



Iowa Department of Public Safety

Regulatory Plan

Submitted in compliance with Executive Order 9

for the period

July 1, 2009 – June 30, 2010

**Eugene T. Meyer, Commissioner
Michael R. Coveyou, Agency Rules Administrator**

August, 2009

Regulatory Plan for SFY 2010

Iowa Department of Public Safety

Introduction

This plan is intended to implement Executive Order #9, issue by Governor Thomas J. Vilsack in 1999 and describes the Department's expected regulatory actions for the one year period commencing July 1, 2009. It should be noted that decisions to take regulatory actions may differ from what is planned, especially in response to emergency conditions, such as the widespread disasters which affected Iowa in May and June, 2008, or in response to legislative action taken by the Iowa General Assembly.

Regulatory Objectives

The Iowa Department of Public Safety and the following rule making authorities:

- Commissioner of Public Safety
- State Fire Marshal
- Building Code Commissioner
- Board of Trustees of the Public Safety Peace Officers Retirement, Accident, and Disability System
- Electrical Examining Board
- Statewide Interoperable Communications System Board (included under Department of Public Safety agency number, although the Board is created under the "joint purview" of the Departments of Public Safety and Transportation)

subscribe to the following objectives with regard to their rule making responsibilities.

- To provide by rule general statements that implement, interpret or prescribe law or policy or serve an important public need;
- To describe by rule the organization, procedures, and requirements of the Department and the programs administered by each rulemaking authority;
- To describe accurately and clearly requirements and procedures which apply to persons affected by activities of the Department and all programs administered by each rulemaking authority.
- To apply sound economic, scientific, and policy analysis;
- To use an open, inclusive process for rule making; and
- To provide rules that are plain-spoken, direct, productive and are necessary to carry out the laws of Iowa and federal requirements, where applicable.

In doing so, these rule-making authorities will strive to further the Governor's priorities for ensuring the safety and health of all Iowans and Iowa's communities, while facilitating economic growth.

Notes on What Is Included in this Plan

Generally, this regulatory plan includes rule-making activities that are contemplated for potential action during the next year under agency number 661, which is assigned to the Iowa Department of Public Safety. All administrative rules of the six rulemaking authorities within the Department of Public Safety are found under agency number 661 in the Iowa Administrative Code.

In addition, rulemaking activities which are projected, but for which the time frame is unknown, are included. It should be noted that the activities projected here are just that, a projection. During the fiscal year just concluded, numerous rulemaking actions were undertaken in response to the widespread disasters which affected Iowa. Generally, these were unanticipated in advance.

Numbering of Chapters of Administrative Rules of the Department of Public Safety

A significant initiative which has been underway for several years undertakes to reorganize the chapter of administrative rules of the Department of Public Safety. Historically, when new subjects for rulemaking arose, the next unused chapter number or a slightly larger number was used. Until recent years, this has proved a reasonably satisfactory method of organizing the administrative rules of the Department. As the subjects and numbers of rules have increased, this method of organizing rules has become unwieldy and confusing. To facilitate access by interested persons to the administrative rules of the Department of Public Safety, a new framework has been developed for the numbering of chapters of these rules:

Chapter Numbers	Rulemaking Authority
1 - 199	Commissioner of Public Safety
200 - 299	State Fire Marshal
300 - 399	Building Code Commissioner
400 - 499	Board of Trustees Public Safety Peace Officers' Retirement, Accident, and Disability System
500 - 599	Electrical Examining Board
800 - 899	Statewide Interoperable Communications System Board

This numbering system will be implemented as rulemaking takes place in affected areas. At this time, it is not anticipated that rulemaking will be undertaken solely to renumber a given chapter or set of rules. This approach is partially dictated by printing costs and partially by limitations on resources available to the Department to accomplish rulemaking, as those resources are severely stretched by the demands on them.

How Can You Participate?

