

Senate Study Bill 1051 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON SMITH)

A BILL FOR

1 An Act relating to the possession, sale, transfer, purchase,
2 and use of fireworks, providing penalties, and including
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

FIREWORKS REGULATION

1
2
3 Section 1. Section 100.1, subsection 4, paragraph b, Code
4 2017, is amended to read as follows:

5 b. The storage, transportation, handling, and use of
6 flammable liquids, combustibles, fireworks, and explosives;

7 Sec. 2. Section 100.1, Code 2017, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 8. To order the suspension of the use
10 of consumer fireworks, display fireworks, or novelties, as
11 described in section 727.2, if the fire marshal determines that
12 the use of such devices would constitute a threat to public
13 safety.

14 Sec. 3. NEW SECTION. 100.19 **Consumer fireworks seller**
15 **licensing — penalty — fund.**

16 1. As used in this section:

17 a. "APA 87-1" means the American pyrotechnics association
18 standard 87-1, as published in December 2001.

19 b. "Community group" means a nonprofit entity that is open
20 for membership to the general public which is exempt from
21 federal income taxation pursuant to section 501(c)(3) of the
22 Internal Revenue Code or a fraternal benefit society, as that
23 term is defined in section 512B.3.

24 c. "First-class consumer fireworks" means the following
25 consumer fireworks, as described in APA 87-1, chapter 3:

26 (1) Aerial shell kits and reloadable tubes.

27 (2) Chasers.

28 (3) Helicopter and aerial spinners.

29 (4) Firecrackers.

30 (5) Mine and shell devices.

31 (6) Missile-type rockets.

32 (7) Roman candles.

33 (8) Sky rockets and bottle rockets.

34 (9) Multiple tube devices under this paragraph "c" that are
35 manufactured in accordance with APA 87-1, section 3.5.

1 *d.* "Retailer" means as defined in section 423.1.

2 *e.* "Second-class consumer fireworks" means the following
3 consumer fireworks, as described in APA 87-1, chapter 3:

4 (1) Cone fountains.

5 (2) Cylindrical fountains.

6 (3) Flitter sparklers.

7 (4) Ground and hand-held sparkling devices, including
8 multiple tube ground and hand-held sparkling devices that are
9 manufactured in accordance with APA 87-1, section 3.5.

10 (5) Ground spinners.

11 (6) Illuminating torches.

12 (7) Toy smoke devices.

13 (8) Wheels.

14 (9) Wire or dipped sparklers.

15 2. *a.* The state fire marshal shall establish a consumer
16 fireworks seller license. An application for a consumer
17 fireworks seller license shall be made on a form provided
18 by the state fire marshal. The state fire marshal shall
19 adopt rules consistent with this section establishing minimum
20 requirements for a retailer or community group to be issued a
21 consumer fireworks seller license.

22 *b.* A person shall possess a consumer fireworks seller
23 license under this section in order to sell consumer fireworks.

24 3. *a.* The state fire marshal shall establish a fee schedule
25 for consumer fireworks seller licenses as follows:

26 (1) For a retailer at a permanent building who devotes fifty
27 percent or more of the retailer's retail floor space to the
28 sale or display of first-class consumer fireworks, an annual
29 fee of one thousand dollars.

30 (2) For a retailer at a temporary structure who devotes
31 fifty percent or more of the retailer's retail floor space
32 to the sale or display of first-class consumer fireworks, an
33 annual fee of five hundred dollars.

34 (3) For a retailer who devotes less than fifty percent of
35 the retailer's retail floor space to the sale or display of

1 first-class consumer fireworks, an annual fee of four hundred
2 dollars.

3 (4) For a community group that offers for sale, exposes for
4 sale, or sells first-class consumer fireworks, an annual fee
5 of four hundred dollars.

6 (5) For a retailer or community group that offers for sale,
7 exposes for sale, or sells second-class consumer fireworks,
8 but not first-class consumer fireworks, an annual fee of one
9 hundred dollars.

10 *b.* A license issued to a retailer or community group
11 pursuant to paragraph "a", subparagraph (1), (2), (3), or (4),
12 shall allow the licensee to sell both first-class consumer
13 fireworks and second-class consumer fireworks.

