

Reprint rec'd 2/12

State Government: Pavich, Chair; Hanson and Gruhn.

Amend for 5364 & Do Pass 3/2 (8.686)

FEB 15 1984

HOUSE FILE 2301

BY HANSON and HAVERLAND

STATE GOVERNMENT

Passed House, Date 3-7-84 (p. 773) Passed Senate, Date _____

Vote: Ayes 93 Nays 5 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

5446 1 An Act relating to the sale, possession, or use of the
 2 explosive nitroglycerin, providing a penalty, and trans-
 3 ferring the responsibility for the inspection of explosive
 4 storage facilities from county sheriffs to the state fire
 5 marshal while reducing the number of inspections per year.

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

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HF 2301

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5364 1 Section 1. Section 101A.3, subsection 4, Code Supple-
2 ment 1983, is amended to read as follows:

3 4. It ~~shall-be~~ is unlawful for a person to willfully
4 purchase, possess, transport, store, or detonate explosive
5 materials unless ~~such~~ the person is the holder of a valid
6 permit issued pursuant to this section or a valid license
7 issued pursuant to section 101A.2. A person shall not possess,
8 keep, store, handle, sell, offer for sale, give away, use,
9 transport, or detonate in any manner the class A explosive
10 nitroglycerin as defined in chapter one of the Iowa
11 administrative code for manufacture, transportation, storage,
12 and use of explosives and blasting agents.

5443 >

13 Sec. 2. Section 101A.7, Code Supplement 1983, is amended
14 to read as follows:

15 101A.7 INSPECTION OF STORAGE FACILITY. The licensee's
16 or permittee's explosive storage facility shall be inspected
17 at least once ~~every-six-months~~ a year by either a
18 ~~representative of the sheriff-of-the-county-where-the-facility~~
19 ~~is-located-or-by-the-local-police-authority-if-the-facility~~
20 ~~is-located-within-a-city-of-over-ten-thousand-population state~~
5364 21 fire marshal's office. The facility may be examined at other
22 times by the sheriff of the county where the facility is
23 located or by the local police authority if the facility is
24 located within a city of over ten thousand population and
25 if he the sheriff or city council considers it necessary.

26 If the ~~sheriff-or-local-police-authority-find~~ state fire
27 marshal finds the facility to be improperly secured, the
28 licensee or permittee shall immediately correct the improper
29 security and, if not so corrected, the ~~sheriff-or-local-police~~
30 ~~authority~~ state fire marshal shall immediately confiscate
31 the stored explosives. Explosives may be confiscated by the
32 county sheriff or local police authority only if a situation
33 that is discovered during an examination by those authorities
34 is deemed to present an immediate danger. If the explosives
35 are confiscated by the county sheriff or local police

1 authority, they shall be delivered to the ~~sheriff~~ state fire
2 marshal. The ~~sheriff~~ state fire marshal shall hold confiscated
3 explosives for a period of thirty days under proper security
4 unless the period of holding is shortened pursuant to this
5 section.

6 If the licensee or permittee corrects the improper security
7 within the thirty-day period, the explosives shall be returned
8 to the licensee or permittee after correction and after the
9 licensee or permittee has paid to the ~~county~~ state an amount
10 equal to the expense incurred by the ~~county~~ state in storing
11 the explosives during the period of confiscation. The amount
12 of expense shall be determined by the ~~sheriff~~ state fire
13 marshal.

14 If the improper security is not corrected during the thirty-
15 day period, the ~~sheriff~~ state fire marshal shall ~~deliver the~~
16 ~~explosives to the fire marshal for disposal~~ dispose of the
17 explosives and the license or permit shall be canceled. Such
18 A canceled license or permit shall not be reissued for a
19 period of two years from the date of cancellation.

20 The licensee or permittee may obtain possession of the
21 explosives from the ~~sheriff~~ state fire marshal during the
22 thirty-day period for the purpose of disposing of them. The
23 disposal procedure shall conform to ~~the provisions of~~ section
24 101A.9. The licensee or permittee shall first pay to the
25 ~~county~~ state an amount equal to the expense incurred by the
26 county in storing the explosives during the period of
27 confiscation. The amount of the expense shall be determined
28 by the ~~sheriff~~ state fire marshal.

