

January 28, 1958.
Passed on File.

Passed Senate, Date 2-13-53
Vote: Ayes.....50..... Nays 0
Passed House, Date.....
Vote: Ayes..... Nays.....
Approved

Senate File 136

By JUDICIARY 1.

*House - Police Reg
7/16
Rec. amendment
+ passage 7/19*

A BILL FOR

An Act to amend sections one hundred twenty-four point three (124.3), one hundred twenty-four point five (124.5), one hundred twenty-four point ten (124.10), one hundred twenty-four point eleven (124.11), one hundred twenty-four point thirteen (124.13), one hundred twenty-four point twenty (124.20), one hundred twenty-four point twenty-four (124.24), one hundred twenty-four point twenty-seven (124.27), one hundred twenty-four point twenty-nine (124.29), and one hundred twenty-four point thirty-two (124.32), Code 1950, relating to class "C" permits.

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

This bill is an identical and companion bill to H. F. 134. For printed text see that bill.

269 forfeiture of the principal sum of said bond in event
270 of cancellation of the permit as provided in this chapter.
271 "Sec. 12. Section one hundred twenty-four point
272 twelve (124.12), Code 1950, is hereby amended by striking from
273 line four (4) thereof the words 'or off'.
274 "Section one hundred twenty-four point twelve (124.12),
275 Code 1950, is hereby further amended by striking the semicolon
276 (;) following the word 'premises' in line four (4) thereof,
277 and by inserting in lieu thereof the following: 'and to sell
278 at retail, beer which is not refrigerated or in any manner
279 chilled for consumption off the premises.'
280 "Sec. 13. Section one hundred twenty-four point
281 thirteen (124.13), Code 1950, is hereby amended by inserting
282 after the word 'beer' in line three (3) thereof the following
283 'which is not refrigerated or in any manner chilled'.
284 "Sec. 14. Section one hundred twenty-four point
285 twenty-three (124.23), Code 1950, as amended, is hereby
286 amended by striking the period (.) in line nine (9) thereof
287 and inserting in lieu thereof the following: 'and the
288 decision of any city or town council or board of
289 supervisors shall be final unless such decision is
290 reviewed by the state permit board or courts of this
291 state as provided in section one hundred twenty-four
292 point four (124.4), Code 1950, as amended, and as
293 amended by this Act, in which event the decision of
294 the state permit board shall be final.'
295 "Sec. 15. Section one hundred twenty-four point
296 twenty-four (124.24), Code 1950, is hereby amended by
297 striking from line two (2) of the last paragraph of the
298 said section the words 'twenty-five dollars' and by
299 inserting in lieu thereof the words 'fifty dollars'.
300 "Sec. 16. Any permittee aggrieved by the action of
301 any issuing authority may appeal to the district court
302 of the county in which the business is licensed, or a judge
303 thereof in vacation, from the decision of such issuing
304 authority, by serving written notice of such appeal on such
305 issuing authority in the same manner as service of original
306 notices of suits and filing said notice and return of
307 service thereof with the issuing authority within ten days
308 after the date of the action complained of by the permittee.
309 In the event the decision of the issuing authority provides
310 for a revocation of the permit, same shall stand revoked
311 immediately and shall not be reinstated unless the district
312 court or judge shall reverse the decision of the issuing
313 authority. When notice of appeal has been served and filed,
314 the issuing authority shall immediately certify all the
315 original papers to the clerk of the district court, together
316 with a certified copy of the action appealed from. The
317 appeal shall be heard and determined by the district court
318 without jury, or by a judge thereof in vacation, within
319 ten (10) days thereafter and the hearings thereof shall be given
320 precedence over other matters pending in said court. The
321 issuing authority and the permit holder may be represented
322 by counsel at such hearing. The said district court, or
323 judge thereof in vacation, shall have full jurisdiction to
324 hear and determine the matter de novo, and the decision of
325 the court or judge shall be final and not subject to
326 appeal to the supreme court except on the question of
327 violation of the constitutional rights of either party.
328 Nothing herein shall preclude prosecution of the license
329 holder for any violations of law.
330 "Sec. 17. This Act being deemed of immediate
331 importance, shall be in full force and effect from and
332 after its publication in the Bremer County Independent,
333 a newspaper published at Waverly, Iowa,
334 and in The Iowa Recorder, a newspaper
335 published at Greene, Iowa."

