

CHAPTER 135

NONPROFIT CORPORATIONS AND AGENCIES — INFORMATION

S.F. 411

AN ACT relating to the availability of certain information concerning nonprofit agencies or corporations receiving public funds.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION. 504A.25A AVAILABILITY OF CERTAIN INFORMATION OF NONPROFIT CORPORATIONS AND AGENCIES.**

A corporation organized pursuant to this chapter, or any other nonprofit agency, which receives federal or state funding, shall provide to any person, upon request, a list of the names of the members of the corporation's or agency's board of directors, and the salary of each officer and director's fee of each director of the corporation or nonprofit agency.

Approved May 8, 1991

CHAPTER 136

LABOR LAWS AND CONTRACTOR REGISTRATION

S.F. 503

AN ACT relating to this state's labor laws administered by the labor commissioner by amending provisions of the Code concerning occupational safety and health penalties, boiler inspections, child labor laws, the definition of a contractor, and out-of-state contractor bonding requirements.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 88.14, subsections 1 and 2, Code 1991, are amended to read as follows:

1. **WILLFUL VIOLATIONS.** Any employer who willfully or repeatedly violates the requirements of section 88.4, any standard, rule, or order ~~promulgated~~ adopted or issued pursuant to section 88.5, or regulations prescribed pursuant to this chapter, may be assessed a civil penalty of not less than five thousand dollars and not more than ten seventy thousand dollars for each violation.

2. **SERIOUS VIOLATIONS.** Any employer who has received a citation for a serious violation of the requirements of section 88.4, of any standard, rule, or order ~~promulgated~~ adopted or issued pursuant to section 88.5, or of any regulations prescribed pursuant to this chapter, shall be assessed a civil penalty of up to ~~one~~ seven thousand dollars for each such violation.

Sec. 2. Section 89.7, subsection 4, Code 1991, is amended to read as follows:

4. The special inspector shall notify the user and the commissioner of any equipment or appurtenance found to be unsafe or unfit for operation in writing, setting forth the nature and extent of such defects and condition. The commissioner shall indicate to the user whether or not the equipment may be used without making repair or replacement of defective parts, or whether or how the equipment may be used in a limited capacity before repairs or replacements are made, and the commissioner may permit the user a reasonable time to make such repairs or replacements. The failure of a special inspector to inform the commissioner of violations shall not subject the commissioner to liability for any damages incurred.

Sec. 3. Section 91.4, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 6. The commissioner, with the assistance of the office of the attorney general if requested by the commissioner, may commence a civil action in any court of competent jurisdiction to enforce the statutes under the commissioner's jurisdiction.

Sec. 4. Section 91C.1, subsection 1, Code 1991, is amended to read as follows:

1. As used in this chapter, unless the context otherwise requires, "contractor" means a person who engages in the business of construction, as the term "construction" is defined in section 345-3.82 (96), Iowa Administrative Code, for purposes of the Iowa employment security law. However, a person who earns less than one thousand dollars annually or who performs work or has work performed on the person's own property is not a contractor for purposes of this chapter. The state, its boards, commissions, agencies, departments, and its political subdivisions including school districts and other special purpose districts, are not contractors for purposes of this chapter.

Sec. 5. Section 91C.7, Code 1991, is amended to read as follows:

91C.7 CONTRACTS – CONTRACTOR'S BOND.

1. A contractor who is not registered with the labor commissioner as required by this chapter shall not be awarded a contract to perform work for the state or an agency of the state.

2. An out-of-state contractor, before commencing a contract in excess of five thousand dollars in value in Iowa, shall file a bond with the division of labor services of the department of employment services. The surety bond shall be executed by a surety company authorized to do business in this state, and the bond shall be continuous in nature until canceled by the surety with not less than thirty days' written notice to the contractor and to the division of labor services of the department of employment services indicating the surety's desire to cancel the bond. The surety company shall not be liable under the bond for any contract commenced after the cancellation of the bond. The bond shall be in the sum of the greater of the following:

- a. One thousand dollars.
- b. Five percent of the contract price.

An out-of-state contractor may file a blanket bond in an amount at least equal to fifty thousand dollars for the registration period established under section 91C.4 in lieu of filing an individual bond for each contract. The division of labor services of the department of employment services may increase the bond amount after a hearing.