29

EXPLANATION

30 This bill prohibits the sale, possession, or use of the
31 explosive nitroglycerin and provides a penalty for violation.
32 It also transfers the responsibility for the inspection of
33 explosive storage facilities around the state from county
34 sheriff offices to the office of the state fire marshal while
35 reducing the number of inspections at these sites per year

1 from two to one. The bill takes effect July 1 following its
2 enactment.

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HOUSE FILE 2301

H-5443

1 Amend House File 2301 as follows:

A 2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 101A.2, subsections 1 and
5 2, Code 1983, are amended to read as follows:

6 1. The ~~commissioner-of-public-safety~~ state fire
7 marshal shall issue commercial licenses for the
8 manufacture, importation, distribution, sale, and
9 commercial use of explosives to persons who, in the
10 ~~commissioner's~~ state fire marshal's discretion are
11 of good character and sound judgment, and have
12 sufficient knowledge of the use, handling, and storage
13 of explosive materials to protect the public safety.
14 Licenses shall be issued for a period of one year,
15 but may be issued for shorter periods, and may be
16 revoked or suspended by the ~~commissioner-of-public~~
17 safety state fire marshal for any of the following
18 reasons:

19 a. Falsification of information submitted in the
20 application for a license.

21 b. Proof that the licensee has violated any
22 provisions of this chapter or any rules prescribed
23 by the ~~commissioner-of-public-safety~~ state fire marshal
24 pursuant to the provisions of this chapter.

25 2. Licenses shall be issued by the ~~commissioner~~
26 of-public-safety state fire marshal upon payment to
27 ~~him~~ of a fee of sixty dollars, valid for a period
28 of one calendar year, commencing on January 1 and
29 terminating on December 31; however, an initial license
30 may be issued during any calendar year for the number
31 of months remaining in such calendar year, computed
32 to the first day of the month when the application
33 for the license is approved. The license fee shall
34 be charged on a pro rata basis for the number of
35 months remaining in the year of issue. Applications
36 for renewal of licenses shall be submitted within
37 thirty days prior to the license expiration date and
38 shall be accompanied by payment of the prescribed
39 annual fee.

40 Sec. 2. Section 101A.3, subsections 1 and 2, Code
41 Supplement 1983, is amended to read as follows:

42 1. User's permits to purchase, possess, transport,
43 store, and detonate explosive materials shall be
44 issued by the sheriff of the county or the chief of
45 police of a city of ten thousand population or more
46 where the possession and detonation will occur. If
47 the possession and detonation are to occur in more
48 than one county or city, then such permits must be
49 issued by the sheriff or chief of police of each of
50 such counties or cities, except in counties and cities

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Page Two

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1 in which the explosives are possessed for the sole
2 purpose of transporting them through such counties
3 and cities. A permit shall not be issued unless the
4 sheriff or chief of police having jurisdiction is
5 satisfied that possession and detonation of explosive
6 materials is necessary to the applicant's business
7 or to improve his property. Permits shall be issued
8 only to persons who, in the discretion of the sheriff
9 or chief of police, are of good character and sound
10 judgment, and have sufficient knowledge of the use
11 and handling of explosive materials to protect the
12 public safety. The ~~commissioner-of-public-safety~~
13 state fire marshal shall prescribe, have printed,
14 and distribute permit application forms to all local
15 permit issuing authorities.

16 2. The user's permit shall state the quantity
17 of explosive materials which the permittee may
18 purchase, the amount ~~he~~ the permittee may have in
19 ~~his~~ possession at any one time, the amount ~~he~~ the
20 permittee may detonate at any one time, and the period
21 of time during which the purchase, possession, and
22 detonation of explosive materials is authorized.
23 The permit shall also specify the place where
24 detonation may occur, the location and description
25 of the place where the explosive materials will be
26 stored, if such be the case, and shall contain such
27 other information as may be required under the rules
28 and regulations of the ~~commissioner-of-public-safety~~
29 state fire marshal. The permit shall not authorize
30 purchase, possession, and detonation of a quantity
31 of explosive materials in excess of that which is
32 necessary in the pursuit of the applicant's business
33 or the improvement of ~~his~~ the permittee's property,
34 nor shall such purchase, possession, and detonation
35 be authorized for a period longer than is necessary
36 for the specified purpose. In no event shall the
37 permit be valid for more than thirty days from date
38 of issuance but it may be renewed upon proper showing
39 of necessity."

