

The department shall set aside at the beginning of each fiscal year for that fiscal year the moneys in the fund for each merged area to be used to provide the financial assistance for retraining proposals of businesses located in the merged area whose applications have been approved by the department. The financial assistance shall be provided by the department from the amount set aside for that merged area. If any portion of the moneys set aside for a merged area have not been used or committed by March 1 of the fiscal year, that portion is available for use by the department to provide financial assistance to businesses located in other merged areas. The department shall adopt by rule a formula for this set aside based upon the population and per capita income of the merged area. The formula should be similar to the formula for the allocation of funds to merged areas for purchase of equipment from the jobs now capitals account of the lottery fund set out in 281 Iowa administrative code, rule 21.36 in effect on March 1, 1989.

Sec. 9. The legislative fiscal bureau shall provide to the legislative council at the first meeting of the council after July 1, 1991, an evaluation of all retraining programs administered under this chapter. The council shall refer the report to the appropriate standing committees in the house of representatives and the senate for further study.

In performing the evaluation, the legislative fiscal bureau shall have access to all records maintained by the department and area schools relating to the administration of retraining programs under this chapter. However, the legislative fiscal bureau shall keep confidential information regarding businesses as provided in section 22.7. The evaluation shall be based on the goals of this chapter. In measuring the success of the programs in meeting these goals, the legislative fiscal bureau shall consider, but is not limited to, the following:

1. The number of loans, forgivable loans, or grants provided.
2. The number of loans defaulted.
3. The average size of the business receiving retraining assistance.
4. The effect of the programs upon wages of participating workers and nonparticipating workers.
5. The effect of retraining programs on the state's economy.

Approved May 24, 1989

CHAPTER 221

BEER BREWED FOR CONSUMPTION ON THE PREMISES

H.F. 127

AN ACT to allow class "C" liquor control license holders and class "B" beer permit holders to brew beer to be served on the premises and making the barrel tax on beer applicable.

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

Section 1. Section 123.124, Code 1989, is amended to read as follows:

123.124 PERMITS — CLASSES.

Permits for the manufacture and sale, or sale of beer shall be divided into ~~three~~ four classes, and ~~shall be known as either class "A", special class "A", class "B", or class "C" permits.~~ A class "A" permit ~~shall allow~~ allows the holder to manufacture and sell beer at wholesale. A holder of a special class "A" permit may only manufacture beer to be consumed on the licensed premises for which the person also holds a class "C" liquor control license or class "B" beer permit. A class "B" permit ~~shall allow~~ allows the holder to sell beer at retail for consumption on or off the premises. A class "C" permit ~~shall allow~~ allows the holder to sell beer at retail for consumption off the premises.

Sec. 2. Section 123.125, Code 1989, is amended to read as follows:

123.125 ISSUANCE OF PERMITS.

The administrator shall issue class "A", special class "A", class "B", and class "C" beer permits and may suspend or revoke ~~such~~ permits for cause as provided in this chapter.

Sec. 3. Section 123.127, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. An applicant for a special class "A" permit shall comply with the requirements for a class "A" permit and shall also state on the application that the applicant holds or has applied for a class "C" liquor control license or class "B" beer permit.

Sec. 4. Section 123.130, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A person who holds a special class "A" permit for the same location at which the person holds a class "C" liquor control license or class "B" beer permit may manufacture and sell beer to be consumed on the premises.

Sec. 5. Section 123.134, subsection 1, Code 1989, is amended to read as follows:

1. The annual permit fee for a class "A" or special class "A" permit ~~shall be~~ is two hundred fifty dollars.

Sec. 6. Section 123.135, subsection 1, Code 1989, is amended to read as follows:

1. Any A manufacturer, brewer, bottler, importer, or vendor of beer or any agent thereof desiring to ship, or sell beer, or have beer brought into this state for resale by a class "A" permittee shall first make application for and shall be issued a brewer's certificate of compliance by the administrator for ~~such~~ that purpose. ~~Such~~ The certificate of compliance ~~shall expire~~ expires at the end of one year from the date of issuance and shall be renewed for a like period upon application to the administrator unless otherwise revoked for cause. Each application for a certificate of compliance or renewal ~~thereof~~ of a certificate shall be accompanied by a fee of one hundred dollars payable to the division. Each holder of a certificate of compliance shall furnish ~~such~~ the information and in ~~such~~ the form as the administrator ~~may require~~ requires. Any A brewer whose plant is located in Iowa and who otherwise holds a class "A" beer permit to sell beer at wholesale ~~shall be~~ is exempt from the fee, but not ~~of~~ from the terms and conditions, as ~~herein provided of the permit.~~ The holder of a special class "A" permit is exempt from the requirements of this section.