Filed

February 12, 1953.

By LYNES.

Accepted
2/13/53

1 Amend the amendment to Senate File 136, filed February 12,
2 1953 by Senator Lynes of Bremer, by adding thereto a new section -
3 as follows:
4 "No holder of a class "C" permit shall be permitted to
5 stack and display beer except in an area by him specifically
6 reserved for such purposes, segregated from other merchandise
7 and which shall not be in a conspicuous place in his place of
8 business. No signs offering or advertising beer for sale shall
9 be larger in size than four inches by twenty-four inches and
10 shall carry only the words 'beer for sale' which sign shall be
11 placed immediately adjacent to the area in his place of business
12 where beer is stored or offered for sale."

adopted
7/13

Filed
February 12, 1953.

By KNUDSON.

1 Amend the Lynes amendment, dated February 12, 1953, to
2 Senate File 136 by inserting after section 16 the following new
3 section and renumbering the remaining sections:
4 "No telecasting station within the State of Iowa shall
5 televise any beer advertising."

Lost
7/13

Filed and lost
February 13, 1953.

By VEST.

1 Amend the Lynes amendment to Senate File 136 by inserting
2 just prior to section 17 the following: "There shall be no
3 pictorial advertising of beer in the State of Iowa where human
4 beings are portrayed therein."

Lost
7/13

Filed and lost
February 13, 1953.

By BATESON.

1 Insert following the word "No" in line 8 of the amendment,
2 filed by Senator Knudson to Senate File 136 and found on page
3 294 of the Senate Journal, the word "inside".

adopted
7/13

Submitted and approved
by unanimous consent
February 13, 1953.

By KNUDSON.

203 to the state permit board, together with the certification
204 to the state board of the issuance of such class 'B' or 'C'
205 permit.'

206 "Section one hundred twenty-four point five (124.5),
207 Code 1950, as amended, is further amended by inserting
208 following the word 'issuance' in the first line of the
209 third paragraph thereof, the following: 'or denial'.

210 "Section one hundred twenty-four point five (124.5),
211 Code 1950, as amended, is further amended by striking the
212 word 'The' following the period (.) in line four (4) of the
213 third paragraph thereof, and inserting in lieu thereof the
214 following: 'If it is certified that a permit has been
215 issued the'.

216 "Section one hundred twenty-four point five (124.5),
217 Code 1950, as amended, is further amended by inserting
218 following the word 'issue' in line five (5) of the third
219 paragraph thereof the words 'or deny'.

220 "Section one hundred twenty-four point five (124.5),
221 Code 1950, as amended, is further amended by inserting
222 following the word 'which' in line eight (8) of the third
223 paragraph thereof the words "if issued'.

224 "Section one hundred twenty-four point five (124.5),
225 Code 1950, as amended, is further amended by striking from
226 the last two lines of the third paragraph thereof the
227 following: 'as to the issuance of each permit', and inserting
228 in lieu thereof the following: 'as to the action taken. In
229 the event the state permit is denied by the state permit
230 board the permit issued by the city or town council or board
231 of supervisors shall thereupon be cancelled by operation of
232 law and shall be of no force or effect whatsoever.'

233 "Section one hundred twenty-four point five (124.5),
234 Code 1950, as amended, is further amended by striking all
235 of the said section following the word 'taken' in line
236 four (4) of the last paragraph thereof, and inserting in
237 lieu thereof a period (.)

238 "Sec. 8. Section one hundred twenty-four point
239 five (124.6), Code 1950, as amended, is hereby amended by
240 striking all of the first paragraph thereof following the
241 period (.) after the word 'provided' in line seven (7) of
242 the said paragraph and inserting in lieu thereof the
243 following: 'Permits shall be issued only to citizens of
244 the State of Iowa, foreign corporations authorized to do
245 business in Iowa and corporations organized and existing
246 under and by virtue of the laws of the State of Iowa. Only
247 citizens of good moral character and repute may be granted
248 a permit and no permit shall be granted to any corporation
249 except one whose officers are all of good moral character
250 and repute.'

