

FEB 6 2003
APPROPRIATIONS

HOUSE FILE 145
BY FOEGE

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

A BILL FOR

1 An Act relating to proper methods of chemical management,
2 establishing the comprehensive safe chemical management in
3 schools program, making an appropriation, and making penalties
4 applicable.

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

HF 145

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1 Section 1. Section 89B.8, subsection 1, Code 2003, is
2 amended to read as follows:

3 1. An employee in this state has the right to be informed
4 about the hazardous chemicals to which the employee may be
5 exposed in the workplace, the potential health hazards of the
6 hazardous chemicals, and the proper handling techniques for
7 the hazardous chemicals, including but not limited to proper
8 protective equipment, proper storage, and safe disposal
9 methods. An employer shall provide or make available to an
10 employee information as required by this chapter. Except as
11 explicitly exempted, this chapter applies to all employers in
12 the state.

13 Sec. 2. Section 100.31, unnumbered paragraph 3, Code 2003,
14 is amended to read as follows:

15 The state fire marshal or the fire marshal's deputies shall
16 cause each public or private school, college or university to
17 be inspected at least once every two years to determine
18 whether each school meets the fire safety standards of this
19 Code and is free from other fire hazards, including those
20 associated with improper chemical management practices.

21 ~~Provided, however, that~~ However, such inspections shall be
22 made by fire department inspectors in cities which that employ
23 ~~fire department inspectors shall cause such inspections to be~~
24 ~~made.~~

25 Sec. 3. Section 100.35, unnumbered paragraph 1, Code 2003,
26 is amended to read as follows:

27 The fire marshal shall adopt, and may amend rules under
28 chapter 17A, which include standards relating to hazardous
29 chemical management practices, exits and exit lights, fire
30 escapes, fire protection, fire safety and the elimination of
31 fire hazards, in and for churches, schools, hotels, theaters,
32 amphitheatres, hospitals, health care facilities as defined in
33 section 135C.1, boarding homes or housing, rest homes,
34 dormitories, college buildings, lodge halls, club rooms,
35 public meeting places, places of amusement, apartment

1 buildings, food establishments as defined in section 137F.1,
2 and all other buildings or structures in which persons
3 congregate from time to time, whether publicly or privately
4 owned. Violation of a rule adopted by the fire marshal is a
5 simple misdemeanor. However, upon proof that the fire marshal
6 gave written notice to the defendant of the violation, and
7 proof that the violation constituted a clear and present
8 danger to life, and proof that the defendant failed to
9 eliminate the condition giving rise to the violation within
10 thirty days after receipt of notice from the fire marshal, the
11 penalty is that provided by law for a serious misdemeanor.
12 Each day of the continuing violation of a rule after
13 conviction of a violation of the rule is a separate offense.
14 A conviction is subject to appeal as in other criminal cases.

15 Sec. 4. Section 137C.18, Code 2003, is amended to read as
16 follows:

17 137C.18 FIRE SAFETY.

18 Violation of a fire safety rule adopted pursuant to section
19 100.35 and applicable to hotels, occurring on the premises of
20 a hotel, is a violation of this chapter.

21 Sec. 5. Section 137C.35, unnumbered paragraph 2, Code
22 2003, is amended to read as follows:

23 A bed and breakfast inn is subject to regulation,
24 licensing, and inspection under this chapter, but separate
25 toilet and lavatory facilities shall not be required for each
26 guest room. Additionally, a bed and breakfast inn is exempt
27 from fire safety rules adopted pursuant to section 100.35 and
28 applicable to hotels, but is subject to fire safety rules
29 which the state fire marshal shall specifically adopt for bed
30 and breakfast inns.

31 Sec. 6. Section 137F.15, Code 2003, is amended to read as
32 follows:

33 137F.15 FIRE SAFETY.

34 A violation of a fire safety rule adopted pursuant to
35 section 100.35 and applicable to food establishments or food

1 processing plants which occurs on the premises of a food
2 establishment or food processing plant is a violation of this
3 chapter.

4 Sec. 7. Section 256.11, subsections 3 and 4, Code 2003,
5 are amended to read as follows:

6 3. The following areas shall be taught in grades one
7 through six: English-language arts, social studies,
8 mathematics, science, health, human growth and development,
9 physical education, traffic safety, music, and visual art.
10 The science curriculum shall include the topics of science
11 safety and proper hazardous waste management. The health
12 curriculum shall include the characteristics of communicable
13 diseases including acquired immune deficiency syndrome. The
14 state board as part of accreditation standards shall adopt
15 curriculum definitions for implementing the elementary
16 program.

