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**Senate File 437**  
By JUDICIARY 2 COMMITTEE.

Passed Senate, Date *4-10-63*

Passed House, Date *5-2-63*

Vote: Ayes *26* Nays *24*

Vote: Ayes *68* Nays *40*

Approved

*5-14-63*

*Printing Committee 4/15*

*Repassed Senate 5-9-63*  
*27-73*

## A BILL FOR

An Act providing for home rule liquor control and the licensing and strict control of the retail sale of products sold by Iowa state liquor stores.

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

1 Section 1. This Act shall be known as the "Home Rule Liquor  
2 Control Act".

1 Sec. 2. Section one hundred twenty-three point one (123.1),  
2 Code 1962, is hereby amended by striking all after the word "this"  
3 in line thirteen (13) and inserting in lieu thereof the following:  
4 "chapter."

1 Sec. 3. Section one hundred twenty-three point five (123.5),  
2 Code 1962, is hereby amended by inserting after the words  
3 "'Alcoholic liquor'" in line one (1) of subsection five (5) the  
4 words "or 'alcoholic beverage'"; also by inserting after the word  
5 "'License'" in line one (1) of subsection nine (9) the words  
6 "'or liquor control license'"; also by adding the following  
7 subsections:

8 1. "'Air common carrier' means a person engaged in trans-  
9 porting passengers for hire in interstate or foreign commerce by  
10 aircraft and operating regularly scheduled flights under a cer-  
11 tificate of public convenience issued by the civil aeronautics  
12 board."

13 2. "'Club' means a corporation or association of individuals,  
14 incorporated or unincorporated, which is the owner, lessee, or

15 occupant of a permanent building or part thereof, membership in  
16 which entails the prepayment of regular dues. The licensing  
17 authority shall determine whether or not such club shall be en-  
18 titled to a liquor control license.

19 3. " 'Commercial establishment' means a place of business  
20 which is at all times equipped with sufficient tables and seats  
21 to accommodate twenty-five (25) persons at one time, is located  
22 in a business district or an area now or hereafter zoned as a  
23 business district, and the licensed premises of which conform to  
24 the standards and specifications of the commission."

25 4. " 'Licensed premises' or 'premises' means all rooms or en-  
26 closures where alcoholic beverages are sold and/or consumed under  
27 authority of a liquor control license."

28 5. " 'Hotel' or 'motel' means a premise or structure regularly  
29 or seasonably kept open in a bona fide manner for the lodging of  
30 transient guests, where there is in the same premise or structure  
31 an establishment where food is regularly prepared and served and  
32 where thirty-five (35) or more sleeping rooms are provided for  
33 guests."

1 Sec. 4. Section one hundred twenty-three point sixteen  
2 (123.16), Code 1962, is hereby amended by inserting after the  
3 word "permits" in line one (1) of subsection seven (7), the  
4 words " , 'liquor control licenses' "; also by adding the fol-  
5 lowing subsection:

6 "To hear appeals from any order denying an application for a  
7 liquor control license."

1 Sec. 5. Section one hundred twenty-three point sixteen  
2 (123.16), Code 1962, is further amended by striking all after the

3 word "chapter" in line three (8) of subsection eight (8) and in-  
4 serting in lieu thereof a period (.).

1 Sec. 6. Section one hundred twenty-three point seventeen  
2 (123.17), Code 1962, is hereby amended by striking all of para-  
3 graph "f" after the word "chapter" in line four (4) and insert-  
4 ing in lieu thereof the words "by the commission."

1 Sec. 7. Section one hundred twenty-three point twenty-two  
2 (123.22), Code 1962, is hereby amended by inserting after the  
3 words "holder of a permit" in line four (4) of subsection one  
4 (1) the words "or liquor control license"; also by striking the  
5 words "under such permit" in lines five (5) and six (6) of sub-  
6 section one (1); further by striking the word "person" in line  
7 two (2) of subsection two (2) and inserting in lieu thereof the  
8 words "liquor control licensee".

1. Sec. 8. Section one hundred twenty-three point twenty-four  
2 (123.24), Code 1962, is hereby amended by inserting after the  
3 word "sold" in line one (1) the words "by the commission".

1 Sec. 9. Section one hundred twenty-three point twenty-six  
2 (123.26), Code 1962, is hereby amended by inserting after the  
3 word "permit" in line twenty-five (25) the words "or liquor  
4 control license".

1 Sec. 10. Section one hundred twenty-three point twenty-seven  
2 (123.27), Code 1962, is hereby amended by adding at the end of  
subsection two (2), paragraph "a", the following:

"However, no individual permit shall be required for the pur-  
chase of alcoholic liquor for consumption on premises covered by  
a liquor control license."

