

NEW UNNUMBERED PARAGRAPH. The department may apply for a loan for the construction of facilities for the collection and treatment of waste water under the state sewage treatment works financing program as established in sections 455B.291 through 455B.299. In order to provide for the repayment of a loan granted under the financing program, the commission may impose a lien on not more than ten percent of the annual revenues from user fees and related revenue derived from park and recreation areas under chapter 461A which are deposited in the state conservation fund. If a lien is established as provided in this paragraph, repayment of the loan is the first priority on the revenues received and dedicated for the loan repayment each year.

Approved April 26, 1995

CHAPTER 99
ALKALINE MANGANESE BATTERIES
S.F. 407

AN ACT relating to alkaline manganese batteries.

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

Section 1. Section 455D.10A, subsection 2, Code 1995, is amended to read as follows:
2. MERCURY CONTENT LIMITED.

a. ~~Beginning July 1, 1993, a~~ A person shall not sell, distribute, or offer for retail sale in this state an alkaline manganese battery that contains more than twenty-five one-thousandths of a percent mercury by weight, ~~or a button cell battery which contains more than twenty-five milligrams of mercury.~~ Effective January 1, 1996, a A person shall not sell, distribute, or offer for sale at retail in this state an alkaline manganese household battery manufactured on or after January 1, 1996, to which mercury has been added. This paragraph does not apply to alkaline manganese button cell batteries.

b. A person shall not sell, distribute, or offer for retail sale in this state an alkaline manganese button cell battery which contains more than twenty-five milligrams of mercury.

Approved April 26, 1995

CHAPTER 100
CONFIDENTIALITY OF FINANCIAL INFORMATION - DEPARTMENT OF
AGRICULTURE AND LAND STEWARDSHIP
S.F. 197

AN ACT relating to the confidentiality of financial information provided to the department of agriculture and land stewardship and providing an effective date.

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

Section 1. Section 22.7, subsection 26, Code 1995, is amended to read as follows:

26. Financial information, which if released would give advantage to competitors and

serve no public purpose, relating to commercial operations conducted or intended to be conducted by a person submitting records containing the information to the ~~agricultural diversification bureau~~ of the department of agriculture and land stewardship for the purpose of obtaining assistance in business planning.

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

Approved April 26, 1995

CHAPTER 101

AGREEMENTS BETWEEN BEER BREWERS AND WHOLESALERS

S.F. 207

AN ACT relating to the distribution and sale of beer, providing for the regulation of brewer and wholesaler agreements, prohibiting certain conduct, providing for the transfer of business assets, providing judicial remedies, specifying applicability, and providing for other properly related matters.

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

Section 1. **NEW SECTION.** 123A.1 **PURPOSES AND SCOPE.**

This chapter is enacted pursuant to the authority of the state under the provisions of the twenty-first amendment to the Constitution of the United States to promote the public's interest in fair, efficient, and competitive distribution of beer products through regulation and encouragement of brewer and wholesaler vendors to conduct their business relations toward these ends by:

1. Assuring that the beer wholesaler is free to manage its business enterprise.
2. Assuring the brewer and the public of service from wholesalers who will devote reasonable efforts and resources to distribution and sales of all of the brewer's products which the wholesaler has been granted the right to sell and distribute and maintain satisfactory sales levels.
3. Promoting and maintaining a sound, stable, and viable three-tier system of distribution of beer to the public.

Sec. 2. **NEW SECTION.** 123A.2 **DEFINITIONS.**

As used in this chapter, unless the context otherwise requires:

1. "Affected party" means a wholesaler, brewer, master distributor, successor brewer, or any person that is a party to an agreement.
2. "Agreement" means a contract or arrangement whether expressed or implied, oral or written, for a definite or indefinite period between a brewer and a wholesaler pursuant to which a wholesaler has been granted the right to purchase, resell, and distribute one or more brands of beer offered by a brewer, or a contract or arrangement in which a brewer grants to a wholesaler a license to use a trade name, trademark, service mark, or related characteristic and in which there is a community of interest in the marketing of the products of the brewer. An agreement exists when one or more of the following occur:
 - a. A brewer has shipped beer to a wholesaler or accepted an order for beer from a wholesaler.
 - b. A brewer purchases the right to manufacture a beer product, the right to use the trade name for the product, or the right to distribute a product from another brewer with whom the wholesaler has an agreement.