

**EIGHTY-SIXTH GENERAL ASSEMBLY
2015 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

APRIL 13, 2015

**HOUSE AMENDMENT TO
SENATE FILE 335**

S-3116

1 Amend Senate File 335, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 18, after <organization> by
4 inserting <, unless such disclosure would jeopardize an
5 investigation or pose a clear and present danger to the
6 public safety or the safety of an individual>
7 2. Page 1, line 20, by striking <kin> and inserting
8 <kin,>
9 3. Page 1, line 21, by striking <kin> and inserting
10 <kin,>
11 4. Page 1, line 26, by striking <subsection> and
12 inserting <subsection,>
13 5. Page 2, line 2, after <donor> by inserting
14 <, unless such disclosure would jeopardize an
15 investigation or pose a clear and present danger to the
16 public safety or the safety of an individual>

RECEIVED FROM THE HOUSE

S-3116 FILED APRIL 9, 2015

HOUSE AMENDMENT TO
SENATE FILE 427

S-3117

1 Amend Senate File 427, as passed by the Senate, as
2 follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. Section 724.1, subsection 1, paragraph
6 h, Code 2015, is amended by striking the paragraph.

7 Sec. 2. NEW SECTION. 724.1A Firearm suppressors
8 – certification.

9 1. As used in this section, unless the context
10 otherwise requires:

11 a. "Certification" means the participation and
12 assent of the chief law enforcement officer of the
13 jurisdiction where the applicant resides or maintains
14 an address of record, that is necessary under federal
15 law for the approval of an application to make or
16 transfer a firearm suppressor.

17 b. "Chief law enforcement officer" means the county
18 sheriff, chief of police, or the designee of such
19 official, that the federal bureau of alcohol, tobacco,
20 firearms and explosives, or any successor agency, has
21 identified by regulation or has determined is otherwise
22 eligible to provide any required certification for
23 making or transferring a firearm suppressor.

24 c. "Firearm suppressor" means a mechanical device
25 specifically constructed and designed so that when
26 attached to a firearm silences, muffles, or suppresses
27 the sound when fired that is considered a "firearm
28 silencer" or "firearm muffler" as defined in 18 U.S.C.
29 §921.

30 2. a. A chief law enforcement officer is not
31 required to make any certification under this section
32 the chief law enforcement officer knows to be false,
33 but the chief law enforcement officer shall not
34 refuse, based on a generalized objection, to issue a
35 certification to make or transfer a firearm suppressor.

36 b. When the certification of the chief law
37 enforcement officer is required by federal law or
38 regulation for making or transferring a firearm
39 suppressor, the chief law enforcement officer
40 shall, within thirty days of receipt of a request
41 for certification, issue such certification if the
42 applicant is not prohibited by law from making or
43 transferring a firearm suppressor or is not the subject
44 of a proceeding that could result in the applicant
45 being prohibited by law from making or transferring
46 the firearm suppressor. If the chief law enforcement
47 officer does not issue a certification as required by
48 this section, the chief law enforcement officer shall
49 provide the applicant with a written notification of
50 the denial and the reason for the denial.

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1 c. A certification that has been approved under
2 this section grants the person the authority to make
3 or transfer a firearm suppressor as provided by state
4 and federal law.

5 3. An applicant whose request for certification
6 is denied may appeal the decision of the chief law
7 enforcement officer to the district court for the
8 county in which the applicant resides or maintains
9 an address of record. The court shall review the
10 decision of the chief law enforcement officer to deny
11 the certification de novo. If the court finds that
12 the applicant is not prohibited by law from making
13 or transferring the firearm suppressor, or is not the
14 subject of a proceeding that could result in such
15 prohibition, or that no substantial evidence supports
16 the decision of the chief law enforcement officer, the
17 court shall order the chief law enforcement officer
18 to issue the certification and award court costs and
19 reasonable attorney fees to the applicant. If the
20 court determines the applicant is not eligible to be
21 issued a certification, the court shall award court
22 costs and reasonable attorney fees to the political
23 subdivision of the state representing the chief law
24 enforcement officer.

25 4. In making a determination about whether to
26 issue a certification under subsection 2, a chief law
27 enforcement officer may conduct a criminal background
28 check, including an inquiry of the national instant
29 criminal background check system maintained by the
30 federal bureau of investigation or any successor
31 agency, but shall only require the applicant provide
32 as much information as is necessary to identify
33 the applicant for this purpose or to determine the
34 disposition of an arrest or proceeding relevant to the
35 eligibility of the applicant to lawfully possess or
36 receive a firearm suppressor. A chief law enforcement
37 officer shall not require access to or consent
38 to inspect any private premises as a condition of
39 providing a certification under this section.

40 5. A chief law enforcement officer and employees
41 of the chief law enforcement officer who act in good
42 faith are immune from liability arising from any act or
43 omission in making a certification as required by this
44 section.

45 Sec. 3. NEW SECTION. 724.1B Firearm suppressors
46 - penalty.

47 1. A person shall not possess a firearm suppressor
48 in this state if such possession is knowingly in
49 violation of federal law.

50 2. A person who possesses a firearm suppressor in

1 violation of subsection 1 commits a class "D" felony.

2 Sec. 4. Section 724.4, subsection 4, paragraph i,
3 Code 2015, is amended to read as follows:

4 i. (1) A person who has in the person's immediate
5 possession and who displays to a peace officer on
6 demand a valid permit to carry weapons which has been
7 issued to the person, and whose conduct is within the
8 limits of that permit. A peace officer shall verify
9 through electronic means, if possible, the validity of
10 the person's permit to carry weapons.

11 (2) A person commits a simple misdemeanor
12 punishable as a scheduled violation pursuant to section
13 805.8C, subsection 11, if the person does not have in
14 the person's immediate possession a valid permit to
15 carry weapons which has been issued to the person.

16 (3) A Except as provided subparagraph (2), a
17 person shall not be convicted of a violation of this
18 section if the person produces at the person's trial a
19 permit to carry weapons which was valid at the time of
20 the alleged offense and which would have brought the
21 person's conduct within this exception if the permit
22 had been produced at the time of the alleged offense.

