

Senate Study Bill 3152 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON SMITH)

A BILL FOR

1 An Act concerning government regulation, relating to the
2 contractor and installation board and fund, elevator
3 regulation, private investigative agencies, and state
4 building code requirements, and including applicability and
5 effective date provisions.

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

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DIVISION I

CONTRACTOR AND INSTALLATION BOARD AND FUND

Section 1. NEW SECTION. 91F.1 Contractor and installation board.

1. A contractor and installation board is created within the division of labor services of the department of workforce development. The board shall have such duties as provided by law.

2. a. The contractor and installation board is composed of eighteen voting members who shall be appointed by the governor, subject to confirmation by the senate, to four-year staggered terms beginning and ending as provided in section 69.19.

b. The voting members shall be as follows:

(1) A mechanical inspector.

(2) A plumbing inspector.

(3) An electrical inspector.

(4) An insurance inspector.

(5) A licensed mechanical engineer.

(6) A licensed electrical engineer.

(7) Two members shall be master electricians or electrical contractors, one of whom is a contractor signed to a collective bargaining agreement or a master electrician covered under a collective bargaining agreement and one of whom is a contractor not signed to a collective bargaining agreement or a master electrician who is not a member of a union.

(8) Two members shall be master plumbing professionals or plumbing contractors, one of whom is a contractor signed to a collective bargaining agreement or a master plumbing professional covered under a collective bargaining agreement and one of whom is a contractor not signed to a collective bargaining agreement or a master plumbing professional who is not a member of a union.

(9) Two members shall be master mechanical professionals or mechanical contractors, one of whom is a contractor signed to a collective bargaining agreement or a master mechanical

1 professional covered under a collective bargaining agreement
2 and one of whom is a contractor not signed to a collective
3 bargaining agreement or a master mechanical professional who is
4 not a member of a union.

5 (10) A contractor who primarily works in rural areas.

6 (11) A fire extinguishing system contractor.

7 (12) An alarm system contractor.

8 (13) A boiler and pressure vessel manufacturer
9 representative.

10 (14) An elevator manufacturer representative.

11 (15) One representative of the general public.

12 c. The state fire marshal or the state fire marshal's
13 designee, the labor commissioner appointed pursuant to section
14 91.2 or the labor commissioner's designee, and the state
15 building code commissioner created by chapter 103A or the state
16 building code commissioner's designee, shall be nonvoting, ex
17 officio members of the board.

18 3. The members of the board shall select a chairperson and
19 vice chairperson from their membership. Meetings shall be set
20 by a majority of the board or upon the call of the chairperson,
21 or in the chairperson's absence, upon the call of the vice
22 chairperson. A majority of the board members shall constitute
23 a quorum.

24 4. The board shall adopt rules pursuant to chapter 17A
25 necessary to administer the duties of the board.

26 Sec. 2. NEW SECTION. 91F.2 Contractor and installation
27 fund.

28 1. A contractor and installation fund is created within
29 the state treasury under the control of the contractor and
30 installation board created in section 91F.1. The fund shall
31 consist of moneys deposited in the fund.

32 2. Moneys in the fund are appropriated and shall be used
33 by the board to pay the actual costs and expenses necessary to
34 operate the board and to perform the duties of the board. All
35 salaries and expenses properly chargeable to the fund shall be

1 paid from the fund.

2 3. Section 8.33 does not apply to any moneys in the fund.
3 Notwithstanding section 12C.7, subsection 2, interest or
4 earnings on moneys deposited in the fund shall be credited to
5 the fund.

6 Sec. 3. EFFECTIVE DATE. This division of this Act takes
7 effect July 1, 2021.

8 DIVISION II

9 BOARD DUTY CONSOLIDATION — CONFORMING CHANGES

10 Sec. 4. Section 89.2, subsection 2, Code 2020, is amended
11 to read as follows:

12 2. "*Board*" means the ~~boiler and pressure vessel contractor~~
13 and installation board created in [section 89.14 91F.1](#).

14 Sec. 5. Section 89.9, Code 2020, is amended to read as
15 follows:

16 **89.9 Disposal of fees.**

17 All fees provided for in [this chapter](#) shall be collected by
18 the commissioner and remitted to the treasurer of state, to be
19 deposited in the ~~boiler and pressure vessel safety contractor~~
20 and installation fund ~~pursuant to~~ created in section ~~89.8~~
21 [91F.2](#), together with an itemized statement showing the source
22 of collection.

23 Sec. 6. Section 89.14, Code 2020, is amended by striking the
24 section and inserting in lieu thereof the following:

25 **89.14 Contractor and installation board — boiler and**
26 **pressure vessel duties.**

27 1. The contractor and installation board created in section
28 91F.1 shall formulate definitions and rules requirements
29 for the safe and proper installation, repair, maintenance,
30 alteration, use, and operation of boilers and pressure vessels
31 in this state.

