

2-17-97 Not Res.

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SENATE FILE 137
BY LUNDBY

(COMPANION TO LSB 2240HH BY
GREINER)

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

A BILL FOR

1 An Act relating to solid waste by removing wine and alcoholic
2 liquor from the definition of beverage in the mandatory
3 beverage container deposit law, allowing the allocation of
4 landfill alternative financial assistance moneys, and making
5 encouragement of curbside recycling a public policy of the
6 state.

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

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S.F. 137

1 Section 1. Section 123.24, subsection 5, Code 1997, is
2 amended by striking the subsection.

3 Sec. 2. Section 123.26, Code 1997, is amended to read as
4 follows:

5 123.26 RESTRICTIONS ON SALES -- SEALS -- LABELING.

6 Alcoholic liquor shall not be sold by a class "E" liquor
7 control licensee except in a sealed container with identifying
8 markers as prescribed by the administrator and affixed in the
9 manner prescribed by the administrator, and no such container
10 shall be opened upon the premises of a state warehouse. The
11 ~~division shall cooperate with the department of natural~~
12 ~~resources so that only one identifying marker or mark is~~
13 ~~needed to satisfy the requirements of this section and section~~
14 ~~455E.5, subsection 1.~~ Possession of alcoholic liquors which
15 do not carry the prescribed identifying markers is a violation
16 of this chapter except as provided in section 123.22.

17 Sec. 3. Section 123.187, subsection 2, Code 1997, is
18 amended to read as follows:

19 2. A winery licensed or permitted pursuant to laws
20 regulating alcoholic beverages in a state which affords this
21 state an equal reciprocal shipping privilege may ship into
22 this state by private common carrier, to a person twenty-one
23 years of age or older, not more than eighteen liters of wine
24 per month, for consumption or use by the person. Such wine
25 shall not be resold. Shipment of wine pursuant to this
26 subsection is not subject to sales tax under section 422.43,
27 use tax under section 423.2, or the wine gallonage tax under
28 ~~section 123.183, and does not require a refund value for~~
29 ~~beverage container control purposes under chapter 455E.~~

30 Sec. 4. Section 455C.1, subsection 1, Code 1997, is
31 amended to read as follows:

32 1. "Beverage" means ~~wine as defined in section 123.3,~~
33 ~~subsection 37, alcoholic liquor as defined in section 123.3,~~
34 ~~subsection 5,~~ beer as defined in section 123.3, subsection 7,
35 mineral water, soda water, and similar carbonated soft drinks

1 in liquid form and intended for human consumption.

2 Sec. 5. Section 455C.3, subsection 2, Code 1997, is
3 amended to read as follows:

4 2. A distributor shall accept and pick up from a dealer
5 served by the distributor or a redemption center for a dealer
6 served by the distributor at least weekly, or when the
7 distributor delivers the beverage product if deliveries are
8 less frequent than weekly, any empty beverage container of the
9 kind, size, and brand sold by the distributor, and shall pay
10 to the dealer or person operating a redemption center the
11 refund value of a beverage container and the reimbursement as
12 provided under section 455C.2 within one week following pickup
13 of the containers or when the dealer or redemption center
14 normally pays the distributor for the deposit on beverage
15 products purchased from the distributor if less frequent than
16 weekly. A distributor or employee or agent of a distributor
17 is not in violation of this subsection if a redemption center
18 is closed when the distributor attempts to make a regular
19 delivery or a regular pickup of empty beverage containers.
20 ~~This subsection does not apply to a distributor selling~~
21 ~~alcoholic liquor to the alcoholic beverages division of the~~
22 ~~department of commerce.~~

23 Sec. 6. Section 455C.3, subsection 5, Code 1997, is
24 amended by striking the subsection.

25 Sec. 7. Section 455C.4, subsections 3 and 4, Code 1997,
26 are amended by striking the subsections.

27 Sec. 8. Section 455C.5, subsection 2, paragraph a, Code
28 1997, is amended by striking the paragraph.

29 Sec. 9. Section 455C.16, Code 1997, is amended to read as
30 follows:

31 455C.16 BEVERAGE CONTAINERS -- DISPOSAL AT SANITARY
32 LANDFILL PROHIBITED.

33 Beginning July 1, 1990, the final disposal of beverage
34 containers by a dealer, distributor, or manufacturer, or
35 person operating a redemption center, in a sanitary landfill,

1 is prohibited. Beginning-September-17-1992, the-final
2 disposal-of-beverage-containers-used-to-contain-alcoholic
3 liquor-as-defined-in-section-123.3, subsection-8, by-a-dealer,
4 distributor, or-manufacturer, or-person-operating-a-redemption
5 center-in-a-sanitary-landfill, is-prohibited.

6 Sec. 10. Section 455D.4, Code 1997, is amended by adding
7 the following new subsection:

8 NEW SUBSECTION. 6. It is the policy of this state to
9 encourage unified, comprehensive waste collection and
10 recycling programs by encouraging the development of curbside
11 recycling programs for collection of household waste.

12 Sec. 11. DEPARTMENT OF NATURAL RESOURCES. The department
13 may use landfill alternative financial assistance moneys under
14 section 455E.11 to provide incentives with the goal of
15 locating an end manufacturer or processor for crushed recycled
16 glass in a central location within the state.

17 EXPLANATION

18 The bill removes wine and alcoholic liquor from the
19 definition of beverages so that containers containing these
20 beverages are no longer subject to the five cent mandatory
21 beverage container deposit.

22 The bill allows the department of natural resources to use
23 landfill alternative financial assistance moneys to provide
24 incentives with the goal of locating an end manufacturer or
25 processor for crushed recycled glass in a central Iowa
26 location. Landfill alternative financial assistance moneys
27 are allocated to the department from the solid waste account
28 of the groundwater protection fund under section 455E.11 and
29 are used to encourage alternatives to landfilling.

30 The bill establishes as a public policy of the state, the
31 encouragement of curbside recycling programs.

32 The bill also makes conforming amendments to Code sections
33 123.24, 123.26, and 123.187.

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