

MAR 1 1 2005
Place On Calendar

HOUSE FILE 702
BY COMMITTEE ON COMMERCE,
REGULATION AND LABOR

(SUCCESSOR TO HSB 130)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the responsibilities of divisions within the
2 department of workforce development, including training for
3 occupational safety and health inspections and investigations,
4 and certain workers' compensation benefits.

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

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

HF 702

1 Section 1. Section 85.27, subsection 7, Code 2005, is
2 amended to read as follows:

3 7. If, after the third day of incapacity to work following
4 the date of sustaining a compensable injury which does not
5 result in permanent partial disability, or if, at any time
6 after sustaining a compensable injury which results in
7 permanent partial disability, an employee, who is not
8 receiving weekly benefits under section 85.33 or section
9 85.34, subsection 1, returns to work and is required to leave
10 work for one full day or less to receive services pursuant to
11 this section, the employee shall be paid an amount equivalent
12 to the wages lost at the employee's regular rate of pay for
13 the time the employee is required to leave work. For the
14 purposes of this subsection, "day of incapacity to work" means
15 eight hours of accumulated absence from work due to incapacity
16 to work or due to the receipt of services pursuant to this
17 section. The employer shall make the payments under this
18 subsection as wages to the employee after making such
19 deductions from the amount as legally required or customarily
20 made by the employer from wages. Payments made under this
21 subsection shall be required to be reimbursed pursuant to any
22 insurance policy covering workers' compensation. Payments
23 under this subsection shall not be construed to be payment of
24 weekly benefits.

25 Sec. 2. Section 85.38, subsection 2, unnumbered paragraph
26 2, Code 2005, is amended to read as follows:

27 If an employer denies liability under this chapter, chapter
28 85A, or chapter 85B, for payment for any medical services
29 received or weekly compensation requested by an employee with
30 a-disability, and the employee is a beneficiary under either
31 an individual or group plan for nonoccupational illness,
32 injury, or disability, the nonoccupational plan shall not deny
33 payment for-the-medical-services-received of benefits under
34 the plan on the basis that the employer's liability ~~for-the~~
35 ~~medical-services~~ under this chapter, chapter 85A, or chapter

1 85B is unresolved.

2 Sec. 3. Section 88.2, subsection 1, Code 2005, is amended
3 to read as follows:

4 1. The labor commissioner, appointed pursuant to section
5 91.2, and the division of labor services of the department of
6 workforce development created in section 84A.1 shall
7 administer this chapter. The labor commissioner's primary
8 responsibility in administering this chapter shall be to make
9 workplace safety the predominant concern, ensuring consistent
10 enforcement interpretations and agency policies that support
11 the state's general business climate.

12 Sec. 4. Section 88.16, subsection 1, Code 2005, is amended
13 to read as follows:

14 1. The commissioner shall conduct directly or by contract,
15 educational programs to provide an adequate supply of
16 qualified personnel to administer this chapter and
17 informational programs on the importance of and proper use of
18 adequate safety and health equipment. The commissioner shall
19 provide continuous and timely documentation of all training
20 completed by the commissioner and the commissioner's
21 representatives, the dates on which the training was
22 completed, a record of the commissioner's and the
23 commissioner's representatives' inspection experience within
24 the defined sectors of the North American industry
25 classification system, and the dates on which the experience
26 was obtained on the official web page of the division of labor
27 services.

28 EXPLANATION

29 This bill relates to the payment of certain weekly workers'
30 compensation benefits and establishes that the labor
31 commissioner's primary responsibility in administering the
32 Code chapter regulating occupational safety and health, Code
33 chapter 88, is to make workplace safety the predominant
34 concern, ensuring consistent enforcement interpretations and
35 agency policies that support the state's general business

1 climate.

2 Code section 85.27 is amended to provide that for purposes
3 of paying certain lost wages, "day of incapacity to work"
4 means eight hours of accumulated absence from work due to
5 incapacity to work or due to the receipt of services pursuant
6 to that section.

