

MAR 1 1 2008
Place On Calendar

HOUSE FILE 719
BY COMMITTEE ON COMMERCE,
REGULATION AND LABOR

(SUCCESSOR TO HSB 230)

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

A BILL FOR

1 An Act repealing registration requirements for construction
2 contractors and providing for related matters.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 719

1 Section 1. Section 10A.601, subsections 1 and 7, Code
2 2005, are amended to read as follows:

3 1. A full-time employment appeal board is created within
4 the department of inspections and appeals to hear and decide
5 contested cases under chapter 8A, subchapter IV, and chapters
6 80, 88, ~~91E~~ 96, and 97B.

7 7. An application for rehearing before the appeal board
8 shall be filed pursuant to section 17A.16, unless otherwise
9 provided in chapter 8A, subchapter IV, or chapter 80, 88, ~~91E~~
10 96, or 97B. A petition for judicial review of a decision of
11 the appeal board shall be filed pursuant to section 17A.19.
12 The appeal board may be represented in any such judicial
13 review by an attorney who is a regular salaried employee of
14 the appeal board or who has been designated by the appeal
15 board for that purpose, or at the appeal board's request, by
16 the attorney general. Notwithstanding the petitioner's
17 residency requirement in section 17A.19, subsection 2, a
18 petition for judicial review may be filed in the district
19 court of the county in which the petitioner was last employed
20 or resides, provided that if the petitioner does not reside in
21 this state, the action shall be brought in the district court
22 of Polk county, Iowa, and any other party to the proceeding
23 before the appeal board shall be named in the petition.
24 Notwithstanding the thirty-day requirement in section 17A.19,
25 subsection 6, the appeal board shall, within sixty days after
26 filing of the petition for judicial review or within a longer
27 period of time allowed by the court, transmit to the reviewing
28 court the original or a certified copy of the entire records
29 of a contested case. The appeal board may also certify to the
30 court, questions of law involved in any decision by the appeal
31 board. Petitions for judicial review and the questions so
32 certified shall be given precedence over all other civil cases
33 except cases arising under the workers' compensation law of
34 this state. No bond shall be required for entering an appeal
35 from any final order, judgment, or decree of the district

1 court to the supreme court.

2 Sec. 2. Section 84A.5, subsection 3, Code 2005, is amended
3 to read as follows:

4 3. The division of labor services is responsible for the
5 administration of the laws of this state under chapters 88,
6 88A, 88B, 89, 89A, 89B, 90A, 91, 91A, 91E, 91D, 91E, 92, and
7 94A, and sections 30.7 and 85.68. The executive head of the
8 division is the labor commissioner, appointed pursuant to
9 section 91.2.

10 Sec. 3. Section 91.4, subsection 5, Code 2005, is amended
11 to read as follows:

12 5. The director of the department of workforce
13 development, in consultation with the labor commissioner,
14 shall, at the time provided by law, make an annual report to
15 the governor setting forth in appropriate form the business
16 and expense of the division of labor services for the
17 preceding year, the number of disputes or violations processed
18 by the division and the disposition of the disputes or
19 violations, and other matters pertaining to the division which
20 are of public interest, together with recommendations for
21 change or amendment of the laws in this chapter and chapters
22 88, 88A, 88B, 89, 89A, 89B, 90A, 91A, 91E, 91D, 91E, 92, and
23 94A, and sections 30.7 and 85.68, and the recommendations, if
24 any, shall be transmitted by the governor to the first general
25 assembly in session after the report is filed.

26 Sec. 4. Section 96.11, subsection 15, Code 2005, is
27 amended by striking the subsection.

28 Sec. 5. Section 103A.20, subsection 1, unnumbered
29 paragraph 2, Code 2005, is amended by striking the unnumbered
30 paragraph.

31 Sec. 6. Chapter 91C, Code 2005, is repealed.

32 EXPLANATION

33 This bill repeals Code chapter 91C, which requires a
34 contractor doing business in this state to register with the
35 labor commissioner. The bill also makes conforming changes.

1 The conditions for registration, under the chapter, require
2 a contractor to be in compliance with workers' compensation
3 insurance laws and provide evidence of workers' compensation
4 insurance coverage annually, evidence of relief from the
5 insurance requirement, or a statement that the contractor is
6 not required to carry workers' compensation coverage; and to
7 possess an employer account number or a special contractor
8 number issued by the department of workforce development
9 pursuant to the Iowa employment security law.

10 The registration fees, assessed biennially and deposited in
11 the general fund of the state, cannot exceed \$25.

12 The chapter requires an out-of-state contractor, before
13 commencing a contract in excess of \$5,000 in value in Iowa, to
14 file a bond with the division of labor services in the sum of
15 the greater of \$1,000 or 5 percent of the contract price.

16 The administrative penalties permitted under the Code
17 chapter cannot exceed \$500 per violation. Revenues from the
18 collection of penalties are deposited in the general fund of
19 the state.

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Fiscal Services Division
Legislative Services Agency
Fiscal Note

HF 719 - Construction Contractor Registration Repeal (LSB 2609 HV)
Analyst: Russell Trimble (Phone: (515) 281-4613) (russ.trimble@legis.state.ia.us)
Fiscal Note Version - New

Description

House File 719 repeals Chapter 91C, Code of Iowa, which requires a contractor doing business in this State to register with the Labor Commissioner.

Assumptions

1. The Labor Services Division of the Department of Workforce Development currently collects an average of \$200,000 in contractor registration fees each year. These fees are deposited into the General Fund. The Division receives an annual allocation from the Department of Workforce Development's General Fund appropriation of \$50,000 to fund the cost of administering the Program.
2. The Department of Workforce Development's General Fund appropriation will not be reduced after the repeal of this Chapter.

Fiscal Impact

House File 719 will reduce revenues to the General Fund by \$200,000 annually starting in FY 2006.

Source

Division of Labor Services, Department of Workforce Development

/s/ Holly M. Lyons

March 14, 2005

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

HORBACH, CN
FREEMAN
QUIRK

ST 719

HSB 230

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 _____

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