

House State Court 2-16-89 (p. 484)
Do Pass 3-6-89 (p. 662)

Reprinted

FILED JAN 31 1989

SENATE FILE 118
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 110)

Passed Senate, Date 2/13/89 (p. 301) Passed House, Date 4-10-89 (p. 1417)
Vote: Ayes 41 Nays 5 Vote: Ayes 73 Nays 17
Approved May 15, 1989

A BILL FOR

1 An Act relating to the administration of the state's liquor
2 control laws by the alcoholic beverages division of the
3 department of commerce.

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

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

SF 118

1 Section 1. Section 123.3, subsection 12, paragraph b, Code
2 1989, is amended by striking the paragraph.

3 Sec. 2. Section 123.22, unnumbered paragraph 1, Code 1989,
4 is amended to read as follows:

5 The division has the exclusive right of importation into
6 the state of all forms of alcoholic liquor, except as
7 otherwise provided in this chapter, and a person shall not
8 import alcoholic liquor, except that an individual of legal
9 age may import and have in the individual's possession an
10 amount of alcoholic liquor not exceeding one ~~quart~~ liter or,
11 in the case of alcoholic liquor personally obtained outside
12 the United States, ~~one-gallon~~ four liters for personal
13 consumption only in a private home or other private
14 accommodation. A distillery shall not sell alcoholic liquor
15 within the state to any person but only to the division,
16 except as otherwise provided in this chapter. This section
17 vests in the division exclusive control within the state as
18 purchaser of all alcoholic liquor sold by distilleries within
19 the state or imported, except beer and wine, and except as
20 otherwise provided in this chapter. The division shall
21 receive alcoholic liquor on a bailment system for resale by
22 the division in the manner set forth in this chapter. The
23 division shall act as the sole wholesaler of alcoholic liquor
24 to class "E" liquor control licensees.

25 Sec. 3. Section 123.27, subsection 2, Code 1989, is
26 amended to read as follows:

27 2. On any legal holiday except those designated by the
28 administrator ~~and approved by the executive council~~.

29 Sec. 4. Section 123.29, subsection 3, Code 1989, is
30 amended by striking the subsection.

31 Sec. 5. Section 123.29, subsection 4, paragraph c,
32 unnumbered paragraph 2, Code 1989, is amended to read as
33 follows:

34 If the administrator is satisfied that the facts stated in
35 such affidavit are true and that the applicant is a person fit

1 and proper to be entrusted with the permit applied for, it the
2 permit shall be issued ~~upon the filing by the applicant of a~~
3 ~~bond in the penal sum of two thousand dollars, with approved~~
4 ~~sureties, conditioned that the applicant will faithfully~~
5 ~~observe the provisions of this chapter.~~

6 Sec. 6. Section 123.29, Code 1989, is amended by adding
7 the following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. This section does not prohibit a
9 member of the clergy of any church or denomination which uses
10 vinous liquor in its sacramental ceremonies from purchasing,
11 having shipped by interstate or intrastate common carrier,
12 possessing, and using such vinous liquor for sacramental
13 purposes.

14 Sec. 7. Section 123.32, subsection 3, Code 1989, is
15 amended to read as follows:

16 3. ACTION BY ADMINISTRATOR ~~AND DEPARTMENT OF INSPECTIONS~~
17 ~~AND APPEALS.~~ Upon receipt of an application having been
18 disapproved by the local authority, the administrator shall
19 disapprove the application, so notify the applicant by
20 registered certified mail, and return the fee and any bond to
21 the applicant. Upon receipt of an application having been
22 approved by the local authority, the ~~department of inspections~~
23 ~~and appeals~~ division shall make such investigation as the
24 administrator deems necessary and may require the applicant to
25 ~~appear before the department of inspections and appeals and to~~
26 be examined under oath regarding any matters pertinent to the
27 application, in which case a record shall be made of all
28 testimony or evidence and the same shall become a part of the
29 application. The administrator may appoint a member of the
30 division or may request the department of inspections and
31 appeals to receive the testimony under oath and evidence. If
32 the application is approved by the administrator, the license
33 or permit applied for shall be issued. If the application is
34 disapproved by the administrator, the applicant and the
35 appropriate local authority shall be so notified by ~~restricted~~

1 certified mail, and the fee and any bond returned to the
2 applicant.