14 4. The state fire marshal shall adopt rules to:

15 *a.* Require that any retailer or community group offering
16 for sale at retail any consumer fireworks, as described in APA
17 87-1, chapter 3, shall do so in accordance with the national
18 fire protection association standard 1124, published in the
19 code for the manufacture, transportation, storage, and retail
20 sales of fireworks and pyrotechnic articles, 2006 edition.

21 *b.* Require that a retailer or community group to be issued
22 a license pursuant to this section provide proof of and
23 maintain commercial general liability insurance with minimum
24 per occurrence coverage of at least one million dollars and
25 aggregate coverage of at least two million dollars.

26 *c.* Permit a retailer or community group issued a license
27 pursuant to this section to sell consumer fireworks, as
28 described in APA 87-1, chapter 3, at the following locations
29 as specified:

30 (1) At a permanent building that meets the requirements of
31 paragraph "a", between May 20 and July 6 and between December 10
32 and January 3 each year, all dates inclusive.

33 (2) At a temporary structure that meets the requirements of
34 paragraph "a" between June 13 and July 6 each year, both dates
35 inclusive.

1 *d.* A retailer or community group shall not transfer consumer
2 fireworks, as described in APA 87-1, chapter 3, to a person who
3 is under eighteen years of age.

4 5. *a.* The state fire marshal shall adopt rules to provide
5 that a person's consumer fireworks seller license may be
6 revoked for the intentional violation of this section. The
7 proceedings for revocation shall be held before the division
8 of the state fire marshal, which may revoke the license or
9 licenses involved as provided in paragraph "b".

10 *b.* (1) If, upon the hearing of the order to show cause,
11 the division of the state fire marshal finds that the licensee
12 intentionally violated this section, then the license or
13 licenses under which the licensed retailer or community group
14 sells first-class consumer fireworks or second-class consumer
15 fireworks, shall be revoked.

16 (2) Judicial review of actions of the division of the
17 state fire marshal may be sought in accordance with the terms
18 of the Iowa administrative procedure Act, chapter 17A. If
19 the licensee has not filed a petition for judicial review in
20 district court, revocation shall date from the thirty-first
21 day following the date of the order of the division of the
22 state fire marshal. If the licensee has filed a petition for
23 judicial review, revocation shall date from the thirty-first
24 day following entry of the order of the district court, if
25 action by the district court is adverse to the licensee.

26 (3) A new license shall not be issued to a person whose
27 license has been revoked, or to the business in control of the
28 premises on which the violation occurred if it is established
29 that the owner of the business had actual knowledge of the
30 violation resulting in the license revocation, for the period
31 of one year following the date of revocation.

32 6. *a.* A consumer fireworks fee fund is created in the
33 state treasury under the control of the state fire marshal.
34 Notwithstanding section 12C.7, interest or earnings on
35 moneys in the consumer fireworks fee fund shall be credited

1 to the consumer fireworks fee fund. Moneys in the fund are
2 appropriated to the state fire marshal to be used to fulfill
3 the responsibilities of the state fire marshal for the
4 administration and enforcement of this section and section
5 100.19A and to provide grants pursuant to paragraph "b". The
6 fund shall include the fees collected by the state fire marshal
7 under the fee schedule established pursuant to subsection 3
8 and the fees collected by the state fire marshal under section
9 100.19A for wholesaler registration.

10 **b.** The state fire marshal shall establish a local fire
11 protection and emergency medical service providers grant
12 program to provide grants to local fire protection service
13 providers and local emergency medical service providers to
14 establish or provide fireworks safety education programming
15 to members of the public. The state fire marshal may also
16 provide grants to local fire protection service providers and
17 local emergency medical service providers for the purchase
18 of necessary enforcement, protection, or emergency response
19 equipment related to the sale and use of consumer fireworks in
20 this state.

21 **7.** The state fire marshal shall adopt rules for the
22 administration of this section.

23 **8.** A person who violates a provision of this section or a
24 rule adopted pursuant to this section is guilty of a simple
25 misdemeanor.

26 **Sec. 4. NEW SECTION. 100.19A Consumer fireworks wholesaler**
27 **— registration — penalty.**

28 **1.** For purposes of this section:

29 **a.** "*Consumer fireworks*" means first-class consumer fireworks
30 and second-class consumer fireworks, as those terms are defined
31 in section 100.19.