You can participate by in the rulemaking processes of the Department of Public Safety by contacting the Agency Rules Administrator by electronic mail at the address admrule@dps.state.ia.us or by telephone at 515-725-6185, or by contacting the person listed in the summary of a regulatory action. You may also participate by commenting on proposed rules that are published in the Iowa Administrative Bulletin. Once a rule has been proposed, the Department will consider your comments and address them before issuing a final rule. To be most effective, comments should contain information and data that support your position, and explain why they should be incorporated in the final rule. You can be particularly helpful and persuasive if you provide examples to illustrate your concerns and offer specific alternatives. You also may participate by petitioning the Department to undertake rulemaking to adopt, revise or rescind existing rules. And if you are affected by existing rules of the Department, you may petition for a waiver of particular requirements; however, waivers may only be granted if specific criteria are met. For further information about any of these matters, contact the Agency Rules Administrator of the Department by e-mail at admrule@dps.state.ia.us or telephone at 515-725-6185, or view the Administrative Rules section of the Web site of the Iowa Department of Public Safety at <http://www.dps.state.ia.us/admrule> .

Rulemaking Authority: Commissioner of Public Safety

Subject/ Current Chapter	Legal Basis	Status	Time Frame	Contact
Organization of the Department of Public Safety 661—Ch. 1	Iowa Code section 17A.3	Editorial changes are needed to update current references to units of the Department.	No time frame established	Michael R. Coveyou 515-725-6185 admrule@dps.state.ia.us
Practice and Procedure Before the Department of Public Safety 661—Ch. 10	Iowa Code section 17A.3	Editorial changes are needed to update current references to units of the Department, and to clarify certain procedures.	No time frame established	Michael R. Coveyou 515-725-6185 admrule@dps.state.ia.us
Peace Officer Recruitment and Application Procedures	Iowa Code section 17A.3 and 321.4	New subject matter. Rules establishing procedures for recruitment and applicant processing will be developed.	No time frame established.	Michael Coveyou 515-725-6185 admrule@dps.state.ia.us
Retired Peace Officer Identification Cards	Public Law 108-277	New subject matter; identification cards for retired peace officers are needed for these officers to exercise their rights under Public Law 108-277, the Law Enforcement Officers Safety Act of 2004.	No time frame established	Sam Knowles 515-725-6233 asdinfo@dps.state.ia.us
Criminal Histories/ DCI Identification Section 661—Ch. 11	Iowa Code section 692.2, subsection 6	Rules will be revised to separate criminal history rules from those regarding fingerprints. This chapter will be renumbered and may appear as more than one chapter.	No time frame established for overall rewrite.	A/D James Saunders 515-725-6010 cchinfo@dps.state.ia.us
Iowa Sex Offender Registry 661—Ch. 83	Iowa Code Chapter 692A	Emergency rules were adopted effective July 1, 2009 to conform to requirements of new statute, 2009 Iowa Acts, Senate File 340. Identical changes were proposed in a Notice of Intended Action and the normal rulemaking process will be completed in order to allow for public comment on then changes and for the department to respond effectively to those comments..	Completion of normal rulemaking by January 1, 2010.	A/D Jim Saunders 515-725-6010 admrule@dps.state.ia.us
IOWA System 661—Chs. 8 and 82	Iowa Code sections 80.9 and 692.14 28 CFR 20	I.O.W.A. System requirements: general update will be undertaken. New 661—Chapter 82.	No time frame established	Sam Knowles 515-281-7663 asdinfo@dps.state.ia.us
Uniform Crime Reporting	Iowa Code sections 321.4 and 692.15	New subject matter; rules will specify requirements for reporting by local law enforcement agencies.	No timeframe has been established	Sam Knowles 515-725-6233 ibrinfo@dps.state.ia.us