3055, 3054-
3 Sec. 8. Section 455C.4, subsection 3, Code 1989, is
4 amended to read as follows:

5 3. A dealer or a distributor may ~~not~~ refuse to accept and
6 to pay the refund value of an empty wine or alcoholic liquor
7 container which is marked to indicate that it was sold by a
8 state liquor store. The alcoholic beverages division shall
9 not reimburse a dealer or a distributor the refund value on an
10 empty wine or alcoholic liquor container which is marked to
11 indicate that the container was sold by a state liquor store.

12 EXPLANATION

13 This bill eliminates the requirement that a person must not
14 possess a federal gambling stamp in order to be a "person of
15 good moral character" and therefore be eligible to hold a
16 liquor license or permit.

17 The bill converts the quantity of allowable liquor which
18 can be imported into the state by an individual to the metric
19 system of measurement.

20 The bill allows the administrator of the alcoholic
21 beverages division of the department of commerce to designate
22 legal holidays on which the division may do business and
23 strikes the provision requiring the approval of the executive
24 council.

25 The bill exempts members of the clergy from obtaining
26 special permits to purchase, possess, or transport vinous
27 liquor in relation to sacramental ceremonies. The bonding
28 requirement for holders of special permits is eliminated. The
29 bill vests in the administrator of the alcoholic beverages
30 division of the department of commerce the power to
31 investigate license and permit applications.

32 The bill authorizes dealers or distributors of alcoholic
33 beverages to discontinue refunding empty wine or alcoholic
34 beverage containers which were purchased in state liquor
35 stores. The bill further allows the alcoholic beverages di-

1 vision to discontinue payment of the refund to dealers and
2 distributors.

- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35

SENATE FILE 118

S-3054

1 Amend Senate File 118 as follows:

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

4 "Sec. ____ . Section 123.180, subsection 2, Code
5 1989, is amended to read as follows:

6 2. At the time of applying for a vintner's
7 certificate of compliance, each applicant shall file
8 with the division a list of all class "A" wine
9 permittees with whom it intends to do business and
10 ~~shall designate the geographic area in which its~~
11 ~~products are to be distributed by the permittees.~~
12 ~~Vintner's certificate holders may appoint more than~~
13 ~~one class "A" wine permittee to service the same~~
14 ~~geographic territory.~~ The listing of class "A" wine
15 permittees and geographic areas as filed with the
16 division may be amended from time to time by the
17 holder of the certificate of compliance."

By JOE WELSH

S-3054 FILED FEBRUARY 9, 1989

ADOPTED (p.337)

SENATE FILE 118

S-3055

1 Amend Senate File 118 as follows:

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

4 "Sec. ____ . Section 123.180, subsection 2, Code
5 1989, is amended to read as follows:

6 2. At the time of applying for a vintner's
7 certificate of compliance, each applicant shall file
8 with the division a list of all class "A" wine
9 permittees with whom it intends to do business and
10 ~~shall designate the geographic area in which its~~
11 ~~products are to be distributed by the permittees.~~
12 ~~Vintner's certificate holders may appoint more than~~
13 ~~one class "A" wine permittee to service the same~~
14 ~~geographic territory.~~ The listing of class "A" wine
15 permittees and geographic areas as filed with the
16 division may be amended from time to time by the
17 holder of the certificate of compliance."

By JIM LIND

S-3055 FILED FEBRUARY 9, 1989

NOT germane (p.360) 2-13-89

SENATE FILE 118
FISCAL NOTE

REQ. BY SEN. PETERSON

A fiscal note for AMENDMENT S 3055 TO SF 118 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Amendment S 3055 Changes the definition of wine to include any beverage which contains not more than 17% alcohol by weight. This is the equivalent of 42.5 proof. Currently, the Code of Iowa excludes products containing alcohol derived from malt or by the distillation process from grain, cereal, molasses or cactus.

