

CHAPTER 1073

TIMBER BUYERS

S.F. 2212

AN ACT relating to the regulation of timber sales and surety bonds paid by timber buyers and providing an effective date.

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

Section 1. Section 456A.36, subsection 1, paragraph c, Code 1995, is amended to read as follows:

c. "Timber buyer" means a person engaged in the business of buying timber from the timber growers for sawing into lumber, for processing or for resale, but does not include a person who occasionally purchases timber for sawing or processing for the person's own use and not for resale. "Timber buyer" includes a person who contracts with a timber grower on a shared-profit basis to harvest timber from the timber grower's land.

Sec. 2. Section 456A.36, subsection 2, unnumbered paragraph 2, Code 1995, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

The principal amount of the bond shall be ten percent of the total amount paid to timber growers during the preceding year, plus ten percent of the total amount due or delinquent and unpaid to timber growers at the end of the preceding year, and ten percent of the market value of growers' shares of timber harvested during the previous year. However, the total amount of the bond shall be not less than three thousand dollars and not more than fifteen thousand dollars.

Sec. 3. EFFECTIVE DATE. This Act takes effect January 1, 1997.

Approved April 8, 1996

CHAPTER 1074

ASBESTOS REMOVAL AND ENCAPSULATION

H.F. 2308

AN ACT relating to asbestos removal and encapsulation.

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

Section 1. Section 88B.1, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 7. "Public or commercial building" means a building that is not a residential apartment building of fewer than ten units or a school building.

Sec. 2. Section 88B.2, Code 1995, is amended to read as follows:

88B.2 PERMIT REQUIRED – APPLICATION, QUALIFICATIONS, AND EXCEPTIONS.

1. To qualify for a permit, a business entity shall submit an application to the division in the form required by the division and pay the prescribed fee.

2. ~~Except as otherwise provided in this chapter, a~~ A business entity ~~shall not engage engaging~~ in the removal or encapsulation of asbestos ~~unless the entity holds~~ shall hold a permit for that purpose. ~~This chapter does not apply to a~~ unless the business entity ~~which uses its own employees in is~~ removing or encapsulating asbestos ~~for the purpose of reno-~~

~~vating, maintaining or repairing at its own facilities, except that a business entity exempted from this chapter which assigns an employee to remove or encapsulate asbestos shall provide training on the health and safety aspects of the removal or encapsulation including the federal and state standards applicable to the asbestos project. The training program shall be available for review and approval upon inspection by the division.~~

Sec. 3. Section 88B.3, subsection 3, Code 1995, is amended to read as follows:

3. The commissioner shall prescribe fees for the issuance and renewal of licenses and permits. The fees shall be based on the costs of licensing, and permitting, and ~~other costs of administering this chapter, including time spent by personnel of the division in performing duties and any travel expenses incurred.~~ All fees provided for in this chapter shall be collected by the commissioner and remitted to the treasurer of state for deposit in the general fund of the state.

Sec. 4. Section 88B.4, Code 1995, is amended by striking the section and inserting in lieu thereof the following:

88B.4 PERMIT – TERM, RENEWAL, AND RECORDS REQUIRED.

1. A permit expires on the first anniversary of its effective date, unless it is renewed for a one-year term as provided in this section.

2. At least one month before the permit expires, the division shall send to the permittee, at the last known address of the permittee, a renewal notice that states all of the following:

a. The date on which the current permit expires.

b. The date by which the renewal application must be received by the division for the renewal to be issued and mailed before the permit expires.

c. The amount of the renewal fee.

3. Before the permit expires, the permittee may renew it for an additional one-year term, if the business entity meets the following conditions:

a. Is otherwise entitled to a permit.

b. Submits a renewal application to the division in the form required by the division.

c. Pays the renewal fee prescribed by the division.

4. The permittee shall keep a record containing information of each asbestos project it performs and shall make the record available to the division at any reasonable time. Records shall contain information and be kept for a time prescribed in rules adopted by the division.

Sec. 5. Section 88B.5, Code 1995, is amended by striking the section and inserting in lieu thereof the following:

88B.5 WAIVERS AND ALTERNATIVE PROCEDURES.

1. In an emergency that results from a sudden, unexpected event that is not a planned renovation or demolition, the commissioner may waive the requirement for a permit.

2. If the business entity is not primarily engaged in the removal or encapsulation of asbestos, the commissioner may waive the requirement for a permit if worker protection requirements are met.

3. The division shall not approve any waivers on work conducted at a school, public, or commercial building unless the request is accompanied by a recommendation from an asbestos project designer.

Sec. 6. Section 88B.6, Code 1995, is amended by striking the section and inserting in lieu thereof the following:

88B.6 LICENSING OF ASBESTOS WORKERS.

1. APPLICATION.

a. To apply for a license, an individual shall submit an application to the division in the form required by the division and shall pay the prescribed fee.

b. The application shall include information prescribed by rules adopted by the commissioner.

c. A license is valid for one year from the completion date of the required training and may be renewed by providing information as required in subsection 2, paragraphs "b" and "c".

2. QUALIFICATIONS.

a. An individual is not eligible to be or do any of the following unless the person obtains a license from the division:

- (1) A contractor or supervisor, or to work on an asbestos project.
- (2) An inspector for asbestos-containing building material in a school or a public or commercial building.
- (3) An asbestos management planner for a school or a public or commercial building.
- (4) An asbestos project designer for a school or a public or commercial building.

b. To qualify for a license, the applicant must have successfully completed training as established by the United States environmental protection agency, paid a fee, and met other requirements as specified by the division by rule.

c. To qualify for a license as an asbestos abatement worker, supervisor, or contractor, the applicant must have been examined by a physician within the preceding year and declared by the physician to be physically capable of working while wearing a respirator.

3. EXCEPTION. A license is not required of an employee employed by an employer exempted from the permit requirement of section 88B.2, subsection 2, if the employee is trained on appropriate removal or encapsulation procedures, safety, and health issues regarding asbestos removal or encapsulation, and federal and state standards applicable to the asbestos project.

Sec. 7. Section 88B.8, Code 1995, is amended to read as follows:

88B.8 REPRIMANDS, SUSPENSIONS, DENIALS, AND REVOCATIONS.

~~1. The division may reprimand a permittee or licensee or deny, suspend, or revoke a permit or license, in accordance with chapter 17A, if the permittee or licensee does any of the following:~~

- ~~a. 1. Fraudulently or deceptively obtains or attempts to obtain a permit or license.~~
- ~~b. 2. Fails at any time to meet the qualifications for a permit or license or to comply with a rule adopted by the commissioner under this chapter.~~
- ~~e. 3. Fails to meet any applicable federal or state standard for removal or encapsulation of asbestos.~~
- ~~d. 4. Employs or permits an unlicensed or untrained person to work on an asbestos project.~~

~~2. The department of education may reprimand a training institution or suspend or revoke a training institution authorization in accordance with chapter 17A, if the training institution:~~

- ~~a. Fraudulently or deceptively obtains or attempts to obtain a training authorization.~~
- ~~b. Fails at any time to meet the qualifications for authorization or to comply with a rule adopted by the director of the department of education under this chapter.~~
- ~~e. Fails to meet any applicable federal or state standard for training.~~

Sec. 8. REPEAL. Sections 88B.7, 88B.9, 88B.10, and 88B.13, Code 1995, are repealed.

Sec. 9. CODE EDITING. The Code editor shall reverse the order of sections 88B.2 and 88B.3.

Approved April 8, 1996