7 The bill amends Code section 85.38 to provide that if an
8 employer denies liability under Code chapter 85, 85A, or 85B,
9 for payment of weekly compensation requested by an employee
10 and the employee is a beneficiary under either an individual
11 or group plan for nonoccupational illness, injury, or
12 disability, the nonoccupational plan shall not deny payment of
13 benefits under the plan on the basis that the employer's
14 liability under Code chapter 85, 85A, or 85B is unresolved.
15 Code section 85.38 currently requires payment by a
16 nonoccupational plan for any medical services received by an
17 injured employee under these circumstances.

18 The bill amends Code section 88.16 to require the labor
19 commissioner to document on the agency's official web page all
20 training completed by the commissioner, or the commissioner's
21 representatives, and the commissioner's and the commissioner's
22 representatives' inspection experience and the dates on which
23 the experience was obtained.

24
25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE 702

H-1103

1 Amend House File 702 as follows:

2 1. Page 1, by inserting after line 24 the
3 following:

4 "Sec. _____. Section 85.35, Code 2005, is amended to
5 read as follows:

6 85.35 ~~SETTLEMENT IN CONTESTED CASE SETTLEMENTS.~~

7 1. The parties to a contested case or persons who
8 are involved in a dispute which could culminate in a
9 contested case may enter into a settlement of any
10 claim arising under this chapter or chapter 85A, 85B,
11 or 86, providing for final disposition of the claim,
12 provided that no final disposition affecting rights to
13 future benefits may be had when the only dispute is
14 the degree of disability resulting from an injury for
15 which an award for payments or agreement for
16 settlement under section 86.13 has been made. The
17 settlement shall be in writing on forms prescribed by
18 the workers' compensation commissioner and submitted
19 to the workers' compensation commissioner for
20 approval.

21 2. The parties may enter into an agreement for
22 settlement that establishes the employer's liability,
23 fixes the nature and extent of the employee's current
24 right to accrued benefits, and establishes the
25 employee's right to statutory benefits that accrue in
26 the future.

27 3. The parties may enter into a compromise
28 settlement of the employee's claim to benefits as a
29 full and final disposition of the claim.

30 4. The parties may enter into a settlement that is
31 a combination of an agreement for settlement and a
32 compromise settlement that establishes the employer's
33 liability for part of a claim but makes a full and
34 final disposition of other parts of a claim.

35 5. A contingent settlement may be made and
36 approved, conditioned upon subsequent approval by a
37 court or governmental agency, or upon any other
38 subsequent event that is expected to occur within one
39 year from the date of the settlement. If the
40 subsequent approval or event does not occur, the
41 contingent settlement and its approval may be vacated
42 by order of the workers' compensation commissioner
43 upon a petition for vacation filed by one of the
44 parties or upon agreement by all parties. If a
45 contingent settlement is vacated, the running of any
46 period of limitation provided for in section 85.26 is
47 tolled from the date the settlement was initially
48 approved until the date that the settlement is
49 vacated, and the claim is restored to the status that
50 the claim held when the contingent settlement was

H-1103

1 initially approved. The contingency on a settlement
2 lapses and the settlement becomes final and fully
3 enforceable if an action to vacate the contingent
4 settlement or to extend the period of time allowed for
5 the subsequent approval or event to occur is not
6 initiated within one year from the date that the
7 contingent settlement was initially approved.

8 6. The parties may agree that settlement proceeds,
9 which are paid in a lump sum, are intended to
10 compensate the injured worker at a given monthly or
11 weekly rate over the life expectancy of the injured
12 worker. If such an agreement is reached, neither the
13 weekly compensation rate which either has been paid,
14 or should have been paid, throughout the case, nor the
15 maximum statutory weekly rate applicable to the injury
16 shall apply. Instead, the rate set forth in the
17 settlement agreement shall be the rate for the case.