23 Sec. 5. Section 724.4B, subsection 2, paragraph a,
24 Code 2015, is amended to read as follows:

25 a. A person listed under section 724.4, subsection
26 4, paragraphs "b" through "f" or "j", or a certified
27 peace officer as specified in section 724.6, subsection
28 1.

29 Sec. 6. Section 724.5, Code 2015, is amended to
30 read as follows:

31 724.5 Duty to carry or verify permit to carry
32 weapons.

33 1. A person armed with a revolver, pistol, or
34 pocket billy concealed upon the person shall have in
35 the person's immediate possession the permit provided
36 for in section 724.4, subsection 4, paragraph "i", and
37 shall produce the permit for inspection at the request
38 of a peace officer.

39 2. A peace officer shall verify through electronic
40 means, if possible, the validity of the person's permit
41 to carry weapons.

42 3. Failure to so produce a permit is a simple
43 misdemeanor, punishable as a scheduled violation
44 pursuant to section 805.8C, subsection 12.

45 Sec. 7. Section 724.6, subsection 1, Code 2015, is
46 amended to read as follows:

47 1. A person may be issued a permit to carry weapons
48 when the person's employment in a private investigation
49 business or private security business licensed under
50 chapter 80A, or a person's employment as a peace

1 officer, correctional officer, security guard, bank
2 messenger or other person transporting property of a
3 value requiring security, or in police work, reasonably
4 justifies that person going armed. The permit shall be
5 on a form prescribed and published by the commissioner
6 of public safety, shall identify the holder, and
7 shall state the nature of the employment requiring the
8 holder to go armed. A permit so issued, other than to
9 a peace officer, shall authorize the person to whom
10 it is issued to go armed anywhere in the state, only
11 while engaged in the employment, and while going to and
12 from the place of the employment. A permit issued to
13 a certified peace officer shall authorize that peace
14 officer to go armed anywhere in the state, including
15 a school as provided in section 724.4B, at all times.
16 Permits shall expire twelve months after the date when
17 issued except that permits issued to peace officers and
18 correctional officers are valid through the officer's
19 period of employment unless otherwise canceled. When
20 the employment is terminated, the holder of the
21 permit shall surrender it to the issuing officer for
22 cancellation.

23 Sec. 8. Section 724.7, subsection 1, Code 2015, is
24 amended to read as follows:

25 1. Any person who is not disqualified under
26 section 724.8, who satisfies the training requirements
27 of section 724.9, if applicable, and who files an
28 application in accordance with section 724.10 shall be
29 issued a nonprofessional permit to carry weapons. Such
30 permits shall be on a form prescribed and published
31 by the commissioner of public safety, which shall be
32 readily distinguishable from the professional permit,
33 and shall identify the holder of the permit. Such
34 permits shall not be issued for a particular weapon
35 and shall not contain information about a particular
36 weapon including the make, model, or serial number of
37 the weapon or any ammunition used in that weapon. All
38 permits so issued shall be for a period of five years
39 and shall be valid throughout the state except where
40 the possession or carrying of a firearm is prohibited
41 by state or federal law.

42 Sec. 9. Section 724.9, Code 2015, is amended by
43 adding the following new subsection:

44 NEW SUBSECTION. 1A. The handgun safety training
45 course required in subsection 1 may be conducted
46 over the internet in a live or web-based format, if
47 completion of the course is verified by the instructor
48 or provider of the course.

49 Sec. 10. Section 724.11, subsections 1 and 3, Code
50 2015, are amended to read as follows:

1 1. a. Applications for permits to carry weapons
2 shall be made to the sheriff of the county in which
3 the applicant resides. Applications for professional
4 permits to carry weapons for persons who are
5 nonresidents of the state, or whose need to go armed
6 arises out of employment by the state, shall be made
7 to the commissioner of public safety. In either case,
8 the sheriff or commissioner, before issuing the permit,
9 shall determine that the requirements of sections 724.6
10 to 724.10 have been satisfied. However, ~~for renewal of~~
11 ~~a permit~~ the training program requirements in section
12 724.9, subsection 1, do not apply to an applicant
13 who is able to demonstrate completion of small arms
14 training as specified in section 724.9, subsection 1,
15 paragraph "d". For all other applicants the training
16 program requirements of section 724.9, subsection 1,
17 must be satisfied within the twenty-four-month period
18 prior to the date of the application for the issuance
19 of a permit.

20 b. (1) Prior to issuing a renewal, the sheriff
21 or commissioner shall determine the requirements of
22 sections 724.6, 724.7, 724.8, and 724.10 and either of
23 the following, as applicable, have been satisfied:

24 (a) Beginning with the first renewal of a permit
25 issued after the calendar year 2010, and alternating
26 renewals thereafter, if a renewal applicant applies
27 within thirty days prior to the expiration of the
28 permit or within thirty days after expiration of the
29 permit, the training program requirements of section
30 724.9, subsection 1, do not apply.

31 (b) Beginning with the second renewal of a permit
32 issued after the calendar year 2010, and alternating
33 renewals thereafter, if a renewal applicant applies
34 within thirty days prior to the expiration of the
35 permit or within thirty days after expiration of the
36 permit, a renewal applicant shall qualify for renewal
37 by taking an online training course certified by the
38 national rifle association or the Iowa law enforcement
39 academy, and the training program requirements of
40 section 724.9, subsection 1, do not apply.

41 (2) If any renewal applicant applies more than
42 thirty days after the expiration of the permit, the
43 permit requirements of paragraph "a" apply to the
44 applicant, and any subsequent renewal of this permit
45 shall be considered a first renewal for purposes
46 of subparagraph (1). However, the training program
47 requirements of section 724.9, subsection 1, do not
48 apply to an applicant who is able to demonstrate
49 completion of small arms training as specified in
50 section 724.9, subsection 1, paragraph "d". For all

1 other applicants, in lieu of the training program
2 requirements of section 724.9, subsection 1, the
3 renewal applicant may choose to qualify on a firing
4 range under the supervision of an instructor certified
5 by the national rifle association or the department of
6 public safety or another state's department of public
7 safety, state police department, or similar certifying
8 body.