32 **b.** "*Wholesaler*" means a person who engages in the business
33 of selling or distributing consumer fireworks for the purpose
34 of resale in this state.

35 **2.** The state fire marshal shall adopt rules to require all

1 wholesalers to annually register with the state fire marshal.
2 The state fire marshal may also adopt rules to regulate the
3 storage or transfer of consumer fireworks by wholesalers and to
4 require wholesalers to maintain insurance.

5 3. The state fire marshal shall establish an annual
6 registration fee of one thousand dollars for wholesalers
7 of consumer fireworks within the state. Registration fees
8 collected pursuant to this section shall be deposited in the
9 consumer fireworks fee fund created in section 100.19.

10 4. A person who violates a provision of this section or a
11 rule adopted pursuant to this section is guilty of a simple
12 misdemeanor.

13 Sec. 5. Section 101A.1, subsection 3, Code 2017, is amended
14 to read as follows:

15 3. "*Explosive*" means any chemical compound, mixture
16 or device, the primary or common purpose of which is to
17 function by explosion with substantially instantaneous
18 release of gas and heat, unless such compound, mixture, or
19 device is otherwise specifically classified by the United
20 States department of transportation. The term "*explosive*"
21 includes all materials which are classified as a class 1,
22 division 1.1, 1.2, 1.3, or 1.4 explosive by the United States
23 department of transportation, under 49 C.F.R. §173.50, and all
24 materials classified as explosive materials under 18 U.S.C.
25 §841, and includes, but is not limited to, dynamite, black
26 powder, pellet powders, initiating explosives, blasting caps,
27 electric blasting caps, safety fuse, fuse lighters, fuse
28 igniters, squibs, cordeau detonative fuse, instantaneous fuse,
29 igniter cord, igniters, smokeless propellant, cartridges for
30 propellant-actuated power devices, cartridges for industrial
31 guns, and overpressure devices, but does not include "*fireworks*"
32 as "*consumer fireworks*", "*display fireworks*", or "*novelties*" as
33 those terms are defined in section 727.2 or ammunition or small
34 arms primers manufactured for use in shotguns, rifles, and
35 pistols. Commercial explosives are those explosives which are

1 intended to be used in commercial or industrial operations.

2 Sec. 6. Section 331.301, Code 2017, is amended by adding the
3 following new subsection:

4 NEW SUBSECTION. 17. The board of supervisors may by
5 ordinance or resolution prohibit or limit the use of consumer
6 fireworks or display fireworks, as described in section 727.2,
7 if the board determines that the use of such devices would
8 constitute a threat to public safety or private property, or
9 if the board determines that the use of such devices would
10 constitute a nuisance to neighboring landowners.

11 Sec. 7. Section 331.304, subsection 8, Code 2017, is amended
12 to read as follows:

13 8. The board, upon application, may grant permits for the
14 ~~display~~ use of display fireworks as provided in [section 727.2](#).

15 Sec. 8. Section 364.2, Code 2017, is amended by adding the
16 following new subsection:

17 NEW SUBSECTION. 6. A city council may by ordinance or
18 resolution prohibit or limit the use of consumer fireworks,
19 display fireworks, or novelties, as described in section 727.2.

20 Sec. 9. Section 461A.42, subsection 2, Code 2017, is amended
21 to read as follows:

22 2. The use of consumer fireworks or display fireworks,
23 as defined in [section 727.2](#), in state parks and preserves is
24 prohibited except as authorized by a permit issued by the
25 department. The commission shall establish, by rule adopted
26 pursuant to [chapter 17A](#), a fireworks permit system which
27 authorizes the issuance of a limited number of permits to
28 qualified persons to use or display fireworks in selected state
29 parks and preserves.

30 Sec. 10. Section 727.2, Code 2017, is amended to read as
31 follows:

32 **727.2 Fireworks.**

33 1. Definitions. For purposes of this section:

34 a. "Consumer fireworks" includes first-class consumer
35 fireworks and second-class consumer fireworks as those terms

1 are defined in section 100.19, subsection 1.

