

Judiciary Amend (6071) & Co. Pass 2/14 (p. 244)

Reprinted

FILED JAN 27 1992

SENATE FILE 2059

BY STURGEON, GILL (1/28)

Passed Senate, Date 2/25/92 (p. 457) Passed House, Date _____
Vote: Ayes 46 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the theft of milk containers and the
2 applicability of a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

SF 2059

1 Section 1. Section 192.56, Code 1991, is amended to read
2 as follows:

3 192.56 CONTAINER.

4 The term "container" as used in the following sections of
5 this chapter, ~~shall mean~~ means cans, bottles, cases, paper
6 cartons, or other nonrigid containers, casks, kegs, barrels,
7 and other receptacles of like nature.

8 Sec. 2. Section 192.59, Code 1991, is amended by adding
9 the following new unnumbered paragraph:

10 NEW UNNUMBERED PARAGRAPH. A person who returns a container
11 bearing a registered mark of a company processing or
12 delivering milk that was taken without the consent of the
13 owner prior to July 1, 1991, may return the container without
14 penalty from April 30, 1992, through June 30, 1992.

15 EXPLANATION

16 This bill amends the definition of "container" for milk or
17 milk products to include cases and provides an amnesty period
18 for persons to return milk containers taken without the
19 owner's consent. The amnesty would prevent the application of
20 the simple misdemeanor penalty in section 189.21.

21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

SENATE FILE 2059

S-5071

1 Amend Senate File 2059 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 192.124, Code Supplement 1991,
5 is amended by adding the following new unnumbered
6 paragraph:
7 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
8 189.21, a person retaining a container used for the
9 sale of dairy products as provided in this section,
10 which bears a mark registered pursuant to section
11 192.123, shall not be subject to any penalty provided
12 by law, if the person returns the container to its
13 owner on or after May 1, 1992, but before August 1,
14 1992.
15 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
16 immediate importance, takes effect upon enactment."
17 2. Title page, line 2, by inserting after the
18 word "penalty" the following: "and providing an
19 effective date".

By COMMITTEE ON JUDICIARY AMENDMENT
AL STURGEON, Chairperson

S-5071 FILED FEBRUARY 14, 1992

Adopted 2/25 (p. 457)

The Judiciary 2/28, Do Pass 3/10 (p. 526)

SENATE FILE 2059
BY STURGEON

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 25, 1992)
ALL New Language by the Senate

Re. Passed Senate, Date 4/6/92 (p. 1241) Passed House, Date 3/27/92 (p. 881)
Vote: Ayes 45 Nays 0 Vote: Ayes 87 Nays 4
Approved April 14, 1992 (p. 1404)

A BILL FOR

1 An Act relating to the theft of milk containers and the
2 applicability of a penalty and providing an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4
5
6
-

SENATE FILE 2059

H-5237
1 Amend Senate File 2059, as amended, passed, and re-
2 printed by the Senate, as follows:
3 1. Page 1, by striking lines 4 and 5 and
4 inserting the following: "a person retaining a
5 container used for the handling of dairy products
6 intended for sale as provided in this section, which
7 bears a mark".
8 2. Page 1, line 8, by striking the word and
9 figures "May 1, 1992" and inserting the following:
10 "the effective date of this Act".

By KREMER of Buchanan
BISIGNANO of Polk

H-5237 FILED MARCH 11, 1992
Adopted 3/27 (p. 881)

S.F. 2059

19
20
21
22
23

1 Section 1. Section 192.124, Code Supplement 1991, is
2 amended by adding the following new unnumbered paragraph:
3 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 189.21,
4 a person retaining a container used for the sale of dairy
5 products as provided in this section, which bears a mark
6 registered pursuant to section 192.123, shall not be subject
7 to any penalty provided by law, if the person returns the
8 container to its owner on or after May 1, 1992, but before
9 August 1, 1992.

10 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
11 immediate importance, takes effect upon enactment.
12

**HOUSE AMENDMENT TO
SENATE FILE 2059**

S-5450

1 Amend Senate File 2059, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 1, by striking lines 4 and 5 and
4 inserting the following: "a person retaining a
5 container used for the handling of dairy products
6 intended for sale as provided in this section, which
7 bears a mark".

8 2. Page 1, line 8, by striking the word and
9 figures "May 1, 1992" and inserting the following:
10 "the effective date of this Act".

RECEIVED FROM THE HOUSE

S-5450 FILED MARCH 31, 1992

Senate concurred 4/6 (p.1241)

26
27
28
29
30
31
32
33
34
35

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

MICHAEL E. GRONSTAL
President of the Senate

ROBERT C. ARNOULD
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2059, Seventy-fourth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 14, 1992

TERRY E. BRANSTAD
Governor

SENATE FILE 2059

AN ACT

RELATING TO THE THEFT OF MILK CONTAINERS AND THE APPLICABILITY OF A PENALTY AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 192.124, Code Supplement 1991, is amended by adding the following new unnumbered paragraph:
NEW UNNUMBERED PARAGRAPH. Notwithstanding section 189.21, a person retaining a container used for the handling of dairy products intended for sale as provided in this section, which bears a mark registered pursuant to section 192.123, shall not be subject to any penalty provided by law, if the person returns the container to its owner on or after the effective date of this Act, but before August 1, 1992.