

State Government
Drake, Chairperson
Schwengels
Nystrom
Slater
Carr

SENATE FILE 172

BY COMMITTEE ON STATE
GOVERNMENT

Approved 1/29 (p. 570)

FILED FEB 3 1981

Passed Senate, Date 3-12-81 (p. 449) Passed House, Date 3-12-81 (P. 758)
Vote: Ayes 45 Nays 2 Vote: Ayes 88 Nays 4
Approved 3-31-81

A BILL FOR

1 An Act to establish short term liquor licenses and beer
2 permits.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4
5
6
7
8
9
10
11
12
13
14
15
16

SENATE FILE 172

S-3058

1 Amend Senate File 172 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 123.3, subsection 11, paragraph
5 d, Code 1981, is amended to read as follows:
6 d. Is a citizen of the United States and a resident
7 of this state, or licensed to do business in this
8 state in the case of a corporation. Notwithstanding
9 paragraph f, in the case of a partnership, only one
10 partner need be a resident of this state."

S-3058 FILED
FEBRUARY 9, 1981

BY EDGAR H. HOLDEN

Adopted 2/13 (p. 449)

80032

1 Section 1. Section 123.34, Code 1981, is amended to read
2 as follows:

3 123.34 EXPIRATION--SEASONAL LICENSE OR PERMIT--FOURTEEN-
4 DAY LICENSES AND PERMIT.

5 1. All liquor control licenses and beer permits, unless
6 sooner suspended or revoked, shall expire one year from date
7 of issuance. The director shall cause sixty days' notice
8 of such expiration to be given to each licensee or permittee
9 in writing. However, the director may issue six-month or
10 eight-month seasonal licenses or class "B" beer permits for
11 a proportionate part of the license or permit fee or may issue
12 fourteen-day liquor licenses or beer permits as provided in
13 subsection 2. No refund shall be made for seasonal licenses
14 or permits or for fourteen-day licenses or permits. No
15 seasonal license or permit shall be renewed except after a
16 period of two months.

17 2. The director may issue fourteen-day class "A", class
18 "B", class "C", and class "D" liquor control licenses and
19 class "B" and class "C" beer permits. The fee for the
20 fourteen-day license or permit is one-fourth of the fee for
21 that annual license or permit and shall be paid to the de-
22 partment. A person who has had a fourteen-day license or
23 permit is not eligible for another fourteen-day license or
24 permit until thirty days have elapsed from the expiration
25 of the license or permit.

26 3. Notwithstanding section 123.36, subsection 6, and sec-
27 tion 123.134, subsection 5, a holder of any class of fourteen-
28 day liquor control license or a holder of a fourteen-day class
29 "B" beer permit may sell or dispense liquor or beer to patrons
30 for consumption on the premises and beer for consumption off
31 the premises and a holder of a fourteen-day class "C" beer
32 permit may sell beer for consumption off the premises, on
33 a Sunday if the Sunday is one of the days authorized in the
34 fourteen-day license or permit. The fourteen-day license
35 or permit fee shall not be increased because of this privilege.

EXPLANATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

This bill establishes fourteen-day liquor licenses and beer permits. The fee for the licenses and permits is one-fourth of the fee for the annual license or permit. There are no refunds for these licenses. These licenses and permits allow sales on Sunday within the fourteen-day period. This bill implements recommendation 302 of the governor's economy committee. It will take effect July 1 following its enactment.

1 Section 1. Section 123.3, subsection 11, paragraph d,
2 Code 1981, is amended to read as follows:

3 d. Is a citizen of the United States and a resident of
4 this state, or licensed to do business in this state in the
5 case of a corporation. Notwithstanding paragraph f, in the
6 case of a partnership, only one partner need be a resident
7 of this state.

8 Sec. 2. Section 123.34, Code 1981, is amended to read
9 as follows:

10 123.34 EXPIRATION--SEASONAL LICENSE OR PERMIT--FOURTEEN-
11 DAY LICENSES AND PERMIT.

12 1. All liquor control licenses and beer permits, unless
13 sooner suspended or revoked, shall expire one year from date
14 of issuance. The director shall cause sixty days' notice
15 of such expiration to be given to each licensee or permittee
16 in writing. However, the director may issue six-month or
17 eight-month seasonal licenses or class "B" beer permits for
18 a proportionate part of the license or permit fee or may issue
19 fourteen-day liquor licenses or beer permits as provided in
20 subsection 2. No refund shall be made for seasonal licenses
21 or permits or for fourteen-day licenses or permits. No
22 seasonal license or permit shall be renewed except after a
23 period of two months.