FISCAL EFFECT: In FY 1988 the Alcoholic Beverages Division of the Department of Commerce generated \$1,171,542 in profits from the sales of these "low proof" liquors. Under the Amendment the wine tax of \$1.75 per gallon would be substituted for the revenues from sales. The gallonage tax would have generated \$240,165 or a net loss of revenue to the General Fund of \$931,377.

The Division also noted that this may encourage the sale of "look alike" products containing 42.5 proof liquor from private wine and beer wholesalers. This could further reduce revenues from sale of "hard" liquors by an estimated \$.3 to \$5.2 million annually.

Further, wine-only retailers currently pay \$500, while Class "E" licenses pay \$750-\$7,500. This may create an unfavorable competitive advantage for the wine-only retailers. Also, these liquors could be sold "off-premise" at certain bars, taverns, clubs, restaurants and gas stations.

(Source: Alcoholic Beverages Division, Department of Commerce) (LSB 1678s, DPW)

FILED FEBRUARY 9, 1989

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 118
 BY COMMITTEE ON STATE
 GOVERNMENT

(SUCCESSOR TO SSB 110)
 (AS AMENDED AND PASSED BY THE SENATE FEBRUARY 13, 1989)
 _____ - New Language by the Senate

Passed Senate, Date 2/13/89 (p. 361) Passed House, Date 4-10-89 (p. 1417)
 Vote: Ayes 41 Nays 5 Vote: Ayes 73 Nays 17
 Approved May 15, 1989

A BILL FOR

*motion to reconsider
 40-89 (p. 1436) -
 withdrawn 4-2-89
 (p. 1303)*

1 An Act relating to the administration of the state's liquor
 2 control laws by the alcoholic beverages division of the
 3 department of commerce.
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

S.F. 118

1 Section 1. Section 123.3, subsection 12, paragraph b, Code
2 1989, is amended by striking the paragraph.

3 Sec. 2. Section 123.22, unnumbered paragraph 1, Code 1989,
4 is amended to read as follows:

5 The division has the exclusive right of importation into
6 the state of all forms of alcoholic liquor, except as
7 otherwise provided in this chapter, and a person shall not
8 import alcoholic liquor, except that an individual of legal
9 age may import and have in the individual's possession an
10 amount of alcoholic liquor not exceeding one ~~quart~~ liter or,
11 in the case of alcoholic liquor personally obtained outside
12 the United States, ~~one-gallon~~ four liters for personal
13 consumption only in a private home or other private
14 accommodation. A distillery shall not sell alcoholic liquor
15 within the state to any person but only to the division,
16 except as otherwise provided in this chapter. This section
17 vests in the division exclusive control within the state as
18 purchaser of all alcoholic liquor sold by distilleries within
19 the state or imported, except beer and wine, and except as
20 otherwise provided in this chapter. The division shall
21 receive alcoholic liquor on a bailment system for resale by
22 the division in the manner set forth in this chapter. The
23 division shall act as the sole wholesaler of alcoholic liquor
24 to class "E" liquor control licensees.

25 Sec. 3. Section 123.27, subsection 2, Code 1989, is
26 amended to read as follows:

27 2. On any legal holiday except those designated by the
28 administrator ~~and approved by the executive council~~.

29 Sec. 4. Section 123.29, subsection 3, Code 1989, is
30 amended by striking the subsection.

31 Sec. 5. Section 123.29, subsection 4, paragraph c,
32 unnumbered paragraph 2, Code 1989, is amended to read as
33 follows:

34 If the administrator is satisfied that the facts stated in
35 such affidavit are true and that the applicant is a person fit

1 and proper to be entrusted with the permit applied for, ~~it the~~
2 permit shall be issued ~~upon-the-filing-by-the-applicant-of-a~~
3 ~~bond-in-the-penal-sum-of-two-thousand-dollars,-with-approved~~
4 ~~sureties,-conditioned-that-the-applicant-will-faithfully~~
5 ~~observe-the-provisions-of-this-chapter.~~

6 Sec. 6. Section 123.29, Code 1989, is amended by adding
7 the following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. This section does not prohibit a
9 member of the clergy of any church or denomination which uses
10 vinous liquor in its sacramental ceremonies from purchasing,
11 having shipped by interstate or intrastate common carrier,
12 possessing, and using such vinous liquor for sacramental
13 purposes.