32 2. The board shall adopt rules pursuant to chapter 17A
33 necessary to administer the duties of the board under this
34 chapter. Rules adopted by the board shall be in accordance
35 with accepted engineering standards and practices. The board

1 shall adopt rules relating to the equipment covered by this
2 chapter that are in accordance with the ASME code, which may
3 include addenda, interpretations, and code cases, as soon as
4 reasonably practical following publication by the American
5 society of mechanical engineers. The board shall adopt rules
6 to require that operation of equipment cease in the event of
7 imminent danger.

8 3. A notice of defect or inspection report issued by the
9 commissioner pursuant to this chapter may, within thirty days
10 after the making of the order, be appealed to the board.
11 Action by the board constitutes final agency action for
12 purposes of chapter 17A.

13 4. Not later than July 1, 2005, and every three years
14 thereafter, the board shall conduct a comprehensive review of
15 existing boiler rules, regulations, and standards, including
16 but not limited to those relating to potable hot water supply
17 boilers and water heaters.

18 5. The board shall establish fees for examinations,
19 inspections, annual statements, shop inspections, and other
20 services under this chapter. The fees shall reflect the actual
21 costs and expenses necessary to operate the board and perform
22 the duties of the commissioner as provided by this chapter.

23 6. The board may adopt rules governing the conversion of
24 power boilers to low pressure boilers.

25 7. The board may adopt rules establishing an internal
26 inspection interval of up to four years for objects that are
27 subject to inspection pursuant to section 89.3, subsection 4,
28 and are owned and operated by electric public utilities subject
29 to rate regulation under chapter 476.

30 Sec. 7. Section 89A.1, subsection 18, Code 2020, is amended
31 to read as follows:

32 18. "*Safety board*" means the elevator safety contractor and
33 installation board created in section ~~89A.13~~ 91F.1.

34 Sec. 8. Section 89A.13, Code 2020, is amended by striking
35 the section and inserting in lieu thereof the following:

1 **89A.13 Contractor and installation board — elevator safety**
2 **duties.**

3 1. The contractor and installation board created in section
4 91F.1 shall formulate definitions and rules for the safe and
5 proper installation, repair, maintenance, alteration, use, and
6 operation of conveyances in this state.

7 2. The owner or user of equipment regulated under this
8 chapter may appeal a notice of defect or an inspection report
9 to the safety board within thirty days after the issuance of
10 the notice or report. Action by the safety board constitutes
11 final agency action for purposes of chapter 17A.

12 3. The safety board shall adopt rules pursuant to chapter
13 17A necessary to administer the duties of the safety board
14 under this chapter.

15 4. Not later than July 1, 2005, and every three years
16 thereafter, the safety board shall conduct a comprehensive
17 review of existing conveyance rules, regulations, and
18 standards.

19 Sec. 9. Section 89A.19, Code 2020, is amended by striking
20 the section and inserting in lieu thereof the following:

21 **89A.19 Elevators — disposal of fees.**

22 All fees collected by the commissioner pursuant to this
23 chapter shall be remitted to the treasurer of state to be
24 deposited in the contractor and installation fund created in
25 section 91F.2.

26 Sec. 10. Section 100C.1, subsection 5, Code 2020, is amended
27 to read as follows:

28 5. "*Automatic fire extinguishing system*" means a system of
29 devices and equipment that automatically detects a fire and
30 discharges an approved fire extinguishing agent onto or in
31 the area of a fire and includes automatic sprinkler systems,
32 carbon dioxide extinguishing systems, deluge systems, automatic
33 dry-chemical extinguishing systems, foam extinguishing systems,
34 and halogenated extinguishing systems, or other equivalent fire
35 extinguishing technologies recognized by the ~~fire-extinguishing~~

1 ~~system contractors advisory contractor and installation board~~
2 created in section 91F.1.

3 Sec. 11. Section 100C.7, Code 2020, is amended to read as
4 follows:

5 **100C.7 Administration — rules.**

6 1. The state fire marshal shall administer **this chapter**
7 and, after consultation with the ~~fire extinguishing system~~
8 ~~contractors and alarm systems advisory contractor and~~
9 installation board created in section 91F.1, shall adopt rules
10 pursuant to **chapter 17A** necessary for the administration and
11 enforcement of **this chapter**.

12 2. The contractor and installation board created in section
13 91F.1 shall advise the division on matters pertaining to the
14 application and certification of contractors and installers
15 pursuant to this chapter.

16 Sec. 12. Section 100D.5, subsection 1, Code 2020, is amended
17 to read as follows:

18 1. After consultation with the ~~fire extinguishing~~
19 ~~system contractors and alarm systems advisory contractor and~~
20 installation board established pursuant to section ~~100C.10~~
21 91F.1, adopt rules pursuant to **chapter 17A** necessary for the
22 administration and enforcement of **this chapter**.

23 Sec. 13. Section 103.1, subsection 2, Code 2020, is amended
24 to read as follows:

25 2. "Board" means the ~~electrical examining contractor and~~
26 installation board created under ~~section 103.2~~ 91F.1.