24 2. The director may issue fourteen-day class "A", class
25 "B", class "C", and class "D" liquor control licenses and
26 class "B" and class "C" beer permits. The fee for the
27 fourteen-day license or permit is one-fourth of the fee for
28 that annual license or permit and shall be paid to the de-
29 partment. A person who has had a fourteen-day license or
30 permit is not eligible for another fourteen-day license or
31 permit until thirty days have elapsed from the expiration
32 of the license or permit.

33 3. Notwithstanding section 123.36, subsection 6, and sec-
34 tion 123.134, subsection 5, a holder of any class of fourteen-
35 day liquor control license or a holder of a fourteen-day class

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

"B" beer permit may sell or dispense liquor or beer to patrons for consumption on the premises and beer for consumption off the premises and a holder of a fourteen-day class "C" beer permit may sell beer for consumption off the premises, on a Sunday if the Sunday is one of the days authorized in the fourteen-day license or permit. The fourteen-day license or permit fee shall not be increased because of this privilege.

SF 172
dsb/slc/26c

SENATE FILE 172

H-5125

1 Amend Senate File 172 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 7 the following:
4 "Sec. ____ Chapter 123.32, subsection 4, Code
5 1981, is amended to read as follows:

6 4. APPEAL TO HEARING BOARD. Any applicant for
7 a liquor control license or beer permit may appeal
8 to the department hearing board, established pursuant
9 to section 123.15, from the director's disapproval
10 of an application for a license or permit. If, upon
11 such appeal the hearing board ~~shall determine~~
12 determines that the local authority acted arbitrarily,
13 capriciously, or without reasonable cause in
14 disapproving the application, ~~or that, where the local~~
15 authority approved the application, the director's
16 own disapproval should be reversed, it shall order
17 issuance of a license or permit notify the local
18 authority by certified mail of its intention to order
19 the issuance of a license or permit within thirty
20 days of the notice. If the hearing board receives
21 from the local authority a resolution disapproving
22 the issuance of the license or permit by a two-thirds
23 majority within thirty days of the notice, the license
24 or permit shall not be issued unless the disapproval
25 of the application is found to be arbitrary,
26 capricious, or without reasonable cause upon judicial
27 review. If upon appeal the hearing board determines
28 that where the local authority approved the
29 application, the director's own disapproval should
30 be reversed, the board shall order issuance of the
31 license or permit. The same right of appeal to the
32 hearing board shall be afforded a liquor control
33 licensee or beer permittee whose license or permit
34 has been suspended or revoked under this chapter,
35 and the same right of notice shall be afforded the
36 local authority. Upon appeal the hearing board shall
37 reduce the period of suspension or order reinstatement
38 of such the license or permit for good cause shown
39 unless the hearing board receives from the local
40 authority a resolution disapproving the reduction
41 or reinstatement by a two-thirds majority within
42 thirty days of the notice to the local authority.

43 Sec. ____ Section 123.32, subsection 5, Code 1981,
44 is amended by adding the following new unnumbered
45 paragraph:

46 NEW UNNUMBERED PARAGRAPH. Where the hearing board
47 receives from the local authority a resolution
48 disapproving the issuance of the license or permit,
49 the applicant may petition for judicial review by
50 filing in the district court of the county wherein

H-3125
Page Two

- 1 the premises covered by the application is situated."
- 2 2. By renumbering sections to conform to this
- 3 amendment.

H-3125 FILED
FEBRUARY 19, 1981
*Revised not germane
3/12 (p. 757)*

BY DE GROOT of Lyon
VAN MAANEN of Mahaska
COCHRAN of Webster

SENATE FILE 172

H-3120

- 1 Amend Senate File 172 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 19, by striking the word "fourteen"
- 4 and inserting in lieu thereof the word "ninety".
- 5 2. Page 1, line 21, by striking the word "fourteen"
- 6 and inserting in lieu thereof the word "ninety".
- 7 3. Page 1, line 24, by striking the word "fourteen"
- 8 and inserting in lieu thereof the word "ninety".
- 9 4. Page 1, line 27, by striking the word "fourteen"
- 10 and inserting in lieu thereof the word "ninety".
- 11 5. Page 1, line 29, by striking the word "fourteen"
- 12 and inserting in lieu thereof the word "ninety".
- 13 6. Page 1, line 30, by striking the word "fourteen"
- 14 and inserting in lieu thereof the word "ninety".
- 15 7. Page 1, line 34, by striking the word "fourteen"
- 16 and inserting in lieu thereof the word "ninety".
- 17 8. Page 1, line 35, by striking the word "fourteen"
- 18 and inserting in lieu thereof the word "ninety".
- 19 9. Page 2, line 3, by striking the word "fourteen"
- 20 and inserting in lieu thereof the word "ninety".
- 21 10. Page 2, by striking line 6 and inserting in
- 22 lieu thereof the words "ninety-day license or permit.
- 23 The ninety-day license".

