

**ADMINISTRATIVE SERVICES DEPARTMENT[11]**

**Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code section 8A.104(5), the Department of Administrative Services hereby amends Chapter 100, “Capitol Complex Operations,” Iowa Administrative Code.

These amendments address the possession of pistols and revolvers and the use of fireworks on the Capitol Complex in relation to 2017 Iowa Acts, House File 517 and Senate File 489.

Pursuant to Iowa Code section 17A.4(3), the Department of Administrative Services finds that notice and public participation are unnecessary because rules are being amended to implement changes to Iowa Code section 8A.322(3) as amended by 2017 Iowa Acts, House File 517, section 33, which was effective July 1, 2017. The Department is also implementing changes pursuant to the provisions of 2017 Iowa Acts, Senate File 489, which was effective upon enactment.

In compliance with Iowa Code section 17A.4(3)“a,” the Administrative Rules Review Committee at its June 13, 2017, meeting reviewed the Department’s determination and this rule making and approved the emergency adoption.

Pursuant to Iowa Code section 17A.5(2)“b”(1)(b), the Department of Administrative Services also finds that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments made effective July 1, 2017, because the rules confer a benefit by providing guidance to the public through rule making pursuant to 2017 Iowa Acts, House File 517, and by providing clarity to the public regarding the use of fireworks on the Capitol Complex grounds to protect the public and public property in light of the effective date of 2017 Iowa Acts, Senate File 489, in relation to the Department’s duties pursuant to Iowa Code section 8A.322(3).

These amendments are also published herein under Notice of Intended Action as **ARC 3177C** to allow for public comment.

After analysis and review, it has been determined the fiscal impact to the state is undeterminable. Rules involving 2017 Iowa Acts, House File 517, and the use of fireworks on the Capitol Complex do not have an impact on the state budget.

The Department of Administrative Services will not grant waivers under the provisions of these rules, other than as may be allowed under Chapter 9 of the Department’s rules concerning waivers.

The Department of Administrative Services adopted these amendments on June 14, 2017.

After analysis and review of this rule making, the jobs impact as a result of these rules is undeterminable. It is undeterminable how rules that implement 2017 Iowa Acts, House File 517, section 33, would affect jobs in the private sector. It is undeterminable how rules that implement Iowa Code section 8A.322(3) in relationship to 2017 Iowa Acts, Senate File 489, would affect jobs in the private sector.

These amendments are intended to implement Iowa Code section 8A.322 as amended by 2017 Iowa Acts, House File 517, and the provisions resulting from 2017 Iowa Acts, Senate File 489.

These amendments became effective July 1, 2017.

The following amendments are adopted.

ITEM 1. Amend rule 11—100.1(8A) as follows:

**11—100.1(8A) Definitions.** The definitions contained in ~~2003 Iowa Code Supplement~~ sections 8A.101 and 8A.301 shall be applicable to such terms when used in this chapter. In addition, the following definitions apply:

“*Assignment of office space*” means space allocated by the department to a state agency for its use.

“*Capitol complex*” means an area within the city of Des Moines in which the Iowa state capitol building is located. This area includes the state capitol building and all real property and appurtenances thereto owned by the state of Iowa within an area bounded on the north by Interstate Highway 235, on the east by East 14th Street, on the south by the northernmost railroad tracks south of Court Avenue and on the west by East 6th Street.

“*Control of assigned office space*” means the ability of an agency to modify its use of assigned space without consultation with the department as long as changes do not include relocating wiring, replacing, adding or deleting modular office components, or making other modifications that would affect the floor plan.

“*Dangerous weapon*” means any instrument or device designed primarily for use in inflicting death or injury upon a human being or animal, and which is capable of inflicting death upon a human being when used in the manner for which it was designed. Additionally, any instrument or device of any sort whatsoever which is actually used in such a manner as to indicate that the person possessing the instrument or device intends to inflict death or serious injury upon the other, and which, when so used, is capable of inflicting death upon a human being, is a dangerous weapon. Dangerous weapons include, but are not limited to, any offensive weapon as defined in Iowa Code section 724.1, pistol, revolver, or other firearm, dagger, razor, stiletto, switchblade knife, or knife having a blade exceeding five inches in length. Pistols and revolvers are exempted from the definition of “dangerous weapons” only as set forth in subrule 100.2(2).

“*Facilities*” means the capitol complex buildings, grounds, and all related property.

“*Memorandum of understanding*” or “*MOU*” means a written agreement that specifies terms, conditions and any related costs.

“*Modular office components*” means parts of a modular office system.

“*Modular office systems*” means standard cubicle furniture; generally, two-foot, three-foot and four-foot sections that have attached work surfaces and file storage space. Modular office systems are available in new, remanufactured and recycled condition.

“*Nonstandard modular office systems*” means office systems that do not meet standards set by the department of administrative services.

“*Office furniture*” means any furnishing that is free standing and does not require installation with component parts. Examples are desks, chairs, file cabinets, tables, lounge seating, and computer desks.

“*Public*” means a person on the capitol complex who is not employed by the state of Iowa.

“*Recycled modular office components*” means used components that have been cleaned and have had broken parts replaced, but have not been disassembled and rebuilt.

“*Remanufactured modular office components*” means used components that have been disassembled, repainted or reupholstered, rebuilt, and have had broken parts replaced. Remanufactured components are intended to be like new.

“*Seat of government*” means office space at the capitol, other state buildings and elsewhere in the city of Des Moines for executive branch agencies, except those areas exempted by law.

“*Waiver*” means a waiver or variance as defined in 11—Chapter 9, Iowa Administrative Code.