17 4. The following shall be taught in grades seven and
18 eight: English-language arts; social studies; mathematics;
19 science; health; human growth and development, family,
20 consumer, career, and technology education; physical
21 education; music; and visual art. The science curriculum
22 shall include the topics of science safety and proper
23 hazardous waste management. The health curriculum shall
24 include the characteristics of sexually transmitted diseases
25 and acquired immune deficiency syndrome. The state board as
26 part of accreditation standards shall adopt curriculum
27 definitions for implementing the program in grades seven and
28 eight. However, this subsection shall not apply to the
29 teaching of family, consumer, career, and technology education
30 in nonpublic schools.

31 Sec. 8. Section 256.11, subsection 5, paragraph a, Code
32 2003, is amended to read as follows:

33 a. Five units of science including physics and chemistry;
34 the units of physics and chemistry may be taught in alternate
35 years. The science curriculum shall include the topics of

1 science safety and proper hazardous waste management.

2 Sec. 9. Section 280.14, Code 2003, is amended to read as
3 follows:

4 280.14 SCHOOL REQUIREMENTS.

5 1. The board or governing authority of each school or
6 school district subject to the provisions of this chapter
7 shall establish and maintain adequate administration, school
8 staffing, personnel assignment policies, teacher
9 qualifications, certification requirements, facilities,
10 equipment, grounds, graduation requirements, instructional
11 requirements, instructional materials, maintenance procedures
12 and policies on extracurricular activities. In addition the
13 board or governing authority of each school or school district
14 shall provide such principals as it finds necessary to provide
15 effective supervision and administration for each school and
16 its faculty and student body. An individual who is employed
17 or contracted as a superintendent by a school or school
18 district may also serve as an elementary principal in the same
19 school or school district.

20 2. The board of directors of each school district and the
21 authorities in charge of each accredited nonpublic school
22 shall act to meet the criteria for conditionally exempt small
23 quantity generators of hazardous waste as set forth in 40
24 C.F.R. § 261.5, by the United States environmental protection
25 agency.

26 Sec. 10. NEW SECTION. 455F.12 COMPREHENSIVE SAFE
27 CHEMICAL MANAGEMENT IN SCHOOLS PROGRAM ESTABLISHED --
28 APPROPRIATION.

29 1. A comprehensive safe chemical management in schools
30 program is established within the department to provide for
31 training in safe chemical management for school district
32 personnel, or for a pollution prevention curriculum at each
33 attendance center in a school district, for on-site
34 identification and management of radioactives and potential
35 explosives in school districts, and for grants for the safe

1 disposal of hazardous materials found in school district
2 attendance centers.

3 2. There is appropriated from the rebuild Iowa
4 infrastructure fund to the department of natural resources for
5 each fiscal year of the fiscal period beginning July 1, 2003,
6 and ending June 30, 2008, the sum of seven hundred ninety-
7 three thousand dollars for the comprehensive safe chemical
8 management in schools program.

9 3. Moneys appropriated for purposes of the comprehensive
10 safe chemical management in schools program shall be allocated
11 and used as follows:

12 a. Twenty-four thousand dollars of the funds appropriated
13 annually shall be allocated to the department, the department
14 of public health, or the department of public safety, as
15 appropriate, for the disposal of radioactive or explosive
16 materials found in school district attendance centers during a
17 hazardous materials inspection.

18 b. Three hundred thirty-four thousand dollars of the funds
19 appropriated annually shall be allocated to provide
20 comprehensive hazardous materials management training and risk
21 assessment to participating school districts. Persons who are
22 employed by a school district and receive training pursuant to
23 this paragraph shall, at a minimum, conduct an inspection of
24 each attendance center located in the district to identify and
25 mark household hazardous materials, complete an inventory of
26 all chemicals maintained at the attendance center, and enter
27 the materials identified into a database, and shall notify
28 appropriate state agencies for disposal assistance.

29 c. Three hundred sixty thousand dollars of the funds
30 appropriated annually shall be allocated to the department to
31 provide grants to school districts for hazardous materials
32 disposal. A participating school shall match state assistance
33 received for purposes of this paragraph in the amount of
34 twenty cents for every eighty cents received in state
35 assistance. A school is exempt from the match requirement if

1 the school implements a small scale or microscale chemistry
2 experimentation curriculum or a pollution prevention
3 curriculum prior to applying for a grant for hazardous
4 materials disposal.