40 2. Page 1, by inserting after line 12 the
41 following:

42 "Sec. 4. Section 101A.4, subsection 1, Code 1983,
43 is amended to read as follows:

44 1. Judicial review of the action of the
45 ~~commissioner~~ state fire marshal may be sought in
46 accordance with the terms of the Iowa administrative
47 procedure Act.

48 Sec. 5. Section 101A.5, unnumbered paragraph 1,
49 Code 1983, is amended to read as follows:

50 The ~~commissioner-of-public-safety~~ state fire marshal

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Page Three

1 shall prepare, adopt, and distribute to permit issuing
 2 authorities and other interested persons, without
 3 cost, rules in accordance with provisions of chapter
 4 17A, pertaining to the manufacture, transportation,
 5 storage, possession, and use of explosive materials.
 6 Rules adopted by the ~~commissioner of public safety~~
 7 state fire marshal shall be compatible with, but not
 8 limited to the National Fire Protection Association's
 9 pamphlet number 495 and federal rules pertaining to
 10 commerce, possession, storage, and use of explosive
 11 materials. Such rules shall:"

12 3. Page 2, by striking lines 20 through 28 and
 13 inserting in lieu thereof the following:

14 ~~"The licensee or permittee may obtain possession
 15 of the explosives from the sheriff during the thirty-
 16 day period for the purpose of disposing of them.
 17 The disposal procedure shall conform to the provisions
 18 of section 101A.9. The licensee or permittee shall
 19 first pay to the county an amount equal to the expense
 20 incurred by the county in storing the explosives
 21 during the period of confiscation. The amount of
 22 the expense shall be determined by the sheriff."~~

23 4. Page 2, by inserting after line 28 the
 24 following:

25 "Sec. 7. Section 101A.8, Code 1983, is amended
 26 to read as follows:

27 101A.8 REPORT OF THEFT OR LOSS REQUIRED. Any
 28 theft or loss of explosive materials, whether from
 29 a storage magazine, a vehicle in which they are being
 30 transported, or from a site on which they are being
 31 used, or from any other location, shall immediately
 32 be reported by the person authorized to possess such
 33 explosives to the local police or county sheriff.
 34 The local police or county sheriff shall immediately
 35 transmit a report of such theft or loss of explosive
 36 materials to the ~~commissioner of public safety~~ state
 37 fire marshal.

38 Sec. 8. Section 101A.9, Code 1983, is amended
 39 to read as follows:

40 101A.9 DISPOSAL REGULATED. No person shall abandon
 41 or otherwise dispose of any explosives in any manner
 42 which might, as the result of such abandonment or
 43 disposal, create any danger or threat of danger to
 44 life or property. Any person in possession or control
 45 of explosives shall, when the need for such explosives
 46 no longer exists, dispose of them in accordance with
 47 rules prescribed by the ~~commissioner of public safety~~
 48 state fire marshal.

49 Sec. 9. Section 101A.14, subsection 2, Code 1983,
 50 is amended to read as follows:

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Page Four

- 1 2. Any person who violates the provisions of
- 2 sections 101A.6, 101A.8 or 101A.9 or any of the rules
- 3 adopted by the ~~commissioner-of-public-safety~~ state
- 4 fire marshal pursuant to the provisions of this
- 5 chapter, commits a simple misdemeanor."
- 6 5. Renumber as necessary.