ITEM 2. Amend rule 11—100.2(8A) as follows:

**11—100.2(8A) Security.**

**100.2(1) *Dangerous weapons.*** No member of the public shall carry a dangerous weapon in state buildings on the capitol complex except as otherwise provided in subrule 100.2(2). This provision applies to any member of the public whether or not the individual possesses a valid Iowa permit to carry weapons. This provision does not apply to:

*a.* A peace officer as defined in Iowa Code section 801.4 or a member of the armed forces of the United States or of the national guard, when the person’s duties or lawful activities require or permit possession of a dangerous weapon.

*b.* A person possessing a valid Iowa professional permit to carry a weapon whose duties require that person to carry a dangerous weapon.

*c.* A person who possesses a dangerous weapon for any purpose authorized by a state agency to further the statutory or regulatory responsibilities of that agency. An authorization issued pursuant to this paragraph shall not become effective until it has been issued in writing to the person or persons to whom it applies and until copies of the authorization have been received by the director and by the commissioner of public safety.

d. Members of recognized military veterans organizations performing honor guard service as provided in ~~2001 Iowa Acts, chapter 96, section 1~~ Iowa Code section 35A.12.

Violation of this subrule is a simple misdemeanor, pursuant to ~~2003 Iowa Code Supplement~~ section 8A.322, and may result in the denial of access to a state building, filing of criminal charges or expulsion from the grounds of the capitol complex, or any combination thereof, of any individual who knowingly violates the subrule. In addition, any weapon found in possession of a member of the public in violation of this subrule may be confiscated. Charges may be filed under any other criminal statute if appropriate. Officers employed by or under the supervision of the department of public safety shall have the authority to enforce this subrule. Peace officers employed by other agencies shall have the authority to enforce this subrule at the request of the commissioner of public safety or in response to a request for assistance from an officer employed by the department of public safety.

**100.2(2) Pistols and revolvers.** No person, other than a peace officer, may openly carry a pistol or revolver in the capitol building and on the grounds surrounding the capitol building including state parking lots and parking garages. This provision does not preclude the lawful carrying, transportation, or possession of a pistol or revolver in the capitol building and on the grounds surrounding the capitol building including the state parking lots and parking garages by a person who displays to capitol security personnel a valid permit to carry weapons upon request.

Violation of this subrule is a simple misdemeanor, pursuant to Iowa Code section 8A.322, and may result in the denial of access to a state building, filing of criminal charges or expulsion from the grounds of the capitol complex, or any combination thereof, of any individual who knowingly violates the subrule. In addition, any weapon found in possession of a member of the public in violation of this subrule may be confiscated. Charges may be filed under any other criminal statute if appropriate. Officers employed by or under the supervision of the department of public safety shall have the authority to enforce this subrule. Peace officers employed by other agencies shall have the authority to enforce this subrule at the request of the commissioner of public safety or in response to a request for assistance from an officer employed by the department of public safety.

**100.2(2) 100.2(3) Building access and security.** The department of administrative services and the department of public safety shall take reasonable and appropriate measures to ensure the safety of persons and property on the capitol complex. These measures may include, but are not limited to, the following:

a. Requiring any member of the public entering a state building on the capitol complex to (1) provide identification upon request; (2) allow the member of the public to be scanned with metal detecting equipment; and (3) allow any parcel, package, luggage, purse, or briefcase that the person is bringing into the building to be examined with X-ray equipment or to have the contents thereof examined, or both.

b. Requiring any member of the public who is inside a state building on the capitol complex outside normal business hours, other than when the building or portion of the building is open to the public during a scheduled event, to provide identification and to state the nature of the person's business in the building. A member of the public who is in a state building on the capitol complex outside normal business hours, other than during a scheduled event, and who does not have authorization to be on the premises may be required to exit the building and be escorted from the building.

c. Limiting public access to state buildings on the capitol complex to selected entrances. Access to each building through at least one entrance accessible to persons with disabilities shall be maintained.

d. Limiting hours during which public access is allowed to state buildings on the capitol complex. Hours during which public access is allowed shall be posted at each entrance to a building through which public access is allowed.

e. Confiscating any container including, but not limited to, packages, bags, briefcases, or boxes that are left in public areas when the state building is not open to the public. Any confiscated container may be searched or destroyed, or both, or may be returned to the owner. Any container that is left unattended in a public area during hours in which the state building is open to the public may be examined.

Violation of this subrule is a simple misdemeanor, pursuant to ~~2003 Iowa Code Supplement~~ section 8A.322, and may result in the denial of access to a state building, filing of criminal charges or expulsion from the grounds of the capitol complex, or any combination thereof, of the individual who knowingly

violates the subrule. Charges may be filed under any other criminal statute if appropriate. Officers employed by or under the supervision of the department of public safety shall have the authority to enforce this subrule. Peace officers employed by other agencies shall have the authority to enforce this subrule at the request of the commissioner of public safety or in response to a request for assistance from an officer employed by the department of public safety.

**100.2(4) Fireworks.** No person shall use or explode consumer fireworks, display fireworks, or novelties, as those terms are defined in Iowa Code section 727.2, on the capitol complex without the director's advanced written approval.

~~**100.2(3)**~~ **100.2(5) Access barriers.** The director may cause the temporary or permanent placement of barricades, ropes, signs, or other barriers to access certain parts of state buildings or grounds. Unauthorized persons beyond the barriers may be removed with the assistance of officers of the department of public safety or charged with a criminal offense if appropriate, or both.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/5/17.