2 b. The term "~~fireworks~~" "Display fireworks" includes any
3 explosive composition, or combination of explosive substances,
4 or article prepared for the purpose of producing a visible
5 or audible effect by combustion, explosion, deflagration,
6 or detonation, and includes ~~blank cartridges, firecrackers,~~
7 ~~torpedoes, skyrockets, roman candles, or other fireworks of~~
8 like construction and fireworks containing any explosive or
9 flammable compound, or other device containing any explosive
10 substance. The term "~~fireworks~~" "Display fireworks" does not
11 include ~~goldstar-producing sparklers on wires which contain~~
12 ~~no magnesium or chlorate or perchlorate, flitter sparklers~~
13 ~~in paper tubes that do not exceed one-eighth of an inch in~~
14 ~~diameter, toy snakes which contain no mercury, or caps used~~
15 ~~in cap pistols~~ novelties or consumer fireworks enumerated in
16 chapter 3 of the American pyrotechnics association's standard
17 87-1.

18 c. "Novelties" includes all novelties enumerated in chapter
19 3 of the American pyrotechnics association's standard 87-1, and
20 that comply with the labeling regulations promulgated by the
21 United States consumer product safety commission.

22 2. Display fireworks.

23 a. A person, firm, partnership, or corporation who offers
24 for sale, exposes for sale, sells at retail, or uses or
25 explodes any display fireworks, commits a simple misdemeanor.
26 In addition to any other penalties, the punishment imposed
27 for a violation of ~~this section~~ shall include assessment
28 of, punishable by a fine of not less than two hundred fifty
29 dollars. However, the a city council of a city or a county
30 board of supervisors may, upon application in writing, grant a
31 permit for the display of display fireworks by municipalities,
32 fair associations, amusement parks, and other organizations
33 or groups of individuals approved by the city or the county
34 board of supervisors when the display fireworks ~~display~~ will
35 be handled by a competent operator, but no such permit shall

1 be required for the display of display fireworks at the Iowa
2 state fairgrounds by the Iowa state fair board, at incorporated
3 county fairs, or at district fairs receiving state aid. Sales
4 of display fireworks for such display may be made for that
5 purpose only.

6 b. (1) A person who uses or explodes display fireworks
7 while the use of such devices is prohibited or limited by an
8 ordinance or resolution adopted by the county or city in which
9 the firework is used commits a simple misdemeanor, punishable
10 by a fine of not less than two hundred fifty dollars.

11 (2) A person who uses or explodes display fireworks while
12 the use of such devices is suspended by an order of the state
13 fire marshal commits a simple misdemeanor, punishable by a fine
14 of not less than two hundred fifty dollars.

15 3. Consumer fireworks and novelties.

16 a. A person or a firm, partnership, or corporation may
17 possess, use, or explode consumer fireworks in accordance with
18 this subsection and subsection 4.

19 b. A person, firm, partnership, or corporation who sells
20 consumer fireworks to a person who is less than eighteen years
21 of age commits a simple misdemeanor, punishable by a fine of
22 not less than two hundred fifty dollars. A person who is less
23 than eighteen years of age who purchases consumer fireworks
24 commits a simple misdemeanor, punishable by a fine of not less
25 than two hundred fifty dollars.

26 c. (1) A person who uses or explodes consumer fireworks
27 or novelties while the use of such devices is prohibited or
28 limited by an ordinance adopted by the county or city in which
29 the fireworks are used commits a simple misdemeanor, punishable
30 by a fine of not less than two hundred fifty dollars.

31 (2) A person who uses or explodes consumer fireworks or
32 novelties while the use of such devices is suspended by an
33 order of the state fire marshal commits a simple misdemeanor,
34 punishable by a fine of not less than two hundred fifty
35 dollars.

1 4. Limitations.

2 a. A person shall not use or explode consumer fireworks on
3 days other than June 24 through July 6 and December 24 through
4 January 3 of each year, all dates inclusive.

5 b. A person shall not use or explode consumer fireworks at
6 times other than between the hours of 9:00 a.m. and 10:00 p.m.,
7 except that on the following dates consumer fireworks shall not
8 be used at times other than between the hours specified:

9 (1) Between the hours of 9:00 a.m. and 11:00 p.m. on July
10 4 and the Saturdays and Sundays immediately preceding and
11 following July 4.

12 (2) Between the hours of 9:00 a.m. on December 31 and 12:30
13 a.m. on the immediately following day.