27 Sec. 14. Section 103.6, subsection 1, paragraphs a and c,
28 Code 2020, are amended to read as follows:

29 a. Adopt rules pursuant to **chapter 17A** for the
30 administration of this chapter and in doing so shall be
31 governed by the minimum standards set forth in the most current
32 publication of the national electrical code issued and adopted
33 by the national fire protection association, and amendments
34 to the code, which code and amendments shall be filed in the
35 offices of the state law library and the board and shall be a

1 public record. The board shall adopt rules reflecting updates
2 to the code and amendments to the code. The board shall
3 promulgate and adopt rules establishing wiring standards that
4 protect public safety and health and property and that apply
5 to all electrical wiring which is installed subject to this
6 chapter.

7 c. Adopt rules for continuing education requirements for
8 each classification of licensure established pursuant to this
9 chapter, and adopt all rules, not inconsistent with the law,
10 necessary for the proper performance of the duties of the board
11 under this chapter.

12 Sec. 15. Section 103.7, Code 2020, is amended by striking
13 the section and inserting in lieu thereof the following:

14 **103.7 Disposal of fees.**

15 All licensing, examination, renewal, and inspection fees
16 collected pursuant to this chapter shall be remitted to the
17 treasurer of state to be deposited in the contractor and
18 installation fund created in section 91F.2.

19 Sec. 16. Section 103.16, subsection 1, Code 2020, is amended
20 to read as follows:

21 1. Examinations for licensure under this chapter shall be
22 offered as often as deemed necessary by the board, but no less
23 than one time per quarter. The scope of the examinations and
24 the methods of procedure shall be prescribed by the board.
25 The examinations given by the board shall be the Experior
26 assessment examination, or a successor examination approved by
27 the board, or an examination prepared by a third-party testing
28 service which is substantially equivalent to the Experior
29 assessment examination, or a successor examination approved by
30 the board.

31 Sec. 17. Section 103.17, subsection 1, unnumbered paragraph
32 1, Code 2020, is amended to read as follows:

33 A member of the board shall not disclose information under
34 this chapter relating to the following:

35 Sec. 18. Section 103A.3, subsection 1, Code 2020, is amended

1 to read as follows:

2 1. ~~"Board of review" or "board"~~ means the state building
3 ~~code~~ contractor and installation board ~~of review~~ created by
4 ~~this chapter~~ in section 91F.1.

5 Sec. 19. Section 103A.3, subsection 6, Code 2020, is amended
6 by striking the subsection.

7 Sec. 20. Section 103A.7, subsection 1, Code 2020, is amended
8 to read as follows:

9 1. The state building code commissioner with the ~~approval~~
10 advice of the ~~advisory council~~ board is hereby empowered and
11 directed to formulate and adopt and from time to time amend
12 or revise and to promulgate, in conformity with and subject
13 to the conditions set forth in this chapter, reasonable rules
14 designed to establish minimum safeguards in the erection and
15 construction of buildings and structures, to protect the human
16 beings who live and work in them from fire and other hazards,
17 and to establish regulations to further protect the health,
18 safety, and welfare of the public.

19 Sec. 21. Section 103A.8A, Code 2020, is amended to read as
20 follows:

21 **103A.8A Energy conservation requirements.**

22 The state building code commissioner shall adopt as a part of
23 the state building code a requirement that new single-family
24 or two-family residential construction shall comply with
25 energy conservation requirements. The requirements adopted by
26 the commissioner shall be based upon a nationally recognized
27 standard or code for energy conservation. The requirements
28 shall only apply to single-family or two-family residential
29 construction commenced after the adoption of the requirements.
30 Notwithstanding any other provision of this chapter to the
31 contrary, the energy conservation requirements adopted by the
32 commissioner ~~and approved by the council~~ shall apply to new
33 single-family or two-family residential construction commenced
34 on or after July 1, 2008, and shall supersede and replace any
35 minimum requirements for energy conservation adopted or enacted

1 by a governmental subdivision prior to that date applicable to
2 such construction. The state building code commissioner may
3 provide training to builders, contractors, and other interested
4 persons on the adopted energy conservation requirements.

5 Sec. 22. Section 103A.10, subsection 5, Code 2020, is
6 amended to read as follows:

7 5. Notwithstanding any other provision of **this chapter** to
8 the contrary, the energy conservation requirements adopted by
9 the commissioner ~~and approved by the council~~ shall apply to
10 all new construction commenced on or after July 1, 2008, and
11 shall supersede and replace any minimum requirements for energy
12 conservation adopted or enacted by the governmental subdivision
13 prior to that date and applicable to such construction.

14 Sec. 23. Section 103A.11, subsection 4, Code 2020, is
15 amended to read as follows:

16 4. The provisions of **this section** shall not apply to any
17 rule relating solely to the internal operations of the office
18 of the commissioner ~~and council~~.

19 Sec. 24. Section 103A.17, unnumbered paragraph 1, Code
20 2020, is amended to read as follows:

21 The board shall establish procedures pursuant to which an
22 aggrieved person may appeal to the board as provided in section
23 103A.16.

