

# A BILL

FOR AN ACT ADDITIONAL TO AND AMENDATORY OF THE LAW AS IT APPEARS IN CHAPTER SIX (6) OF TITLE TWELVE(XII) OF THE CODE OF 1897 AND SUPPLEMENT TO THE CODE 1907, RELATIVE TO INTOXICATING LIQUORS PROVIDING FOR THE APPOINTMENT OF LIQUORS LAW ENFORCEMENT COMMISSIONERS AND THEIR DEPUTIES, DESCRIBING THEIR DUTIES, FIXING THEIR COMPENSATION AND CREATING A FUND THEREFOR.

*Be it Enacted by the General Assembly of the State of Iowa:*

SECTION 1. For the purpose of this act the state is hereby divided into two districts as follows:

The first district shall consist of the counties of Polk, Warren, Lucas, Wayne, Story, Hamilton, Wright, Hancock, Winnebago, Kossuth, Humboldt, Webster, Boone, Dallas, Madison, Clarke, Decatur, Ringgold, Union, Adair, Guthrie, Greene, Calhoun, Pocahontas, Palo Alto, Emmet, Dickinson, Clay, Buena Vista, Sac, Carroll, Audubon, Cass, Adams, Taylor, Page, Montgomery, Pottawattamie, Shelby, Crawford, Ida, Cherokee, O'Brien, Osceola, Lyon, Sioux, Plymouth, Woodbury, Monona, Harrison, Mills, Fremont.

The second district shall consist of the counties of Worth, Cerro Gordo, Franklin, Hardin, Marshall, Jasper, Marion, Monroe, Appanoose, Davis, Wapello, Mahaska, Poweshiek, Tama, Grundy, Butler, Floyd, Mitchell, Howard, Chickasaw, Bremer, Black Hawk, Benton, Iowa, Keokuk, Jecerson, Van Buren, Lee, Henry, Washington, Johnson, Linn, Buchanan, Fayette, Winneshiek, Allamakee, Clayton, Delaware, Jones, Cedar, Muscatine, Louisa, Des Moines, Scott, Clinton, Jackson, Dubuque.

SEC. 2. Upon the taking effect of this act there shall be appointed by the Governor and confirmed by the Executive Council one district liquor law enforcement commissioner for each district hereinbefore established. Said district enforcement commissioner shall be a citizen of the State of Iowa and shall qualify by taking an oath of office as provided by law for other like offices and by giving a bond running to the State of Iowa in the sum of two thousand dollars (\$2,000.00) conditioned upon the faithful performances of his duties and said bond shall be signed by at least two sureties and shall be filed with the Secretary of State and approved by the Governor.

9 Whenever in the judgment of the Governor either of the said enforcement commissioners is  
10 negligent in the performance of his duty or incompetent it shall be the duty of the Governor  
11 and he is hereby authorized to remove said enforcement commissioner from office, and the Gov-  
12 ernor's decision shall be final.

SEC. 3. The district liquor law enforcement commissioners shall have power to appoint in  
2 writing with the approval of the Governor such deputy enforcement commissioners as shall  
3 be necessary to aid them in the full and faithful performance of the duties herein imposed pro-  
4 vided that the number of regular deputy enforcement commissioners shall not exceed five in  
5 any district.

6 The number of deputy enforcement commissioners may be increased by special appointments  
7 not to exceed five (5) additional deputies in each district by order of the Executive Council,  
8 if in the judgment of said council such increase be deemed necessary. The Executive Council  
9 may also reduce the number of special appointed deputy enforcement commissioners at any  
10 time.

11 Said deputy enforcement commissioners shall hold their offices subject to removal by their  
12 principals and each of the said deputy enforcement commissioners shall enter into a bond run-  
13 ning to the State of Iowa in the sum of one thousand dollars (\$1,000.00) conditioned upon the  
14 faithful performance of his duties and said bonds shall be filed with the Secretary of State  
15 and approved by the Governor. Said deputy enforcement commissioners shall take an oath of  
16 office as provided by law for other like officers and shall have and exercise the same powers  
17 and perform under the direction and supervision of their respective principals the powers  
18 and duties herein provided.