9 (3) As an alternative to subparagraph (1), and if
10 the requirements of sections 724.6, 724.7, 724.8, and
11 724.10 have been satisfied, a renewal applicant may
12 choose to qualify, at any renewal, under the training
13 program requirements in section 724.9, subsection 1,
14 shall apply or the renewal applicant may choose to
15 qualify on a firing range under the supervision of an
16 instructor certified by the national rifle association
17 or the department of public safety or another
18 state's department of public safety, state police
19 department, or similar certifying body. Such training
20 or qualification must occur within the ~~twelve-month~~
21 twenty-four-month period prior to the expiration
22 of the applicant's current permit, except that the
23 twenty-four-month time period limitation for training
24 or qualification does not apply to an applicant who is
25 able to demonstrate completion of small arms training
26 as specified in section 724.9, subsection 1, paragraph
27 "d".

28 3. The issuing officer shall collect a fee of fifty
29 dollars, except from a duly appointed peace officer or
30 correctional officer, for each permit issued. Renewal
31 permits or duplicate permits shall be issued for a fee
32 of twenty-five dollars, provided the application for
33 such renewal permit is received by the issuing officer
34 ~~at least~~ within thirty days prior to the expiration
35 of the applicant's current permit or within thirty
36 days after such expiration. The issuing officer
37 shall notify the commissioner of public safety of the
38 issuance of any permit at least monthly and forward to
39 the commissioner an amount equal to ten dollars for
40 each permit issued and five dollars for each renewal
41 or duplicate permit issued. All such fees received
42 by the commissioner shall be paid to the treasurer
43 of state and deposited in the operating account of
44 the department of public safety to offset the cost of
45 administering this chapter. Notwithstanding section
46 8.33, any unspent balance as of June 30 of each year
47 shall not revert to the general fund of the state.

48 Sec. 11. Section 724.11, Code 2015, is amended by
49 adding the following new subsection:

50 NEW SUBSECTION. 5. The initial or renewal permit

1 shall have a uniform appearance, size, and content
2 prescribed and published by the commissioner of public
3 safety. The permit shall contain the name of the
4 permittee and the effective date of the permit, but
5 shall not contain the permittee's social security
6 number. Such a permit shall not be issued for a
7 particular weapon and shall not contain information
8 about a particular weapon including the make, model,
9 or serial number of the weapon, or any ammunition used
10 in that weapon.

11 Sec. 12. Section 724.11A, Code 2015, is amended to
12 read as follows:

13 724.11A Recognition.

14 A valid permit or license issued by another state to
15 any nonresident of this state shall be considered to
16 be a valid permit or license to carry weapons issued
17 pursuant to this chapter, except that such permit or
18 license shall not be considered to be a substitute for
19 ~~an annual a~~ permit to acquire ~~pistols or revolvers~~
20 issued pursuant to ~~section 724.15~~ this chapter.

21 Sec. 13. Section 724.15, subsections 1, 2, and 3,
22 Code 2015, are amended to read as follows:

23 1. Any person who desires to acquire ownership of
24 any pistol or revolver shall first obtain ~~an annual~~
25 a permit. ~~An annual~~ A permit shall be issued upon
26 request to any resident of this state unless the person
27 is subject to any of the following:

- 28 a. Is less than twenty-one years of age.
- 29 b. Is subject to the provisions of section 724.26.
- 30 c. Is prohibited by federal law from shipping,
31 transporting, possessing, or receiving a firearm.

32 2. Any person who acquires ownership of a pistol or
33 revolver shall not be required to obtain ~~an annual a~~
34 permit if any of the following apply:

- 35 a. The person transferring the pistol or revolver
36 and the person acquiring the pistol or revolver are
37 licensed firearms dealers under federal law.
- 38 b. The pistol or revolver acquired is an antique
39 firearm, a collector's item, a device which is not
40 designed or redesigned for use as a weapon, a device
41 which is designed solely for use as a signaling,
42 pyrotechnic, line-throwing, safety, or similar device,
43 or a firearm which is unserviceable by reason of being
44 unable to discharge a shot by means of an explosive
45 and is incapable of being readily restored to a firing
46 condition.

47 c. The person acquiring the pistol or revolver is
48 authorized to do so on behalf of a law enforcement
49 agency.

50 d. The person has obtained a valid permit to carry

1 weapons, as provided in section 724.11.

2 e. The person transferring the pistol or revolver
3 and the person acquiring the pistol or revolver
4 are related to one another within the second degree
5 of consanguinity or affinity unless the person
6 transferring the pistol or revolver knows that the
7 person acquiring the pistol or revolver would be
8 disqualified from obtaining a permit.

9 3. The ~~annual~~ permit to acquire pistols or
10 revolvers shall authorize the permit holder to acquire
11 one or more pistols or revolvers during the period
12 that the permit remains valid. If the issuing officer
13 determines that the applicant has become disqualified
14 under the provisions of subsection 1, the issuing
15 officer may immediately revoke the permit and shall
16 provide a written statement of the reasons for
17 revocation, and the applicant shall have the right to
18 appeal the revocation as provided in section 724.21A.

19 Sec. 14. Section 724.16, Code 2015, is amended to
20 read as follows:

21 724.16 ~~Annual permit~~ Permit to acquire required -
22 transfer prohibited.

23 1. Except as otherwise provided in section 724.15,
24 subsection 2, a person who acquires ownership of a
25 pistol or revolver without a valid ~~annual~~ permit to
26 acquire pistols or revolvers or a person who transfers
27 ownership of a pistol or revolver to a person who does
28 not have in the person's possession a valid ~~annual~~
29 permit to acquire pistols or revolvers is guilty of an
30 aggravated misdemeanor.

31 2. A person who transfers ownership of a pistol
32 or revolver to a person that the transferor knows is
33 prohibited by section 724.15 from acquiring ownership
34 of a pistol or revolver commits a class "D" felony.

35 Sec. 15. Section 724.17, Code 2015, is amended to
36 read as follows:

37 724.17 Application for ~~annual~~ permit to acquire -
38 criminal history check required.

39 1. The application for an ~~annual~~ a permit to
40 acquire pistols or revolvers may be made to the sheriff
41 of the county of the applicant's residence and shall be
42 on a form prescribed and published by the commissioner
43 of public safety.

44 a. The If an applicant is a United States citizen,
45 the application shall require only the full name of
46 the applicant, the driver's license or nonoperator's
47 identification card number of the applicant, the
48 residence of the applicant, and the date and place of
49 birth of the applicant.