Subject	Legal Basis	Status	Time Frame	Contact
Sheriff's Uniforms 661—Ch. 3	Iowa Code section 331.657, subsection 3	The Iowa State Sheriffs and Deputies Association (ISSDA) has notified the Department of needed changes to make the rules consistent with current practice. The Department filed a Notice of Intended Action during this past fiscal year, which has expired. A new Notice of Intended Action will be filed.	Notice of Intended Action will be filed during CY 2009.	Michael R. Coveyou, 515-725-6185 admrule@dps.state.ia.us
Seized Property Procedures	Iowa Code section 17A.3	New subject matter; research will be conducted to establish rules which reflect procedural requirements, including audit standards.	No time frame has been established.	Sam Knowles 515-725-6233 asinfo@dps.state.ia.us
Parking for Persons with Disabilities 661—Ch. 18	Iowa Code section 321L.8, subsection 2	Changes will be made to remain as consistent as possible with federal law, while remaining consistent with Iowa Code Chapter 321L.	Time frame will, be established when the U.S. Department of Justice has established the timing of adoption of new Americans with Disabilities Act Accessibility Guidelines (ADAAG).	Michael R. Coveyou, 515-725-6185 admrule@dps.state.ia.us
Governor's Traffic Safety Bureau 661—Ch. 20	Executive Order 23	Minor editorial changes only.	No timeframe has been established.	Wendie Nerem 515-725-6123 gtsbinfo@dps.state.ia.us
Impounded Vehicles 661—Ch. 6	<i>Florida v. Wells</i> , 495 U.S. 1 (1990)	Revisions are needed to clarify applicability to all impounded vehicles.	No time frame has been established for general revision of these rules..	Captain Donna Bacus 515-725-6090 admrule@dps.state.ia.us
Marijuana Eradication 661—Ch. 28	Iowa Code section 80.9, subsection 2, paragraph 9	Rescinding this chapter is under consideration, as the formal Marijuana Eradication Program is no longer funded.	No timeframe has been established.	SAC Sean McCullough 515-725-6300 admrule@dps.state.ia.us

Rulemaking Authority: State Fire Marshal

Subject	Legal Basis	Status	Time Frame	Contact
Fire Marshal Administration 661—Ch. 200	Iowa Code section 100.1, subsection 5, and section 100.35.	Organization of Fire Marshal Division, contact information, fees	Rulemaking anticipated to be effective January 1, 2010.	Ronald Humphrey 515-725-6145 fminfo@dps.state.ia.us
Fire Marshal – Minimum Fire Safety Requirements 661—Chs. 201, 202, and 205	Iowa Code section 100.1, subsection 5, and section 100.35.	Adoption of 2009 edition of International Fire Code for all occupancies other than health care facilities, certain small group homes, small day care homes, and bed and breakfast inns. Residential care facilities (RCF's) will be brought under the International Fire Code.	Rulemaking is anticipated to be effective January 1, 2010.	Ronald Humphrey 515-725-6145 fminfo@dps.state.ia.us
Commercial Explosive Licensing 661—Ch. 5	Iowa Code section 101A.5	Update requirements, clarify standards for background checks, require licensing of individual blasters, establish fees for plan reviews and inspections. New Chapter 661—Chapter 235	Rulemaking anticipated to be effective January 1, 2010.	Jeff Quigle 515-725-6145 fminfo@dps.state.ia.us
Flammable and Combustible Liquids – General 661—Ch. 221	Iowa Code section 101.1	References to national standards adopted by reference will be updated to current editions.	Rulemaking anticipated to be effective January 1, 2010.	Ronald Humphrey 515-725-6145 fminfo@dps.state.ia.us
Liquefied Petroleum Gas (Propane) 661—Ch. 226	Iowa Code section 101.1	References to national standards will be updated.	Rulemaking anticipated to be effective January 1, 2010.	Ronald Humphrey 515-725-6145 fminfo@dps.state.ia.us
Liquefied Natural Gas (LNG) (new) 661—Ch. 228	Iowa Code section 101.1	Separate rules for LNG will be established with references to current editions of nationally-recognized codes.	Rulemaking anticipated to be effective January 1, 2010.	Ronald Humphrey 515-725-6145 fminfo@dps.state.ia.us

Subject	Legal Basis	Status	Time Frame	Contact
Sprinkler Fitter Licensing (new) 661—Ch. 276	2008 Iowa Acts, Chapter 1094	New licensing program established. Statute takes effect August 1, 2009, with licensing required by January 1, 2010.	Rulemaking anticipated to be effective January 1, 2010.	James F. Kenkel 515-725-6145 fminfo@dps.state.ia.us
Open Burning Bans	Iowa Code section 100.40	New subject matter. Rules to implement the authority of the Fire Marshal to institute open burning bans will be developed.	No time frame established	James F. Kenkel 515-725-6145 fminfo@dps.state.ia.us