5 d. Seventy-five thousand dollars of the funds allocated
6 annually shall be allocated to the department for
7 administration of the comprehensive safe chemical management
8 in schools program.

9 4. The department shall develop a list of approved
10 hazardous waste facilities that meet the criteria for
11 conditionally exempt small quantity generators of hazardous
12 waste set forth by the United States environmental protection
13 agency. A participating school district shall enter into a
14 contract with an approved facility for disposal of unwanted
15 hazardous materials.

16 5. Notwithstanding section 8.33, unencumbered or
17 unobligated funds appropriated under subsection 2 remaining on
18 June 30 of the fiscal year for which the funds were
19 appropriated shall not revert but shall be available for
20 expenditure for the following fiscal year for the purposes of
21 subsection 3, paragraph "b", "c", or "d".

22 6. The department shall prepare and submit annually a
23 report on the progress and financial status of this program to
24 the general assembly by January 15.

25 Sec. 11. STATE MANDATE FUNDING SPECIFIED. In accordance
26 with section 25B.2, subsection 3, the state cost of requiring
27 compliance with any state mandate included in this Act shall
28 be paid by a school district from state school foundation aid
29 received by the school district under section 257.16. This
30 specification of the payment of the state cost shall be deemed
31 to meet all the state funding-related requirements of section
32 25B.2, subsection 3, and no additional state funding shall be
33 necessary for the full implementation of this Act by and
34 enforcement of this Act against all affected school districts.

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EXPLANATION

1 This bill relates to hazardous chemical management by state
2 employees and school districts. The bill provides that each
3 state employee has the right to be informed about the
4 hazardous chemicals to which the employee may be exposed in
5 the workplace, including proper protective equipment, storage,
6 and disposal methods; expands the inspection requirements of
7 the state fire marshal's office and local fire inspectors to
8 include fire hazards associated with improper chemical
9 management practices; requires the state fire marshal to adopt
10 standards relating to hazardous chemical management practices;
11 requires that the science curriculum used in grades 1 through
12 12 include the topics of science safety and proper hazardous
13 waste management; requires schools and school districts to
14 meet the criteria for conditionally exempt small quantity
15 generators of hazardous waste under federal regulations, and
16 appropriates \$793,000 annually, or \$3,965,000 over a five-year
17 period to the department of natural resources, from the
18 rebuild Iowa infrastructure fund of the state for the
19 establishment, administration, and implementation of the
20 comprehensive safe chemical management in schools program.

21 The Code chapters regulating hotels (Code chapter 137C),
22 and food establishments and food processing plants (Code
23 chapter 137F) make a violation of the fire marshal's safety
24 rules a violation of the Code chapter that regulates the
25 business. A person who violates Code chapter 137C is guilty
26 of a simple misdemeanor. A person who violates Code chapter
27 137F is subject to a civil penalty of \$100 per violation.

28 The bill also allocates \$334,000 annually to provide
29 comprehensive hazardous materials management training to
30 participating school districts. Persons who receive training
31 must inspect each attendance center located in a district to
32 identify and mark household hazardous materials, complete an
33 inventory of all chemicals maintained at the attendance
34 center, and enter the materials identified into a database,
35 and must notify appropriate state agencies for disposal

1 assistance.

2 The bill also allocates \$360,000 annually to provide grants
3 to school districts for hazardous materials disposal. School
4 districts must contract with a facility approved by the
5 department for the disposal of unwanted hazardous materials.
6 A school district must commit a 20 cent local match for every
7 80 cents of state financial assistance received for hazardous
8 materials disposal, except that a school that has the
9 curriculum in place prior to applying for a disposal grant is
10 exempt from the match requirement.

11 The bill allocates \$24,000 annually for the disposal of
12 radioactive or explosive materials found in school district
13 attendance centers during a hazardous materials inspection.

14 The department is allocated \$75,000 annually for the
15 administration of the program. Funds remaining at the end of
16 the fiscal year do not revert but remain available for
17 training or for grants for implementation of the small or
18 microscale chemistry curriculum or for disposal of hazardous
19 waste materials.

20 The bill may include a state mandate as defined in Code
21 section 25B.3. The bill requires that the state cost of any
22 state mandate included in the bill be paid by a school
23 district from state school foundation aid received by the
24 school district under Code section 257.16. The specification
25 is deemed to constitute state compliance with any state
26 mandate funding-related requirements of Code section 25B.2.
27 The inclusion of this specification is intended to reinstate
28 the requirement of political subdivisions to comply with any
29 state mandates included in the bill.

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