1 Sec. 11. Section one hundred twenty-three point twenty-seven

2 (123.27), Code 1962, is further amended by adding the following:

3 "4. Upon posting bond in the penal sum of five thousand  
4 (5,000) dollars with surety and conditions prescribed by the  
5 commission, and for the payment of all taxes due the state and  
6 upon compliance with other appropriate provisions of this Act,  
7 liquor control licenses may be issued to any person who (or whose  
8 officers and stockholders, in the case of a club or corporation,  
9 or whose partners, in the case of a partnership) is of good moral  
10 character, is the holder of a retail beer permit as defined in  
11 chapter one hundred twenty-four (124) of the Code, has not been  
12 convicted of a felony, is a citizen of the United States and a  
13 resident of the state of Iowa, is not chargeable directly or in-  
14 directly with the administration or enforcement of the alcoholic  
15 beverages laws of the state of Iowa, and is, in the judgment of  
16 the commission, of such financial standing and good reputation as  
17 will satisfy the commission that the licensee will comply with the  
18 law and the regulations of the commission. Notwithstanding other  
19 provisions of this section, the board of supervisors may issue  
20 one (1) liquor control license for each township to a commercial  
21 establishment which is located in an unplatted area or an area  
22 that was platted after January 1, 1934.

23 "5. No liquor control license shall be issued for premises  
24 which do not conform to all laws, ordinances and resolutions,  
25 health and fire regulations applicable thereto, or, except in the  
26 case of a hotel or motel, have any interior access to residential  
27 or sleeping quarters; nor shall any class 'C' liquor control  
28 license be issued for premises which are not wholly within the  
29 corporate limits of a city or town, or in platted villages.

30 "6. Liquor control licenses issued under this chapter shall  
31 be of the following classes:

32 a. Class 'A'. A class 'A' liquor control license may be  
33 issued to a club and shall authorize the holder thereof to pur-  
34 chase at wholesale, spirits and wine from the commission only,  
35 at prices to be set by the commission, and to sell alcoholic  
36 beverages so purchased to bona fide members and their guests  
37 by the individual drink for consumption on the premises only.

38 b. Class 'B'. A class 'B' liquor control license may be is-  
39 sued to a hotel or motel as herein defined and shall authorize  
40 the holder thereof to purchase, at wholesale, spirits and wine  
41 from the commission only, at prices to be set by the commission,  
42 and to sell alcoholic beverages so purchased to patrons by the  
43 individual drink for consumption on the premises only. Each such  
44 license shall be effective throughout the premises described in  
45 the application therefor, but a duplicate of such license shall  
46 be posted in each room wherein such beverages are dispensed.

47 c. Class 'C'. A class 'C' liquor control license may be  
48 issued to a commercial establishment but must be issued in the  
49 name of the individual or individuals who actually own the entire  
50 business and shall authorize the holder or holders thereof to  
51 purchase, at wholesale, spirits and wine from the commission  
52 only, at prices to be set by the commission, and to sell alcoholic  
53 beverages so purchased to patrons by the individual drink for  
54 consumption on the premises only.

55 d. Class 'D'. A class 'D' liquor control license may be  
56 issued to a railway corporation and to an air common carrier and  
57 shall authorize the holder thereof to sell or furnish alcoholic

58 beverages to passengers for consumption only on trains or aircraft,  
59 respectively. Each such license shall be good throughout the  
60 state as a state license. Only one (1) such license shall be  
61 required for all trains or aircraft operated in the state by the  
62 licensee, but a duplicate of such license issued shall be posted  
63 in each railroad car or aircraft in which such beverages are sold.  
64 Such licensee shall keep a record of all alcoholic beverages sold  
65 or furnished in the state of Iowa, and on or before the last day  
66 of each month shall render a report to the commission showing the  
67 quantities of the various kinds of alcoholic beverages so sold or  
68 furnished during the preceding month, which report shall be ac-  
69 companied by payment of appropriate taxes owing.

70 "7. An application for a class 'A', class 'B', or class 'C'  
71 liquor control license, accompanied by the required fee and bond,  
72 shall be filed with the appropriate city or town council if the  
73 premises proposed to be licensed are located within the corporate  
74 limits of a city or town, or with the board of supervisors if the  
75 premises proposed to be licensed are located outside the corpo-  
76 rate limits of a city or town. Application for a class 'D'  
77 liquor control license, accompanied by the required fee and  
78 bond, shall be filed with the commission, which shall proceed in  
79 the same manner as in the case of an application approved by  
80 local authorities.

