

CHAPTER 1078**WOMEN AND MINORITIES EMPLOYMENT IN SCHOOLS***S.F. 2190*

AN ACT to create an advancement and recruitment program to encourage administrative advancement of women and minorities and recruitment of minorities by school corporations.

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

Section 1. **NEW SECTION. 256.23 ADMINISTRATIVE ADVANCEMENT AND RECRUITMENT PROGRAM.**

The department shall establish a recruitment and advancement program to provide for the allocation of grants to school corporations. A school corporation may submit plans and a budget to the department for approval of a pilot project that will encourage the advancement of women and minorities to administrative positions within that school corporation or will encourage the recruitment and employment of minorities to positions within that school corporation. The state board shall adopt rules under chapter 17A establishing criteria for approval of the pilot projects and payment of the grants. The criteria for a pilot project encouraging the advancement of women and minorities shall include the use of staff development for assisting employees of the school corporation to meet the requirements for advancement to administrative positions. School corporations approved for the establishment of pilot projects under this section shall submit reports of the results of the pilot projects to the department of education by October 1 of the fiscal year following the fiscal year in which the grants are received.

Approved April 14, 1988

CHAPTER 1079**RAILROAD SAFETY***S.F. 450*

AN ACT relating to the regulation of the operation of trains and to the safety of transportation of railroad company workers and equipment and providing a penalty and effective date.

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

Section 1. **NEW SECTION. 327F.31 POLITICAL SUBDIVISION ORDINANCES.**

An ordinance or resolution adopted by a political subdivision of this state which relates to the speed of a train in an area within the jurisdiction of the political subdivision is subject to approval by the state department of transportation. Any speed ordinance or resolution adopted by a political subdivision of the state prior to July 1, 1988, which has not been approved by the department shall be referred to the department by the political subdivision and shall be in full force and effect upon approval of the ordinance or resolution by the department. This subsection does not abrogate, modify, or alter any historical or contractual agreement between a political subdivision of the state and a railroad corporation in existence on July 1, 1975.

Sec. 2. **NEW SECTION. 327F.39 TRANSPORTATION OF RAILROAD EMPLOYEES AND EQUIPMENT.**

1. **DEFINITIONS.** As used in this section, unless the context otherwise requires:

- a. "Department" means the state department of transportation.
- b. "Director" means the director of transportation.
- c. "Administrator" means the department's administrator for rail and water, or the administrator's designee.
- d. "Motor vehicle" means a vehicle which is self-propelled and designed primarily for highway use, and which may or may not be equipped with retractably flanged wheels for operation on railroad tracks.
- e. "Owner" means a person having the lawful use or control of a motor vehicle as holder of the legal title of the motor vehicle or under contract or lease or otherwise.
- f. "Place of employment" means that location where one or more workers are actually performing the labor incident to their employment.
- g. "Worker" means an individual employed for any period in work for which the individual is compensated, whether full-time or part-time.

2. **COMPLIANCE WITH REGULATIONS.** Motor vehicles, as defined in section 321.1, which are subject to registration and which are provided by a railroad company and used to transport railroad workers to and from their places of employment or during the course of their employment shall:

- a. Meet all state and federal regulations pertaining to safe construction and maintenance of motor vehicles, including their coupling devices, lighting devices and reflectors, motor exhaust systems, rear-vision mirrors, service and parking brakes, steering mechanisms, tires, warning and signaling devices, and windshield wipers.
- b. Meet all state and federal requirements for safety devices, first-aid kits, and sidewalls, canopies, tailgates, or other means of retaining freight safely.
- c. Be operated in compliance with all state and federal regulations pertaining to driving, loading, carrying freight and employees, road warning devices, and the transportation of flammable and inflammable material.

3. **MOTOR VEHICLE MAINTAINED IN SAFE MANNER.** A motor vehicle provided by a railroad company and used to transport one or more workers to and from their places of employment or during the course of their employment shall be maintained in a safe manner at all times, whether or not used upon a public highway.