18 ~~The settlement shall not be approved unless~~
19 ~~evidence of a bona fide dispute exists concerning any~~
20 ~~of the following:~~

21 1. ~~The claimed injury arose out of or in the~~
22 ~~course of the employment.~~

23 2. ~~The injured employee gave notice under section~~
24 ~~85.23.~~

25 3. ~~Whether or not the statutes of limitations as~~
26 ~~provided in section 85.26 have run. When the issue~~
27 ~~involved is whether or not the statute of limitations~~
28 ~~of section 85.26, subsection 2, has run, the final~~
29 ~~disposition shall pertain to the right to weekly~~
30 ~~compensation unless otherwise provided for in~~
31 ~~subsection 7 of this section.~~

32 4. ~~The injury was caused by the employee's willful~~
33 ~~intent to injure the employee's self or to willfully~~
34 ~~injure another.~~

35 5. ~~Intoxication, which did not arise out of and in~~
36 ~~the course of employment but which was due to the~~
37 ~~effects of alcohol or another narcotic, depressant,~~
38 ~~stimulant, hallucinogenic, or hypnotic drug not~~
39 ~~prescribed by an authorized medical practitioner, was~~
40 ~~a substantial factor in causing the employee's injury.~~

41 6. ~~The injury was caused by the willful act of a~~
42 ~~third party directed against the employee for reasons~~
43 ~~personal to such employee.~~

44 7. ~~This chapter or chapter 85A, 85B, 86 or 87~~
45 ~~applies to the party making the claim.~~

46 8. ~~A substantial portion of the claimed disability~~
47 ~~is related to physical or mental conditions other than~~
48 ~~those caused by the injury.~~

49 7. A settlement shall be approved by the workers'
50 compensation commissioner if the parties show all of

1 the following:

2 a. Substantial evidence exists to support the
3 terms of the settlement.

4 b. Waiver of the employee's right to a hearing,
5 decision, and statutory benefits is made knowingly by
6 the employee.

7 c. The settlement is a reasonable and informed
8 compromise of the competing interests of the parties.

9 If an employee is represented by legal counsel, it
10 is presumed that the required showing for approval of
11 the settlement has been made.

12 8. Approval of a settlement by the workers'
13 compensation commissioner shall be is binding on the
14 parties and shall not be construed as an original
15 proceeding. Notwithstanding any provisions of this
16 chapter and chapters 85A, 85B, 86, and 87, an approved
17 compromise settlement shall constitute a final bar to
18 any further rights arising under this chapter and
19 chapters 85A, 85B, 86, and 87.—Such regarding the
20 subject matter of the compromise and a payment made
21 pursuant to a compromise settlement agreement shall
22 not be construed as the payment of weekly
23 compensation."

24 2. Page 2, by inserting after line 1 the
25 following:

26 "Sec. _____. Section 85.71, Code 2005, is amended by
27 adding the following new subsection:

28 NEW SUBSECTION. 5. The employer has a place of
29 business in Iowa, and the employee is working under a
30 contract of hire which provides that the employee's
31 workers' compensation claims be governed by Iowa law.

32 Sec. _____. Section 86.24, subsection 4, Code 2005,
33 is amended to read as follows:

34 4. A transcript of a contested case proceeding
35 shall be provided by an appealing party at the party's
36 cost ~~and an affidavit shall be filed by the appealing~~
37 ~~party or the party's attorney with the workers'~~
38 ~~compensation commissioner within ten days after the~~
39 ~~filing of the appeal to the workers' compensation~~
40 ~~commissioner stating that the transcript has been~~
41 ~~ordered and identifying the name and address of the~~
42 ~~reporter or reporting firm from which the transcript~~
43 ~~has been ordered.~~

44 Sec. _____. Section 87.14A, Code 2005, is amended to
45 read as follows:

46 87.14A ~~INSURANCE OR BOND~~ REQUIRED.