Rulemaking Authority: Building Code Commissioner
(Changes to State Building Code must be approved by the Building Code Advisory Council)

Subject	Legal Basis	Status	Time Frame	Contact
Building Code/General 661—Chs. 300, 301, and 303	Iowa Code section 103A.7	Adoption of new editions of International Codes.	Rulemaking anticipated to be effective January 1, 2010.	W. Stuart Crine 515-725-6145 bcinfo@dps.state.ia.us
Accessibility for Persons with Disabilities 661—Ch. 302	Iowa Code sections 103A.7 and 104.2	Consideration is being given to adoption of accessibility requirements included in the International Building Code, with amendments to incorporate any elements of the revised Americans with Disabilities Act Accessibility Guidelines (ADAAG) which are not included in the International Building Code.	Time frame will be established based upon adoption of revised ADAAG by the U.S. Department of Justice.	W. Stuart Crine 515-725-6145 bcinfo@dps.state.ia.us
State Energy Code 661—Ch. 303	Iowa Code sections 103A.8 and 103A.8A	Adoption of the 2009 edition of the International Energy Conservation Code.	Rulemaking anticipated to be effective January 1, 2010.	Michael R. Coveyou 515-725-6145 coveyou@dps.state.ia.us
Sustainable Design Standards 661—Ch. 310	Iowa Code section 103A.8B	Initial standards became effective July 1, 2009. Research is ongoing on adoption of additional standards, alternative paths to gain approval as "sustainably designed" project, and standards for specific occupancies. Research is currently focused on standards for data centers and Web portal businesses.	No time frame established; adoption of new standards will occur as needed.	Michael R. Coveyou 515-725-6185 coveyou@dps.state.ia.us
Community Safe Rooms and Storm Shelters	2009 Iowa Acts, House File 705	Research will be undertaken in cooperation with the Rebuild Iowa Office, the Department of Public Defense, the Department of Natural Resources, the Department of Administrative Services, the Board of Regents and other interested state agencies to identify appropriate standards for construction of community safe rooms and storm shelters.	Notice of Intended Action anticipated to be filed by February 1, 2010.	Michael R. Coveyou 515-725-6185 admrule@dps.state.ia.us

Subject	Legal Basis	Status	Time Frame	Contact
Modular Buildings and Manufactured Homes 661—Chs. 16, 322, and 323	Iowa Code section 103A.9	Rules governing construction and installation of modular buildings and structures and manufactured homes will be updated and renumbered.	No time frame established.	W. Stuart Crine 515-725-6145 bcinfo@dps.state.ia.us

Rulemaking Authority: Board of Trustees, Public Safety Peace Officers' Retirement, Accident, and Disability System

Subject	Legal Basis	Status	Time Frame	Contact
Peace Officers' Retirement, Accident, and Disability System 661—Chs. 401 through 404	Iowa Code section 97A	Research is being conducted to determine need for amendments to current rules in a number of areas.	No time frame established.	Sam Knowles 515-725-6233 asinfo@dps.state.ia.us

Rulemaking Authority: Electrical Examining Board

Subject	Legal Basis	Status	Time Frame	Contact
Electrician Licensing Program 661—Chs. 500 through 505	Iowa Code Chapter 103	Research is ongoing to determine any areas of needed rulemaking.	No time frame established.	Joe Brooks 515-725-6179 elecinfo@dps.state.ia.us
Electrical Inspection Program 661—Chs. 550 through 559	Iowa Code Chapter 103	Research is ongoing to determine any needed amendments.	No time frame established.	W. Stuart Crine 515-725-6145 elecinfo@dps.state.ia.us

Rulemaking Authority: Statewide Interoperable Communications Board

Subject	Legal Basis	Status	Time Frame	Contact
Communications Interoperability	Iowa Code section 80.29	Research is ongoing regarding rules to be adopted by the Board.	No time frame established.	Michael R. Coveyou 515-725-6185 admrule@dps.state.ia.us