14 (3) Between the hours of 9:00 a.m. and 11:00 p.m. on the
15 Saturdays and Sundays immediately preceding and following
16 December 31.

17 c. A person shall not use consumer fireworks on real
18 property other than that person's real property or on the real
19 property of a person who has consented to the use of consumer
20 fireworks on that property.

21 d. A person who violates this subsection commits a simple
22 misdemeanor. A court shall not order imprisonment for
23 violation of this subsection.

24 ~~3.~~ 5. Applicability.

25 a. This section does not prohibit the sale by a resident,
26 dealer, manufacturer, or jobber of such fireworks as are
27 not prohibited by this section, or the sale of any kind of
28 fireworks if they are to be shipped out of the state, or the
29 sale or use of blank cartridges for a show or the theater,
30 or for signal purposes in athletic sports or by railroads
31 or trucks, for signal purposes, or by a recognized military
32 organization.

33 b. This section does not apply to any substance or
34 composition prepared and sold for medicinal or fumigation
35 purposes.

1 c. Unless specifically provided otherwise, this section does
2 not apply to novelties.

3 DIVISION II

4 RULEMAKING

5 Sec. 11. EMERGENCY RULES. The state fire marshal shall
6 adopt emergency rules under section 17A.4, subsection 3, and
7 section 17A.5, subsection 2, paragraph "b", to implement
8 the provisions of this Act and the rules shall be effective
9 immediately upon filing unless a later date is specified in the
10 rules. Any rules adopted in accordance with this section shall
11 also be published as a notice of intended action as provided
12 in section 17A.4.

13 DIVISION III

14 EFFECTIVE DATE

15 Sec. 12. EFFECTIVE UPON ENACTMENT. This Act, being deemed
16 of immediate importance, takes effect upon enactment.

17 EXPLANATION

18 The inclusion of this explanation does not constitute agreement with
19 the explanation's substance by the members of the general assembly.

20 This bill relates to the regulation of fireworks.

21 The bill provides that the state fire marshal has the duty to
22 enforce all laws, and rules of the department of public safety
23 concerned with the storage, transportation, handling, and use
24 of fireworks.

25 Current law provides that a person, firm, partnership, or
26 corporation who offers for sale, exposes for sale, sells at
27 retail, or uses or explodes any fireworks, commits a simple
28 misdemeanor. Current law, however, also provides that a county
29 board of supervisors or the department of natural resources may
30 grant a permit for the display of fireworks if the fireworks
31 display will be handled by a competent operator. Current
32 law further provides that the term "fireworks" includes any
33 explosive composition, or combination of explosive substances,
34 or article prepared for the purpose of producing a visible
35 or audible effect by combustion, explosion, deflagration,

1 or detonation, including blank cartridges, firecrackers,
2 torpedoes, skyrocketes, roman candles, or other fireworks of
3 like construction and fireworks containing any explosive or
4 flammable compound, or other device containing any explosive
5 substance with limited exceptions.

6 The bill maintains these restrictions for display fireworks
7 and provides that the term "display fireworks" shall not
8 include novelties or consumer fireworks. The bill provides
9 definitions for the terms "novelties" and "consumer fireworks".

10 The bill requires that the state fire marshal establish
11 a consumer fireworks seller license, and requires possession
12 of such a license to legally sell consumer fireworks in this
13 state. The state fire marshal is required to establish a fee
14 schedule for consumer fireworks seller licenses. The bill
15 establishes two classes of consumer fireworks and requires
16 a \$1,000 annual licensing fee for a retailer at a permanent
17 building who devotes 50 percent or more of the retailer's
18 retail floor space to the sale or display of first-class
19 consumer fireworks, and a \$500 annual licensing fee for a
20 retailer at a temporary structure who devotes 50 percent or
21 more the retailer's retail floor space to the sale or display
22 of first-class consumer fireworks. Retailers who devote less
23 than 50 percent of the retailer's retail floor space to the
24 sale or display of first-class consumer fireworks are required
25 to pay an annual licensing fee of \$400. A community group
26 that sells first-class consumer fireworks is required to pay
27 an annual licensing fee of \$400. The bill requires an annual
28 licensing fee of \$100 for retailers or community groups that
29 sell only second-class consumer fireworks.

