

Sec. 17. Section 235B.3, subsection 2, paragraph f, Code 1999, is amended to read as follows:

f. A person who performs inspections of elder group homes for the department of elder affairs and a ~~care-review~~ resident advocate committee member assigned to an elder group home pursuant to chapter 231B.

Sec. 18. Section 669.14, subsection 12, Code 1999, is amended to read as follows:

12. Any claim based upon the actions of a ~~care-review~~ resident advocate committee member in the performance of duty if the action is undertaken and carried out in good faith.

Approved May 17, 1999

CHAPTER 130

EMPLOYMENT AGENCY LICENSURE AND OPERATION

H.F. 521

AN ACT relating to the licensure and operation of employment agencies and providing a penalty.

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

Section 1. NEW SECTION. 94A.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Applicant" means a person applying for a private employment agency license.
2. "Commissioner" means the labor commissioner, appointed pursuant to section 91.2, or the labor commissioner's designee.
3. "Employee" means a person who seeks employment or who obtains employment through an employment agency.
4. "Employer" means a person who seeks one or more employees or who obtains one or more employees.
5. "Employment agency" means a person who brings together those desiring to employ and those desiring employment and who receives a fee, privilege, or other consideration directly or indirectly from an employee for the service. "Employment agency" does not include furnishing or procuring theatrical, stage, or platform attractions or amusement enterprises.

Sec. 2. NEW SECTION. 94A.2 LICENSING.

1. An employment agency shall obtain a license from the commissioner prior to transacting any business. Licenses expire on June 30 of each year.
2. A license application shall be in the form prescribed by the commissioner and shall be accompanied by all of the following:
 - a. A surety company bond in the sum of thirty thousand dollars, to be approved by the commissioner and conditioned to pay any damages that may accrue to any person due to a wrongful act or violation of law on the part of the applicant in the conduct of business.
 - b. The schedule of fees to be charged by the employment agency.
 - c. All contract forms to be signed by an employee.
 - d. An application fee of seventy-five dollars.
3. The commissioner shall grant or deny a license within thirty days from the filing date of a completed application.

4. The commissioner may revoke, suspend, or annul a license in accordance with chapter 17A upon good cause.

Sec. 3. NEW SECTION. 94A.3 GENERAL REQUIREMENTS.

Each employment agency shall do all of the following:

1. Keep an employee record, which shall include the name of each employee signing a contract or agreement, the name and address of the employer, if employment is found, and the fee charged, paid, or refunded. Each record shall be maintained for at least two years.

2. Prior to referral to an employer, provide an employee with a copy of the contract or agreement, which specifies the fee or consideration to be paid by the employee.

Sec. 4. NEW SECTION. 94A.4 PROHIBITIONS.

1. A person shall not require an employee to pay a fee as a condition of application with an employer or an employment agency.

2. An employee shall not be required to pay a fee to an employer as a condition of hire.

3. An employer shall not require an employee to reimburse the employer for a fee the employer paid to an employment agency or other person or entity when the employee was hired.

4. An employment agency shall not do any of the following:

a. Send an employee or an application of an employee to an employer who has not applied to the employment agency for help or labor.

b. Through false notice, advertisement, or other means, fraudulently promise or deceive a person seeking help or employment with regard to the service to be rendered by the employment agency.

c. Divide a fee received from an employee with an employer or any member of an employer's staff. The division of fees between one or more employment agencies that provided services is not prohibited.

d. Charge an employee any fee greater than the fee schedule on file with the commissioner without prior consent of the commissioner.

e. Charge a fee greater than fifteen percent of the employee's annual gross earnings.

f. Require an employee to pay a fee in advance of earnings. If an employee wishes to pay a fee in advance of earnings, the contract between the employee and employment agency shall state that any advance payment by the employee is voluntary. If an employee works less than one year at the referred employment, the employment agency shall refund any amount in excess of fifteen percent of the employee's gross earnings from the referred employment.

Sec. 5. NEW SECTION. 94A.5 POWERS AND DUTIES OF THE COMMISSIONER.

1. At any time, the commissioner may examine the records, books, and any papers relating to the conduct and operation of an employment agency.

2. The commissioner shall adopt rules pursuant to chapter 17A to administer this chapter.

Sec. 6. NEW SECTION. 94A.6 VIOLATIONS.

1. A person who violates a provision of this chapter or who refuses the commissioner access to records, books, and papers pursuant to an examination under section 94A.5 shall be guilty of a simple misdemeanor.

2. If a person violates a provision of this chapter or refuses the commissioner access to records, books, and papers pursuant to an examination under section 94A.5, the commissioner shall assess a civil penalty against the person in an amount not greater than two thousand dollars.

Sec. 7. Section 84A.5, subsection 3, Code 1999, is amended to read as follows:

3. The division of labor services is responsible for the administration of the laws of this state relating to occupational health and safety, the inspection of amusement rides, the

removal and encapsulation of asbestos, the inspection of boilers, wage payment collection, registration of construction contractors, the minimum wage, non-English speaking employees, child labor, employment agency licensing, boxing and wrestling, inspection of elevators, and hazardous chemical risks under chapters 88, 88A, 88B, 89, 89A, 89B, 90A, 91, 91A, 91C, 91D, 91E, 92, ~~94~~, and ~~95~~ 94A. The executive head of the division is the labor commissioner, appointed pursuant to section 91.2.

Sec. 8. Section 91.4, subsection 5, Code 1999, is amended to read as follows:

5. The director of the department of workforce development, in consultation with the labor commissioner, shall, at the time provided by law, make an annual report to the governor setting forth in appropriate form the business and expense of the division of labor services for the preceding year, the number of disputes or violations processed by the division and the disposition of the disputes or violations, and other matters pertaining to the division which are of public interest, together with recommendations for change or amendment of the laws in this chapter and chapters 88, 88A, 88B, 89, 89A, 89B, 90A, 91A, 91C, 91D, 91E, 92, ~~94~~, and ~~95~~ 94A, and the recommendations, if any, shall be transmitted by the governor to the first general assembly in session after the report is filed.

Sec. 9. Chapters 94 and 95, Code 1999, are repealed.

Approved May 17, 1999

CHAPTER 131

PROPERTY EXEMPT FROM EXECUTION

H.F. 660

AN ACT relating to certain property of a debtor which is exempt from execution, and providing an effective date and for the Act's applicability.

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

Section 1. Section 627.6, subsection 8, paragraph a, Code 1999, is amended to read as follows:

a. A social security benefit, unemployment compensation, or ~~a local~~ any public assistance benefit.

Sec. 2. Section 627.6, subsection 8, Code 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. Contributions and assets, including the accumulated earnings and market increases in value, in any of the plans or contracts as follows:

(1) Transfers from a retirement plan qualified under the Employee Retirement Income Security Act of 1974 (ERISA), as codified at 29 U.S.C. § 1001 et seq., to another ERISA-qualified plan or to another pension or retirement plan authorized under federal law, as described in subparagraph (3).

(2) Retirement plans established pursuant to qualified domestic relations orders, as defined in 26 U.S.C. § 414. However, nothing in this section shall be construed as making any retirement plan exempt from the claims of the beneficiary of a qualified domestic relations order or from claims for child support or alimony.

(3) For simplified employee pension plans, self-employed pension plans, Keogh plans (also known as H.R. 10 plans), individual retirement accounts, Roth individual retirement