

FILED MAR 6 1984

SENATE FILE 2315

BY COMMITTEE ON STATE GOVERNMENT

(FORMERLY SSB 2138A)

Approved 3/6 (p. 698)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act to allow the Iowa beer and liquor control department to
2 establish by rule fines up to three thousand dollars to be
3 levied against licensees and permittees for violations of
4 the law.

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

SENATE FILE 2315

S-5327

1 Amend Senate File 2315 as follows:
2 1. Page 2, by striking lines 5 through 10.

S-5327 FILED
MARCH 9, 1984

BY EDGAR H. HOLDEN

SENATE FILE 2315

S-5383

1 Amend Senate File 2315 as follows:
2 1. Page 2, by striking lines 5 through 10 and
3 inserting in lieu thereof the following:
4 "4. The department shall propose a schedule or
5 range of fines which may be administratively assessed
6 for minor violations of section 123.49 or rules or
7 orders adopted or issued under chapter 123. The
8 proposed schedule shall be delivered to the speaker
9 of the house of representatives and the president
10 of the senate who shall forward the proposed schedule
11 to the appropriate standing committees of the two
12 houses for legislative consideration. The proposed
13 schedule or range of civil penalties shall provide
14 procedures and criteria for the administrative
15 assessment of penalties of not more than three thousand
16 dollars."

S-5383 FILED
MARCH 13, 1984

BY EDGAR H. HOLDEN

1 Section 1. Section 123.50, Code 1983, is amended to read
2 as follows:

3 123.50 PENALTIES.

4 1. Any A person who violates any of the provisions of
5 section 123.49 ~~shall be~~ is guilty of a simple misdemeanor.

6 2. The conviction of any a liquor control licensee or
7 beer permittee for a violation of any of the provisions of
8 section 123.49 ~~shall is~~, subject to subsection 3 of this
9 section and the discretion of the director, be grounds for
10 the suspension or revocation of the license or permit by the
11 department or the local authority. ~~However, if any liquor~~
12 ~~control licensee is convicted of any violation of subsection~~
13 ~~2, paragraphs "a", "d" or "e", of such section, or any beer~~
14 ~~permittee is convicted of a violation of paragraph "a",~~ If
15 the liquor control license or beer permit ~~shall be~~ is revoked
16 and it shall immediately be surrendered by the holder, and
17 the bond of the license or permit holder ~~shall be~~ is forfeited
18 to the department.

19 3. ~~If any~~ The conviction of a liquor control licensee,
20 or beer permittee, or employee of such a licensee or permittee
21 ~~shall be convicted~~ of a violation of section 123.49, subsection
22 2, paragraph "h", or a retail beer permittee ~~shall be convicted~~
23 of a violation of paragraph "i" of such subsection 2, the
24 ~~director or local authority shall, in addition to the other~~
25 ~~penalties fixed for such violations by this section, assess~~
26 is, subject to the discretion of the director, grounds for
27 the assessment of a penalty as follows:

28 a. Upon a first conviction, the violator's liquor control
29 license or beer permit shall be suspended for a period of
30 fourteen days.

31 b. Upon a second conviction within a period of two years,
32 the violator's liquor control license or beer permit shall
33 be suspended for a period of thirty days.

34 c. Upon a third conviction within a period of five years,
35 the violator's liquor control license or beer permit shall

1 be suspended for a period of sixty days.

2 d. Upon a fourth conviction within a period of five years,
3 the violator's liquor control license or beer permit shall
4 be revoked.

5 4. The department shall adopt rules to establish fines
6 in amounts of not more than three thousand dollars which the
7 department shall, subject to the discretion of the director,
8 assess against licensees or permittees for violations of sec-
9 tion 123.49 as an alternative to other penalties fixed for
10 such violations by this section.

11 EXPLANATION

12 This bill provides that the penalties now fixed in the
13 law for violations by liquor control licensees or beer
14 permittees of section 123.49 may now be imposed subject to
15 the discretion of the director and it requires the department
16 to adopt by rule fines of not more than three thousand dollars
17 which the department may assess as an alternative to the other
18 penalties. This bill takes effect July 1 following its
19 enactment.

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SENATE FILE 2316

5448

1 Amend Senate File 2316 as follows:

2 1. Page 1, by striking lines 19 through 29.

3 2. Page 2, by striking lines 21 and 22 and

4 inserting in lieu thereof the words "the aged, and
5 three members".

6 3. Page 2, by striking lines 33 through 35 and
7 inserting in lieu thereof the words "that person's
8 name "nutritionist".

9 4. Page 3, lines 21 and 22 by striking the words
10 "and educate groups or".

11 5. Page 3, line 22, by inserting after the word
12 "meet" the word "total".

13 6. Page 3, line 32, by inserting after the word
14 "professions." the following: "The provisions of
15 this Act do not apply to medically approved weight-
16 loss programs as approved by the state department
17 of health. The commissioner of public health shall
18 adopt rules for the approval of such programs. An
19 organization offering an approved program shall not
20 advertise the department's approval of the program."

