

SENATE FILE 184
BY DVORSKY

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

A BILL FOR

1 An Act relating to rules and standards for hazardous chemical
2 management practices adopted and administered by the state
3 fire marshal and to school requirements regarding hazardous
4 waste management.

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

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SF 184
STATE GOVERNMENT

1 Section 1. Section 100.31, unnumbered paragraph 3, Code
2 2003, is amended to read as follows:

3 The state fire marshal or the fire marshal's deputies shall
4 cause each public or private school, college or university to
5 be inspected at least once every two years to determine
6 whether each school meets the fire safety standards of this
7 Code and is free from other fire hazards, including those
8 associated with improper chemical management practices.
9 ~~Provided, however, that~~ However, such inspections shall be
10 made by fire department inspectors in cities which that employ
11 fire department inspectors ~~shall cause such inspections to be~~
12 ~~made.~~

13 Sec. 2. Section 100.35, unnumbered paragraph 1, Code 2003,
14 is amended to read as follows:

15 The fire marshal shall adopt, and may amend rules under
16 chapter 17A, which include standards relating to hazardous
17 chemical management practices, exits and exit lights, fire
18 escapes, fire protection, fire safety and the elimination of
19 fire hazards, in and for churches, schools, hotels, theaters,
20 amphitheaters, hospitals, health care facilities as defined in
21 section 135C.1, boarding homes or housing, rest homes,
22 dormitories, college buildings, lodge halls, club rooms,
23 public meeting places, places of amusement, apartment
24 buildings, food establishments as defined in section 137F.1,
25 and all other buildings or structures in which persons
26 congregate from time to time, whether publicly or privately
27 owned. Violation of a rule adopted by the fire marshal is a
28 simple misdemeanor. However, upon proof that the fire marshal
29 gave written notice to the defendant of the violation, and
30 proof that the violation constituted a clear and present
31 danger to life, and proof that the defendant failed to
32 eliminate the condition giving rise to the violation within
33 thirty days after receipt of notice from the fire marshal, the
34 penalty is that provided by law for a serious misdemeanor.
35 Each day of the continuing violation of a rule after

1 conviction of a violation of the rule is a separate offense.
2 A conviction is subject to appeal as in other criminal cases.

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

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

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

30 Sec. 4. Section 256.11, subsection 5, paragraph a, Code
31 2003, is amended to read as follows:

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

1 Sec. 5. Section 280.14, Code 2003, is amended to read as
2 follows:

3 280.14 SCHOOL REQUIREMENTS.

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

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

26 Sec. 6. STATE MANDATE FUNDING SPECIFIED. In accordance
27 with section 25B.2, subsection 3, the state cost of requiring
28 compliance with any state mandate included in this Act shall
29 be paid by a school district from state school foundation aid
30 received by the school district under section 257.16. This
31 specification of the payment of the state cost shall be deemed
32 to meet all the state funding-related requirements of section
33 25B.2, subsection 3, and no additional state funding shall be
34 necessary for the full implementation of this Act by and
35 enforcement of this Act against all affected school districts.

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EXPLANATION

This bill relates to hazardous chemical management by state and local fire inspectors and school districts. The bill expands the inspection requirements of the state fire marshal's office and local fire inspectors to include fire hazards associated with improper chemical management practices; requires the state fire marshal to adopt standards relating to hazardous chemical management practices; requires that the science curriculum used in grades 1 through 12 include the topics of science safety and proper hazardous waste management; and requires schools and school districts to work toward the goal of meeting the criteria for conditionally exempt small quantity generators of hazardous waste under federal regulations.

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