30 The bill requires that the state fire marshal adopt rules
31 to require that licensed retailers and community groups only
32 offer consumer fireworks for sale in accordance with specified
33 industry standards. The bill also requires that retailers
34 and community groups provide proof of and maintain commercial
35 general liability insurance with specified coverage amounts.

1 Under the bill, the state fire marshal is required to adopt
2 rules to permit licensed retailers and community groups to sell
3 consumer fireworks at conforming permanent buildings between
4 May 20 and July 6 and between December 10 and January 3 each
5 year and at conforming temporary structures from June 13 to
6 July 6 each year.

7 The bill also provides for the revocation of a consumer
8 fireworks seller license for the intentional violation of
9 licensing requirements. The bill establishes procedures
10 for the revocation of such licenses and procedures for
11 review for such revocations. The bill also establishes a
12 consumer fireworks fee fund under the control of the state
13 fire marshal. The fund shall consist of the fees collected
14 for the licensing of retailers and community groups and the
15 registration of wholesalers. The fund is required to be used
16 for administration and enforcement of the state fire marshal's
17 consumer fireworks related duties and to provide grants to
18 local fire protection and emergency medical service providers.

19 The bill requires that the state fire marshal adopt rules
20 to require that wholesalers of consumer fireworks annually
21 register with the state fire marshal and allows the state fire
22 marshal to adopt rules related to wholesaler insurance and the
23 storage and transfer of consumer fireworks by wholesalers. The
24 state fire marshal is also required to establish an annual
25 \$1,000 wholesaler registration fee to be deposited in the
26 consumer fireworks fee fund.

27 Under the bill, a violation of a licensing or registration
28 provision established in Code or by rule is considered a simple
29 misdemeanor. A simple misdemeanor is punishable by confinement
30 for no more than 30 days or a fine of at least \$65 but not more
31 than \$625, or by both.

32 The bill provides that a person or a firm, partnership, or
33 corporation may possess consumer fireworks as provided in the
34 bill. The bill provides that a person, firm, partnership, or
35 corporation who sells any consumer firework to a person who

1 is less than 18 years of age commits a simple misdemeanor.
2 A person who is less than 18 years of age who purchases any
3 consumer fireworks commits a simple misdemeanor. A simple
4 misdemeanor is generally punishable by confinement for no more
5 than 30 days or a fine of at least \$65 but not more than \$625 or
6 by both, but the bill provides for a fine of at least \$250.

7 The bill provides that the state fire marshal may order the
8 suspension of the use of consumer fireworks, display fireworks,
9 or novelties if the fire marshal determines that the use of
10 such devices would constitute a threat to public safety. The
11 bill provides that a person who violates such an order by the
12 fire marshal commits a simple misdemeanor, punishable by a fine
13 of at least \$250.

14 The bill provides that a county board of supervisors may
15 adopt an ordinance or resolution to prohibit or limit the
16 use of consumer fireworks or display fireworks if the use of
17 such devices would constitute a threat to public safety or
18 a nuisance. The bill also provides that a city council may
19 adopt an ordinance or resolution to prohibit or limit the use
20 of consumer fireworks, display fireworks, or novelties if the
21 use of such devices would constitute a threat to public safety
22 or a nuisance to landowners. The bill provides that a person
23 who uses fireworks when the use is prohibited or limited by an
24 ordinance in the city or county in which the devices are used
25 commits a simple misdemeanor, punishable by a fine of at least
26 \$250.

27 The bill also provides certain restrictions on the use or
28 explosion of consumer fireworks. The bill prohibits the use
29 or explosion of consumer fireworks on days other than June
30 24 through July 6 and December 24 through January 3 of each
31 year. The bill prohibits the use or explosion of consumer
32 fireworks at a time other than between the hours of 9:00 a.m.
33 and 10:00 p.m. of those days, except as specified in the
34 bill. The bill further prohibits the use of fireworks by a
35 person on the real property of another person unless the owner

1 of the real property has consented to such use. Under the
2 bill, a violation of these restrictions is considered a simple
3 misdemeanor, provided, however, that a court shall not order
4 imprisonment for such a violation.

5 The bill requires the state fire marshal to adopt emergency
6 rules to implement the provisions of the bill, which shall be
7 effective immediately upon filing.

8 The bill takes effect upon enactment.