81 a. Action by local authorities. If the city or town council,  
82 or county board of supervisors, as the case may be, approves the  
83 issuance of a license, it shall endorse its approval on the appli-  
84 cation and forward same along with the fee and bond to the commis-  
85 sion; or if it disapproves issuance of a license, it shall endorse

86 its disapproval on the application and forward same along with  
87 the fee and bond to the commission. Upon the initial issuance of  
88 or denial of liquor control licenses, the fact that local authorities  
89 determine that no liquor control licenses shall be issued or that  
90 the number of licenses issued are less than the maximum allowed  
91 under this Act shall not be held to be arbitrary, capricious or  
92 without reasonable cause.

93 b. Action by the commission. Upon receipt of an application  
94 having been disapproved, the commission shall disapprove the  
95 application and so notify the applicant by registered mail. Upon  
96 receipt of an application having been approved, the commission  
97 shall make such investigation as it deems necessary; and it may  
98 require the applicant to appear before it and be examined under  
99 oath regarding any matters pertinent to the application, in which  
100 case a record shall be made of all testimony or evidence and the  
101 same shall become a part of the application. If the application  
102 is approved, an appropriate liquor control license shall be  
103 issued. If the application is disapproved, the applicant and the  
104 appropriate city or town council, or county board of supervisors,  
105 shall be so notified in writing, and the fee and bond shall be  
106 returned to the applicant.

107 c. Appeal to commission. Any applicant for a liquor control  
108 license may appeal to the commission from its disapproval of an  
109 application for a license; or, in lieu of such appeal, the com-  
110 mission may afford the applicant a hearing through issuance of  
111 a notice to the applicant of contemplated disapproval of a license.  
112 If, upon such appeal or hearing, the commission shall determine  
113 that the city or town council, or county board of supervisors,

114 acted arbitrarily, capriciously, or without reasonable cause in  
115 disapproving the application, or that (where the city or town  
116 council, or county board of supervisors approved the application)  
117 the commission's own disapproval or contemplated disapproval  
118 should be reversed, it may issue a license.

119 d. Appeal to courts. Any applicant who feels aggrieved by a  
120 decision of the commission disapproving issuance of a license may,  
121 provided he has exercised his rights of appeal to the commission  
122 as hereinabove provided, appeal from said decision within ten (10)  
123 days by writ of certiorari to the district court of the county  
124 wherein the premises covered by the applications are situated.

125 "8. Verified applications for the original issuance or the  
126 renewal of liquor control licenses shall be filed at such time  
127 and in such number of copies as the commission shall by regula-  
128 tions prescribe, on forms prescribed by the commission, and shall  
129 set forth under oath the following information:

130 a. The name and address of the applicant.

131 b. The precise location of the premises for which a license  
132 is sought.

133 c. The names and addresses of all persons (in the case of a  
134 corporation, the officers, directors, and persons owning or con-  
135 trolling ten (10) percent or more of the capital stock thereof)  
136 having a financial interest, by way of loan, ownership, or other-  
137 wise, in the business or the profits thereof.

138 d. When required by the commission, a sketch or drawing of  
139 the premises proposed to be licensed and in such form and con-  
140 taining such information as the commission may require.

141 e. A statement whether any person specified in (c) above has

142 never been convicted of any offense against the laws of the United  
143 States, or any state or territory thereof, or any political sub-  
144 division of any such state or territory.

145 f. Such other information as the commission shall require.

146 "9. The number of licenses issued covering premises within  
147 any incorporated city or town, exclusive of class 'A', class 'B',  
148 and class 'D' licenses, shall not exceed one (1) license plus one  
149 (1) for each one thousand (1,000) population or major fraction  
150 thereof.

151 "10. The number of licenses issued covering premises in any  
152 county outside of incorporated cities and towns, exclusive of  
153 class 'A' and class 'D' licenses, shall not exceed one (1) li-  
154 cense for each county plus one (1) for each two thousand (2,000)  
155 population or major fraction thereof of the entire county, ex-  
156 cluding cities and towns therein, according to the last decennial  
157 federal census.

158 "11. All liquor control licenses issued as provided for here-  
159 in, unless sooner revoked, shall expire on the anniversary date  
160 of each year.

1     Sec. 12. Section one hundred twenty-three point twenty-eight  
2     (123.28), Code 1962, is hereby amended by adding the following  
3     paragraphs:

4     "There shall be paid annually to the commission for a liquor  
5     control license the following fees:

6     1. Class 'A' liquor control licenses, the sum of five hundred  
7     (500) dollars;

8     2. Class 'B' liquor control licenses, the sum as follows:

9     a. Hotels or motels located within the corporate limits of

10 cities of ten thousand (10,000) population and over, one thousand  
11 (1,000) dollars;

12 b. Hotels and motels located within the corporate limits of  
13 cities of over three thousand (3,000) and less than ten thousand  
14 (10,000) population, seven hundred and fifty (750) dollars;

15 c. Hotels and motels located within the corporate limits of  
16 towns of three thousand (3,000) population and less, five hundred  
17 (500) dollars;

18 d. Hotels and motels located outside the corporate limits of  
19 any city or town, one thousand (1,000) dollars.