BY HAVERLAND of Polk
PAVICH of Pottawattamie
HANSON of Delaware

H-5443 FILED MARCH 6, 1984

Adopted 3/7 (p. 773)

HOUSE FILE 2301

H-5364

- 1 Amend House File 2301 as follows:
- 2 1. Page 1, by striking lines 1 through 12.
- 3 2. Page 1, line 21, by inserting after the words
- 4 "fire marshal's office." the following: "The state
- 5 fire marshal shall notify the appropriate city or
- 6 county governing board of licenses to be issued in
- 7 their respective jurisdictions pursuant to this
- 8 chapter. The notification shall contain the name
- 9 of the applicant to be licensed, the location of the
- 10 facilities to be used in storing explosives, the types
- 11 and quantities of explosive materials to be stored,
- 12 and other information deemed necessary by either the
- 13 governing boards or the state fire marshal."

H-5364 FILED MARCH 2, 1984 BY COMMITTEE ON STATE GOVERNMENT

Adopted 3/7 (p. 764)

HOUSE FILE 2301

H-5446

- 1 Amend House File 2301 as follows:
- 2 1. Title page, line 1, by inserting after the word
- 3 "to" the following: "transferring responsibility for
- 4 issuing commercial licenses and permits for the sale,
- 5 use, purchase, possession and transportation, reporting
- 6 of theft or loss, and regulation of disposal of
- 7 explosives, to the state fire marshal, and".

H-5446 FILED MARCH 7, 1984 BY PAVICH of Pottawattamie
ADOPTED BY UNANIMOUS CONSENT

(p. 773)

HOUSE FILE 2301

BY HANSON and HAVERLAND

(As Amended and Passed by the House)

Passed House, Date 3-7-84 (p. 773) Passed Senate, Date 3-26-84 (p. 1628)

Vote: Ayes 93 Nays 5 Vote: Ayes 48 Nays 0

Approved April 16, 1984 (p. 2046)

A BILL FOR

1 An Act relating to transferring responsibility for issuing
 2 commercial licenses and permits for the sale, use,
 3 purchase, possession and transportation, reporting
 4 of theft or loss, and regulation of disposal of
 5 explosives, to the state fire marshal, and the sale,
 6 possession, or use of the explosive nitroglycerin,
 7 providing a penalty, and transferring the responsibility
 8 for the inspection of explosive storage facilities from
 9 county sheriffs to the state fire marshal while reducing
 10 the number of inspections per year.

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

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House Amendments _____

1 Section 1. Section 101A.2, subsections 1 and 2, Code 1983,
2 are amended to read as follows:

3 1. The commissioner-of-public-safety state fire marshal
4 shall issue commercial licenses for the manufacture,
5 importation, distribution, sale, and commercial use of
6 explosives to persons who, in the commissioner's state fire
7 marshal's discretion are of good character and sound judgment,
8 and have sufficient knowledge of the use, handling, and storage
9 of explosive materials to protect the public safety. Licenses
10 shall be issued for a period of one year, but may be issued
11 for shorter periods, and may be revoked or suspended by the
12 commissioner-of-public-safety state fire marshal for any of
13 the following reasons:

14 a. Falsification of information submitted in the
15 application for a license.

16 b. Proof that the licensee has violated any provisions
17 of this chapter or any rules prescribed by the commissioner
18 of-public-safety state fire marshal pursuant to the provisions
19 of this chapter.

20 2. Licenses shall be issued by the commissioner-of-public
21 safety state fire marshal upon payment to-him of a fee of
22 sixty dollars, valid for a period of one calendar year,
23 commencing on January 1 and terminating on December 31;
24 however, an initial license may be issued during any calendar
25 year for the number of months remaining in such calendar year,
26 computed to the first day of the month when the application
27 for the license is approved. The license fee shall be charged
28 on a pro rata basis for the number of months remaining in
29 the year of issue. Applications for renewal of licenses shall
30 be submitted within thirty days prior to the license expiration
31 date and shall be accompanied by payment of the prescribed
32 annual fee.