24 Sec. 25. Section 103A.17, subsections 7 and 10, Code 2020,
25 are amended by striking the subsections.

26 Sec. 26. Section 103A.17, subsection 8, Code 2020, is
27 amended to read as follows:

28 8. A record of all decisions of the board ~~and advisory~~
29 ~~council~~ shall be properly indexed and filed in the office of
30 the commissioner, and shall be public records as defined in
31 chapter 22.

32 Sec. 27. Section 103A.18, unnumbered paragraph 1, Code
33 2020, is amended to read as follows:

34 Judicial review of action of the commissioner, or board
35 ~~of review, or council~~ may be sought in accordance with the

1 terms of the Iowa administrative procedure Act, [chapter 17A](#).

2 Notwithstanding the terms of said Act:

3 Sec. 28. Section 103A.19, subsection 2, paragraph b, Code
4 2020, is amended to read as follows:

5 *b.* Require that the construction of any building or
6 structure shall be in accordance with the applicable provisions
7 of the state building code, subject, however, to the powers
8 granted to the board ~~of review~~ in [section 103A.16](#).

9 Sec. 29. Section 103A.19, subsection 2, paragraph d,
10 subparagraph (2), Code 2020, is amended to read as follows:

11 (2) Every certificate of occupancy or use shall, until set
12 aside or vacated by the board ~~of review~~, director, or a court
13 of competent jurisdiction, be binding and conclusive upon all
14 state and local agencies, as to all matters set forth and no
15 order, direction, or requirement at variance therewith shall be
16 made or issued by any other state or local agency.

17 Sec. 30. Section 103A.22, subsection 1, Code 2020, is
18 amended to read as follows:

19 1. Nothing in [this chapter](#) shall be construed as prohibiting
20 any governmental subdivision from adopting or enacting any
21 building regulations relating to any building or structure
22 within its limits, but a governmental subdivision in which
23 the state building code has been accepted and is applicable
24 shall not have the power to supersede, void, or repeal or make
25 more restrictive any of the provisions of [this chapter](#) or of
26 the rules adopted by the commissioner. [This subsection](#) shall
27 not apply to energy conservation requirements adopted by the
28 commissioner ~~and approved by the council~~ pursuant to section
29 103A.8A or [103A.10](#).

30 Sec. 31. Section 105.2, subsection 2, Code 2020, is amended
31 to read as follows:

32 2. "*Board*" means the ~~plumbing and mechanical systems~~
33 contractor and installation board as established pursuant to
34 section ~~105.3~~ [91F.1](#).

35 Sec. 32. Section 105.3, Code 2020, is amended by striking

1 the section and inserting in lieu thereof the following:

2 **105.3 National organization memberships.**

3 The board may maintain a membership in any national
4 organization of state boards for the professions of plumbing,
5 mechanical, HVAC, refrigeration, sheet metal, or hydronic
6 professionals, with all membership fees to be paid from funds
7 appropriated to the board.

8 Sec. 33. Section 272C.1, subsection 6, paragraph ae, Code
9 2020, is amended to read as follows:

10 *ae.* The ~~plumbing and mechanical systems~~ contractor and
11 installation board, created pursuant to [chapter 105 91F](#).

12 Sec. 34. Section 331.301, subsection 6, paragraph b, Code
13 2020, is amended to read as follows:

14 *b.* A county shall not impose any fee or charge on any
15 individual or business licensed by the ~~plumbing and mechanical~~
16 ~~systems~~ contractor and installation board created in section
17 91F.1 for the right to perform plumbing, mechanical, HVAC,
18 refrigeration, sheet metal, or hydronic systems work within
19 the scope of the license. This paragraph does not prohibit a
20 county from charging fees for the issuance of permits for, and
21 inspections of, work performed in its jurisdiction.

22 Sec. 35. Section 364.3, subsection 3, paragraph b, Code
23 2020, is amended to read as follows:

24 *b.* A city shall not impose any fee or charge on any
25 individual or business licensed by the ~~plumbing and mechanical~~
26 ~~systems~~ contractor and installation board created in section
27 91F.1 for the right to perform plumbing, mechanical, HVAC,
28 refrigeration, sheet metal, or hydronic systems work within
29 the scope of the license. This paragraph does not prohibit a
30 city from charging fees for the issuance of permits for, and
31 inspections of, work performed in its jurisdiction.

32 Sec. 36. Section 602.8102, subsection 25, Code 2020, is
33 amended to read as follows:

34 25. Carry out duties relating to the judicial review of
35 orders of the ~~elevator~~ safety board as provided in section

1 89A.10, subsection 2.