20 3. Class "C" liquor control licenses, the sum of one thousand  
21 (1,000) dollars.

22 4. Class 'D' liquor control licenses, the sum of one thousand  
23 (1,000) dollars.

24 "The commission shall credit all license fees to the liquor  
25 control act fund and shall remit to the respective city or town  
26 council, or county board of supervisors as the case may be, all  
27 license fees collected under this Act.

1 Sec. 13. Section one hundred twenty-three point twenty-nine  
2 (123.29), Code 1962, is hereby amended by inserting after the  
3 word "permit" in line one (1) the words "or liquor control li-  
4 cense"; also by striking the period (.) in line eight (8) and in-  
5 serting in lieu thereof the words "or licensee."; also by adding  
6 the following paragraph:

7 "Any liquor control licensee or his executor, administrator or  
8 any person duly appointed by the court to take charge of and ad-  
9 minister the property or assets of such permittee for the bene-  
10 fit of his creditors, may voluntarily surrender any permit, is-

11 sued under this chapter, to the issuing authority and when so  
12 surrendered the issuing authority shall refund to the person so  
13 surrendering the permit a proportionate amount of the permit fee  
14 paid for such permit as follows: if surrendered during the first  
15 three (3) months of the period for which said permit was issued  
16 the refund shall be three-fourths ( $\frac{3}{4}$ ) of the amount of the per-  
17 mit fee; if surrendered more than three (3) months but not more  
18 than six (6) months after issuance the refund shall be one-half  
19 ( $\frac{1}{2}$ ) of the amount of the permit fee; if surrendered more than  
20 six (6) months but not more than nine (9) months after issuance  
21 the refund shall be one-fourth ( $\frac{1}{4}$ ) of the amount of the permit  
22 fee. No refund shall be made, however, for any permit surrendered  
23 more than nine (9) months after issuance. No refund shall be  
24 made to any permit holder, upon the surrender of his permit, if  
25 there is at the time of said surrender a complaint filed with  
26 the board or council charging him with a violation of the provisions  
27 of this chapter. If upon hearing on any such complaint, so filed,  
28 his permit be not revoked, then said permit holder shall be eli-  
29 gible, upon surrender of his license, to receive a refund as  
30 herein provided. But in the event his license is revoked upon such  
1 hearing then he shall not be eligible for the refund of any por-  
2 tion of his permit fee.

1 Sec. 14. Section one hundred twenty-three point thirty-two  
2 (123.32), Code 1962, is hereby amended by adding the following  
3 paragraph:

4 "Any liquor control license issued under this chapter may,  
5 after notice in writing to the license holder and reasonable op-  
6 portunity for hearing, be suspended or canceled by the commission

7 for any of the following causes:

8 a. Misrepresentation of any material fact in the application

9 for such license, or

10 b. Violation of any of the provisions of the Iowa liquor

11 control act or regulations of the commission, or

12 c. Any change in the ownership or interest in the business

13 operated under a class 'A', class 'B', or class 'C' license,

14 which change was not previously reported to the commission and

15 approved by it, or

16 d. An event which would have resulted in disqualification

17 from receiving such license when originally issued, or

18 e. Any sale, hypothecation, or transfer of such license.

19 f. Any liquor control licensee whose license is revoked or

20 canceled for cause shall not thereafter be permitted to hold a

21 liquor control license in the state of Iowa. The spouse and

22 business associates of a person whose license has been canceled

23 or revoked for cause shall not be issued a liquor control li-

24 cense, and no liquor control license shall be issued which

25 covers any business in which such person has a financial interest."

1 Sec. 15. Section one hundred twenty-three point forty

2 (123.40), Code 1962, is hereby amended by adding at the end there-

3 of the following:

4 "No person engaged in the business of manufacturing, bottling,

5 or wholesaling any alcoholic beverages nor any jobber nor any

6 agent of such person shall directly or indirectly supply, fur-

7 nish, give or pay for any furnishings, fixtures or equipment

8 used in the storage, handling, serving, or dispensing of any al-

9 coholic beverages or food within the place of business of another

10 permittee authorized under the provisions of this chapter to sell  
11 at retail; nor shall he directly or indirectly extend any credit  
12 for any alcoholic beverages or pay for any such permit, nor di-  
13 rectly or indirectly be interested in the ownership, conduct or  
14 operation of the business of another permittee authorized under  
15 the provisions of this chapter to sell at retail. Any permit-  
16 tee who shall permit or assent or be a party in any way to any  
17 such violation or infringement of the provisions of this chapter  
18 shall be deemed guilty of a violation of the provisions of this  
19 chapter."