33 Sec. 2. Section 101A.3, subsections 1 and 2, Code
34 Supplement 1983, is amended to read as follows:

35 1. User's permits to purchase, possess, transport, store,

1 and detonate explosive materials shall be issued by the sheriff
2 of the county or the chief of police of a city of ten thousand
3 population or more where the possession and detonation will
4 occur. If the possession and detonation are to occur in more
5 than one county or city, then such permits must be issued
6 by the sheriff or chief of police of each of such counties
7 or cities, except in counties and cities in which the
8 explosives are possessed for the sole purpose of transporting
9 them through such counties and cities. A permit shall not
10 be issued unless the sheriff or chief of police having
11 jurisdiction is satisfied that possession and detonation of
12 explosive materials is necessary to the applicant's business
13 or to improve his property. Permits shall be issued only
14 to persons who, in the discretion of the sheriff or chief
15 of police, are of good character and sound judgment, and have
16 sufficient knowledge of the use and handling of explosive
17 materials to protect the public safety. The ~~commissioner~~
18 ~~of-public-safety~~ state fire marshal shall prescribe, have
19 printed, and distribute permit application forms to all local
20 permit issuing authorities.

21 2. The user's permit shall state the quantity of explosive
22 materials which the permittee may purchase, the amount he
23 the permittee may have in his possession at any one time,
24 the amount he the permittee may detonate at any one time,
25 and the period of time during which the purchase, possession,
26 and detonation of explosive materials is authorized. The
27 permit shall also specify the place where detonation may
28 occur, the location and description of the place where the
29 explosive materials will be stored, if such be the case, and
30 shall contain such other information as may be required under
31 the rules and regulations of the ~~commissioner-of-public-safety~~
32 state fire marshal. The permit shall not authorize purchase,
33 possession, and detonation of a quantity of explosive materials
34 in excess of that which is necessary in the pursuit of the
35 applicant's business or the improvement of his the permittee's

1 property, nor shall such purchase, possession, and detonation
2 be authorized for a period longer than is necessary for the
3 specified purpose. In no event shall the permit be valid
4 for more than thirty days from date of issuance but it may
5 be renewed upon proper showing of necessity.

6 Sec. 3. Section 101A.4, subsection 1, Code 1983, is amended
7 to read as follows:

8 1. Judicial review of the action of the commissioner state
9 fire marshal may be sought in accordance with the terms of
10 the Iowa administrative procedure Act.

11 Sec. 4. Section 101A.5, unnumbered paragraph 1, Code 1983,
12 is amended to read as follows:

13 The commissioner-of-public-safety state fire marshal shall
14 prepare, adopt, and distribute to permit issuing authorities
15 and other interested persons, without cost, rules in accordance
16 with provisions of chapter 17A, pertaining to the manufacture,
17 transportation, storage, possession, and use of explosive
18 materials. Rules adopted by the commissioner-of-public-safety
19 state fire marshal shall be compatible with, but not limited
20 to the National Fire Protection Association's pamphlet number
21 495 and federal rules pertaining to commerce, possession,
22 storage, and use of explosive materials. Such rules shall:

23 Sec. 5. Section 101A.7, Code Supplement 1983, is amended
24 to read as follows:

25 101A.7 INSPECTION OF STORAGE FACILITY. The licensee's
26 or permittee's explosive storage facility shall be inspected
27 at least once every-six-months a year by either a
28 representative of the sheriff-of-the-county-where-the-facility
29 is-located-or-by-the-local-police-authority-if-the-facility
30 is-located-within-a-city-of-ever-ten-thousand-population state
31 fire marshal's office. The state fire marshal shall notify
32 the appropriate city or county governing board of licenses
33 to be issued in their respective jurisdictions pursuant to
34 this chapter. The notification shall contain the name of
35 the applicant to be licensed, the location of the facilities

1 to be used in storing explosives, the types and quantities
2 of explosive materials to be stored, and other information
3 deemed necessary by either the governing boards or the state
4 fire marshal. The facility may be examined at other times
5 by the sheriff of the county where the facility is located
6 or by the local police authority if the facility is located
7 within a city of over ten thousand population and if he the
8 sheriff or city council considers it necessary.

