

## CHAPTER 202

### LIVESTOCK TRANSPORTATION CERTIFICATES

*S.F. 497*

**AN ACT** relating to transportation certificates for livestock by requiring inclusion of the driver's license number of the owner of the livestock on the transportation certificate.

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

Section 1. Section 172B.3, subsection 2, paragraph b, Code 1989, is amended to read as follows:

- b. The name, driver's license number, and address of the owner of the livestock.

Approved May 22, 1989

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## CHAPTER 203

### CITY TAX FOR MUSICAL, ARTISTIC, AND CULTURAL PURPOSES

*S.F. 86*

**AN ACT** relating to the authority of a city to levy a tax for the support of municipal bands and other musical groups and support of certain tax exempt artistic and cultural organizations.

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

Section 1. Section 384.12, subsection 1, unnumbered paragraph 1, Code 1989, is amended to read as follows:

A tax not to exceed thirteen and one-half cents per thousand dollars of assessed value for the support of a municipal band instrumental or vocal musical groups, one or more organizations which have tax-exempt status under section 501(c)(3) of the Internal Revenue Code and are organized and operated exclusively for artistic and cultural purposes, or any of these purposes, subject to the following:

Approved May 22, 1989

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## CHAPTER 204

### CHEMICAL EMERGENCIES

*S.F. 512*

**AN ACT** relating to chemical emergencies, providing for the establishment of the Iowa emergency response commission and specifying its powers and duties, providing for intergovernmental agreements, providing for the designation of local emergency planning districts and the appointment of local emergency planning committees, providing for immunity from liability, providing disclosure requirements, authorizing civil actions by the commission, and providing properly related matters.

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

Section 1. Section 29.1, Code 1989, is amended to read as follows:

## 29.1 DEPARTMENT OF PUBLIC DEFENSE.

The department of public defense is composed of the military division, the disaster services division, and the veterans affairs division. The adjutant general is the director of the department of public defense and the budget and personnel of all of the divisions are subject to the approval of the adjutant general. The Iowa emergency response commission established by section 30.2 is attached to the department of public defense for organizational purposes.

### Sec. 2. NEW SECTION. 30.1 DEFINITIONS.

For the purposes of this chapter, unless the context otherwise requires:

1. "Commission" means the Iowa emergency response commission.
2. "Committee" means a local emergency planning committee appointed by the commission.
3. "Emergency Planning and Community Right-to-know Act" means Pub. L. No. 99-499, Title III, 42 U.S.C. § 11001 et seq., as amended to January 1, 1989.

### Sec. 3. NEW SECTION. 30.2 IOWA EMERGENCY RESPONSE COMMISSION ESTABLISHED.

1. The Iowa emergency response commission is established. The commission is responsible directly to the governor. The commission is attached to the department of public defense for routine administrative and support services only.

2. The commission is composed of twelve members appointed by the governor. One member shall be appointed to represent the department of agriculture and land stewardship, one to represent the department of employment services, one to represent the department of justice, one to represent the department of natural resources, one to represent the department of public defense, one to represent the Iowa department of public health, one to represent the department of public safety, one to represent the state department of transportation, one to represent the fire service institute of the Iowa state university of science and technology, and one to represent the office of the governor. Two representatives from private industry shall also be appointed by the governor, subject to confirmation by the senate.

3. The commission members shall be appointed for staggered terms of three years each, beginning and ending as provided in section 69.19. Vacancies shall be filled in the same manner as the original appointments were made.

### Sec. 4. NEW SECTION. 30.3 OFFICERS AND MEETINGS.

The members of the commission shall select a chairperson and a vice chairperson from their membership. The commission shall meet at least twice per year but may meet as often as necessary. Meetings shall be set by a majority of the commission or upon the call of the chairperson, or in the chairperson's absence, upon the call of the vice chairperson.

### Sec. 5. NEW SECTION. 30.4 EXPENSES.

The members of the commission are entitled to reimbursement for travel and other necessary expenses incurred in the performance of official duties.

