

CHAPTER 104

BEER SALES BY NATIVE WINERIES

S.F. 403

AN ACT concerning the sale of beer by native wineries.

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

Section 1. Section 123.178B, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 4. A person holding a class "C" native wine permit and a class "A" native wine permit whose primary purpose is manufacturing native wine may purchase beer from a wholesaler holding a class "A" beer permit for sale at retail.

Approved May 18, 2009

CHAPTER 105

DISPENSING OF ETHANOL BLENDED GASOLINE

S.F. 423

AN ACT providing for the dispensing of ethanol blended gasoline by authorizing the use of secondary containment.

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

Section 1. Section 455G.31, subsections 2 and 3, Code 2009, are amended to read as follows:

2. A retail dealer may use gasoline storage and dispensing infrastructure to store and dispense ethanol blended gasoline classified as E-9 or higher if all of the following apply:

a. ~~For gasoline storage and dispensing infrastructure other than the dispenser, the department of natural resources under this chapter or the state fire marshal under chapter 101 must determine~~ determines that it is compatible with the ethanol blended gasoline being used.

b. ~~(1) For a 3. A retail dealer may use a dispenser, all of the following shall apply that does not satisfy the requirement in subsection 2 to dispense ethanol blended gasoline classified as higher than E-10 if any of the following applies:~~

(a) ~~a. (1) The dispenser must be is~~ is listed by an independent testing laboratory as compatible for use with ethanol blended gasoline classified as E-9 or higher. In addition,

(b) ~~The owner or operator or a person authorized by the owner or operator must the retail dealer must~~ visually inspect the dispenser and the dispenser sump daily for leaks and equipment failure and maintain a record of such inspection for at least one year after the inspection. The record shall be located on the premises of the retail dealer and shall be made available to the department of natural resources or the state fire marshal upon request. If a leak is detected, the department of natural resources shall be notified pursuant to section 455B.386.

(2) The state fire marshal shall issue an order as soon as practicable after determining that a commercially available dispenser is listed as compatible for use with E-85 gasoline by an independent testing laboratory. The state fire marshal shall publish the order in the Iowa administrative bulletin. A person shall not install a dispenser which would otherwise be permitted under subparagraph (1) after sixty days following the date that the order is published. A per-

son who installed such dispenser before the sixty-day period expired may use the dispenser as provided in subparagraph (1) until four years after the date that the order is published.

3. ~~(3)~~ This section paragraph "a" is repealed four years following the date that the order issued by the state fire marshal is published in the Iowa administrative bulletin as provided in this section subparagraph (2).

b. (1) The dispenser's manufacturer has submitted the dispenser to an independent testing laboratory to be listed as compatible for use with E-85 gasoline. In addition, the retail dealer must install an under-dispenser containment system with electronic monitoring. The under-dispenser containment system shall comply with applicable rules adopted by the department of natural resources and the state fire marshal.

(2) If within ten years from the date that a dispenser described in subparagraph (1) is installed, the same model of dispenser is listed as compatible for use with E-85 gasoline by an independent testing laboratory, the dispenser shall be deemed as compatible for use with ethanol blended gasoline classified as E-9 or higher up to and including E-85 by the department of natural resources and the state fire marshal. However, if after that time, the same model of dispenser is not listed as compatible for use with E-85 gasoline by an independent testing laboratory, subparagraph (1) no longer applies, and the retail dealer must do any of the following:

(a) Upgrade or replace the dispenser as necessary to be listed as compatible for use with E-85 gasoline.

(b) Comply with the requirements in paragraph "a".

Approved May 18, 2009

CHAPTER 106

STATUTORY BOARDS, COMMISSIONS, COUNCILS, AND COMMITTEES — LEGISLATIVE APPOINTMENTS

S.F. 430

AN ACT relating to appointments to statutory boards, commissions, councils, and committees that involve the general assembly, and including effective date and applicability provisions.

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

Section 1. Section 2.32, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The governor shall either make an appointment or file a notice of deferred appointment by March 15 1 for the following appointments which are subject to confirmation by the senate:

Sec. 2. Section 2.32, subsection 3, Code 2009, is amended to read as follows:

3. The governor shall submit all appointments requiring confirmation by the senate and notices of deferred appointment to the secretary of the senate who shall provide the governor's office with receipts of submission. Each notice of appointment shall be accompanied by a statement of the appointee's political affiliation. The notice of a deferred appointment shall be filed by the governor with the secretary of the senate and accompanied by a statement of reasons for the deferral. For appointments requiring confirmation by the senate made during the legislative interim, the notice of appointment shall be submitted to the secretary of the senate within three days of the appointment date.