9 If the ~~sheriff-or-local-police-authority-find~~ state fire
10 marshal finds the facility to be improperly secured, the
11 licensee or permittee shall immediately correct the improper
12 security and, if not so corrected, the ~~sheriff-or-local-police~~
13 authority state fire marshal shall immediately confiscate
14 the stored explosives. Explosives may be confiscated by the
15 county sheriff or local police authority only if a situation
16 that is discovered during an examination by those authorities
17 is deemed to present an immediate danger. If the explosives
18 are confiscated by the county sheriff or local police
19 authority, they shall be delivered to the ~~sheriff~~ state fire
20 marshal. The ~~sheriff~~ state fire marshal shall hold confiscated
21 explosives for a period of thirty days under proper security
22 unless the period of holding is shortened pursuant to this
23 section.

24 If the licensee or permittee corrects the improper security
25 within the thirty-day period, the explosives shall be returned
26 to the licensee or permittee after correction and after the
27 licensee or permittee has paid to the ~~county~~ state an amount
28 equal to the expense incurred by the ~~county~~ state in storing
29 the explosives during the period of confiscation. The amount
30 of expense shall be determined by the ~~sheriff~~ state fire
31 marshal.

32 If the improper security is not corrected during the thirty-
33 day period, the ~~sheriff~~ state fire marshal shall ~~deliver-the~~
34 ~~explosives-to-the-fire-marshal-for-disposal~~ dispose of the
35 explosives and the license or permit shall be canceled. Such

1 A canceled license or permit shall not be reissued for a
2 period of two years from the date of cancellation.

3 The licensee or permittee may obtain possession of the
4 explosives from the sheriff during the thirty-day period for
5 the purpose of disposing of them.--The disposal procedure
6 shall conform to the provisions of section 101A.9.--The
7 licensee or permittee shall first pay to the county an amount
8 equal to the expense incurred by the county in storing the
9 explosives during the period of confiscation.--The amount
10 of the expense shall be determined by the sheriff.

11 Sec. 6. Section 101A.8, Code 1983, is amended to read
12 as follows:

13 101A.8 REPORT OF THEFT OR LOSS REQUIRED. Any theft or
14 loss of explosive materials, whether from a storage magazine,
15 a vehicle in which they are being transported, or from a site
16 on which they are being used, or from any other location,
17 shall immediately be reported by the person authorized to
18 possess such explosives to the local police or county sheriff.
19 The local police or county sheriff shall immediately transmit
20 a report of such theft or loss of explosive materials to the
21 commissioner of public safety state fire marshal.

22 Sec. 7. Section 101A.9, Code 1983, is amended to read
23 as follows:

24 101A.9 DISPOSAL REGULATED. No person shall abandon or
25 otherwise dispose of any explosives in any manner which might,
26 as the result of such abandonment or disposal, create any
27 danger or threat of danger to life or property. Any person
28 in possession or control of explosives shall, when the need
29 for such explosives no longer exists, dispose of them in
30 accordance with rules prescribed by the commissioner of public
31 safety state fire marshal.

32 Sec. 8. Section 101A.14, subsection 2, Code 1983, is
33 amended to read as follows:

34 2. Any person who violates the provisions of sections
35 101A.6, 101A.8 or 101A.9 or any of the rules adopted by the

1 commissiener-of-public-safety state fire marshal pursuant
2 to the provisions of this chapter, commits a simple
3 misdemeanor.

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HOUSE FILE 2301

AN ACT

RELATING TO TRANSFERRING RESPONSIBILITY FOR ISSUING COMMERCIAL LICENSES AND PERMITS FOR THE SALE, USE, PURCHASE, POSSESSION AND TRANSPORTATION, REPORTING OF THEFT OR LOSS, AND REGULATION OF DISPOSAL OF EXPLOSIVES, TO THE STATE FIRE MARSHAL, AND THE SALE, POSSESSION, OR USE OF THE EXPLOSIVE NITROGLYCERIN, PROVIDING A PENALTY, AND TRANSFERRING THE RESPONSIBILITY FOR THE INSPECTION OF EXPLOSIVE STORAGE FACILITIES FROM COUNTY SHERIFFS TO THE STATE FIRE MARSHAL WHILE REDUCING THE NUMBER OF INSPECTIONS PER YEAR.