### Sec. 6. NEW SECTION. 30.5 COMMISSION POWERS AND DUTIES.

1. The commission has the powers necessary to carry out the functions and duties specified in state law and the Emergency Planning and Community Right-to-know Act, including the powers to solicit and accept gifts and grants, and to adopt rules pursuant to chapter 17A. All federal funds, grants, and gifts shall be deposited with the treasurer of state and used only for the purposes agreed upon as conditions for receipt of the funds, grants, or gifts.

2. The commission may enter into agreements pursuant to chapter 28E to accomplish any duty imposed upon the commission by the Emergency Planning and Community Right-to-know Act, but the commission shall not compensate any governmental unit for the performance of duties pursuant to such an agreement. Funding for administering the duties of the commission under sections 30.7, 30.8, and 30.9 shall be included in the budgets of the department of employment services, the department of natural resources, and the department of public defense, respectively.

3. The commission may request from any state agency or official the information and assistance necessary to perform the duties of the commission. All state departments, divisions, agencies, and offices shall make available upon request information which is requested and which is not by law confidential.

Sec. 7. NEW SECTION. 30.6 COMMISSION DUTIES.

1. The commission shall designate local emergency planning districts and appoint persons to serve on local emergency planning committees. The commission may, upon request, revise its designations of districts and appointments of committee members.

2. The commission shall supervise and coordinate the activities of the committees.

3. Upon request by a state or local official or any person, the commission shall obtain from a facility owner or operator the emergency and hazardous chemical inventory information which the owner or operator is required to prepare and submit pursuant to section 312 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. § 11022, and provide the information to the requesting party.

4. The commission shall make available to the public upon request during normal working hours material safety data sheets, lists of hazardous chemicals, inventory forms, toxic chemical release forms, and follow-up emergency notices in its possession pursuant to section 324 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. § 11044.

5. The commission shall perform all other functions and duties as specified in the Emergency Planning and Community Right-to-know Act.

Sec. 8. NEW SECTION. 30.7 DUTIES TO BE ALLOCATED TO DEPARTMENT OF EMPLOYMENT SERVICES.

Agreements negotiated by the commission and the department of employment services shall provide for the allocation of duties to the department of employment services as follows:

1. Material safety data sheets or a list for chemicals required to be submitted to the commission under section 311 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. § 11021, shall be submitted to the department of employment services. Submission to that department constitutes compliance with the requirement for notification to the commission.

2. Emergency and hazardous chemical inventory forms required to be submitted to the commission under section 312 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. § 11022, shall be submitted to the department of employment services. Submission to that department constitutes compliance with the requirement for notification to the commission.

3. The department of employment services shall advise the commission of the failure of any facility owner or operator to submit information as required under sections 311 and 312 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. § 11021 and 11022.

4. The department of employment services shall make available to the public upon request during normal working hours the information forms in its possession pursuant to sections 312 and 324 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. § 11022 and 11044.

Sec. 9. NEW SECTION. 30.8 DUTIES TO BE ALLOCATED TO DEPARTMENT OF NATURAL RESOURCES.

Agreements negotiated by the commission and the department of natural resources shall provide for the allocation of duties to the department of natural resources as follows:

1. Emergency notifications of releases required to be submitted to the commission under section 304 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. § 11004, shall be submitted to the department of natural resources. Submission to that department constitutes compliance with the requirement for notification to the commission.

2. The department of natural resources shall advise the commission of the failure of any facility owner or operator to submit a notification as required under section 304 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. § 11004.

3. The department of natural resources shall make available to the public upon request during normal working hours the information in its possession pursuant to section 324 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. § 11044.

**Sec. 10. NEW SECTION. 30.9 DUTIES TO BE ALLOCATED TO DEPARTMENT OF PUBLIC DEFENSE.**

Agreements negotiated by the commission and the department of public defense shall provide for the allocation of duties to the department of public defense as follows:

1. Comprehensive emergency response plans required to be developed under section 303 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. § 11003, shall be submitted to the department of public defense. Committee submission to that department constitutes compliance with the requirement for reporting to the commission. After initial submission, a plan need not be resubmitted unless revisions are requested by the commission. The department of public defense shall review the plan on behalf of the commission and shall incorporate the provisions of the plan into its responsibilities under chapter 29C.

2. The department of public defense shall advise the commission of the failure of any committee to submit an initial comprehensive emergency response plan or a revised plan requested by the commission.