SEC. 4. The term of office of a district enforcement commissioner shall be two years or until  
2 his successor is appointed and qualified. The term of office of a deputy enforcement com-  
3 missioner shall in no case extend beyond the term of office of the district enforcement com-  
4 missioner by whom he is appointed.

5 The deputy enforcement commissioners herein provided for may be transferred from one dis-  
6 trict to another upon the request and consent of the respective district enforcement commis-  
7 sioners concerned. When necessity requires it the District enforcement commissioners may  
8 designate one of his deputies to act temporarily in his stead.

SEC. 5. The office of the district liquor law enforcement commissioners shall be in the State  
2 Capitol. Said office shall be provided with suitable furniture, stationery and other necessary  
3 facilities for transacting the business of each district enforcement commissioner. Each dis-  
4 trict enforcement commissioner may employ a clerk. These expenses to be paid from the fund  
5 provided by this act.

SEC. 6. It shall be the duty of the district enforcement commissioners in their respective  
2 districts to superintend the enforcement of and cause to be enforced all the laws of this state

3 affecting the manufacture, sale, keeping for sale and transportation of intoxicating liquors and  
4 and all laws in any manner connected with or concerning liquor traffic, to diligently inform them-  
5 selves of all violation of such laws and any district enforcement commissioner in person or by  
6 his deputy may make report thereof to the county attorney of the proper county who shall  
7 forthwith prosecute the same as provided by law, or said district enforcement commissioners  
8 or deputy enforcement commissioners may themselves make complaint of any such violation  
9 of the law to the proper court or magistrate and in case of failure, neglect, refusal or delay  
10 of the county attorney of any county in this state to prosecute any such cause, the district  
11 enforcement commissioner shall present the cause to the Attorney General who shall take  
12 charge of the case and in person or by deputy forthwith prosecute the same as provided by  
13 law. When the Attorney General in person or by deputy are employed in the prosecution  
14 of any cause arising under the provision of this act all their necessary expenses, incidental,  
15 to such prosecution shall be paid by the Treasurer of the State of Iowa out of the fund pro-  
16 vided by this act.

17 Any district enforcement commissioner or deputy enforcement commissioner may make writ-  
18 ten information for search warrants and sign papers for the prosecution of any violation of  
19 the liquor laws in the county of his residence or in any other county in this state under the  
20 provisions of section two thousand four hundred and thirteen (2413) of the Code of 1897 for the  
21 same purpose and with the same force and effect as if filed by a creditable resident of such  
22 county.

SEC. 7. For the purpose of enforcing the liquor laws of this state the district enforcement  
2 commissioners each within their respective districts shall be especially charged with the duties  
3 enumerated in this act and the Governor may direct any district enforcement commissioner to  
4 discharge said duties at any place within the State of Iowa and said district enforcement com-  
5 missioner and their deputies shall have and exercise the same powers now vested or that may  
6 hereafter be vested in peace officers throughout the state in all matters pertaining to the en-  
7 forcement of the intoxicating liquor laws.

SEC. 8. It shall be the duty of the district enforcement commissioner in person or by dep-  
2 uty, when called upon by county attorneys, sheriffs and mayors, to aid and assist such officers  
3 in the enforcement of the intoxicating liquor laws of this state.

SEC. 9. When requested by the district enforcement commissioner, the Governor may direct  
2 the Attorney-General to prosecute in person or by deputy any cause arising under the provision  
3 of this act. The Governor may also when requested by the county attorney of any county with-  
4 in the State of Iowa direct the Attorney-General in person or by deputy to assist the said  
5 county attorney in the prosecution of any cause specified by this act and all necessary inci-  
6 dental expenses incurred by the Attorney-General or deputy in the discharge of the duties im-

7 posed by this section shall be paid by the State Treasurer of Iowa out of the fund provided by  
8 this act.

