

the control of the department of public safety. The fund shall consist of all moneys recovered from the assessment of civil penalties or certification fees under this chapter. The moneys in the fund shall, in addition to any moneys made available for such purpose, be available, subject to appropriation, to the department of public safety for the purpose of fire safety and prevention programs, including for entry level fire fighter training, equipment, and operations.

Sec. 10. NEW SECTION. 101B.10 APPLICABILITY — PREEMPTION.

1. This chapter shall cease to be applicable if federal fire safety standards for cigarettes that preempt this chapter are enacted and take effect subsequent to January 1, 2009, and the state fire marshal shall notify the secretary of state and the Code editor if such federal fire safety standards for cigarettes are enacted.

2. Notwithstanding any law to the contrary, political subdivisions shall not adopt or enforce any ordinance, rule, or regulation that conflicts with any provision of this chapter, or with any policy of the state expressed by this chapter, whether the policy is expressed by inclusion of or exclusion from this chapter.

Approved May 21, 2007

CHAPTER 167

STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM — FIRE FIGHTER APPLICANTS — PHYSICAL ABILITY TESTS

H.F. 864

AN ACT providing for candidate physical ability tests for fire fighter applicants under the statewide fire and police retirement system and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 400.8, subsection 1, Code 2007, is amended to read as follows:

1. The commission, when necessary under the rules, including minimum and maximum age limits, which shall be prescribed and published in advance by the commission and posted in the city hall, shall hold examinations for the purpose of determining the qualifications of applicants for positions under civil service, other than promotions, which examinations shall be practical in character and shall relate to matters which will fairly test the mental and physical ability of the applicant to discharge the duties of the position to which the applicant seeks appointment. The physical examination of applicants for appointment to the positions of police officer, police matron, or fire fighter shall be held in accordance with medical protocols established by the board of trustees of the fire and police retirement system established by section 411.5 and shall be conducted in accordance with the directives of the board of trustees. In addition, applicants for appointment to the position of fire fighter covered under the fire and police retirement system established by chapter 411 shall, prior to appointment, pay for and successfully complete the candidate physical ability test established by international organizations representing fire chiefs and fire fighters and conducted by an organization licensed by such international organizations to conduct the test in the state. The department of public safety shall have the authority to adopt rules in accordance with chapter 17A concerning the candidate physical ability test as provided by this subsection. However, the prohibitions of section 216.6, subsection 1, paragraph “d”, regarding tests for the presence of the antibody to the human immunodeficiency virus shall not apply to such examinations. The board of trustees may

change the medical protocols at any time the board so determines. The physical examination of an applicant for the position of police officer, police matron, or fire fighter shall be conducted after a conditional offer of employment has been made to the applicant. An applicant shall not be discriminated against on the basis of height, weight, sex, or race in determining physical or mental ability of the applicant. Reasonable rules relating to strength, agility, and general health of applicants shall be prescribed. The costs of the physical examination required under this subsection shall be paid from the trust and agency fund of the city.

Sec. 2. EFFECTIVE DATE. This Act takes effect July 1, 2008.

Approved May 21, 2007

CHAPTER 168

ENERGY INDEPENDENCE, EFFICIENCY, AND RELATED RESEARCH AND DEVELOPMENT

H.F. 918

AN ACT establishing the office of energy independence and the Iowa power fund and related provisions, and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

SUBCHAPTER I GENERAL PROVISIONS

Section 1. NEW SECTION. 469.1 DEFINITIONS.

For the purposes of this chapter:

1. "Board" means the Iowa power fund board created in section 469.6.
2. "Committee" means the due diligence committee created in section 469.7.
3. "Director" means the director of the office of energy independence.
4. "Foreign" means a locality outside of or nation other than the United States, Canada, or Mexico.
5. "Fund" means the Iowa power fund created in section 469.9.
6. "Office" means the office of energy independence.

Sec. 2. NEW SECTION. 469.2 OFFICE OF ENERGY INDEPENDENCE.

The office of energy independence is established to coordinate state activities concerning energy independence.

Sec. 3. NEW SECTION. 469.3 DIRECTOR OF OFFICE OF ENERGY INDEPENDENCE.

1. A director of the office of energy independence shall be appointed by the governor, subject to confirmation by the senate, and shall serve at the pleasure of the governor. The governor shall fill a vacancy in the office in the same manner as the original appointment was made. The director shall be selected primarily for administrative ability and knowledge concerning renewable energy, renewable fuels, and energy efficiency. The salary of the director shall be fixed by the governor.

2. The director shall do all of the following:
 - a. Direct the office of energy independence.