50 b. If the applicant is not a United States citizen,

1 the application shall, in addition to the information
2 specified in paragraph "a", require the applicant's
3 country of citizenship, any alien or admission
4 number issued by the United States immigration and
5 customs enforcement or any successor agency, and,
6 if applicable, the basis for any exception claimed
7 pursuant to 18 U.S.C. §922(y).

8 c. The applicant shall also display an
9 identification card that bears a distinguishing number
10 assigned to the cardholder, the full name, date of
11 birth, sex, residence address, and brief description
12 and ~~colored~~ photograph of the cardholder, or other
13 identification as specified by rule of the department
14 of public safety.

15 2. The sheriff shall conduct a criminal history
16 check concerning each applicant by obtaining criminal
17 history data from the department of public safety
18 which shall include an inquiry of the national instant
19 criminal background check system maintained by the
20 federal bureau of investigation or any successor agency
21 and an immigration alien query through a database
22 maintained by the United States immigration and customs
23 enforcement or any successor agency if the applicant is
24 not a United States citizen.

25 3. A person who makes what the person knows to be
26 a false statement of material fact on an application
27 submitted under this section or who submits what the
28 person knows to be any materially falsified or forged
29 documentation in connection with such an application
30 commits a class "D" felony.

31 Sec. 16. Section 724.18, Code 2015, is amended to
32 read as follows:

33 724.18 Procedure for making application for ~~annual~~
34 permit to acquire.

35 A person may personally request the sheriff to
36 mail an application for ~~an annual~~ a permit to acquire
37 pistols or revolvers, and the sheriff shall immediately
38 forward to such person an application for ~~an annual~~
39 a permit to acquire pistols or revolvers. A person
40 shall upon completion of the application ~~personally~~
41 ~~deliver~~ file such application ~~to~~ with the sheriff who
42 shall note the period of validity on the application
43 and shall immediately issue the ~~annual~~ permit to
44 acquire pistols or revolvers to the applicant. For the
45 purposes of this section the date of application shall
46 be the date on which the sheriff received the completed
47 application.

48 Sec. 17. Section 724.19, Code 2015, is amended to
49 read as follows:

50 724.19 Issuance of ~~annual~~ permit to acquire.

1 The ~~annual~~ permit to acquire pistols or revolvers
2 shall be issued to the applicant immediately upon
3 completion of the application unless the applicant is
4 disqualified under the provisions of section 724.15 ~~and~~
5 ~~or 724.17~~. The ~~permit shall be on a form~~ have a
6 uniform appearance, size, and content prescribed and
7 published by the commissioner of public safety. The
8 permit shall contain the name of the permittee, ~~the~~
9 ~~residence of the permittee~~, and the effective date
10 of the permit, but shall not contain the permittee's
11 social security number. Such a permit shall not be
12 issued for a particular pistol or revolver and shall
13 not contain information about a particular pistol or
14 revolver including the make, model, or serial number of
15 the pistol or revolver, or any ammunition used in such
16 a pistol or revolver.

17 Sec. 18. Section 724.20, Code 2015, is amended to
18 read as follows:

19 724.20 Validity of ~~annual~~ permit to acquire pistols
20 or revolvers.

21 The permit shall be valid throughout the state and
22 shall be valid three days after the date of application
23 and shall be invalid ~~one year~~ five years after the date
24 of application.

25 Sec. 19. Section 724.21A, subsections 1 and 7, Code
26 2015, are amended to read as follows:

27 1. In any case where the sheriff or the
28 commissioner of public safety denies an application
29 for or suspends or revokes a permit to carry weapons
30 or ~~an annual~~ a permit to acquire pistols or revolvers,
31 the sheriff or commissioner shall provide a written
32 statement of the reasons for the denial, suspension,
33 or revocation and the applicant or permit holder
34 shall have the right to appeal the denial, suspension,
35 or revocation to an administrative law judge in the
36 department of inspections and appeals within thirty
37 days of receiving written notice of the denial,
38 suspension, or revocation.

39 7. In any case where the issuing officer denies an
40 application for, or suspends or revokes a permit to
41 carry weapons or ~~an annual~~ a permit to acquire pistols
42 or revolvers solely because of an adverse determination
43 by the national instant criminal background check
44 system, the applicant or permit holder shall not seek
45 relief under this section but may pursue relief of
46 the national instant criminal background check system
47 determination pursuant to Pub. L. No. 103-159, sections
48 103(f) and (g) and 104 and 28 C.F.R. §25.10, or other
49 applicable law. The outcome of such proceedings shall
50 be binding on the issuing officer.

1 Sec. 20. Section 724.21A, Code 2015, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 8. If an applicant appeals the
4 decision by the sheriff or commissioner to deny an
5 application, or suspend or revoke a permit to carry
6 weapons or a permit to acquire, and it is later
7 determined the applicant is eligible to be issued or
8 possess such a permit, the applicant shall be awarded
9 court costs and reasonable attorney fees. If the
10 decision of the sheriff or commission to deny the
11 application, or suspend or revoke the permit is upheld
12 on appeal, the political subdivision of the state
13 representing the sheriff or the commissioner shall be
14 awarded court costs and reasonable attorney fees.

15 Sec. 21. Section 724.22, subsection 5, Code 2015,
16 is amended to read as follows:

17 5. A parent or guardian or spouse who is twenty-one
18 years of age or older, of a person ~~fourteen years of~~
19 ~~age but less than~~ below the age of twenty-one may
20 allow the person to possess a pistol or revolver or
21 the ammunition therefor for any lawful purpose while
22 under the direct supervision of the parent or guardian
23 or spouse who is twenty-one years of age or older, or
24 while the person receives instruction in the proper use
25 thereof from an instructor twenty-one years of age or
26 older, with the consent of such parent, guardian or
27 spouse.

28 Sec. 22. Section 724.23, Code 2015, is amended to
29 read as follows:

30 724.23 Records kept by commissioner and issuing
31 officers.

32 1. a. The commissioner of public safety shall
33 maintain a permanent record of all valid permits to
34 carry weapons and of current permit revocations.

35 b. The permanent record shall be kept in a
36 searchable database that is accessible on a statewide
37 basis for the circumstances described in subsection 2,
38 paragraph "b", "c", "d", or "e".