47 An employer subject to this chapter and chapters
48 85, 85A, 85B, and 86 shall not engage in business
49 without first obtaining insurance covering
50 compensation benefits or obtaining relief from

1 insurance as provided in this chapter ~~or furnishing a~~
2 ~~bond pursuant to section 87.16.~~ A person who
3 willfully and knowingly violates this section is
4 guilty of a class "D" felony.

5 Sec. _____. Section 87.19, unnumbered paragraph 1,
6 Code 2005, is amended to read as follows:

7 Upon the receipt of information by the workers'
8 compensation commissioner of any employer failing to
9 comply with ~~sections 87.16 and 87.17~~ section 87.14A,
10 the commissioner shall at once notify such employer by
11 certified mail that unless such employer comply with
12 the requirements of law, legal proceedings will be
13 instituted to enforce such compliance.

14 Sec. _____. Section 87.20, Code 2005, is amended to
15 read as follows:

16 87.20 REVOCATION OF RELEASE FROM INSURANCE.

17 The insurance commissioner ~~with the concurrence of~~
18 ~~the workers' compensation commissioner~~ may, at any
19 time, upon reasonable notice to such employer and upon
20 hearing, revoke for cause any order theretofore made
21 relieving any employer from carrying insurance as
22 provided by this chapter."

23 3. Page 2, by inserting after line 27 the
24 following:

25 "Sec. _____. Sections 87.16 and 87.17, Code 2005,
26 are repealed."

27 4. Title page, by striking line 4, and inserting
28 the following: "and workers' compensation."

29 5. By renumbering as necessary.

By STRUYK of Pottawattamie

H-1103 FILED MARCH 17, 2005

HOUSE FILE 702

H-1169

1 Amend the amendment, H-1103, to House File 702 as
2 follows:

3 1. Page 4, by inserting after line 22 the
4 following:

5 "_____. Page 2, by striking lines 26 and 27 and
6 inserting the following: "was obtained, and shall
7 make the information documented available upon
8 request."

By STRUYK of Pottawattamie
JENKINS of Black Hawk

H-1169 FILED MARCH 23, 2005

ADOPTED

HOUSE FILE 702
BY COMMITTEE ON COMMERCE,
REGULATION AND LABOR

(SUCCESSOR TO HSB 130)

(As Amended and Passed by the House March 23, 2005)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the responsibilities of divisions within the
2 department of workforce development, including training for
3 occupational safety and health inspections and investigations,
4 and workers' compensation.

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

- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20

House Amendments _____

1 Section 1. Section 85.27, subsection 7, Code 2005, is
2 amended to read as follows:

3 7. If, after the third day of incapacity to work following
4 the date of sustaining a compensable injury which does not
5 result in permanent partial disability, or if, at any time
6 after sustaining a compensable injury which results in
7 permanent partial disability, an employee, who is not
8 receiving weekly benefits under section 85.33 or section
9 85.34, subsection 1, returns to work and is required to leave
10 work for one full day or less to receive services pursuant to
11 this section, the employee shall be paid an amount equivalent
12 to the wages lost at the employee's regular rate of pay for
13 the time the employee is required to leave work. For the
14 purposes of this subsection, "day of incapacity to work" means
15 eight hours of accumulated absence from work due to incapacity
16 to work or due to the receipt of services pursuant to this
17 section. The employer shall make the payments under this
18 subsection as wages to the employee after making such
19 deductions from the amount as legally required or customarily
20 made by the employer from wages. Payments made under this
21 subsection shall be required to be reimbursed pursuant to any
22 insurance policy covering workers' compensation. Payments
23 under this subsection shall not be construed to be payment of
24 weekly benefits.

25 Sec. 2. Section 85.35, Code 2005, is amended to read as
26 follows:

27 85.35 SETTLEMENT-IN-CONTESTED-CASE SETTLEMENTS.