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

Section 1. Section 101A.2, subsections 1 and 2, Code 1983, are amended to read as follows:

1. The ~~commissioner-of-public-safety~~ state fire marshal shall issue commercial licenses for the manufacture, importation, distribution, sale, and commercial use of explosives to persons who, in the ~~commissioner's~~ state fire marshal's discretion are of good character and sound judgment, and have sufficient knowledge of the use, handling, and storage of explosive materials to protect the public safety. Licenses shall be issued for a period of one year, but may be issued for shorter periods, and may be revoked or suspended by the ~~commissioner-of-public-safety~~ state fire marshal for any of the following reasons:

- a. Falsification of information submitted in the application for a license.
- b. Proof that the licensee has violated any provisions of this chapter or any rules prescribed by the ~~commissioner~~ of-public-safety state fire marshal pursuant to the provisions of this chapter.

2. Licenses shall be issued by the ~~commissioner-of-public-safety~~ state fire marshal upon payment ~~to-his~~ of a fee of sixty dollars, valid for a period of one calendar year.

commencing on January 1 and terminating on December 31; however, an initial license may be issued during any calendar year for the number of months remaining in such calendar year, computed to the first day of the month when the application for the license is approved. The license fee shall be charged on a pro rata basis for the number of months remaining in the year of issue. Applications for renewal of licenses shall be submitted within thirty days prior to the license expiration date and shall be accompanied by payment of the prescribed annual fee.

Sec. 2. Section 101A.3, subsections 1 and 2, Code Supplement 1983, is amended to read as follows:

1. User's permits to purchase, possess, transport, store, and detonate explosive materials shall be issued by the sheriff of the county or the chief of police of a city of ten thousand population or more where the possession and detonation will occur. If the possession and detonation are to occur in more than one county or city, then such permits must be issued by the sheriff or chief of police of each of such counties or cities, except in counties and cities in which the explosives are possessed for the sole purpose of transporting them through such counties and cities. A permit shall not be issued unless the sheriff or chief of police having jurisdiction is satisfied that possession and detonation of explosive materials is necessary to the applicant's business or to improve his property. Permits shall be issued only to persons who, in the discretion of the sheriff or chief of police, are of good character and sound judgment, and have sufficient knowledge of the use and handling of explosive materials to protect the public safety. The ~~commissioner~~ of-public-safety state fire marshal shall prescribe, have printed, and distribute permit application forms to all local permit issuing authorities.

2. The user's permit shall state the quantity of explosive materials which the permittee may purchase, the amount ~~he~~ the permittee may have in ~~his~~ possession at any one time, the amount ~~he~~ the permittee may detonate at any one time.

and the period of time during which the purchase, possession, and detonation of explosive materials is authorized. The permit shall also specify the place where detonation may occur, the location and description of the place where the explosive materials will be stored, if such be the case, and shall contain such other information as may be required under the rules and regulations of the ~~commissioner-of-public-safety~~ state fire marshal. The permit shall not authorize purchase, possession, and detonation of a quantity of explosive materials in excess of that which is necessary in the pursuit of the applicant's business or the improvement of ~~his~~ the permittee's property, nor shall such purchase, possession, and detonation be authorized for a period longer than is necessary for the specified purpose. In no event shall the permit be valid for more than thirty days from date of issuance but it may be renewed upon proper showing of necessity.

Sec. 3. Section 101A.4, subsection 1, Code 1983, is amended to read as follows:

1. Judicial review of the action of the ~~commissioner~~ state fire marshal may be sought in accordance with the terms of the Iowa administrative procedure Act.