251 "Sec. 9. Section one hundred twenty-four point
252 eight (124.8), Code 1950, as amended, is hereby amended
253 by adding to subsection three (3) thereof the following:
254 'Said bond shall be further conditioned to the effect that
255 the permittee and his surety as a part of the permit granted
256 hereunder, consent to forfeiture of the principal sum of
257 said bond in the event of the cancellation of the permit
258 as provided in this chapter.'

259 "Sec. 10. Section one hundred twenty-four point
260 nine (124.9), Code 1950, as amended, is hereby further
261 amended by striking the word 'shall' from line ten (10)
262 of subsection three (3) thereof.

263 "Sec. 11. Section one hundred twenty-four point
264 ten (124.10), Code 1950, as amended, is hereby further
265 amended by adding to subsection three (3) thereof the
266 following: 'Said bond shall be further conditioned to
267 the effect that the permittee and his surety, as a part
268 of the permit granted hereunder, consent to the

16 In the preparation and conduct of hearings, issuing
17 authorities shall have power to require by subpoena the
18 testimony of witnesses and the production of papers or
19 documents, and any member of any city or town council or
20 board of supervisors or any state permit board may sign
21 subpoenas, administer oaths and affirmations, examine
22 witnesses, and receive evidence. The fees and mileage of
23 such witnesses shall be the same as prescribed by law in the
24 trial of civil cases, and the permittee in all such cases
25 shall have the opportunity to be heard in person and by
26 counsel. All parties to any hearing before any issuing
27 authority shall have the right to the attendance of witnesses
28 at such hearings upon making request therefor to the issuing
29 authority and designating the person or persons sought to be
30 subpoenaed. In case of disobedience to a subpoena, the
31 issuing authority may invoke the aid of any court of
32 competent jurisdiction in requiring the attendance and testimony
33 of witnesses and the production of papers or documents, and
34 such court may issue an order requiring the persons to appear
35 before the issuing authority to give evidence or to produce
36 papers as the case may be, and any failure to obey such orders
37 of the court may be punished by the court for contempt thereof.
38 Testimony may be taken by deposition as in civil cases
39 and any person may be compelled to appear and testify as
40 in civil actions in the courts of this state. Any person
41 who shall neglect and refuse to attend and testify or
42 answer any lawful question or produce documentary evidence,
43 if it is in his power to do so, in obedience to a subpoena
44 or lawful requirement of such board, shall be guilty of a
45 misdemeanor and upon conviction thereof by a court of
46 competent jurisdiction, shall be punished in accordance
47 with the provisions of section 687.7.

48 "Sec. 5. Any permit revoked as in this chapter
49 provided shall not be renewed, nor shall the holder thereof
170 thereafter for a period of five years be allowed to secure
171 a permit for the distribution or sale of beer, nor shall he
172 be an employee of any person engaged in the manufacture,
173 distribution or sale of beer during such five-year period,
174 and the issuing authorities may refuse to issue a permit
175 effective on the same premises to any other person for a
176 period of one year from the date of revocation.

177 "Sec. 6. Whenever any permit has been revoked under
178 any provision of this chapter, the principal sum of the
179 bond of the permittee shall be forfeited. The surety on
180 the bond shall be notified in writing of such forfeiture
181 by letter sent by registered mail to such surety or
182 sureties at their address as shown on the said bond. In
183 the event the said principal sum is not paid within ten
184 days after such notice is mailed, the issuing authority
185 shall commence an action against the surety, or if more
186 than one, against the sureties, jointly and severally.

187 "If it is found in such action that the permit was
188 revoked and that the surety or sureties were notified,
189 as herein provided, and that the principal sum was not
190 paid within the time herein specified, judgment shall
191 be entered against the surety or sureties jointly and
192 severally in the amount of the said principal sum and
193 for the costs of the action.