H-3120 FILED
FEBRUARY 19, 1981
W/D 3/12 (p. 757)

BY JOHNSON of Linn
HORN of Linn

SENATE FILE 172

H-3127

- 1 Amend the amendment H-3120 to Senate File 172, as
- 2 amended, passed and reprinted by the Senate as follows:
- 3 1. Page 1, by inserting before line 3 the following:
- 4 "1. Page 1, line 10, by striking the word "FOURTEEN"
- 5 and inserting in lieu thereof the word "NINETY"."
- 6 2. By renumbering as necessary.

H-3127 FILED FEBRUARY 23, 1981
W/D 3/12 (p. 757)

BY JOHNSON of Linn

SENATE FILE 172

H-3208

1 Amend amendment H-3178 to Senate File 172 as
2 amended, passed and reprinted by the Senate as follows:
3 1. Page 1, line 15, by striking the word "fourteen"
4 and inserting in lieu thereof the word "ninety".
5 2. Page 1, line 18, by striking the word "fourteen"
6 and inserting in lieu thereof the word "ninety".
7 3. Page 1, line 21, by striking the word "fourteen"
8 and inserting in lieu thereof the word "ninety".
9 4. Page 1, line 23, by striking the word "fourteen"
10 and inserting in lieu thereof the word "ninety".
11 5. Page 1, line 24, by striking the word "fourteen"
12 and inserting in lieu thereof the word "ninety".
13 6. Page 1, line 25, by striking the word "fourteen"
14 and inserting in lieu thereof the word "ninety".
15 7. Page 1, line 26, by striking the word "two".
16 8. Page 1, line 26, by striking the word "fourteen"
17 and inserting in lieu thereof the word "ninety".
18 9. Page 1, line 30, by striking the word "fourteen"
19 and inserting in lieu thereof the word "ninety".
20 10. Page 1, line 33, by striking the word "two".
21 11. Page 1, line 34, by striking the word
22 "fourteen" and inserting in lieu thereof the word
23 "ninety".
24 12. Page 1, line 35, by striking the word
25 "fourteen" and inserting in lieu thereof the word
26 "ninety".

H-3208 FILED MARCH 4, 1981

BY JOHNSON of Linn

Lost 3/12 (p 756)

H-3178

1 Amend Senate File 172 as amended, passed, and
 2 reprinted by the Senate as follows:

3 1. Page 1, by striking lines 10 through 35.

4 2. Page 2, by striking lines 1 through 7 and
 5 inserting in lieu thereof the following:

6 "123.34 EXPIRATION--SEASONAL LICENSE OR PERMIT.

7 1. ~~All-liquor~~ Liquor control licenses and beer
 8 permits, unless sooner suspended or revoked, shall
 9 expire one year from date of issuance. The director
 10 shall cause give sixty days' written notice of such
 11 the expiration to-be-given to each licensee or
 12 permittee in-writing. However, the director may issue
 13 six-month or eight-month seasonal licenses or class
 14 "B" beer permits for a proportionate part of the
 15 license or permit fee or may issue fourteen-day liquor
 16 licenses or beer permits as provided in subsection
 17 2. No refund shall be made for seasonal licenses
 18 or permits or for fourteen-day liquor licenses or
 19 beer permits. No seasonal license or permit shall
 20 be renewed except after a period of two months.

21 2. The director may issue fourteen-day class "A",
 22 class "B", class "C", and class "D" liquor control
 23 licenses and fourteen-day class "B" beer permits.
 24 A fourteen-day license or permit, if granted, is valid
 25 for fourteen consecutive days, but the holder shall
 26 not sell on the two Sundays in the fourteen-day period
 27 unless the holder qualifies for and obtains the
 28 privilege to sell on Sundays contained in sections
 29 123.36, subsection 6 and 123.134, subsection 5.