4. The director shall adopt rules requiring a motor vehicle, as defined in section 321.1, which is subject to registration and which is provided by a railroad company and used to transport railroad workers to and from their places of employment or during the course of their employment to be provided with a safe heating system to maintain a reasonable comfort level in those spaces of the vehicle where the workers are required to ride.

5. **RULE VIOLATIONS.** When the administrator finds that a motor vehicle used to transport workers to and from their places of employment or during the course of their employment violates a rule adopted under this section, the administrator shall make, enter, and serve upon the owner of the motor vehicle an order as necessary to protect the safety of workers transported in the motor vehicle. The administrator may direct in the order, as a condition to the continued use of the motor vehicle for transporting workers to and from their places of employment or during the course of their employment, that additions, repairs, improvements, or changes be made and that safety devices and safeguards be furnished and used as required to satisfy the rules in the manner and within the time specified in the order. The order may also require that any driver of the motor vehicle satisfy the minimum standards for a driver under the rules.

6. **PENALTY.** Violation by the owner of a motor vehicle of this section, a rule adopted under this section, or an order issued under subsection 5, or willful failure to comply with such an

order is, upon conviction, subject to a schedule "one" penalty as provided under section 327C.5.

Sec. 3. This Act, being deemed of immediate importance, takes effect upon its enactment.

Approved April 14, 1988

CHAPTER 1080

WATER AND HAZARDOUS WASTE REGULATION

S.F. 2246

AN ACT relating to the penalties for water pollution and hazardous waste disposal.

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

Section 1. Section 455B.191, subsection 1, Code 1987, is amended to read as follows:

1. Any person who violates any provision of part 1 of division III of this chapter or any permit, rule, standard, or order issued under part 1 of division III of this chapter shall be subject to a civil penalty not to exceed five thousand dollars for each day of such violation. ~~The civil penalty shall be an alternative to any criminal penalty provided under part 1 of division III of this chapter.~~

Sec. 2. Section 455B.191, subsection 2, Code 1987, is amended by striking the subsection and inserting the following:

2. Any person who negligently or knowingly violates section 455B.183 or section 455B.186 or any condition or limitation included in any permit issued under section 455B.183, or who negligently or knowingly introduces into a sewer system or into a publicly owned treatment works any pollutant or hazardous substance which the person knew or reasonably should have known could cause personal injury or property damage or, other than in compliance with all applicable federal and state requirements or permits, negligently or knowingly causes a treatment works to violate any water quality standard, effluent standard, pretreatment standard or condition of a permit issued to the treatment works pursuant to section 455B.183 is guilty of a serious misdemeanor for a negligent violation and is guilty of an aggravated misdemeanor for a knowing violation. A conviction for a negligent violation is punishable by a fine of not more than twenty-five thousand dollars for each day of violation or by imprisonment for not more than one year, or both; however, if the conviction is for a second or subsequent violation committed by a person under this subsection, the conviction is punishable by a fine of not more than fifty thousand dollars for each day of violation or by imprisonment for not more than two years, or both. A conviction for a knowing violation is punishable by a fine of not more than fifty thousand dollars for each day of violation or by imprisonment for not more than two years, or both; however, if the conviction is for a second or subsequent violation committed by a person under this subsection, the conviction is punishable by a fine of not more than one hundred thousand dollars for each day of violation or by imprisonment for not more than five years, or both. As used in this section, "hazardous substance" means hazardous substance as defined in section 455B.381 or section 455B.411.

Sec. 3. **NEW SECTION. 716B.1 DEFINITIONS.**

As used in this chapter, unless the context otherwise requires:

1. "Person" means an agency of the state or federal government, a municipality, governmental subdivisions, interstate body, public or private corporation, individual, partnership, or other entity, and includes an officer, or governing or managing body of a municipality, governmental subdivision, interstate body, or public or private corporation.