194 "Sec. 7. Section one hundred twenty-four point
195 five (124.5), Code 1950, as amended is amended by
196 striking from lines five (5) and six (6) of the second
197 paragraph thereof the following: 'through such city or town
198 council or board of supervisors'.

199 "Section one hundred twenty-four point five (124.5),
200 Code 1950, as amended, is further amended by striking from
201 lines nine (9) to twelve (12), inclusive, of the second
202 paragraph thereof, the following: 'which shall be forwarded

SENATE FILE 136

1 1. Amend Senate File 136 by striking the entire
2 title and inserting in lieu thereof the following:
3 "An Act relating to permits to sell beer and
4 amending and repealing various sections of
5 chapter 124, Code 1950."

6 2. Amend Senate File 136 by striking all after
7 the enacting clause and inserting in lieu thereof
8 the following:

9 "Section 1. Sections one hundred twenty-four
10 point thirty (124.30) and one hundred twenty-four
11 point forty (124.40), Code 1950, are hereby repealed.

12 "Sec. 2. Subsection six (6) of section one hundred
13 twenty-four point two (124.2), Code 1950, is hereby
14 amended by inserting after the comma (,) following
15 the word 'who' in line three (3) thereof, the
16 following: 'within five (5) years immediately'.

17 Subsection seven (7) of section one hundred
18 twenty-four point two (124.2), Code 1950, is hereby
19 further amended by striking the period (.) following
20 the word 'county' in line five (5) thereof and
21 inserting in lieu thereof the following: 'or by the
22 state permit board.'

"Sec. 3. Section one hundred twenty-four point three
(124.3), Code 1950, as amended, is hereby amended by
striking from line seven (7) of the second paragraph
thereof the word 'revoke' and inserting in lieu
thereof the word 'deny'.

"Section one hundred twenty-four point three (124.3),
Code 1950, as amended, is further amended by
inserting following the word 'same' in line seven
(7) of the second paragraph thereof a period (.)

"Section one hundred twenty-four point three (124.3),
Code 1950, as amended, is hereby further amended by
inserting before the word 'upon' in line eight (8)
of the second paragraph thereof the following: "The
state permit board may revoke permits which it has
issued."

"Section one hundred twenty-four point three (124.3),
Code 1950, is hereby further amended by striking from
line fifteen (15) thereof the words 'or off'.

"Section one hundred twenty-four point three (124.3),
Code 1950, is hereby further amended by striking
from line fifteen (15) thereof the period following
the word 'premises' and inserting in lieu thereof
the following: 'and to sell at retail, beer which
is not refrigerated or in any manner chilled for
consumption off the premises'.

"Section one hundred twenty-four point three (124.3),
Code 1950, is hereby further amended by inserting
following the word 'beer' in line sixteen (16) thereof
the following: 'which is not refrigerated or in any
manner chilled'.

"Section one hundred twenty-four point three (124.3),
Code 1950, is hereby further amended by striking from
line eighteen (18) of the second paragraph thereof,
the word 'in' and inserting in lieu thereof the words
on the issuance or'.

"Sec. 4. Section one hundred twenty-four point four
(124.4), Code 1950, as amended, is hereby repealed and
the following enacted in lieu thereof: 'Any permit
issuing authority may revoke any permit which it has
issued. Before revoking any permit the issuing authority
shall fix a date at which the permit holder may appear
and show cause why the permit should not be revoked. The
issuing authority shall notify the permit holder of such
revocation by sending a written notice by registered mail
to such permittee at the post office address where the

Business is conducted under the permit. Such notice shall be deposited in the United States mail at least ten days before the date set for hearing. The said notice shall state the time and place of hearing and shall contain a

72 general statement of the ground or grounds upon which the
73 proceeding is based.