1 Sec. 16. Section one hundred twenty-three point forty-two  
2 (123.42), Code 1962, is hereby amended by inserting after the  
3 comma (,) in line four (4) thereof the following: "except prem-  
4 ises covered by a liquor control license,".

1 Sec. 17. Section one hundred twenty-three point forty-six  
2 (123.46), Code 1962, is hereby amended by adding at the end  
3 thereof the following:

4 "4. No person or club holding a liquor control license under  
5 this chapter, his agents or employees, shall:

6 a. Suffer or permit any gaming, solicitation for immoral pur-  
7 poses, immoral or disorderly conduct on the licensed premises, or

8 b. Sell or dispense any alcoholic beverage on the licensed  
9 premises or permit the consumption thereon between the hours of  
10 one (1) a.m. and seven (7) a.m. on any week day, and between the  
11 hours of twelve (12) o'clock midnight on Saturday and seven (7)  
12 a.m. on the following Monday, or on any general, special or pri-  
13 mary election day during the hours that polls are open, or during  
14 such other periods or days as may be designated by the commission,

15 or

16 c. Sell alcoholic beverages to any person on credit, except  
17 that this provision shall not apply to sales by a club to its  
18 members nor to sales by a hotel or motel to bona fide registered  
19 guests, or

20 d. Keep on the licensed premises any spirits or wine in any  
21 container except the original package purchased from the commis-  
22 sion, except mixed drinks or cocktails mixed on the premises for  
23 immediate consumption, provided that this shall not apply to  
24 common carriers holding a class 'D' liquor control license, or

25 e. Reuse for the packaging of any spirits or wine any bottle  
26 or other container which has been used for the packaging of  
27 alcoholic beverages or possess any such bottle or container, or  
28 in any manner alter or increase, by the addition thereto of any  
29 substance, any portion of the original contents remaining in such  
30 bottle or container in which any portion of the original contents  
31 has been so altered or increased, or

32 f. Employ any person under the age of twenty-one (21) years  
33 in the handling of liquor on the premises where such liquor is  
34 sold, or

35 g. Allow any person other than the license holder or his  
36 employees to use or keep on the licensed premises any spirits  
37 or wine in any bottle or other container which is designed for  
38 the transporting of alcoholic beverages, provided that this  
39 shall not apply to the lodging quarters of a class 'B' liquor  
40 control licensee, or to common carriers holding a class 'D'  
41 liquor control license.

42 "5. No person under the age of twenty-one (21) years shall

43 misrepresent his or her age for the purpose of purchasing or  
44 attempting to purchase any alcoholic beverage from any licensee.  
45 If any person under the age of twenty one (21) years shall mis-  
46 represent his or her age, and the licensee makes reasonable in-  
47 quiry to determine whether such prospective purchaser is over the  
48 age of twenty-one (21) years, such licensee shall not be guilty  
49 of selling liquor to minors.

50 "Whoever violates any of the provisions of this section shall  
51 be subject to a fine of one hundred (100) dollars or to imprison-  
52 ment for not more than thirty (30) days in the county jail or to  
53 both such fine and imprisonment.

54 "The conviction of any liquor control license holder for the  
55 violation of any of the provisions of this section shall be  
56 grounds for the suspension or revocation of the license by the  
57 commission."

1 Sec. 18. Notwithstanding the provisions of section one hundred  
2 twenty-four point thirty-one (124.31) of the Code, a person who  
3 is the holder of a liquor control license may keep, sell, and  
4 allow alcoholic liquor to be consumed on the premises covered  
5 by the liquor control license.

1 Sec. 19. Section one hundred twenty-three point fifty-three  
2 (123.53), Code 1962, is hereby amended by inserting after sub-  
3 section nine (9) the following:

4 "10. The number of liquor control licenses issued, by class,  
5 and the number in effect on the last day included in the report.

6 "11. Amount of fees paid to the commission from said liquor  
7 control licenses, in gross, and the amount returned to local sub-  
8 divisions of government as provided under this chapter."

1     Sec. 20. Section one hundred twenty-three point fifty-nine  
2     (123.59), Code 1962, is hereby amended by inserting after the  
3     words "by gift or otherwise" in line eight (8) the words "in  
4     violation of law" and by striking the words "this chapter" in  
5     lines twelve (12) and thirteen (13), and substituting therefor  
6     the word "law".

1     Sec. 21. Section one hundred twenty-three point sixty  
2     (123.60), Code 1962, is hereby amended by striking the words  
3     "this chapter" in line eight (8), and inserting in lieu thereof  
4     the word "law".

1     Sec. 22. Section one hundred twenty-five point seven (125.7),  
2     Code 1962, is hereby amended by inserting after the words "by  
3     gift or otherwise" in line eight (8), the words "in violation of  
4     law".

