



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

April 28, 2005

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 310, an Act exempting the sale of toys to certain nonprofit organizations from state sales and use taxes.

House File 312, an Act relating to campaign finance committee reporting, use of committee funds or property, independent expenditures, and placement of campaign signs.

House File 476, an Act regulating the sale of ammonium nitrate by fertilizer dealers, and providing penalties.

House File 607, an Act relating to emergency services provided to residents of certain townships and including effective date and retroactive applicability date provisions.

House File 748, an Act providing for state employee payroll deductions for qualified program contributions.

The above House Files are hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Vilsack".

Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House





HOUSE FILE 476

AN ACT

REGULATING THE SALE OF AMMONIUM NITRATE BY FERTILIZER DEALERS,
AND PROVIDING PENALTIES.

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

Section 1. Section 200.3, Code 2005, is amended by adding the following new subsections:

NEW SUBSECTION. 0A. "Ammonium nitrate" means a compound that is chiefly composed of ammonium salt of nitric acid which contains not less than thirty-three percent nitrogen, one-half of which is in the ammonium form and one-half in the nitrate form.

NEW SUBSECTION. 12A. "Licensee" means a person licensed under section 200.4.

Sec. 2. NEW SECTION. 200.17A AMMONIUM NITRATE SECURITY.

A licensee who sells ammonium nitrate on a retail basis shall comply with all of the following:

1. The licensee shall store the ammonium nitrate in a location which secures it from unauthorized access, and which prevents and provides for the detection of its theft.

2. A licensee shall only sell ammonium nitrate to a purchaser who presents a current official identification issued by the federal government or a state government which includes the purchaser's photograph and identifying information including the person's legal name and home address.

3. The licensee shall maintain a record of each sale of ammonium nitrate as follows:

a. The record shall be on a form promulgated or approved by the department. The form shall include at least all of the following:

(1) The date of sale.

(2) The quantity of ammonium nitrate purchased.

(3) The information contained in the purchaser's official identification as provided in this section. If the official identification is a driver's license, the information shall include the driver's license number. A photocopy of the purchaser's current official identification on file with the licensee shall comply with the requirements of this subparagraph.

(4) The purchaser's telephone number.

(5) The purchaser's signature.

b. The licensee shall maintain the record for at least two years after the date of the sale.

4. The department, a law enforcement officer as defined in section 80B.3, or an agent of the United States department of justice may examine and photocopy the record during regular business hours.

Sec. 3. Section 200.18, subsection 2, Code 2005, is amended to read as follows:

2. a. A Except as otherwise provided in this subsection, a person violating this chapter or rules adopted by the secretary pursuant to this chapter shall-be is guilty of a simple misdemeanor. However,^{-a}

b. A person who tampers with, possesses, or transports anhydrous ammonia or anhydrous ammonia equipment commits is guilty of a serious misdemeanor under section 124.401F.

c. A person who intentionally presents false identification or other information required in section 200.17A in order to purchase ammonium nitrate commits a serious misdemeanor. A person who purchases ammonium nitrate from a person required to be licensed under section 200.4 with the intention of manufacturing an explosive or incendiary device or material is guilty of a class "D" felony.

2A. A person who is licensed pursuant to section 200.4 who fails to comply with the requirements of section 200.17A shall be subject to disciplinary action by the department. For a first violation, the department may suspend the person's

license for up to ninety days. For a subsequent violation, the department may suspend the person's license for a longer period or revoke the person's license.



CHRISTOPHER C. RANTS
Speaker of the House



JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 476, Eighty-first General Assembly.



MARGARET THOMSON
Chief Clerk of the House

Approved April 28, 2005



THOMAS J. VILSACK
Governor