3. Release of the bond shall be conditioned upon the payment of all taxes, including contributions due under the unemployment compensation insurance system, penalties, interest, and related fees, which may accrue to the state of Iowa ~~or its subdivisions on account of the execution and performance of the contract.~~ If at any time during the term of the bond, the department of revenue and finance ~~or the department of employment services~~ determines that the amount of the bond is not sufficient to cover the tax liabilities accruing to the state of Iowa ~~or its subdivisions~~, the ~~department labor commissioner~~ shall require the bond to be increased by an amount the ~~department labor commissioner~~ deems sufficient to cover the tax liabilities accrued and ~~to accrue under the contract accruing.~~

4. The department of revenue and finance and the division of job service of the department of employment services shall adopt rules for the collection of the forfeiture. Notice shall be provided to the surety and to the contractor. Notice to the contractor shall be mailed to the contractor's last known address and to the contractor's registered agent for service of process, if any, within the state. The contractor or surety shall have the opportunity to apply to the director of revenue and finance for a hearing within thirty days after the giving of such notice. Upon the failure to timely request a hearing, the bond shall be forfeited. If, after the hearing upon timely request, the department of revenue and finance or the division of job service of the department of employment services finds that the contractor has failed to pay the total of all taxes payable, the department of revenue and finance or the department of employment services shall order the bond forfeited. The amount of the forfeiture shall be the amount of taxes payable or the amount of the bond, whichever is less. For purposes of this section

"taxes payable" means all tax, penalties, interest, and fees that the department of revenue and finance has previously determined to be due to the state or a subdivision of the state by assessment or in an appeal of an assessment, including contributions to the unemployment compensation insurance system.

5. If it is determined that this ~~subsection~~ section may cause denial of federal funds which would otherwise be available, or would otherwise be inconsistent with requirements of federal law, this subsection shall be suspended, but only to the extent necessary to prevent denial of the funds or to eliminate the inconsistency with federal requirements.

6. The bond required by this section may be attached by the commissioner for collection of fees and penalties due to the division.

Sec. 6. Section 92.2, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

92.2 OVER TEN AND UNDER SIXTEEN YEARS OF AGE.

A person over ten and under sixteen years of age cannot be employed, with or without compensation, in street occupations or migratory labor as defined in section 92.1, unless the person holds a work permit issued pursuant to this chapter and the school the person attends has certified that the person is regularly attending school and the potential employment will not interfere with the person's progress in school. A written agreement, as defined in section 92.11, subsection 1, shall not be required for the issuance of a work permit under this section.

1. Notwithstanding section 92.7, a person with a permit to engage in migratory labor shall only work between five a.m. and seven-thirty p.m. from Labor Day through June 1, and between five a.m. and nine p.m. for the remainder of the year.

2. Notwithstanding section 92.7, a person with a permit to engage in street occupations shall only work between four a.m. and seven-thirty p.m. when local public schools are in session and between four a.m. and eight-thirty p.m. for the remainder of the year.

The requirements of section 92.10 shall not apply to a person, firm, or corporation employing a person engaged in street occupations pursuant to this section.

Sec. 7. Section 92.7, Code 1991, is amended to read as follows:

92.7 UNDER SIXTEEN — HOURS PERMITTED.

~~No~~ A person under sixteen years of age shall not be employed with or without compensation, except as provided in section 92.2 and 92.3, before the hour of seven o'clock a.m. or after seven o'clock p.m., except during the period from June 1 through Labor Day when the hours may be extended to nine o'clock p.m. If such person is employed for a period of five hours or more each day, an intermission of not less than thirty minutes shall be given. ~~No such~~ Such a person shall not be employed for more than eight hours in one day, exclusive of intermission, ~~nor and shall such person not~~ be employed for more than forty hours in one week. The hours of work of persons under sixteen years of age employed outside school hours shall not exceed four in one day or twenty-eight in one week while school is in session.

Sec. 8. Section 92.10, unnumbered paragraph 1, Code 1991, is amended to read as follows:

~~No~~ Except as provided in section 92.2, a person under sixteen years of age shall not be employed or permitted to work with or without compensation unless the person, firm, or corporation employing such ~~persons~~ person receives and keeps on file accessible to any officer charged with the enforcement of this chapter, a work permit issued as ~~hereinafter~~ provided in this chapter, and keeps a complete list of the names and ages of all such persons under sixteen years of age employed.

Approved May 8, 1991