74 "In the event the hearing be before any city or town
75 council or board of supervisors, the action taken may be
76 reviewed by the state permit board. On any such review
77 by the state permit board a date of hearing shall be
78 fixed and notice thereof given in the same manner as
79 is provided for original hearings held by issuing
80 authorities. The state permit board may affirm or reverse
81 the action taken by the city or town council or board of
82 supervisors. The action of the state permit board on any
83 original hearing relating to a permit issued by it, or on
84 review of the action of any city or town council or board
85 of supervisors shall be final, subject to appeal to court
86 as provided in this chapter. In the event the state permit
87 board does not commence a review of the action of any city
88 or town council or board of supervisors, by fixing a date
89 of hearing and sending notice thereof within thirty days
90 after the action taken by the city or town council or
91 board of supervisors is certified to the state permit
92 board, the action taken by such city or town council or
93 board of supervisors shall be final subject to appeal to
94 court as provided in this chapter.

95 "If a permit holder under the provisions of this
96 chapter is convicted of a felony or is convicted of a sale
97 of beer, contrary to the provisions of this chapter, or is
98 convicted of bootlegging, or is convicted of a sale or for
99 the dispensing of wines or spirits in violation of law, or is
100 convicted for allowing the mixing or adding of alcohol to
101 beer or any other beverage on the premises of class 'B'
102 permittees, or is convicted for any violation of this
103 chapter as amended, or of any ordinance enacted by any
104 city or town as provided for in this chapter, his permit
105 shall be revoked by operation of law and the court in
106 pronouncing sentence shall provide for the surrender of
107 the defendant's permit within a period of time not to
108 exceed forty-five (45) days.

109 "If a permit holder is found by any issuing authority
110 under which he holds a permit, to have violated any
111 provisions of this chapter, as amended, or any ordinance
112 enacted by any city or town, as provided for in this
113 chapter, or to have sold or dispensed wines or spirits in
114 violation of law, or to have allowed the mixing or adding
115 of alcohol to beer or any other beverage on the premises
116 of class 'B' permittees, or to have violated any rule or
117 regulation adopted by a board of supervisors, his permit
118 shall be revoked by the authorities issuing the same
119 although such permit holder is not convicted of such act
120 or acts. Any permit may also be revoked by the issuing
121 authority for any cause which, in its judgment, may be
122 deemed inimical to the carrying out of the intent and purpose
123 of this chapter.

124 "Any issuing authority may initiate hearing on its own
125 motion, and city and town councils and boards of supervisors
126 shall initiate a hearing if so requested by the state permit
127 board, or upon receiving a complaint signed by at least ten
128 citizens of any precinct, or of any city or town where said
129 city or town contains more than one precinct, wherein the
130 business under the permit referred to in said request or
131 complaint is conducted

132 "It shall be the duty of every peace officer having
133 information of any cause for which a permit may be revoked
134 to notify the authority issuing such permit in writing of
135 the grounds for revocation which have come to his attention.

Amend Senate File 136 by striking from lines one hundred eighty-seven (187) and one hundred eighty-eight (188) the words "permit was revoked" and insert in lieu thereof the words "permittee was so convicted".

Filed
April 15, 1953.

PALMER of Lee.

- 1 Amend Senate File 136, line fifty-two (52), by inserting
- 2 following the word "chilled" the words "which beer shall be kept
- 3 at a temperature of not less than seventy (70) degrees Fahrenheit."

Filed

April 15, 1953.

PUTNEY of Tama.

- 1 Amend Senate File 136 by striking from lines one hundred
- 2 seventy-seven (177) and one hundred seventy-eight (178) the words
- 3 "permit has been revoked under any
- 4 provision" and insert in lieu thereof "permittee has been convicted
- 5 of a violation".

Filed

April 15, 1953.

PALMER of Lee.

- 1 Amend Senate File 136, line sixteen (16), by inserting following
- 2 the period (.) the following:
- 3 "However, the provisions of this section shall not apply to
- 4 any conviction prior to January 1, 1952."

Filed

April 15, 1953.

NELSON of Woodbury.