28 1. The parties to a contested case or persons who are
29 involved in a dispute which could culminate in a contested
30 case may enter into a settlement of any claim arising under
31 this chapter or chapter 85A, 85B, or 86, providing for final
32 disposition of the claim, provided that no final disposition
33 affecting rights to future benefits may be had when the only
34 dispute is the degree of disability resulting from an injury
35 for which an award for payments or agreement for settlement

1 under section 86.13 has been made. The settlement shall be in
2 writing on forms prescribed by the workers' compensation
3 commissioner and submitted to the workers' compensation
4 commissioner for approval.

5 2. The parties may enter into an agreement for settlement
6 that establishes the employer's liability, fixes the nature
7 and extent of the employee's current right to accrued
8 benefits, and establishes the employee's right to statutory
9 benefits that accrue in the future.

10 3. The parties may enter into a compromise settlement of
11 the employee's claim to benefits as a full and final
12 disposition of the claim.

13 4. The parties may enter into a settlement that is a
14 combination of an agreement for settlement and a compromise
15 settlement that establishes the employer's liability for part
16 of a claim but makes a full and final disposition of other
17 parts of a claim.

18 5. A contingent settlement may be made and approved,
19 conditioned upon subsequent approval by a court or
20 governmental agency, or upon any other subsequent event that
21 is expected to occur within one year from the date of the
22 settlement. If the subsequent approval or event does not
23 occur, the contingent settlement and its approval may be
24 vacated by order of the workers' compensation commissioner
25 upon a petition for vacation filed by one of the parties or
26 upon agreement by all parties. If a contingent settlement is
27 vacated, the running of any period of limitation provided for
28 in section 85.26 is tolled from the date the settlement was
29 initially approved until the date that the settlement is
30 vacated, and the claim is restored to the status that the
31 claim held when the contingent settlement was initially
32 approved. The contingency on a settlement lapses and the
33 settlement becomes final and fully enforceable if an action to
34 vacate the contingent settlement or to extend the period of
35 time allowed for the subsequent approval or event to occur is

1 not initiated within one year from the date that the
2 contingent settlement was initially approved.

3 6. The parties may agree that settlement proceeds, which
4 are paid in a lump sum, are intended to compensate the injured
5 worker at a given monthly or weekly rate over the life
6 expectancy of the injured worker. If such an agreement is
7 reached, neither the weekly compensation rate which either has
8 been paid, or should have been paid, throughout the case, nor
9 the maximum statutory weekly rate applicable to the injury
10 shall apply. Instead, the rate set forth in the settlement
11 agreement shall be the rate for the case.

12 ~~The settlement shall not be approved unless evidence of a~~
13 ~~bona fide dispute exists concerning any of the following:~~

14 ~~1. The claimed injury arose out of or in the course of the~~
15 ~~employment.~~

16 ~~2. The injured employee gave notice under section 85.23.~~

17 ~~3. Whether or not the statutes of limitations as provided~~
18 ~~in section 85.26 have run. When the issue involved is whether~~
19 ~~or not the statute of limitations of section 85.26 subsection~~
20 ~~2 has run, the final disposition shall pertain to the right~~
21 ~~to weekly compensation unless otherwise provided for in~~
22 ~~subsection 7 of this section.~~

23 ~~4. The injury was caused by the employee's willful intent~~
24 ~~to injure the employee's self or to willfully injure another.~~

25 ~~5. Intoxication, which did not arise out of and in the~~
26 ~~course of employment but which was due to the effects of~~
27 ~~alcohol or another narcotic, depressant, stimulant,~~
28 ~~hallucinogenic, or hypnotic drug not prescribed by an~~
29 ~~authorized medical practitioner, was a substantial factor in~~
30 ~~causing the employee's injury.~~

31 ~~6. The injury was caused by the willful act of a third~~
32 ~~party directed against the employee for reasons personal to~~
33 ~~such employee.~~

34 ~~7. This chapter or chapter 85A, 85B, 86 or 87 applies to~~
35 ~~the party making the claim.~~

1 ~~8.--A-substantial-portion-of-the-claimed-disability-is~~
2 ~~related-to-physical-or-mental-conditions-other-than-those~~
3 ~~caused-by-the-injury.~~

4 7. A settlement shall be approved by the workers'
5 compensation commissioner if the parties show all of the
6 following:

7 a. Substantial evidence exists to support the terms of the
8 settlement.