SEC. 10. Nothing herein provided relative to the powers and duties of said liquor law en-  
2 forcement commissioners or their deputies shall be construed to relieve the peace officers or  
3 county attorneys from the discharge of their duties now or hereafter imposed in relation to the  
4 intoxicating liquor laws.

SEC. 11. Each district enforcement commissioner shall receive a salary of twenty-five hundred  
2 dollars (\$2500.00) per year, payable monthly, and when absent from office on duty, all his  
3 necessary traveling expenses. Each deputy enforcement commissioner shall receive a salary  
4 of one hundred dollars (\$100.00) per month, payable monthly, and when absent from the  
5 office on duty, all his necessary traveling expenses.

6 An itemized verified and certified monthly statement of all fees received and traveling  
7 expenses, salaries, clerk hire and all incidental expenses shall be filed with the Secretary of  
8 the Executive Council by each district enforcement commissioner and when said expenses are  
9 approved by the Executive Council the Auditor of State shall issue warrants therefor.

SEC. 12. Of the mulct tax or other liquor tax levied by the state and collected from each per-  
2 son, persons or corporation, one-sixth thereof in each instance shall be paid by the treasurer  
3 of each county into the state treasury in semi-annual payments and the same or as much thereof  
4 as is necessary shall be set apart as a fund to pay the expenses herein provided for including  
5 all fees, attorney's fees, mileage or expense whatever arising under the provisions of this act.  
6 One-half of the amount thus paid into the State Treasury shall be taken from the share of such  
7 mulct tax that would otherwise go to the general county fund in each county, and the other one-  
8 half shall be taken from the share of such mulct tax that would otherwise be paid over to the  
9 municipality in which the business taxed is conducted. Said sums shall be paid into the State  
10 Treasury on or before the first day of July and January of each year.

SEC. 13. That the same legal fees taxable in liquor prosecutions or in actions brought for  
2 the enforcement of the intoxicating liquor laws both civil and criminal for the services of sheriffs  
3 shall be taxed in such causes for the services of district enforcement commissioners and their  
4 deputies, and when collected shall be paid into the state treasury and shall be added to the fund  
5 hereinbefore provided. District enforcement commissioners shall collect said fees and pay the  
6 same into the state treasury monthly.

SEC. 14. Should the assessor fail to perform his duty in relation to the assessment of the  
2 mulct tax as provided by law, any district enforcement commissioner or deputy enforcement  
3 commissioner can by verified statement on information and belief addressed to the county audi-  
4 tor procure the listing of names and the places as provided by law and with the same force and  
5 effect as is done by the assessor.

SEC. 15. All deputy enforcement commissioners shall make such report to the district en-

2 enforcement commissioners by whom they are appointed as shall be required by said district  
3 enforcement commissioner, and each district enforcement commissioner shall on or before the  
4 first day of January in each year file with the Governor a written report of the work done in  
5 their respective districts during the previous year and all of said report shall be printed and  
6 distributed in the same manner as the reports of other state officers who are required to make  
7 reports.

SEC. 16. If any district liquor law enforcement commissioner or deputy enforcement com-  
2 missioner shall receive from a defendant or other person any money or other valuable thing as  
3 consideration or inducement for omitting or delaying to arrest any defendant or to carry him  
4 before a magistrate or to prison or for postponing, delaying or neglecting to perform any duty  
5 pertaining to his office he shall be fined not less than two hundred dollars (\$200.00) nor more  
6 than five hundred dollars (\$500.00) or imprisoned in the county jail not exceeding one year or  
7 both fined and imprisoned at the discretion of the court and his office shall be forfeited upon  
8 conviction thereof.

SEC. 17. This act being deemed of immediate importance shall be in force from and after its  
2 publication in the Register and Leader and the Des Moines Capital, newspaper published in  
3 Des Moines, Iowa.