- 1 Amend Senate File 136 by striking therefrom section seventeen
- 2 (17) and inserting in lieu thereof the following:
- 3 "No holder of a class "C" permit shall be permitted to stack
- 4 and display beer except in an area by him reserved for such purpose
- 5 in the rear one-half of his place of business."
- 6 "No neon or electric signs advertising the sale of beer shall
- 7 be displayed in the interior of the premises of a class "C" per-
- 8 mittee. Advertising material may be used in the interior of a
- 9 class "C" permittee's place of business provided that such material
- 10 must be dignified in character and may only be placed immediately
- 11 adjacent to the area where beer is stored or offered for sale."

Filed

April 16, 1953.

SCHWENGEL of Scott.
CARLSON of Woodbury.
SCHROEDER of Scott.
REILLY of Dubuque.
FROMMELT of Dubuque.
NELSON of Woodbury.

- 1 Amend Senate File 136 as passed by the Senate by striking
- 2 therefrom section seventeen (17).

Filed

April 16, 1953.

SCHWENGEL of Scott. REILLY of Dubuque.
CARLSON of Woodbury. FROMMELT of Dubuque.
SCHROEDER of Scott. NELSON of Woodbury.

- 1 Amend Senate File 136 by striking all of section seventeen (17)
- 2 and substituting in lieu thereof the following:
- 3 "No holder of a class "C" permit shall be permitted to stack
- 4 and display beer except in an area by him reserved for such purpose
- 5 in the rear one-half of his place of business.

Filed

April 16, 1953.

SCHWENGEL of Scott.
CARLSON of Woodbury.
SCHROEDER of Scott.
REILLY of Dubuque.
FROMMELT of Dubuque.
NELSON of Woodbury.

1 1. Amend Senate File 136 by inserting a period after the word
"same"
2 in line one hundred eighteen (118) of section four (4).
3 2. Amend section four (4) by striking lines one hundred nineteen
(119)
4 through one hundred twenty-three (123), inclusive.
5 3. Amend section fifteen (15) by striking the words and period
"fifty
6 dollars" in line two hundred ninety-nine (299) and inserting in lieu
7 thereof the following: "one hundred dollars to three hundred dollars
8 at the discretion of the issuing authority".
Filed COMMITTEE ON POLICE REGULATION, SUP-
February 19, 1953. PRESSION OF CRIME AND INTEMPERANCE.

1 Amend Senate File 136 by adding the following new
2 sections after section sixteen (16):
3 "City and town councils and the councils of
4 cities acting under special charter are hereby empowered to
5 enact ordinances which shall authorize the holders of class
6 beer permits to purchase and possess on their premises the
7 various products offered for sale by the state liquor stores.
8 and to dispense and sell such products so purchased by the
9 drink. Only liquors bearing the Iowa seal shall be purchased,
10 possessed, and offered for resale. The aforesaid city or town
11 councils are hereby authorized and empowered to enact ordinances
12 which shall regulate opening and closing hours, sanitary
13 conditions, set license fees, require bonds, and to make such
14 other rules and regulations as may be consistent with the
15 provisions of this section."
16 "All other laws, all other sections and
17 subsections of the Code of Iowa which are in conflict with the
18 provisions of the foregonig section are hereby repealed."
Filed
April 15, 1953. FREY of Pottawattamie.

1 Amend Senate File 136, line forty-seven (47), by inserting
2 following the word "premises" the words "which beer shall be kept
3 at a temperature of not less than seventy (70) degrees Fahrenheit."
Filed
April 15, 1953. PUTNEY of Tama.

1 Amend Senate File 136 by inserting in line thirty-seven (37)
2 following the word "issued" the following:
3 "provided, however, that the power of the state permit board
4 to revoke permits shall be limited to those instances wherein the
5 local licensing authorities or the courts of this state have first
6 revoked or cancelled the permits issued by them."
Filed
April 15, 1953. PALMER of Lee.

1 Amend Senate File 136 by striking from line two hundred
2 seventy (270) the words "cancellation of the permit" and insert
3 in lieu thereof the word "conviction of the permittee".
Filed
April 15, 1953. PALMER of Lee.

1 Amend Senate File 136 by striking from line two hundred
2 fifty-seven (257) the words "cancellation of the permit" and
3 inserting in lieu thereof the words "conviction of the permittee".
Filed
April 15, 1953. PALMER of Lee.