39 2. a. Notwithstanding any other law or rule to
40 the contrary, the commissioner of public safety and
41 any issuing officer shall keep confidential personally
42 identifiable information of holders of permits to
43 carry weapons and permits to acquire, including but not
44 limited to the name, social security number, date of
45 birth, residential or business address, and driver's
46 license or other identification number of the applicant
47 or permit holder.

48 b. This subsection shall not prohibit the
49 release of statistical information relating to the
50 issuance, denial, revocation, or administration of

1 nonprofessional permits to carry weapons and permits to
2 acquire, provided that the release of such information
3 does not reveal the identity of any individual permit
4 holder.

5 c. This subsection shall not prohibit the release
6 of information to any law enforcement agency or any
7 employee or agent thereof when necessary for the
8 purpose of investigating a possible violation of law
9 and when probable cause exists, or to determine the
10 validity of a permit, or for conducting a lawfully
11 authorized background investigation.

12 d. This subsection shall not prohibit the
13 release of information relating to the validity of a
14 professional permit to carry weapons to an employer who
15 requires an employee or an agent of the employer to
16 possess a professional permit to carry weapons as part
17 of the duties of the employee or agent.

18 e. (1) This subsection shall not prohibit the
19 release of the information described in subparagraph
20 (3) to a member of the public if the person, in writing
21 or in person, requests whether another person has a
22 professional or nonprofessional permit to carry weapons
23 or a permit to acquire. The request must include
24 the name of the other person and at least one of the
25 following identifiers pertaining to the other person:

26 (a) The date of birth of the person.

27 (b) The address of the person.

28 (c) The telephone number of the person, including
29 any landline or wireless numbers.

30 (2) Prior to the release of information under this
31 paragraph "e", the member of the public requesting the
32 information shall provide the department of public
33 safety or issuing officer with the name of the person
34 requesting the information and the reason for the
35 request in writing even if the person appears in person
36 to request such information. The department or issuing
37 officer shall keep a record of the person making the
38 request and the reason for such a request.

39 (3) The information released by the department
40 of public safety or issuing officer shall be limited
41 to an acknowledgment as to whether or not the person
42 currently possesses a valid permit to carry weapons or
43 a permit to acquire, the date such permit was issued,
44 and whether the person has ever possessed such a permit
45 that has been revoked or has expired and the date the
46 permit was revoked or expired. No other information
47 shall be released under this paragraph "e".

48 f. Except as provided in paragraphs "b", "c", "d",
49 or "e", the release of any confidential information
50 under this section shall require a court order or the

1 consent of the person whose personally identifiable
2 information is the subject of the information request.

3 Sec. 23. Section 724.27, subsection 1, unnumbered
4 paragraph 1, Code 2015, is amended to read as follows:

5 The provisions of section 724.8, section 724.15,
6 subsection ~~±~~ 2, and section 724.26 shall not apply to
7 a person who is eligible to have the person's civil
8 rights regarding firearms restored under section 914.7
9 if any of the following occur:

10 Sec. 24. NEW SECTION. 724.29A Fraudulent purchase
11 of firearms or ammunition.

12 1. For purposes of this section:

13 a. "Ammunition" means any cartridge, shell, or
14 projectile designed for use in a firearm.

15 b. "Licensed firearms dealer" means a person who is
16 licensed pursuant to 18 U.S.C. §923 to engage in the
17 business of dealing in firearms.

18 c. "Materially false information" means information
19 that portrays an illegal transaction as legal or a
20 legal transaction as illegal.

21 d. "Private seller" means a person who sells or
22 offers for sale any firearm or ammunition.

23 2. A person who knowingly solicits, persuades,
24 encourages, or entices a licensed firearms dealer or
25 private seller of firearms or ammunition to transfer
26 a firearm or ammunition under circumstances that the
27 person knows would violate the laws of this state or of
28 the United States commits a class "D" felony.

29 3. A person who knowingly provides materially
30 false information to a licensed firearms dealer or
31 private seller of firearms or ammunition with the
32 intent to deceive the firearms dealer or seller about
33 the legality of a transfer of a firearm or ammunition
34 commits a class "D" felony.

35 4. Any person who willfully procures another to
36 engage in conduct prohibited by this section shall be
37 held accountable as a principal.

38 5. This section does not apply to a law enforcement
39 officer acting in the officer's official capacity
40 or to a person acting at the direction of such law
41 enforcement officer.

42 Sec. 25. NEW SECTION. 724.32 Rules.

43 The department of public safety shall adopt rules
44 pursuant to chapter 17A to administer this chapter.

45 Sec. 26. Section 805.8C, Code 2015, is amended by
46 adding the following new subsections:

47 NEW SUBSECTION. 11. Duty to possess permit to carry
48 weapons. For violations of section 724.4, subsection
49 4, paragraph "i", subparagraph (2), the scheduled fine
50 is ten dollars.

1 NEW SUBSECTION. 12. Failure to produce permit to
2 carry. For violations of section 724.5, the scheduled
3 fine is ten dollars.

4 Sec. 27. EFFECTIVE UPON ENACTMENT. The following
5 provision or provisions of this Act, being deemed of
6 immediate importance, take effect upon enactment:

7 1. The section of this Act amending section 724.1,
8 subsection 1, paragraph "h".

9 2. The section of this Act enacting new section
10 724.1A.

11 3. The section of this Act amending section 724.22.

12 4. The section of this Act amending section 724.23,
13 subsection 2.

14 5. The section of this Act amending section
15 724.29A.

16 6. The applicability section of this Act.