2 Sec. 37. REPEAL. Sections 89.8, 100C.10, 103.2, 103.3,
3 103.4, 103A.14, and 103A.15, Code 2020, are repealed.

4 Sec. 38. EFFECTIVE DATE. This division of this Act takes
5 effect January 1, 2022.

6 DIVISION III

7 ELEVATOR REGULATION

8 Sec. 39. Section 89A.3, subsection 2, paragraph i, Code
9 2020, is amended to read as follows:

10 *i.* (1) The amount of fees charged and collected for
11 inspection, permits, and commissions. Fees shall be set
12 at an amount sufficient to cover costs as determined from
13 consideration of the reasonable time required to conduct an
14 inspection, reasonable hourly wages paid to inspectors, and
15 reasonable transportation and similar expenses. The safety
16 board shall not charge a fee to submit a maintenance or repair
17 report pursuant to section 89A.6A.

18 (2) The safety board shall not charge an inspection fee
19 for a conveyance operated in a building or structure that is
20 three stories or less and is owned or operated by a nonprofit
21 organization or by a church or house of worship. The safety
22 board may charge an operating permit fee for such a conveyance
23 of no more than one hundred dollars per three-year period.

24 Sec. 40. Section 89A.6, subsection 3, Code 2020, is amended
25 to read as follows:

26 3. Every conveyance shall be inspected not less frequently
27 than annually, except that the safety board may adopt rules
28 providing for inspections of conveyances at intervals other
29 than annually. However, a conveyance operated in a building
30 or structure that is three stories or less and is owned or
31 operated by a nonprofit organization or by a church or house of
32 worship shall be inspected no more frequently than every three
33 years.

34 Sec. 41. NEW SECTION. 89A.6A Maintenance or repair reports.
35 If maintenance or repair of a conveyance is found to be

1 necessary after an inspection pursuant to section 89A.6,
2 subsection 3 by an inspector or special inspector, the permit
3 holder for the conveyance may submit a report regarding the
4 maintenance or repair to the commissioner. The commissioner
5 shall accept the report as satisfying the applicable
6 requirements of this chapter in lieu of additional inspection.
7 The commissioner shall only authorize an additional inspection
8 of the conveyance outside of the schedule provided in section
9 89A.6 if serious, major safety concerns were identified
10 in the previous inspection. The report shall be submitted
11 electronically in a format required by the commissioner after
12 the repair or maintenance is completed and within the time
13 provided by rule pursuant to chapter 17A, but not to exceed
14 thirty days.

15 Sec. 42. Section 89A.9, subsection 1, Code 2020, is amended
16 to read as follows:

17 1. Operating permits shall be issued by the commissioner
18 to the owner of every conveyance when the inspection report,
19 or maintenance or repair report if applicable, indicates
20 compliance with the applicable provisions of [this chapter](#).
21 However, a permit shall not be issued if the fees required by
22 this chapter have not been paid. ~~Permits~~ Unless the time is
23 extended for cause by the division, permits shall be issued
24 within thirty days after filing of the inspection report
25 required by [section 89A.6](#), ~~unless the time is extended for~~
26 ~~cause by the division~~ or the maintenance or repair report
27 authorized by section 89A.6A. A conveyance shall not be
28 operated after the thirty days or after an extension granted by
29 the commissioner has expired, unless an operating permit has
30 been issued.

31 Sec. 43. Section 89A.9, Code 2020, is amended by adding the
32 following new subsection:

33 NEW SUBSECTION. 3. An operating permit for a conveyance
34 operated in a building or structure that is three stories or
35 less and is owned or operated by a nonprofit organization or by

1 a church or house of worship shall be valid for three years.

2 Sec. 44. Section 89A.10, subsection 1, Code 2020, is amended
3 to read as follows:

4 1. If an inspection report, or maintenance or repair report
5 if applicable, indicates a failure to comply with applicable
6 rules, or with the detailed plans and specifications approved
7 by the commissioner, the commissioner may, upon giving notice,
8 order the owner thereof to make the changes necessary for
9 compliance.

10 Sec. 45. Section 89A.13, subsection 5, Code 2020, is amended
11 to read as follows:

12 5. The owner or user of equipment regulated under this
13 chapter may appeal a notice of defect, ~~or~~ an inspection report,
14 or a maintenance or repair report to the safety board within
15 thirty days after the issuance of the notice or report. Safety
16 board action constitutes final agency action for purposes of
17 chapter 17A.

18 DIVISION IV

19 PRIVATE INVESTIGATIVE AGENCIES

20 Sec. 46. Section 80A.1, subsection 12, Code 2020, is amended
21 to read as follows:

22 12. *"Private security business"* means a business of
23 furnishing, for hire or reward, guards, watch personnel,
24 armored car personnel, patrol personnel, or other persons to
25 protect persons or property, to prevent the unlawful taking of
26 goods and merchandise, or to prevent the misappropriation or
27 concealment of goods, merchandise, money, securities, or other
28 valuable documents or papers, and includes an individual who
29 for hire patrols, watches, or guards a residential, industrial,
30 or business property or district. "Private security business"
31 does not include a business for debt collection as defined in
32 section 537.7102.