1     Sec. 23. Section one hundred twenty-five point thirteen  
2     (125.13), Code 1962, is hereby amended by adding thereto the  
3     following:

4     "Provided, however, that this section shall not apply to the  
5     holder of a liquor control license authorizing the sale of al-  
6     coholic liquors for consumption on the premises where sold, his  
7     agents, servants or employees for the performance on the licens-  
8     premises of the acts herein prohibited."

1     Sec. 24. Section one hundred twenty-five point seventeen  
2     (125.17), Code 1962, is hereby amended by inserting after the  
3     word "car" in line eight (8), the words "in violation of law".

1     Sec. 25. Every husband, wife, child, parent, guardian, em-  
2     ployer or other person who shall be injured in person or property  
3     or means of support by any intoxicated person resulting from

4 the intoxication of any such person, shall have a right of  
5 action, severally or jointly against any person, firm, or corpora-  
6 tion who shall, by selling or giving intoxicating liquor or beer  
7 to such person, have caused the intoxication, in whole or in part  
8 of such person. Every liquor control licensee shall furnish  
9 proof of financial responsibility either by the existence of a  
10 liability insurance policy or by posting bond in such amount as  
11 determined by the commission.

1 Sec. 26. It is unlawful for any person, firm, corporation,  
2 partnership, or association to allow the dispensing or consump-  
3 tion of intoxicating liquor or intoxicating beverages in any  
4 establishment, except private residences, unless such establish-  
5 ments are licensed under this title."

1 Sec. 27. There is hereby imposed on every individual, partner-  
2 ship, corporation, association or club licensed to sell alcoholic  
3 beverages for consumption on the premises where sold, an occupa-  
4 tional tax to be computed on all alcoholic beverages sold, as  
5 follows:

6 An amount equivalent to ten (10) percent upon the gross re-  
7 cepts of any licensee from all sales of alcoholic beverages in  
8 the state of Iowa. This occupational tax on gross receipts shall  
9 be in lieu of sales tax thereon.

1 Sec. 28. On or before the fifteenth day of each month every  
2 such licensee shall render to the commission a report sworn to  
3 by an officer or agent in the case of corporations, and by the  
4 owner or agent in the case of an individual licensee, showing the  
5 amount of receipts from sales of such alcoholic beverages in the  
6 state of Iowa during the preceding calendar month and such other

7 information as the commission may require, such reports to be on  
8 forms to be provided by the commission. Such reports shall be  
9 accompanied by payment of ten (10) percent of the gross receipts  
10 received during the calendar month covered by such report.

1 Sec. 29. A penalty of five (5) percent per month of the amount  
2 of the tax shall be added thereto if the report is not filed and  
3 the tax paid to the commission by said fifteenth day of the cal-  
4 endar month.

1 Sec. 30. "Gross receipts" as used in this Act, means the  
2 amount received in money, credits, property or other moneys  
3 worth in consideration of sales of such alcoholic beverages with-  
4 in this state, without any deduction on account of the cost of  
5 the property sold, the costs of the materials used, the cost of  
6 labor or services, purchases, amounts paid for interest or dis-  
7 count, or any other expenses whatsoever. No deductions shall be  
8 allowed for losses of any nature.

1 Sec. 31. All revenues excepting license fees arising under  
2 the operation of the provisions of this Act shall become part of  
3 the state general fund.

1 Sec. 32. The failure or refusal on the part of any licensee  
2 to render any report or remit any taxes to the commission under  
3 this Act when due shall be grounds for suspension or revocation  
4 of the liquor control license.

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SENATE FILE 437

1 Amend Senate File 437, section 10, as follows:

2 1. In line forty-three (43), by striking the words "a  
3 discount of not to exceed ten percent (10%) of".

4 2. In lines forty-nine (49) and fifty (50), by striking  
5 the words "a discount of not to exceed ten percent (10%) of".

6 3. In line sixty (60), by striking the words "a discount  
7 of not to exceed ten percent (10%) of".

Filed  
April 22, 1963.

*adopted 5/2*

REPERT of Polk.

SENATE FILE 437

filed 4/8  
Hill

Div. 1  
admitted  
amended 4/10

1 Amend Senate File 437 as follows:  
2 1. Amend section 11 by inserting after the period in line  
3 18 the following:  
4 "As a further condition for issuance of a liquor control  
5 license, the licensee must give consent for members of the fire,  
6 police and health departments and the building inspector of cities  
7 and towns; the county sheriff and county health officer; and mem-  
8 bers of the state department of public safety, either members of  
9 the bureau of criminal investigation or of the highway patrol to  
10 enter upon the premises without a warrant to inspect for violations  
11 of the provisions of this Act, the provisions of title six (VI) of  
12 the Code, or the provisions of ordinances and regulations that  
13 cities and towns and boards of supervisors may adopt."