17 Sec. 28. APPLICABILITY. The section of this
18 Act amending section 724.23 applies to holders of
19 nonprofessional permits to carry weapons and permits to
20 acquire firearms and to applicants for nonprofessional
21 permits to carry weapons and permits to acquire
22 firearms on or after the effective date of that section
23 of this Act.>

24 2. Title page, by striking lines 1 and 2 and
25 inserting <An Act relating to the manufacture,
26 acquisition, sale, and use of firearms and suppressors,
27 providing penalties, and including effective date and
28 applicability provisions.>

RECEIVED FROM THE HOUSE

S-3115

1 Amend Senate File 488 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 455B.133, subsection 8,
5 paragraph a, Code 2015, is amended to read as follows:

6 a. (1) Adopt rules consistent with the federal
7 Clean Air Act Amendments of 1990, Pub. L. No. 101-549,
8 including those amendments effective on January 1,
9 1991, regulations promulgated by the United States
10 environmental protection agency pursuant to that Act,
11 the provisions of this chapter, and rules adopted by
12 the commission pursuant to this chapter, which require
13 the owner or operator of an air contaminant source
14 to obtain an operating permit prior to operation of
15 the source. The rules shall specify the information
16 required to be submitted with the application for a
17 an operating permit and the conditions under which a
18 permit may be granted, modified, suspended, terminated,
19 revoked, reissued, or denied. For sources subject to
20 the provisions of Tit. IV of the federal Clean Air
21 Act Amendments of 1990, operating permit conditions
22 shall include emission allowances for sulfur dioxide
23 emissions.

24 (2) (a) The commission may ~~impose~~ establish
25 fees to be imposed and collected by the department,
26 including operating permit application fees and
27 fees upon regulated pollutants emitted from an air
28 contaminant source, in an amount sufficient to cover,
29 on a state fiscal year basis as described in section
30 455B.133B, all reasonable costs, direct and indirect,
31 required to ~~develop~~ implement and administer the
32 operating permit program as described in subparagraph
33 (1) in conformance with the federal Clean Air Act
34 Amendments of 1990, ~~Pub. L. No. 101-549.~~ Affected
35 units regulated under Tit. IV of the federal Clean Air
36 Act Amendments of 1990, ~~Pub. L. No. 101-549,~~ shall
37 pay ~~operating permit~~ fees in the same manner as other
38 sources subject to operating permit requirements,
39 except as provided in section 408 of ~~the federal~~ that
40 Act.

41 (b) The fees collected by the department pursuant
42 to ~~this subsection~~ subparagraph division (a) shall
43 be ~~deposited in~~ credited to the appropriate accounts
44 of the air contaminant source fund created pursuant
45 to section 455B.133B, and shall be utilized ~~solely~~
46 to cover all reasonable costs required to ~~develop~~
47 implement and administer the programs required by Tit.
48 V of the federal Clean Air Act Amendments of 1990, ~~Pub.~~
49 ~~L. No. 101-549,~~ including the operating permit program
50 pursuant to section 502 of ~~the federal~~ that Act and

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1 the small business stationary source technical and
2 environmental assistance program pursuant to section
3 507 of ~~the federal~~ that Act. The amount of the fees
4 credited to and expended from each account of the
5 air contaminant source fund shall be subject to the
6 limitations provided in section 455B.133B.

7 (c) Fees established pursuant to this subparagraph
8 (2) shall not be imposed for the regulation of an
9 activity that exceeds the requirements of the federal
10 Clean Air Act Amendments of 1990.

11 Sec. 2. Section 455B.133B, Code 2015, is amended to
12 read as follows:

13 455B.133B Air contaminant source fund created =
14 fees and appropriations.

15 1. As used in this section, unless the context
16 otherwise requires:

17 a. "Federal Clean Air Act Amendments of 1990"
18 means Pub. L. No. 101-549, including those amendments
19 effective on January 1, 1991, regulations promulgated
20 by the United States environmental protection agency
21 pursuant to that Act, the provisions of this chapter,
22 and rules adopted by the commission pursuant to this
23 chapter.

24 b. "State fiscal year" means the fiscal year
25 described in section 3.12.

26 2. An air contaminant source fund is created in
27 the office of the treasurer of state under the control
28 of the department. The fund shall be composed of
29 an air emission fee account and an operating permit
30 application fee account as provided in this section.

31 1. Moneys received from the fees assessed pursuant
32 to section 455B.133, subsection 8, shall be deposited
33 in the fund.

34 2. Moneys in the fund shall be used solely to
35 defray the costs related to the permit, monitoring,
36 and inspection program, including the small business
37 stationary source technical and environmental
38 compliance assistance program required pursuant to
39 the federal Clean Air Act Amendments of 1990, section
40 502, Pub. L. No. 101 549, and as provided in section
41 455B.133A.

42 3. In establishing fees to be imposed and collected
43 by the department pursuant to section 455B.133,
44 subsection 8, the commission shall use the calculated
45 estimate described in this section. The fees collected
46 pursuant to section 455B.133, subsection 8, shall
47 be credited to the fund. The fund may include any
48 other moneys appropriated by the general assembly or
49 otherwise available to and obtained or accepted by the
50 department for deposit in the fund.

1 4. a. The commission shall establish each fee
2 amount based on the department's calculated estimate of
3 total revenues from all fees predicted to be credited
4 to each account in the fund, but not to exceed a
5 ceiling amount for each account as provided in this
6 section. However, this subsection does not require
7 that an account have a zero ending balance at the close
8 of a state fiscal year.

9 b. Each state fiscal year the department shall
10 recompute its calculated estimate and obtain approval
11 from the commission if an established fee amount must
12 be adjusted.

13 c. (1) The department shall annually convene a
14 Title V fees stakeholder meeting. The department
15 shall provide a report on the fees and budgets to
16 the stakeholders. The department shall consider any
17 recommendations of the stakeholders when computing its
18 calculated estimate for the following state fiscal
19 year.

20 (2) A person invited to attend a stakeholder
21 meeting is not entitled to receive a per diem as
22 specified in section 7E.6 and shall be not reimbursed
23 for expenses incurred while attending the meeting.

24 5. a. The air emission fee account shall include
25 all fees established by the commission to be imposed
26 and collected by the department for emission fees for
27 regulated pollutants submitted by major sources as
28 defined in section 502 of the federal Clean Air Act
29 Amendments of 1990, 42 U.S.C. §7661, and as defined in
30 567 IAC ch. 22.

31 b. (1) The department's calculated estimate
32 for the air emission fee account shall be computed
33 to produce total revenues sufficient to pay for
34 reasonable direct and indirect costs of implementing
35 and administering the operating permit program as
36 provided in section 455B.133, subsection 8, on a state
37 fiscal year basis.

38 (2) The reasonable direct and indirect costs
39 described in subparagraph (1) shall be limited to all
40 of the following:

41 (a) General administrative costs of administering
42 the operating permit program, including the supporting
43 and tracking of operating permit applications,
44 compliance certification, and related data entry.