9 b. Waiver of the employee's right to a hearing, decision,
10 and statutory benefits is made knowingly by the employee.

11 c. The settlement is a reasonable and informed compromise
12 of the competing interests of the parties.

13 If an employee is represented by legal counsel, it is
14 presumed that the required showing for approval of the
15 settlement has been made.

16 8. Approval of a settlement by the workers' compensation
17 commissioner shall be is binding on the parties and shall not
18 be construed as an original proceeding. Notwithstanding any
19 provisions of this chapter and chapters 85A, 85B, 86, and 87,
20 an approved compromise settlement shall constitute a final bar
21 to any further rights arising under this chapter and chapters
22 85A, 85B, 86, and 87.--Such regarding the subject matter of
23 the compromise and a payment made pursuant to a compromise
24 settlement agreement shall not be construed as the payment of
25 weekly compensation.

26 Sec. 3. Section 85.38, subsection 2, unnumbered paragraph
27 2, Code 2005, is amended to read as follows:

28 If an employer denies liability under this chapter, chapter
29 85A, or chapter 85B, for payment for any medical services
30 received or weekly compensation requested by an employee with
31 a-disability, and the employee is a beneficiary under either
32 an individual or group plan for nonoccupational illness,
33 injury, or disability, the nonoccupational plan shall not deny
34 payment for-the-medical-services-received of benefits under
35 the plan on the basis that the employer's liability for-the

1 ~~medical-services~~ under this chapter, chapter 85A, or chapter
2 85B is unresolved.

3 Sec. 4. Section 85.71, Code 2005, is amended by adding the
4 following new subsection:

5 NEW SUBSECTION. 5. The employer has a place of business
6 in Iowa, and the employee is working under a contract of hire
7 which provides that the employee's workers' compensation
8 claims be governed by Iowa law.

9 Sec. 5. Section 86.24, subsection 4, Code 2005, is amended
10 to read as follows:

11 4. A transcript of a contested case proceeding shall be
12 provided by an appealing party at the party's cost and an
13 affidavit shall be filed by the appealing party or the party's
14 attorney with the workers' compensation commissioner within
15 ten days after the filing of the appeal to the workers'
16 compensation commissioner stating that the transcript has been
17 ordered and identifying the name and address of the reporter
18 or reporting firm from which the transcript has been ordered.

19 Sec. 6. Section 87.14A, Code 2005, is amended to read as
20 follows:

21 87.14A INSURANCE OR BOND REQUIRED.

22 An employer subject to this chapter and chapters 85, 85A,
23 85B, and 86 shall not engage in business without first
24 obtaining insurance covering compensation benefits or
25 obtaining relief from insurance as provided in this chapter or
26 furnishing a bond pursuant to section 87.16. A person who
27 willfully and knowingly violates this section is guilty of a
28 class "D" felony.

29 Sec. 7. Section 87.19, unnumbered paragraph 1, Code 2005,
30 is amended to read as follows:

31 Upon the receipt of information by the workers'
32 compensation commissioner of any employer failing to comply
33 with sections 87.16 and 87.17 section 87.14A, the commissioner
34 shall at once notify such employer by certified mail that
35 unless such employer comply with the requirements of law,

1 legal proceedings will be instituted to enforce such
2 compliance.

3 Sec. 8. Section 87.20, Code 2005, is amended to read as
4 follows:

5 87.20 REVOCATION OF RELEASE FROM INSURANCE.

