

Senate Study Bill 3057 - Introduced

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

A BILL FOR

1 An Act relating to employment practices and public safety
2 programs administered by the division of labor services of
3 the department of workforce development.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

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

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

13 **88.19 Annual report.**

14 Within one hundred twenty days following the convening
15 of each session of each general assembly, the commissioner
16 shall prepare and submit to the governor for transmittal to
17 the general assembly a report upon the subject matter of
18 this chapter, the progress toward achievement of the purpose
19 of this chapter, the needs and requirements in the field
20 of occupational safety and health, and any other relevant
21 information. Such reports may include information regarding
22 occupational safety and health standards, and criteria for such
23 standards, developed during the preceding year; evaluation of
24 standards and criteria previously developed under this chapter,
25 defining areas of emphasis for new criteria and standards;
26 and evaluation of the degree of observance of applicable
27 occupational safety and health standards, and a summary of
28 inspection and enforcement activity undertaken, ~~including~~
29 ~~remedial actions taken under chapter 89A;~~ analysis and
30 evaluation of research activities for which results have been
31 obtained under governmental and nongovernmental sponsorship;
32 an analysis of major occupational diseases; evaluation of
33 available control and measurement technology for hazards for
34 which standards or criteria have been developed during the
35 preceding year; description of cooperative efforts undertaken

1 between government agencies and other interested parties in
2 the implementation of this chapter during the preceding year;
3 a progress report on the development of an adequate supply
4 of trained personnel in the field of occupational safety and
5 health, including estimates of future needs and the efforts
6 being made by government and others to meet those needs;
7 listing of all toxic substances in industrial usage for which
8 labeling requirements, criteria, or standards have not yet
9 been established; and such recommendations for additional
10 legislation as are deemed necessary to protect the safety and
11 health of the worker and improve the administration of this
12 chapter.

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

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

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

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

23 **89.6 ~~New boilers~~ — ~~notice~~ Notice to commissioner.**

24 1. Before any equipment included under the provisions
25 of this chapter is installed by any owner, user, or lessee
26 thereof, a ten days' written notice of intention to install the
27 equipment shall be given to the commissioner. The notice shall
28 designate the proposed place of installation, the type and
29 capacity of the equipment, the use to be made thereof, the name
30 of the company which manufactured the equipment, and whether
31 the equipment is new or used.

32 2. Before any power boiler is converted to a low pressure
33 boiler, the owner or user shall give ten days' written notice
34 of intent to convert the boiler to the commissioner. The
35 notice shall designate the boiler location, the uses of the

1 building, and other information specified by rule by the board.

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

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

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

8 5. The director of the department of workforce development,
9 in consultation with the labor commissioner, shall, at the
10 time provided by law, make an annual report to the governor
11 setting forth in appropriate form the business and expense of
12 the division of labor services for the preceding year, the
13 number of remedial actions taken under chapter 89A, the number
14 of disputes or violations processed by the division and the
15 disposition of the disputes or violations, and other matters
16 pertaining to the division which are of public interest,
17 together with recommendations for change or amendment of the
18 laws in this chapter and chapters 88, 88A, 88B, 89, 89A, 89B,
19 90A, 91A, 91C, 91D, 91E, 92, and 94A, and section 85.68,
20 and the recommendations, if any, shall be transmitted by the
21 governor to the first general assembly in session after the
22 report is filed.

23 Sec. 8. Section 92.2, subsection 2, Code 2009, is amended by
24 striking the subsection.

25 Sec. 9. Section 92.10, unnumbered paragraph 1, Code 2009,
26 is amended to read as follows:

27 ~~Except as provided in section 92.2, a~~ A person under sixteen
28 years of age shall not be employed or permitted to work with or
29 without compensation unless the person, firm, or corporation
30 employing such person receives and keeps on file accessible
31 to any officer charged with the enforcement of this chapter,
32 a work permit issued as provided in this chapter, and keeps a
33 complete list of the names and ages of all such persons under
34 sixteen years of age employed.

1 Sec. 10. Section 92.12, Code 2009, is amended to read as

2 follows:

3 **92.12 Migrant labor permits.**

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

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

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

1 EXPLANATION

2 This bill affects certain employment practices and safety

3 programs administered by the division of labor services of the
4 department of workforce development.

5 The bill replaces obsolete language in Code section 88.5
6 pertaining to adoption of occupational safety and health
7 standards with contemporary rulemaking standards.

8 The requirement to make an annual report on remedial actions
9 taken pursuant to Code chapter 89A is moved from Code chapter
10 88 to Code chapter 91.

11 The bill strikes a provision in Code section 89.3 concerning
12 the conversion of power boilers to low pressure boilers, and
13 adopts two new provisions concerning the conversion of power
14 boilers to low pressure boilers in order to update standards.
15 The bill strikes a provision of Code section 89.4 concerning an
16 exemption from internal inspections for unfired steam pressure
17 vessels manufactured without an inspection plate, and adopts a
18 new provision exempting such vessels from internal inspections
19 if they are manufactured without an inspection opening in Code
20 section 89.3.

21 Code section 92.2(2) is stricken so that there is no longer
22 an exception from the labor permit requirement for youth under
23 16 who are engaged in street occupations.

24 Finally, the language in Code section 92.12 is updated and
25 amended to coordinate with Code section 92.11, making the
26 requirements for youth migrant labor permits more similar to
27 regular youth labor permits.