45 (b) Costs of implementing and enforcing the terms
46 of an operating permit, not including any court costs
47 or other costs associated with an enforcement action,
48 including adequate resources to determine which sources
49 are subject to the program.

50 (c) Costs of emissions and ambient site-specific

1 monitors.

2 (d) Costs of Title V source-specific modeling,
3 analyses, or demonstrations.

4 (e) Costs of preparing inventories and tracking
5 emissions.

6 (f) Costs of providing direct support to sources
7 under the small business stationary source technical
8 and environmental compliance assistance program as
9 provided in section 455B.133A.

10 (3) The department shall not include in its
11 computations for a calculated estimate, and the
12 commission shall not establish fees, for greenhouse gas
13 emissions as defined in 40 C.F.R. §70.12.

14 c. The department's calculated estimate for the air
15 emission fee account shall not produce total revenues
16 in excess of eight million two hundred fifty thousand
17 dollars during any state fiscal year.

18 d. (1) Moneys in the air emission fee account
19 are appropriated to the department to pay for the
20 reasonable direct and indirect costs specified in
21 paragraph "b", subparagraph (2).

22 (2) Notwithstanding subparagraph (1), moneys in
23 the air emission fee account are also appropriated
24 to the department to pay for costs associated with
25 implementing and administering regulatory activities,
26 including programs, provided for in division II of
27 this chapter, other than costs covered by any of the
28 following:

29 (a) Operating permit application fees credited
30 to the operating permit application fee account as
31 provided in subsection 6.

32 (b) New source review application fees credited to
33 the major source account of the air quality fund as
34 provided in section 455B.133C, subsection 5.

35 (c) New source review application fees credited to
36 the minor source account of the air quality fund as
37 provided in section 455B.133C, subsection 6.

38 (d) Notification fees credited to the asbestos
39 account of the air quality fund as provided in section
40 455B.133C, subsection 7.

41 6. a. The operating permit application fee account
42 shall include all fees established by the commission
43 to be imposed and collected by the department for
44 accepting applications for operating permits submitted
45 by major sources as defined in section 502 of the
46 federal Clean Air Act Amendments of 1990, 42 U.S.C.
47 §7661, and as defined in 567 IAC ch. 22.

48 b. (1) The department's calculated estimate for
49 the operating permit application fee account shall
50 be computed to produce total revenues sufficient to

1 provide for the reasonable direct and indirect costs
2 of implementing and administering operating permit
3 programs described in paragraph "a".

4 (2) The reasonable direct and indirect costs
5 described in subparagraph (1) shall be limited to all
6 of the following:

7 (a) Costs of reviewing and acting on any
8 application for an operating permit or operating permit
9 revision.

10 (b) General administrative costs of administering
11 the operating permit program, including the supporting
12 and tracking of operating permit applications and
13 related data entry.

14 c. The department's calculated estimate for the
15 operating permit application fee account shall not
16 produce total revenues in excess of one million two
17 hundred fifty thousand dollars during any state fiscal
18 year.

19 d. Moneys in the operating permit application fee
20 account are appropriated to the department to pay for
21 reasonable direct and indirect costs specified in
22 paragraph "b", subparagraph (2).

23 7. a. The commission or department shall not
24 transfer moneys credited from one account to another
25 account of the fund.

26 b. Notwithstanding section 8.33, any unexpended
27 balance in ~~the~~ an account of the fund at the end of
28 each state fiscal year shall be retained in ~~the fund~~
29 that account.

30 c. Notwithstanding section 12C.7, any interest and
31 earnings on investments from ~~money~~ moneys in ~~the fund~~
32 an account of the fund shall be credited to ~~the fund~~
33 that account.

34 Sec. 3. NEW SECTION. 455B.133C Air quality fund
35 - fees and appropriations.

36 1. As used in this section, unless the context
37 otherwise requires:

38 a. "Federal Clean Air Act Amendments of 1990" means
39 the same as defined in section 455B.133B.

40 b. "State fiscal year" means the fiscal year
41 described in section 3.12.

42 2. An air quality fund is created in the office
43 of the treasurer of state under the control of the
44 department. The fund shall be composed of a major
45 source account, a minor source account, and an asbestos
46 account as provided in this section.

47 3. The commission may establish fees to be imposed
48 and collected by the department upon air contaminant
49 sources required by 567 IAC ch. 22, 31, or 33, to
50 obtain a permit, registration, template, or permit by

1 rule, or to provide notification under 567 IAC 23.1(3).
2 In establishing the fees, the commission shall use the
3 calculated estimate described in this section. The
4 fees collected shall be credited to the fund. The
5 fund may include any other moneys appropriated by the
6 general assembly or otherwise available to and obtained
7 or accepted by the department for deposit in the fund.

8 4. a. The commission shall establish each fee
9 amount based on the department's calculated estimate of
10 total revenues from all fees predicted to be credited
11 to each account in the fund, but not to exceed a
12 ceiling amount for each account as provided in this
13 section. However, this subsection does not require
14 that an account have a zero ending balance at the close
15 of a state fiscal year.

16 b. Each state fiscal year the department shall
17 recompute its calculated estimate and obtain approval
18 from the commission if an established fee amount must
19 be adjusted.

20 c. (1) The department shall annually convene air
21 quality fees stakeholder meetings. The department
22 shall provide a report on the fees and budgets to
23 the stakeholders regarding each account described
24 in this section. The department shall consider any
25 recommendations of the stakeholders when computing its
26 calculated estimate for the following state fiscal
27 year.

28 (2) A person invited to attend a stakeholder
29 meeting is not entitled to receive a per diem as
30 specified in section 7E.6 and shall be not reimbursed
31 for expenses incurred while attending the meeting.

32 5. a. The major source account shall include all
33 fees established by the commission to be imposed and
34 collected by the department for accepting applications
35 for new source review permits including permit
36 revisions submitted by major sources as defined in
37 section 502 of the federal Clean Air Act Amendments of
38 1990, 42 U.S.C. §7661, under new source review programs
39 pursuant to that federal Act, including as provided
40 under 567 IAC ch. 22, 31, and 33.