Sec. 7. Section 123.136, unnumbered paragraph 1, Code 1989, is amended to read as follows:

In addition to the annual permit fee to be paid by all class "A" permittees under the ~~provisions~~ of this chapter there shall be levied and collected from ~~such~~ the permittees on all beer manufactured for sale or sold in this state at wholesale and on all beer imported into this state for sale at wholesale and sold in this state at wholesale, and ~~from special class "A" permittees~~ on all beer manufactured for consumption on the premises, a tax of five and eighty-nine hundredths dollars for every barrel containing thirty-one gallons, and at a like rate for any other quantity or for the fractional part of a barrel. However, no tax shall be levied or collected on beer shipped outside this state by a class "A" permittee or sold by one class "A" permittee to another class "A" permittee.

Sec. 8. Section 123.137, unnumbered paragraph 1, Code 1989, is amended to read as follows:

~~Every A~~ person holding a class "A" or special class "A" permit shall on or before the tenth day of each calendar month commencing on the tenth day of the calendar month following the month in which ~~such~~ the person is issued a permit, make a report under oath to the division upon forms to be furnished by the division for ~~such~~ that purpose showing the exact number of barrels of beer, or fractional parts ~~thereof~~ of barrels, sold by ~~such~~ the permit holder during the preceding calendar month. ~~Such~~ The report shall also state ~~such~~ information as the administrator ~~may require~~ requires, and ~~such~~ permit holders shall at the time of filing ~~said~~ a report pay to the division the amount of tax due at the rate fixed in section 123.136.

Sec. 9. Section 123.138, Code 1989, is amended to read as follows:

123.138 BOOKS OF ACCOUNT REQUIRED.

Each class "A" or special class "A" permittee shall keep proper books of account and records showing the amount of beer sold by the permittee, ~~which and these~~ books of account shall be at all times open to inspection by the administrator and to other persons pursuant to section 123.30, subsection 1. Each class "B" and class "C" permittee shall keep proper books of account and records showing each purchase of beer made by the permittee, and the date and the amount of each purchase and the name of the person from whom each purchase was made, which books of account and records shall be open to inspection pursuant to section 123.30, subsection 1, during normal business hours of the permittee.

Sec. 10. Section 123.139, Code 1989, is amended to read as follows:

123.139 SEPARATE LOCATIONS – CLASS "A", SPECIAL CLASS "A".

~~Every~~ A class "A" or special class "A" permittee having more than one place of business ~~shall be~~ is required to have a separate permit for each separate place of business maintained by ~~such~~ the permittee wherein ~~such~~ where beer is stored, warehoused, or sold.

Sec. 11. Section 123.142, unnumbered paragraph 1, Code 1989, is amended to read as follows:

It ~~shall be~~ is unlawful for the holder of any a class "B" or class "C" permit issued under ~~the provisions~~ of this chapter to sell beer, except beer brewed on the premises covered by a special class "A" permit or beer purchased from a person holding a subsisting class "A" permit issued in accordance with the provisions of this chapter, and on which the tax provided in section 123.136 has been paid. However, ~~the provisions of this section shall~~ does not apply to the holders of special class "B" permits issued under section 123.133 for sales in cars engaged in interstate commerce nor to class "D" liquor control licensees as provided in this chapter.

Approved May 24, 1989

CHAPTER 222

SCHOOL BUS DRIVERS' INSTRUCTION

S.F. 295

AN ACT relating to school bus driver education requirements.

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

Section 1. Section 321.376, unnumbered paragraph 2, Code 1989, is amended by striking the paragraph and inserting in lieu thereof the following:

A person applying for a school bus driver's permit for the first time shall have enrolled in and successfully completed an approved course of instruction for school bus drivers, as programmed by the department of education, before a permit may be issued by the department. Certification of course completion shall be submitted to the department of education, prior to issuance of a permit, by an authorized program instructor on forms provided by the department of education.

A person applying for employment or employed as a school bus driver shall successfully complete a course of instruction for school bus drivers before or within the first six months of employment. If an employee fails to provide an employer with a certificate of completion of an approved school bus driver's course within the first six months of employment as a school bus driver, the driver's employer shall report the failure to the department and the employee's school bus driver's permit shall be revoked. The department shall send notice of the revocation of the employee's permit to both the employee and the employer. A person whose school