21 7. Page 4, by striking lines 20 through 23.

22 8. Page 4, by inserting after line 27 the
23 following:

24 "5. Individuals who are not licensed as licensed
25 registered dietitians or licensed nutritionists who
26 do not hold themselves out to the public as being
27 licensed registered dietitians or licensed
28 nutritionists. Section 147.83 does not apply to
29 persons who are not so licensed and do not hold
30 themselves out as licensed registered dietitians or
31 licensed nutritionists."

32 9. Page 5, line 6, by striking the words "board
33 of dietetic examiners or the".

34 10. Page 5, by inserting after line 9 the following
35 new lettered paragraph:

36 "NEW LETTERED PARAGRAPH. d. The board of dietetic
37 examiners may accept the registration exam or require
38 an additional exam."

39 11. Page 5, by inserting after line 19 the
40 following new sections:

41 "Sec. . . . NEW SECTION. RULES FOR REVOCATION
42 OR SUSPENSION OF LICENSE. The dietetic examining
43 board shall include in its provisions the rules for
44 revocation or suspension of a license as stated in
45 section 258A.10.

46 Sec. . . .
47 NEW SECTION. CONTESTED CASES. The board shall
48 prescribe rules of procedure by which it will suspend
49 or revoke a license or impose any other sanction as
50 authorized by chapter 258A. The provisions shall

PAGE 2
1 conform to the contested case provisions of chapter
2 17A."

3 12. Renumber and reletter as necessary.

SENATE 11
MARCH 13, 1984

SENATE FILE 2316

S-5349

- 1 Amend Senate File 2316 as follows:
2 1. Page 2, lines 21 and 22, by striking the words
3 "one licensed registered dietitian or licensed
4 nutritionist representing community nutrition,".
5 2. Page 2, line 22, by striking the word "two"
6 and inserting in lieu thereof the word "three".
7 3. Page 4, by striking lines 20 through 23.
8 4. Page 5, line 6, by striking the words "the
9 board of dietetic examiners or".
10 5. Page 5, by inserting after line 9 the following
11 new lettered paragraph:
12 "NEW LETTERED PARAGRAPH. d. The board of dietetic
13 examiners may accept the registration exam or require
14 an additional exam."
15 6. Page 5, by inserting after line 19 the following
16 new sections:
17 "Sec. ____ . NEW SECTION. RULES FOR REVOCATION
18 OR SUSPENSION OF LICENSE. The dietetic examining
19 board shall include in its provisions the rules for
20 revocation or suspension of a license as stated in
21 section 258A.10.
22 Sec. ____ . NEW SECTION. CONTESTED CASES. The
23 board shall prescribe rules of procedure by which
24 it will suspend or revoke a license or impose any
25 other sanction as authorized by chapter 258A. The
26 provisions shall conform to the contested case
27 provisions of chapter 17A."
28 7. Renumber and reletter as necessary.

S-5349 FILED
MARCH 12, 1984

BY CHARLES P. MILLER
TOM SLATER
JOE J. WELSH

SENATE FILE 2316

S-5347

- 1 Amend Senate File 2316 as follows:
2 1. Page 1, by striking lines 19 through 29.
3 2. Page 4, by inserting after line 27 the
4 following:
5 "5. Individuals who are not licensed as licensed
6 registered dietitians or licensed nutritionists who
7 do not hold themselves out to the public as being
8 licensed registered dietitians or licensed
9 nutritionists. Section 147.83 does not apply to
10 persons who are not so licensed and do not hold
11 themselves out as licensed registered dietitians or
12 licensed nutritionists."

S-5347 FILED
MARCH 12, 1984

BY BILL HUTCHINS
JAMES GALLAGHER
NORMAN RODGERS
RICHARD DRAKE
CHARLES P. MILLER
C. JOSEPH COLEMAN
JOHN SOORHOLTZ
LEE HOLT
JOHN NYSTROM
BERL PRIEBE
EMIL HUSAK

SENATE FILE 2316

S-5361

1 Amend Senate File 2316 as follows:
2 1. Page 2, by striking lines 19 through 22 and
3 inserting in lieu thereof the words "administration
4 of food service, and two members".

S-5361 FILED
MARCH 13, 1984

BY EDGAR H. HOLDEN

SENATE FILE 2316

S-5389

1 Amend Senate File 2316 as follows:
2 1. Page 3, lines 21 and 22, by striking the words
3 "and educate groups or".
4 2. Page 3, line 22, by inserting before the word
5 "normal" the word "total".
6 3. Page 3, line 32, by inserting after the word
7 "professions." the words "The provisions of this Act
8 do not apply to medically approved weight-loss programs
9 as approved by the state department of health. The
10 commissioner of public health shall adopt rules for
11 the approval of such programs. An organization
12 offering an approved program shall not advertise the
13 department's approval of the program."

S-5389 FILED
MARCH 14, 1984

BY CHARLES MILLER
TOM SLATER
BILL HUTCHINS