Withdram  
4/10

14 2. Amend section 11 by adding to subsection 6 the following:  
15 "The differential between wholesale and retail prices  
16 as set by the commission shall be no greater than fifteen (15)  
17 per cent."

filed 4/8  
Hill

18 3. Further amend section 11 by adding the following subsec-  
19 tion:

filed 4/8  
Hill  
Div. 3  
admitted  
4/10

20 "12. If the holder of a liquor control license shall  
21 have his retail beer permit revoked under mandatory revocation as  
22 required in chapter one hundred twenty-four point thirty (124.30)  
23 of the Code, the revocation action having been reviewed and upheld  
24 by the state permit board, the Iowa liquor control commission  
25 shall immediately and finally revoke the liquor control license of  
26 such holder. There shall be no investigation by or appeal to the  
27 Iowa liquor control commission in such cases."

Div. 4  
Lost  
4/10

28 4. Amend section 14 by adding the following subsections:

29 "g. Any person who knowingly violates any of the  
30 provisions of this Act shall be punished by a fine of not less  
31 than three hundred (300) dollars nor more than one thousand  
32 (1,000) dollars, or by imprisonment in the county jail for not  
33 more than one year, or by both such fine and imprisonment.

34 "h. Any establishment upon the premises of which  
35 alcoholic liquor is kept or consumed and which has not obtained  
36 a license as in this Act provided, or which having obtained such  
37 license, suffers or permits any violation of this Act, or of  
38 Title six (VI) of the Code, or any ordinance or regulation duly  
39 adopted under authority of this Act by a city or town council,  
40 or county board of supervisors, is hereby declared to be a liquor  
41 nuisance within the meaning of chapter one hundred twenty-eight  
42 (128) of the Code, and may be enjoined, abated, and a mulct tax  
43 imposed in the same manner and to the same extent as in that chap-  
44 ter provided."

Filed  
April 8, 1963.

By HILL.

SENATE FILE 437

1 Amend Senate File 437, section 11, by striking all after  
2 the word "mail." in line 95 through line 124.

Filed  
April 8, 1963.

Lost 4/10

By COWDEN.

SENATE FILE 437

1 Amend Senate File 437 as follows:

2 1. By adding the following to section 18:  
3 "Section one hundred twenty-four point thirty-one  
4 (124.31), Code 1962, is hereby amended by striking from  
5 lines 18 through 24 the following:

Div. 1  
not germane to  
fill 4/10

6 "to the private premises of any bona fide private club  
7 or association for which a class "B" permit has been  
8 issued, having a select and discriminate membership  
9 and owned and operated by and for the benefit of the  
10 members which is under the exclusive control of the  
11 membership or,"

12 2. By adding the following new section:  
13 "Sec. 33. The provisions of this Act shall become  
14 effective on January 1, 1964."

Div. 2  
Vote: - aye 22  
nay 28  
Lost 4/10

Filed  
April 9, 1963.

By HILL.

SENATE FILE 437  
(Committee Amendment)

Div. 1 & 2  
adopted 4/10

1 Amend Senate File 437 as follows:  
2 1. Amend section 3, line 16 by striking the period after the  
3 word "dues" and inserting the following: "and is not operated for  
4 a profit other than such profits as would accrue to the entire  
5 membership."

Div. 3  
adopted 4/10

6 2. Also amend section 3, line 14 by adding after the comma  
7 following the word "unincorporated" the following: "but not  
8 including corporations organized for pecuniary profit."

Div. 4  
adopted 4/10

9 3. Further amend section 3 by striking the following from lines  
10 21, 22, and 23, the following: "is located in a business district  
11 or an area now or hereafter zoned as a business district."

12 4. Further amend section 3 by adding after the word "structure"  
13 in line 28, the following: "licensed by the state department of  
14 agriculture and".

15 5. Amend Senate File 437 by striking section 6 and renumbering *filed 4/9*  
16 the remaining sections. *April 2*

17 6. Amend section 7, line 8 by striking the words "liquor control  
18 licensee" and inserting in lieu thereof the words "permit holder".

19 7. Amend section 11, line 13 by inserting after the word *adopted 4/10*  
20 "two" the words "in the past two (2) years or licensed to do *Div. 7*



21 inserting "and is not operated for a profit other than such profits as would accrue to the entire membership."

22 9. Further amend said section by striking from line 35 the  
23 words "at prices to be set by the commission,"

*Div. 8-9-10-11*  
*12-13*  
*adopted 4/10*

24 10. Amend section 11, line 40 by striking the word "wholesale"  
25 and inserting in lieu thereof the following: "a discount of not  
26 to exceed ten percent (10%) of the retail price."