14 Sec. 7. Section 123.32, subsection 3, Code 1989, is
15 amended to read as follows:

16 3. ACTION BY ADMINISTRATOR ~~AND-DEPARTMENT-OF-INSPECTIONS~~
17 ~~AND-APPEALS.~~ Upon receipt of an application having been
18 disapproved by the local authority, the administrator shall
19 disapprove the application, so notify the applicant by
20 registered certified mail, and return the fee and any bond to
21 the applicant. Upon receipt of an application having been
22 approved by the local authority, the ~~department-of-inspections~~
23 ~~and-appeals~~ division shall make such investigation as the
24 administrator deems necessary and may require the applicant to
25 ~~appear before-the-department-of-inspections-and-appeals-and to~~
26 be examined under oath regarding any matters pertinent to the
27 application, in which case a record shall be made of all
28 testimony or evidence and the same shall become a part of the
29 application. The administrator may appoint a member of the
30 division or may request the department of inspections and
31 appeals to receive the testimony under oath and evidence. If
32 the application is approved by the administrator, the license
33 or permit applied for shall be issued. If the application is
34 disapproved by the administrator, the applicant and the
35 appropriate local authority shall be so notified by ~~restricted~~

1 certified mail, and the fee and any bond returned to the
2 applicant.

3 Sec. 8. Section 123.180, subsection 2, Code 1989, is
4 amended to read as follows:

5 2. At the time of applying for a vintner's certificate of
6 compliance, each applicant shall file with the division a list
7 of all class "A" wine permittees with whom it intends to do
8 business and shall designate the geographic area in which its
9 products are to be distributed by the permittees. Vintner's
10 certificate holders may appoint more than one class "A" wine
11 permittee to service the same geographic territory. The
12 listing of class "A" wine permittees and geographic areas as
13 filed with the division may be amended from time to time by
14 the holder of the certificate of compliance.

15 Sec. 9. Section 455C.4, subsection 3, Code 1989, is
16 amended to read as follows:

17 3. A dealer or a distributor may not refuse to accept and
18 to pay the refund value of an empty wine or alcoholic liquor
19 container which is marked to indicate that it was sold by a
20 state liquor store. The alcoholic beverages division shall
21 not reimburse a dealer or a distributor the refund value on an
22 empty wine or alcoholic liquor container which is marked to
23 indicate that the container was sold by a state liquor store.

24
25
26
27
28
29
30
31
32
33
34
35

*RUNNING, CH.
CARR
DRAKE*

*SSB 110
STATE GOVERNMENT
Now
119*

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

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the administration of the state's liquor
2 control laws by the alcoholic beverages division of the
3 department of commerce.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

1 Section 1. Section 123.3, subsection 12, paragraph b, Code
2 1989, is amended by striking the paragraph.

3 Sec. 2. Section 123.22, unnumbered paragraph 1, Code 1989,
4 is amended to read as follows:

5 The division has the exclusive right of importation into
6 the state of all forms of alcoholic liquor, except as
7 otherwise provided in this chapter, and a person shall not
8 import alcoholic liquor, except that an individual of legal
9 age may import and have in the individual's possession an
10 amount of alcoholic liquor not exceeding one quart liter or,
11 in the case of alcoholic liquor personally obtained outside
12 the United States, ~~one-gallon~~ four liters for personal
13 consumption only in a private home or other private
14 accommodation. A distillery shall not sell alcoholic liquor
15 within the state to any person but only to the division,
16 except as otherwise provided in this chapter. This section
17 vests in the division exclusive control within the state as
18 purchaser of all alcoholic liquor sold by distilleries within
19 the state or imported, except beer and wine, and except as
20 otherwise provided in this chapter. The division shall
21 receive alcoholic liquor on a bailment system for resale by
22 the division in the manner set forth in this chapter. The
23 division shall act as the sole wholesaler of alcoholic liquor
24 to class "E" liquor control licensees.

