picture theater, museum, arena, exhibition hall, school, college, dormitory, bowling alley, physical fitness center, family entertainment center, lodge hall, union hall, pool hall, casino, place of worship, funeral home, institution of health and custodial care, hospital, or child care or adult day care.

b. A building or structure, a portion of which is primarily used for amusement, entertainment, or instruction.

c. A building or structure owned by or leased to the state or any of its agencies or political subdivisions.

However, for purposes of this chapter, "public assembly" does not include the assembly of people in buildings or structures containing only eating and drinking establishments or in any building used exclusively by an employer for training or instruction of its own employees.

Sec. 2. Section 89A.1, Code Supplement 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 16A. "Owner" means the owner of a facility, unless the facility is a new installation or is undergoing major alterations, in which case the owner shall be considered the person responsible for the installation or alteration of the facility until the facility has passed final inspection by the division.

Sec. 3. NEW SECTION. 91A.14 FORMER EMPLOYEES.

The rights and obligations outlined in this chapter continue until they are fulfilled, even though the employer-employee relationship has been severed.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2307, Seventy-eighth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 4/14, 2000

THOMAS J. VILSACK
Governor