33 DIVISION V

34 ENERGY CONSERVATION REQUIREMENTS

35 Sec. 47. Section 103A.10, subsection 5, Code 2020, is

1 amended to read as follows:

2 5. a. Notwithstanding any other provision of this chapter
3 to the contrary, the energy conservation requirements adopted
4 by the commissioner and approved by the council shall apply to
5 all new construction commenced on or after July 1, 2008, and
6 shall supersede and replace any minimum requirements for energy
7 conservation adopted or enacted by the governmental subdivision
8 prior to that date and applicable to such construction.

9 b. (1) Subject to the provisions of this subsection, energy
10 conservation requirements for home construction adopted by the
11 commissioner and approved by the council on or after January 1,
12 2020, shall be cost-effective.

13 (2) For purposes of this paragraph, "cost-effective" shall
14 mean, using the existing energy conservation requirements as
15 the base of comparison, the economic benefits of the proposed
16 energy conservation requirements will exceed the economic
17 costs of the requirements based upon an incremental multiyear
18 analysis that meets all of the following requirements:

19 (a) Considers the perspective of a typical first-time home
20 buyer.

21 (b) Considers benefits and costs over a seven-year time
22 period.

23 (c) Does not assume fuel price increases in excess of the
24 assumed general rate of inflation.

25 (d) Ensures that the buyer of a home who would qualify to
26 purchase the home before the addition of the energy efficient
27 standards will still qualify to purchase the same home after
28 the additional cost of the energy-saving construction features.

29 (e) Ensures that the costs of principal, interest, taxes,
30 insurance, and utilities will not be greater after the
31 inclusion of the proposed cost of the additional energy-saving
32 construction features required by the proposed energy
33 conservation requirements than under the provisions of the
34 existing energy conservation requirements.

35 Sec. 48. CODE EDITOR DIRECTIVE. The Code editor is directed

1 to harmonize the section of this division of this Act amending
2 section 103A.10, subsection 5, with the division of this Act
3 amending section 103A.10, subsection 5, if enacted, by striking
4 the phrase "and approved by the council" where appropriate and
5 to make other related changes, if necessary, to effectuate such
6 change, effective January 1, 2022.

7 Sec. 49. EFFECTIVE DATE. This division of this Act, being
8 deemed of immediate importance, takes effect upon enactment.

9 Sec. 50. RETROACTIVE APPLICABILITY. This division of
10 this Act applies retroactively to January 1, 2020, for energy
11 conservation requirements adopted and approved on and after
12 that date.

13 DIVISION VI

14 BUILDING CONTRACTOR BOARDS CONSOLIDATION — TRANSITION
15 PROVISIONS

16 Sec. 51. LABOR SERVICES DIVISION — IMPLEMENTATION STUDY —
17 REPORT. The division of labor services of the department of
18 workforce development shall conduct a study, in consultation
19 with interested stakeholders, concerning the consolidation
20 of boards as provided by this Act. The study shall consider
21 financing options for the consolidated boards, staffing
22 requirements, and such other issues that might require
23 legislative action necessary for the proper implementation of
24 the requirements of this Act. The division shall submit a
25 written report, including its findings and recommendations for
26 legislative action, to the general assembly by January 1, 2021.

27 Sec. 52. ADMINISTRATIVE RULES — TRANSITION PROVISIONS.

28 1. a. Any rule, regulation, form, order, or directive
29 promulgated by any board or council mentioned in this Act,
30 including any board or council abolished, merged, or altered in
31 this Act, and in effect on January 1, 2022, shall continue in
32 full force and effect until amended, repealed, or supplemented
33 by affirmative action of the appropriate board under the duties
34 and powers of boards as established in this Act and under the
35 procedure established in subsection 2.

1 b. Any license or permit issued by any board or council
2 mentioned in this Act, including any board or council
3 abolished, merged, or altered in this Act, and in effect on
4 January 1, 2022, shall continue in full force and effect until
5 expiration or renewal.

6 c. Any moneys remaining in the boiler and pressure vessel
7 safety fund, elevator safety fund, and electrician and
8 installer licensing and inspection fund on January 1, 2022,
9 shall be transferred to the contractor and installation fund,
10 as created in this Act, under the control of the contractor and
11 installation board as created in this Act. Notwithstanding
12 section 8.33, the moneys transferred in accordance with this
13 paragraph shall not revert to the account or fund from which
14 appropriated or transferred.

15 d. An administrative hearing or court proceeding arising
16 out of an enforcement action by any board or council abolished,
17 merged, or altered in this Act, and pending on January 1, 2022,
18 shall not be affected by this Act. Any cause of action or
19 statute of limitation relating to an action taken by any board
20 or council abolished, merged, or altered in this Act shall not
21 be affected by this Act and such cause of action or statute of
22 limitation shall apply to the applicable successor board as
23 created in this Act.

24 2. In regard to updating references and format in the Iowa
25 administrative code in order to correspond to the restructuring
26 of boards and councils as established in this Act, the
27 administrative rules coordinator and the administrative rules
28 review committee, in consultation with the administrative code
29 editor, shall jointly develop a schedule for the necessary
30 updating of the Iowa administrative code.