3. The department of public defense shall make available to the public upon request during normal working hours the information in its possession pursuant to section 324 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. § 11044.

**Sec. 11. NEW SECTION. 30.10 POWERS OF LOCAL EMERGENCY PLANNING COMMITTEES.**

The local emergency planning committee appointed by the commission for each local emergency planning district has the powers necessary to carry out the functions and duties specified in state law and the Emergency Planning and Community Right-to-know Act.

**Sec. 12. NEW SECTION. 30.11 LIABILITY OF COMMITTEE MEMBERS.**

A person appointed as a member of a local emergency planning committee is not personally liable for a claim based upon an act or omission of the person performed in the discharge of the functions and duties specified in the state law and the Emergency Planning and Community Right-to-know Act, except for acts and omissions which involve intentional misconduct or knowing violation of the law, or for a transaction from which the person derives an improper personal benefit.

**Sec. 13. NEW SECTION. 30.12 CIVIL ACTION.**

1. The commission may commence a civil action against an owner or operator of a facility who has violated federal requirements to do any of the following:

a. Provide notification under section 302(c) of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. § 11002(c).

b. Submit a material safety data sheet or a list under section 311(a) of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. § 11021(a).

c. Make available information requested under section 311(c) of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. § 11021(c).

d. Complete and submit an inventory form under section 312(a) of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. § 11022(a), containing tier I information unless tier II information is submitted for the same period of time.

e. Provide information under section 303(d) of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. § 11003(d).

f. Submit tier II information under section 312(e)(1) of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. § 11022(e)(1).

2. The Iowa district court shall have jurisdiction over actions brought under this section and may grant any appropriate relief.

**CHAPTER 205**  
**HOUSING DISCRIMINATION**  
*S.F. 56*

**AN ACT** establishing familial status as a protected class in Iowa's discriminatory housing law and providing an exception for housing for elderly persons and certain owner-occupied housing.

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

Section 1. Section 601A.2, Code 1989, is amended by adding the following new subsection: **NEW SUBSECTION. 12.** "Familial status" means one or more individuals under the age of eighteen domiciled with either of the following:

- a. A parent or another person having legal custody of the individual or individuals.
- b. The designee of the parent or the other person having custody of the individual or individuals, with the written permission of the parent or other person.

Sec. 2. Section 601A.8, subsections 1 through 3, Code 1989, are amended to read as follows:

1. To refuse to sell, rent, lease, assign or sublease any real property or housing accommodation or part, portion or interest therein, to any person because of the race, color, creed, sex, religion, national origin, ~~or~~ disability, or familial status of such person.
2. To discriminate against any person because of the person's race, color, creed, sex, religion, national origin, ~~or~~ disability, or familial status, in the terms, conditions or privileges of the sale, rental, lease assignment or sublease of any real property or housing accommodation or any part, portion or interest therein.
3. To directly or indirectly advertise, or in any other manner indicate or publicize that the purchase, rental, lease, assignment, or sublease of any real property or housing accommodation or any part, portion or interest therein, by persons of any particular race, color, creed, sex, religion, national origin, ~~or~~ disability, or familial status is unwelcome, objectionable, not acceptable or not solicited.

Sec. 3. Section 601A.12, Code 1989, is amended by adding the following new subsection:

**NEW SUBSECTION. 6.** Housing accommodations provided under any state or federal program specifically designed and operated to assist elderly persons, as defined in the state or federal program, and housing for older persons. As used in this subsection, "housing for older persons" means housing communities consisting of accommodations intended for either of the following:

- a. For ninety percent occupancy by at least one person fifty-five years of age or older per unit, and providing significant facilities and services specifically designed to meet the physical or social needs of such persons.
- b. For and occupied solely by persons sixty-two years of age or older.

Sec. 4. Section 601A.12, Code 1989, is amended by adding the following new subsection:

**NEW SUBSECTION. 7.** The rental or leasing of a housing accommodation in a building which contains housing accommodations for not more than four families living independently of each other, if the owner resides in one of the housing accommodations for which the owner qualifies for the homestead tax credit under section 425.1.

Approved May 22, 1989