Sec. 4. Section 101A.5, unnumbered paragraph 1, Code 1983, is amended to read as follows:

The ~~commissioner-of-public-safety~~ state fire marshal shall prepare, adopt, and distribute to permit issuing authorities and other interested persons, without cost, rules in accordance with provisions of chapter 17A, pertaining to the manufacture, transportation, storage, possession, and use of explosive materials. Rules adopted by the ~~commissioner-of-public-safety~~ state fire marshal shall be compatible with, but not limited to the National Fire Protection Association's pamphlet number 495 and federal rules pertaining to commerce, possession, storage, and use of explosive materials. Such rules shall:

Sec. 5. Section 101A.7, Code Supplement 1983, is amended to read as follows:

101A.7 INSPECTION OF STORAGE FACILITY. The licensee's or permittee's explosive storage facility shall be inspected

at least once ~~every-six-months~~ a year by either a representative of the sheriff-of-the-county-where-the-facility-is-located-or-by-the-local-police-authority-if-the-facility-is-located-within-a-city-of-over-ten-thousand-population state fire marshal's office. The state fire marshal shall notify the appropriate city or county governing board of licenses to be issued in their respective jurisdictions pursuant to this chapter. The notification shall contain the name of the applicant to be licensed, the location of the facilities to be used in storing explosives, the types and quantities of explosive materials to be stored, and other information deemed necessary by either the governing boards or the state fire marshal. The facility may be examined at other times by the sheriff of the county where the facility is located or by the local police authority if the facility is located within a city of over ten thousand population and if he the sheriff or city council considers it necessary.

If the ~~sheriff-or-local-police-authority~~ find state fire marshal finds the facility to be improperly secured, the licensee or permittee shall immediately correct the improper security and, if not so corrected, the ~~sheriff-or-local-police-authority~~ state fire marshal shall immediately confiscate the stored explosives. Explosives may be confiscated by the county sheriff or local police authority only if a situation that is discovered during an examination by those authorities is deemed to present an immediate danger. If the explosives are confiscated by the county sheriff or local police authority, they shall be delivered to the sheriff state fire marshal. The sheriff state fire marshal shall hold confiscated explosives for a period of thirty days under proper security unless the period of holding is shortened pursuant to this section.

If the licensee or permittee corrects the improper security within the thirty-day period, the explosives shall be returned to the licensee or permittee after correction and after the licensee or permittee has paid to the county state an amount equal to the expense incurred by the county state in storing

the explosives during the period of confiscation. The amount of expense shall be determined by the sheriff state fire marshal.

If the improper security is not corrected during the thirty-day period, the sheriff state fire marshal shall ~~deliver the explosives to the fire marshal for disposal~~ dispose of the explosives and the license or permit shall be canceled. Such a canceled license or permit shall not be reissued for a period of two years from the date of cancellation.

~~The licensee or permittee may obtain possession of the explosives from the sheriff during the thirty-day period for the purpose of disposing of them. The disposal procedure shall conform to the provisions of section 101A.9. The licensee or permittee shall first pay to the county an amount equal to the expense incurred by the county in storing the explosives during the period of confiscation. The amount of the expense shall be determined by the sheriff.~~

Sec. 6. Section 101A.8, Code 1983, is amended to read as follows:

101A.8 REPORT OF THEFT OR LOSS REQUIRED. Any theft or loss of explosive materials, whether from a storage magazine, a vehicle in which they are being transported, or from a site on which they are being used, or from any other location, shall immediately be reported by the person authorized to possess such explosives to the local police or county sheriff. The local police or county sheriff shall immediately transmit a report of such theft or loss of explosive materials to the commissioner of public safety state fire marshal.

Sec. 7. Section 101A.9, Code 1983, is amended to read as follows:

101A.9 DISPOSAL REGULATED. No person shall abandon or otherwise dispose of any explosives in any manner which might, as the result of such abandonment or disposal, create any danger or threat of danger to life or property. Any person in possession or control of explosives shall, when the need for such explosives no longer exists, dispose of them in accordance with rules prescribed by the commissioner of public safety state fire marshal.

Sec. 8. Section 101A.14, subsection 2, Code 1983, is amended to read as follows:

2. Any person who violates the provisions of sections 101A.6, 101A.8 or 101A.9 or any of the rules adopted by the commissioner of public safety state fire marshal pursuant to the provisions of this chapter, commits a simple misdemeanor.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2301, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved April 16, 1984

TERRY E. BRANSTAD
Governor