31 Sec. 53. EFFECTIVE DATE. This division of this Act takes
32 effect July 1, 2020.

33

EXPLANATION

34 The inclusion of this explanation does not constitute agreement with
35 the explanation's substance by the members of the general assembly.

1 This bill concerns government regulation. The bill is
2 organized by divisions.

3 DIVISION I — CONTRACTOR and INSTALLATION BOARD AND
4 FUND. This division of the bill creates the contractor and
5 installation board and the contractor and installation fund.

6 New Code section 91F.1 creates the contractor and
7 installation board within the division of labor services of the
8 department of workforce development. The board consists of 18
9 voting members who shall be appointed by the governor, subject
10 to confirmation by the senate, and who shall serve four-year
11 staggered terms. The bill specifies the criteria for the 18
12 voting members and provides for three nonvoting, ex officio
13 members of the board. The bill provides for selection of a
14 chairperson and vice chairperson, authority to call a meeting,
15 and quorum requirements. The bill provides that the board
16 shall have such duties as provided by law and shall adopt rules
17 necessary to administer the duties of the board.

18 New Code section 91F.2 creates the contractor and
19 installation fund. The fund shall consist of moneys deposited
20 in the fund and moneys in the fund are appropriated and shall
21 be used by the contractor and installation board to pay the
22 actual costs and expenses necessary to operate the board and to
23 perform the duties of the board.

24 The division of the bill takes effect July 1, 2021.

25 DIVISION II — BOARD DUTY CONSOLIDATION — CONFORMING
26 CHANGES. This division eliminates the boiler and pressure
27 vessel board, the elevator safety board, the fire extinguishing
28 system contractors and alarm system advisory board, the
29 electrical examining board, the state building code board of
30 review, the state building code advisory council, and the
31 plumbing and mechanical systems board. The bill then transfers
32 duties and responsibilities from the eliminated boards and
33 councils to the new board established by division I of the
34 bill, the contractor and installation board.

35 Code chapter 89, concerning boilers and unfired steam

1 pressure vessels, is amended by repealing the boiler and
2 pressure vessel board and transferring duties performed by
3 that board to the contractor and installation board created
4 by the bill. Code section 89.9, concerning fees, is amended
5 to provide that all fees provided for in Code chapter 89
6 and collected shall be deposited in the new contractor and
7 installation fund created in the bill. Code section 89.14,
8 establishing the boiler and pressure vessel board and providing
9 for its duties, is stricken and rewritten. The bill provides
10 that the duties of the boiler and pressure vessel board are
11 to be performed by the contractor and installation board and
12 provides that action by the new board relative to a notice of
13 defect or inspection report constitutes final agency action.

14 Code chapter 89A, concerning elevators, is amended by
15 repealing the elevator safety board and transferring duties
16 performed by that board to the contractor and installation
17 board created by the bill. Code section 89A.13, creating the
18 elevator safety board, is stricken and rewritten to provide
19 that the duties of the elevator safety board shall be performed
20 by the new contractor and installation board. In addition, the
21 bill provides that action by the new board constitutes final
22 agency action. Code section 89A.19, creating the elevator
23 safety fund, is amended by striking the fund and providing
24 that all fees collected pursuant to Code chapter 89A shall be
25 deposited in the contractor and installation fund created in
26 the bill.

27 Code chapters 100C and 100D, concerning fire extinguishing
28 and alarm systems contractors and fire protection system
29 installation, are amended by repealing the fire extinguishing
30 system contractors and alarm systems advisory board and
31 transferring duties performed by that board to the contractor
32 and installation board created by the bill. The bill provides
33 that the new contractor and installation board shall advise the
34 division of the state fire marshal in the department of public
35 safety on matters pertaining to fire extinguishing contractors

1 and installers.

2 Code chapter 103, concerning electricians and electrical
3 contractors, is amended by repealing the electrical examining
4 board and transferring duties performed by that board to the
5 contractor and installation board created by the bill. Code
6 section 103.7, creating the electrician and installer licensing
7 and inspection fund, is amended by striking the fund and
8 provides instead that all licensing, examination, renewal, and
9 inspection fees collected pursuant to Code chapter 103 shall
10 be deposited in the contractor and installation fund created
11 in the bill.

12 Code chapter 103A, concerning the state building code,
13 is amended by repealing the state building code board of
14 review and the state building code advisory council. The
15 bill transfers the duties of the state building code board of
16 review to the new contractor and installation board created
17 in the bill. Provisions requiring state building code
18 advisory council approval of actions by the state building
19 code commissioner or the repealed state building code board of
20 review are stricken.

21 Code chapter 105, concerning plumbers, mechanical
22 professionals, and contractors, is amended by repealing the
23 plumbing and mechanical systems board and transferring duties
24 performed by that board to the contractor and installation
25 board created by the bill. Code section 105.3, establishing
26 the plumbing and mechanical systems board, is stricken and
27 rewritten to allow the new contractor and installation board
28 to maintain memberships in certain plumbing-related national
29 organizations.