25 Sec. 3. Section 123.27, subsection 2, Code 1989, is
26 amended to read as follows:

27 2. On any legal holiday except those designated by the
28 administrator ~~and-approved-by-the-executive-council~~.

29 Sec. 4. Section 123.29, subsection 3, Code 1989, is
30 amended by striking the subsection.

31 Sec. 5. Section 123.29, subsection 4, paragraph c,
32 unnumbered paragraph 2, Code 1989, is amended to read as
33 follows:

34 If the administrator is satisfied that the facts stated in
35 such affidavit are true and that the applicant is a person fit

1 and proper to be entrusted with the permit applied for, it the
2 permit shall be issued upon the filing by the applicant of a
3 bond in the penal sum of two thousand dollars, with approved
4 sureties, conditioned that the applicant will faithfully
5 observe the provisions of this chapter.

6 Sec. 6. Section 123.29, Code 1989, is amended by adding
7 the following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. This section does not prohibit a
9 member of the clergy of any church or denomination which uses
10 vinous liquor in its sacramental ceremonies from purchasing,
11 having shipped by interstate or intrastate common carrier,
12 possessing, and using such vinous liquor for sacramental
13 purposes.

14 Sec. 7. Section 123.32, subsection 3, Code 1989, is
15 amended to read as follows:

16 3. ACTION BY ADMINISTRATOR ~~AND DEPARTMENT OF INSPECTIONS~~
17 ~~AND APPEALS.~~ Upon receipt of an application having been
18 disapproved by the local authority, the administrator shall
19 disapprove the application, so notify the applicant by
20 registered certified mail, and return the fee and any bond to
21 the applicant. Upon receipt of an application having been
22 approved by the local authority, the ~~department of inspections~~
23 ~~and appeals~~ division shall make such investigation as the
24 administrator deems necessary and may require the applicant to
25 ~~appear before the department of inspections and appeals and to~~
26 be examined under oath regarding any matters pertinent to the
27 application, in which case a record shall be made of all
28 testimony or evidence and the same shall become a part of the
29 application. The administrator may appoint a member of the
30 division or the department of inspections and appeals to
31 receive the testimony under oath and evidence. If the
32 application is approved by the administrator, the license or
33 permit applied for shall be issued. If the application is
34 disapproved by the administrator, the applicant and the
35 appropriate local authority shall be so notified by restricted

1 certified mail, and the fee and any bond returned to the
2 applicant.

3 EXPLANATION

4 This bill eliminates the requirement that a person must not
5 possess a federal gambling stamp in order to be a "person of
6 good moral character" and therefore be eligible to hold a
7 liquor license or permit.

8 The bill converts the quantity of allowable liquor which
9 can be imported into the state by an individual to the metric
10 system of measurement.

11 The bill allows the administrator of the alcoholic
12 beverages division of the department of commerce to designate
13 legal holidays on which the division may do business and
14 strikes the provision requiring the approval of the executive
15 council.

16 The bill exempts members of the clergy from obtaining
17 special permits to purchase, possess, or transport vinous
18 liquor in relation to sacramental ceremonies. The bonding
19 requirement for holders of special permits is eliminated. The
20 bill vests in the administrator of the alcoholic beverages
21 division of the department of commerce the power to
22 investigate license and permit applications.

23
24
25
26
27
28
29
30
31
32
33
34
35

SENATE FILE 118

AN ACT

RELATING TO THE ADMINISTRATION OF THE STATE'S LIQUOR CONTROL LAWS BY THE ALCOHOLIC BEVERAGES DIVISION OF THE DEPARTMENT OF COMMERCE.

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

Section 1. Section 123.3, subsection 12, paragraph b, Code 1989, is amended by striking the paragraph.