6 The insurance commissioner ~~with-the-concurrence-of-the~~
7 ~~workers'-compensation-commissioner~~ may, at any time, upon
8 reasonable notice to such employer and upon hearing, revoke
9 for cause any order theretofore made relieving any employer
10 from carrying insurance as provided by this chapter.

11 Sec. 9. Section 88.2, subsection 1, Code 2005, is amended
12 to read as follows:

13 1. The labor commissioner, appointed pursuant to section
14 91.2, and the division of labor services of the department of
15 workforce development created in section 84A.1 shall
16 administer this chapter. The labor commissioner's primary
17 responsibility in administering this chapter shall be to make
18 workplace safety the predominant concern, ensuring consistent
19 enforcement interpretations and agency policies that support
20 the state's general business climate.

21 Sec. 10. Section 88.16, subsection 1, Code 2005, is
22 amended to read as follows:

23 1. The commissioner shall conduct directly or by contract,
24 educational programs to provide an adequate supply of
25 qualified personnel to administer this chapter and
26 informational programs on the importance of and proper use of
27 adequate safety and health equipment. The commissioner shall
28 provide continuous and timely documentation of all training
29 completed by the commissioner and the commissioner's
30 representatives, the dates on which the training was
31 completed, a record of the commissioner's and the
32 commissioner's representatives' inspection experience within
33 the defined sectors of the North American industry
34 classification system, and the dates on which the experience
35 was obtained, and shall make the information documented

1 available upon request.

2 Sec. 11. Sections 87.16 and 87.17, Code 2005, are
3 repealed.

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35

STRUYK, CH
FREEMAN
WISE

SU led by
SF 0702 HSB 130
COMMERCE, REGULATION & LABOR

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
COMMERCE, REGULATION
AND LABOR BILL BY
CHAIRPERSON JENKINS)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the labor commissioner's regulatory duties and
2 responsibilities regarding occupational safety and health,
3 including training for inspections and investigations.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

TLSB 1772YC 81

kh/gg/14

1 Section 1. Section 88.2, subsection 1, Code 2005, is
2 amended to read as follows:

3 1. The labor commissioner, appointed pursuant to section
4 91.2, and the division of labor services of the department of
5 workforce development created in section 84A.1 shall
6 administer this chapter. The labor commissioner's primary
7 responsibility in administering this chapter shall be to make
8 workplace safety the predominant concern, ensuring consistent
9 enforcement interpretations and agency policies that support
10 the state's general business climate.

11 Sec. 2. Section 88.6, Code 2005, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 10. TRAINING FOR INSPECTIONS. For
14 purposes of subsection 1, the credentials presented by the
15 commissioner or the commissioner's representative shall
16 include, but are not limited to, evidence that the
17 commissioner or the commissioner's representative has received
18 industry-specific training within the defined sectors of the
19 North American industry classification system within a two-
20 year period preceding the inspection or investigation.

21 Sec. 3. Section 88.16, subsection 1, Code 2005, is amended
22 to read as follows:

23 1. The commissioner shall conduct directly or by contract,
24 educational programs to provide an adequate supply of
25 qualified personnel to administer this chapter and
26 informational programs on the importance of and proper use of
27 adequate safety and health equipment. The commissioner shall
28 provide continuous and timely documentation of the training
29 conducted by the commissioner, and dates on which the training
30 was completed by the commissioner or the commissioner's
31 representative pursuant to section 88.6, subsection 10, on the
32 official web page of the division of labor services.

33 EXPLANATION

34 This bill establishes that the labor commissioner's primary
35 responsibility in administering the Code chapter regulating

1 occupational safety and health, Code chapter 88, is to make
2 workplace safety the predominant concern, ensuring consistent
3 enforcement interpretations and agency policies that support
4 the state's general business climate. The bill also requires
5 that the commissioner, or the commissioner's representative,
6 receive industry-specific training prior to conducting an
7 inspection or investigation under the Code chapter, and to
8 document such training on the agency's official web page.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35