30 3. The fee for a fourteen-day liquor license or
 31 beer permit is one-quarter of the annual fee for that
 32 class of liquor license or beer permit. The fee for
 33 the privilege to sell on the two Sundays in the
 34 fourteen-day period is twenty percent of the price
 35 of the fourteen-day liquor license or beer permit."

H-3178 FILED FEBRUARY 27, 1981

Adopted 3/12 (p. 756)

BY COMMITTEE ON STATE GOVERNMENT
 CRAWFORD, Chair

SENATE CLIP SHEET

MARCH 18, 1981

HOUSE AMENDMENT TO SENATE FILE 172

S-3197

1 Amend Senate File 172 as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 1, by striking lines 10 through 35.

4 2. Page 2, by striking lines 1 through 7 and
5 inserting in lieu thereof the following:

6 "123.34 EXPIRATION--SEASONAL LICENSE OR PERMIT.

7 1. ~~All-liquor~~ Liquor control licenses and beer
8 permits, unless sooner suspended or revoked, shall
9 expire one year from date of issuance. The director
10 shall cause give sixty days' written notice of such
11 the expiration to-be-given to each licensee or
12 permittee in-writing. However, the director may issue
13 six-month or eight-month seasonal licenses or class
14 "B" beer permits for a proportionate part of the
15 license or permit fee or may issue fourteen-day liquor
16 licenses or beer permits as provided in subsection

17 2. No refund shall be made for seasonal licenses
18 or permits or for fourteen-day liquor licenses or
19 beer permits. No seasonal license or permit shall
20 be renewed except after a period of two months.

21 2. The director may issue fourteen-day class "A",
22 class "B", class "C", and class "D" liquor control
23 licenses and fourteen-day class "B" beer permits.

24 A fourteen-day license or permit, if granted, is valid
25 for fourteen consecutive days, but the holder shall
26 not sell on the two Sundays in the fourteen-day period
27 unless the holder qualifies for and obtains the
28 privilege to sell on Sundays contained in sections
29 123.36, subsection 6 and 123.134, subsection 5.

30 3. The fee for a fourteen-day liquor license or
31 beer permit is one-quarter of the annual fee for that
32 class of liquor license or beer permit. The fee for
33 the privilege to sell on the two Sundays in the
34 fourteen-day period is twenty percent of the price
35 of the fourteen-day liquor license or beer permit."

S-3197 FILED
MARCH 17, 1981

RECEIVED FROM THE HOUSE

Senate concurred 3/18/81 (p 866)

SENATE FILE 172

AN ACT

TO ESTABLISH SHORT TERM LIQUOR LICENSES AND BEER PERMITS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 123.3, subsection 11, paragraph d, Code 1981, is amended to read as follows:

d. Is a citizen of the United States and a resident of this state, or licensed to do business in this state in the case of a corporation. Notwithstanding paragraph f, in the case of a partnership, only one partner need be a resident of this state.

Sec. 2. Section 123.34, Code 1981, is amended to read as follows:

123.34 EXPIRATION--SEASONAL LICENSE OR PERMIT.

1. ~~All-liquor~~ Liquor control licenses and beer permits, unless sooner suspended or revoked, shall expire one year from date of issuance. The director shall ~~cause~~ give sixty days' written notice of ~~such~~ the expiration ~~to-be-given~~ to each licensee or permittee ~~in-writing~~. However, the director may issue six-month or eight-month seasonal licenses or class "B" beer permits for a proportionate part of the license or permit fee or may issue fourteen-day liquor licenses or beer permits as provided in subsection 2. No refund shall be made for seasonal licenses or permits or for fourteen-day liquor licenses or beer permits. No seasonal license or permit shall be renewed except after a period of two months.

2. The director may issue fourteen-day class "A", class "B", class "C", and class "D" liquor control licenses and fourteen-day class "B" beer permits. A fourteen-day license or permit, if granted, is valid for fourteen consecutive days, but the holder shall not sell on the two Sundays in the

fourteen-day period unless the holder qualifies for and obtains the privilege to sell on Sundays contained in sections 123.36, subsection 6 and 123.134, subsection 5.

3. The fee for a fourteen-day liquor license or beer permit is one-quarter of the annual fee for that class of liquor license or beer permit. The fee for the privilege to sell on the two Sundays in the fourteen-day period is twenty percent of the price of the fourteen-day liquor license or beer permit.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 172, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved March 31, 1981

ROBERT D. RAY
Governor