Sec. 2. Section 123.22, unnumbered paragraph 1, Code 1989, is amended to read as follows:

The division has the exclusive right of importation into the state of all forms of alcoholic liquor, except as otherwise provided in this chapter, and a person shall not import alcoholic liquor, except that an individual of legal age may import and have in the individual's possession an amount of alcoholic liquor not exceeding one quart liter or, in the case of alcoholic liquor personally obtained outside the United States, ~~one-gallon~~ four liters for personal consumption only in a private home or other private accommodation. A distillery shall not sell alcoholic liquor within the state to any person but only to the division, except as otherwise provided in this chapter. This section vests in the division exclusive control within the state as purchaser of all alcoholic liquor sold by distilleries within the state or imported, except beer and wine, and except as otherwise provided in this chapter. The division shall receive alcoholic liquor on a bailment system for resale by

the division in the manner set forth in this chapter. The division shall act as the sole wholesaler of alcoholic liquor to class "E" liquor control licensees.

Sec. 3. Section 123.27, subsection 2, Code 1989, is amended to read as follows:

2. On any legal holiday except those designated by the administrator ~~and approved by the executive council.~~

Sec. 4. Section 123.29, subsection 3, Code 1989, is amended by striking the subsection.

Sec. 5. Section 123.29, subsection 4, paragraph c, unnumbered paragraph 2, Code 1989, is amended to read as follows:

If the administrator is satisfied that the facts stated in such affidavit are true and that the applicant is a person fit and proper to be entrusted with the permit applied for, ~~it the permit shall be issued upon the filing by the applicant of a bond in the penal sum of two thousand dollars, with approved sureties, conditioned that the applicant will faithfully observe the provisions of this chapter.~~

Sec. 6. Section 123.29, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. This section does not prohibit a member of the clergy of any church or denomination which uses vinous liquor in its sacramental ceremonies from purchasing, having shipped by interstate or intrastate common carrier, possessing, and using such vinous liquor for sacramental purposes.

Sec. 7. Section 123.32, subsection 3, Code 1989, is amended to read as follows:

3. ~~ACTION BY ADMINISTRATOR AND DEPARTMENT OF INSPECTIONS AND APPEALS.~~ Upon receipt of an application having been disapproved by the local authority, the administrator shall disapprove the application, so notify the applicant by registered certified mail, and return the fee and any bond to the applicant. Upon receipt of an application having been

approved by the local authority, the ~~department-of-inspections and-appeals~~ division shall make such investigation as the administrator deems necessary and may require the applicant to appear ~~before-the-department-of-inspections-and-appeals-and~~ to be examined under oath regarding any matters pertinent to the application, in which case a record shall be made of all testimony or evidence and the same shall become a part of the application. The administrator may appoint a member of the division or may request the department of inspections and appeals to receive the testimony under oath and evidence. If the application is approved by the administrator, the license or permit applied for shall be issued. If the application is disapproved by the administrator, the applicant and the appropriate local authority shall be so notified by restricted certified mail, and the fee and any bond returned to the applicant.

Sec. 8. Section 123.180, subsection 2, Code 1989, is amended to read as follows:

2. At the time of applying for a vintner's certificate of compliance, each applicant shall file with the division a list of all class "A" wine permittees with whom it intends to do ~~business and shall designate the geographic area in which its products are to be distributed by the permittees. Vintner's certificate-holders may appoint more than one class "A" wine permittee to service the same geographic territory.~~ The listing of class "A" wine permittees and geographic areas as filed with the division may be amended from time to time by the holder of the certificate of compliance.

Sec. 9. Section 455C.4, subsection 3, Code 1989, is amended to read as follows:

3. A dealer or a distributor may not refuse to accept and to pay the refund value of an empty wine or alcoholic liquor container which is marked to indicate that it was sold by a state liquor store. The alcoholic beverages division shall not reimburse a dealer or a distributor the refund value on an

empty wine or alcoholic liquor container which is marked to indicate that the container was sold by a state liquor store.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 118, Seventy-third General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 15, 1989

TERRY E. BRANSTAD
Governor