30 The division of the bill takes effect January 1, 2022.

31 DIVISION III — ELEVATOR REGULATION. This division concerns
32 elevator regulation.

33 The bill provides that if maintenance or repair of a
34 conveyance is found to be necessary after an annual inspection
35 under Code chapter 89A, the Iowa state elevator code, the

1 permit holder for the conveyance may submit a report regarding
2 the maintenance or repair to the labor commissioner. The
3 bill requires the labor commissioner to accept the report as
4 satisfying the applicable requirements of Code chapter 89A in
5 lieu of additional inspection. The bill provides that the
6 commissioner shall only authorize an additional inspection of
7 the conveyance outside of the statutory inspection schedule
8 if serious, major safety concerns were identified in the
9 previous inspection. The bill provides that the report shall
10 be submitted after the repair or maintenance is completed and
11 within the time provided by rule, but not to exceed 30 days.
12 The bill prohibits the elevator safety board from charging a
13 fee to submit such a report.

14 The bill includes additional requirements for a conveyance
15 operated in a building or structure that is three stories or
16 less and is owned or operated by a nonprofit organization or by
17 a church or house of worship.

18 The bill provides that such conveyances shall be inspected
19 no more frequently than every three years. The bill provides
20 that an operating permit for such a conveyance shall be valid
21 for three years. The bill prohibits the elevator safety board
22 from charging an inspection fee for such a conveyance, but
23 authorizes the elevator safety board to charge an operating
24 permit fee for such a conveyance of no more than \$100 per
25 three-year period. Under current law, such conveyances are
26 subject to annual inspections and require annual operating
27 permits, unless different intervals are established by rule,
28 and inspection and operating permit fees are determined by the
29 elevator safety board by rule.

30 Current law defines a "conveyance" as an elevator,
31 dumbwaiter, escalator, moving walk, lift, or inclined or
32 vertical wheelchair lift subject to regulation under Code
33 chapter 89A, including hoistways, rails, guides, and all other
34 related mechanical and electrical equipment.

35 DIVISION IV — PRIVATE INVESTIGATIVE AGENCIES. This

1 division concerns the regulation of private investigative
2 agencies. The bill amends the definition of "private security
3 business" to provide that it does not include a business for
4 debt collection.

5 DIVISION V — ENERGY CONSERVATION REQUIREMENTS. This
6 division concerns energy efficiency requirements adopted as
7 part of the state building code. Code section 103A.10 is
8 amended to provide that energy conservation requirements
9 for home construction adopted by the state building code
10 commissioner and approved by the state building code advisory
11 council on or after January 1, 2020, shall be cost-effective.
12 The bill defines "cost-effective" to include a comparison of
13 the economic benefits and costs of the proposed requirements
14 based on several considerations, including the perspective of a
15 typical first-time home buyer, the benefits and costs over a
16 seven-year time period, the ability of a home buyer to purchase
17 the home after the additional cost of the energy-saving
18 construction features, and a determination that principal,
19 interest, taxes, insurance, and utilities costs will not
20 be greater after the inclusion of the proposed cost of the
21 additional energy-saving construction features required by the
22 proposed energy conservation requirements than under previously
23 existing energy conservation requirements.

24 The division of the bill takes effect upon enactment and
25 applies retroactively to January 1, 2020.

26 DIVISION VI — BUILDING CONTRACTOR BOARDS CONSOLIDATION
27 — TRANSITION PROVISIONS. This division provides transition
28 provisions relative to the requirements of the bill. The bill
29 requires the division of labor services of the department
30 of workforce development to conduct a study concerning the
31 consolidation of boards as provided by the bill. The study
32 shall consider financing options for the consolidated boards,
33 staffing requirements, and such other issues that might require
34 legislative action necessary for the proper implementation of
35 the bill and requires the labor services division to submit a

1 written report, including its findings and recommendations for
2 legislative action, to the general assembly by January 1, 2021.
3 The bill also provides that any rule, regulation, form, order,
4 or directive promulgated by any board or council mentioned in
5 the bill, including any board or council abolished, merged, or
6 altered, and in effect on January 1, 2022, shall continue in
7 full force and effect until amended, repealed, or supplemented
8 by affirmative action of the appropriate board under the duties
9 and powers of boards as established in the bill. The bill
10 also provides that any license or permit issued by any board
11 or council mentioned in the bill and in effect on January 1,
12 2022, shall continue in full force and effect until expiration
13 or renewal. The bill provides that moneys in any fund
14 repealed by the bill are deposited in the new contractor and
15 installation fund created in the bill and further provides that
16 any administrative hearing, court proceeding, cause of action,
17 or statute of limitation concerning an action relating to any
18 board or council abolished, merged, or altered by the bill and
19 pending or applicable on January 1, 2022, shall not be affected
20 by the bill. The division of the bill takes effect July 1,
21 2020.