41 b. (1) The department's calculated estimate for
42 the major source account shall be computed to produce
43 total revenues sufficient to pay for reasonable direct
44 and indirect costs of implementing and administering
45 new source review programs described in paragraph "a"
46 on a state fiscal year basis.

47 (2) The reasonable direct and indirect costs
48 described in subparagraph (1) shall be limited to all
49 of the following:

50 (a) Reviewing and acting on any application for a

1 new source review permit, including the determination
2 of all applicable requirements and dispersion modeling
3 as part of the processing of a permit or permit
4 revision, or an applicability determination.

5 (b) General administrative costs of administering
6 new source review programs including supporting and
7 tracking of any application for a new source review
8 permit and related data entry.

9 (c) (i) Developing and implementing an expedited
10 new source review permit application process.

11 (ii) Additional fees associated with subparagraph
12 subdivision (i).

13 c. (1) The department's calculated estimate for
14 the major source account shall not produce total
15 revenues in excess of one million five hundred thousand
16 dollars during any state fiscal year.

17 (2) Notwithstanding subparagraph (1), the
18 department's calculated estimate for the major source
19 account shall not include the additional fees described
20 in paragraph "b", subparagraph (2), subparagraph
21 division (c), subparagraph subdivision (ii).

22 d. Moneys in the major source account are
23 appropriated to the department to pay for reasonable
24 direct and indirect costs of implementing and
25 administering new source review programs as specified
26 in paragraph "b", subparagraph (2).

27 6. a. The minor source account shall include
28 all fees established by the commission to be imposed
29 and collected by the department for accepting
30 applications submitted by minor air contaminant
31 sources for construction permits or for providing for
32 registrations, permits by rule, or template permits in
33 lieu of obtaining construction permits, under minor
34 source new source review programs pursuant to the
35 federal Clean Air Act Amendments of 1990, including as
36 provided under 567 IAC ch. 22.

37 b. (1) The department's calculated estimate for
38 the minor source account shall be computed to produce
39 total revenues sufficient to pay for reasonable direct
40 and indirect costs of implementing and administering
41 minor source new source review programs as described in
42 paragraph "a" on a state fiscal year basis.

43 (2) The reasonable direct and indirect costs
44 described in subparagraph (1) shall include costs
45 associated with a new, modified, or existing minor air
46 contaminant source, and related control equipment.

47 c. The department's calculated estimate for the
48 minor source account shall not produce total revenues
49 in excess of two hundred fifty thousand dollars during
50 any state fiscal year.

1 d. Moneys in the minor source account are
2 appropriated to the department to pay for reasonable
3 direct and indirect costs of implementing and
4 administering minor source new source review programs
5 as specified in paragraph "b".

6 7. a. The asbestos account shall include all
7 fees established by the commission to be imposed and
8 collected by the department for accepting notifications
9 involving demolition or renovation projects under the
10 asbestos national emission standard for hazardous air
11 pollutants program pursuant to 567 IAC ch. 23.

12 b. The department's calculated estimate for the
13 asbestos account shall be computed to produce total
14 revenues sufficient to pay for reasonable direct and
15 indirect costs of implementing and administering the
16 asbestos national emission standard for hazardous air
17 pollutants program as provided in paragraph "a" on a
18 state fiscal year basis.

19 c. The department's calculated estimate for the
20 asbestos account shall not produce total revenues in
21 excess of four hundred fifty thousand dollars during
22 any state fiscal year.

23 d. Moneys in the asbestos account are appropriated
24 to the department to pay for reasonable direct and
25 indirect costs of implementing and administering the
26 asbestos national emission standard for hazardous air
27 pollutants program as specified in paragraph "b".

28 8. Fees established pursuant to this section shall
29 not be imposed for the regulation of an activity that
30 exceeds the requirements of the federal Clean Air Act
31 Amendments of 1990.

32 9. a. The commission or department shall not
33 transfer moneys credited from one account to another
34 account of the fund.

35 b. Notwithstanding section 8.33, any unexpended
36 balance in an account of the fund at the end of each
37 state fiscal year shall be retained in that account.

38 c. Notwithstanding section 12C.7, any interest and
39 earnings on investments from moneys in an account of
40 the fund shall be credited to that account.

41 Sec. 4. EFFECTIVE DATE OF FEES. Notwithstanding
42 section 455B.133B, as amended in this Act, or section
43 455B.133C, as enacted in this Act, the environmental
44 protection commission may establish a designated fee
45 effective on and after January 1, 2016. A designated
46 fee is limited to a fee required under this Act to be
47 credited to any of the following funds or accounts:

48 1. For the air contaminant source fund, the
49 operating permit application fee account as provided
50 in section 455B.133B, subsection 6, as enacted in this

1 Act.

2 2. For the air quality fund, any of the following:

3 a. The major source account as provided in section
4 455B.133C, subsection 5, as enacted in this Act.

5 b. The minor source account as provided in section
6 455B.133C, subsection 6, as enacted in this Act.

7 c. The asbestos account as provided in section
8 455B.133C, subsection 7, as enacted in this Act.

9 Sec. 5. CONTINUING EFFECTIVENESS OF EXISTING
10 FEES. Any fee established by the environmental
11 protection commission pursuant to section 455B.133,
12 subsection 8, which is in effect immediately prior to
13 the effective date of this Act shall remain in effect
14 and shall be subject to the provisions of this Act.
15 The fee amount for such a fee in effect immediately
16 prior to the effective date of this Act shall remain
17 in effect until such fee amount is adjusted by the
18 commission as provided in this Act.

19 Sec. 6. TRANSFER OF MONEYS. Any moneys remaining
20 in the air contaminant source fund, as created in
21 section 455B.133B, on the effective date of this Act,
22 shall be transferred to the air emission fee account
23 established within the air contaminant source fund as
24 provided in this Act.

25 Sec. 7. EFFECTIVE UPON ENACTMENT. This Act, being
26 deemed of immediate importance, takes effect upon
27 enactment.>

28 2. Title page, by striking lines 2 and 3 and
29 inserting <establishment, imposition, and collection
30 of fees, the creation or administration of funds
31 and programs, making appropriations, and including
32 effective date provisions.>

33 3. By renumbering, redesignating, and correcting
34 internal references as necessary.

By JOE BOLKCOM