27 11. Further amend said section by striking from line 41 the  
28 words "at prices to be set by the commission,"

29 12. Amend section 11, line 51 by striking the word "wholesale"  
30 and inserting in lieu thereof the following: "a discount of not  
31 to exceed ten percent (10%) of the retail price,"

*Div. 14*  
*adopted 4/10*  
*Div. 15*  
*Div. 16*  
*Div. 17*  
*adopted 4/10*

32 13. Further amend said section by striking from line 52 the  
33 words "at prices to be set by the commission,"

34 14. Amend section 11 by striking the semi-colon (;) in line  
35 97

36 15. Amend section 11, line 120 by inserting after the word  
37 "commission" the words "or issuing authority". Further amend  
38 section 11, line 120 by inserting after the word "disapproving"  
39 the words "suspending, or revoking".

40 16. Amend section 11, line 123 by striking the words "by  
41 writ of certiorari".

42 17. Amend section 11 by inserting after the "A" in line 153  
43 the words "class 'B' and".

*Div. 18*  
*adopted 4/10*

44 18. Further amend Senate File 437 by striking in lines 22  
45 and 23 of section 12, subsection 4, the words "one thousand (1,000)  
46 dollars" and inserting in lieu thereof the words "two hundred  
47 fifty (250) dollars".

*Div. 19*  
*adopted 4/10*

48 19. Further amend Senate File 437 by adding to section 13  
49 the following: "The issuing authority may in its discretion

50 authorize a licensee to remove the license from one location to  
51 another within the same incorporated city or town, or within a  
52 county outside the corporate limits of a city or town, provided  
53 that the premises to which the transfer is to be made would have  
54 been eligible for a license in the first instance and such transfer  
55 will not result in any violation of any provision of law."

*Div. 20*  
*adopted 4/10*

56 20. Amend section 14, line 6 by inserting after the word  
57 "the" the following: "issuing authority or the".

58 21. Amend section 17 by striking the word "makes" in line  
59 46 and inserting the following: "having established that he made".

*filed 4/9*  
*April 2*  
*Div. 21-22*  
*adopted 4/10*  
*Div. 23*  
*Withdrawn*  
*4/10*

60 22. Further amend section 17, line 51, by adding after the  
61 word "of" the following: "not to exceed".

62 23. Amend section 17, line 55 by striking the word "section"  
63 and inserting in lieu thereof the word "Act".

64 24. Further amend section 17, line 57 by inserting after the  
65 word "commission" the following: "or the issuing authority".

66 25. Amend section 25, line 6 by adding at the end thereof  
67 the following: "under the provisions of this Act".

*Div. 24*  
*adopted 4/10*

68 26. Amend section 26, line 3 by inserting after the word  
69 "beverages" the words "except sacramental wines,"

Filed  
April 9, 1963.

By JUDICIARY 2 COMMITTEE,  
JACK SCHROEDER, Chairman.

Vote  
April 19 #10  
made 30  
to  
lost

SENATE FILE 437

- 1 Amend Senate File 437 by striking from lines 20 and 21 of
- 2 section 12, the following: "one thousand (1,000) dollars" and
- 3 inserting in lieu thereof the following: "three thousand (3,000)
- 4 dollars."

Filed  
April 9, 1963.

By LONG.

SENATE FILE 437

- 1 Amend Senate File 437, section 11 as follows:
- 2 1. By striking in line 149 the words and figures
- 3 "one thousand (1,000)" and inserting in lieu thereof
- 4 the words and figures "five hundred (500)".
- 5 2. By striking in line 154 the words and figures
- 6 "two thousand (2,000)" and inserting in lieu thereof
- 7 the words and figures "one thousand (1,000)".

Filed and lost  
April 9, 1963.

By FROMMELT and DODDS.

SENATE FILE 437

- 1 Amend Senate File 437 as follows:
- 2 1. Amend the title by striking the words "home rule".
- 3 2. Amend section 1, line 1, by striking the words "Home
- 4 Rule".

Filed and lost  
April 10, 1963.

By HILL.

SENATE FILE 437

- 1 Amend the Hill amendment to Senate File 437
- 2 filed April 8, 1963, as follows:
- 3 1. By striking from line 14 the words, "to
- 4 subsection 6" and by inserting in lieu thereof the
- 5 following: "at the end of line 69".
- 6 2. By striking from lines 18 and 19 the words,
- 7 "the following subsection" and by inserting in lieu
- 8 thereof the following: "after the line 160 the following".
- 9 3. By striking from line 28 the words, "the
- 10 following subsections" and by inserting in lieu
- 11 thereof the following: "after line 25 the following".

Filed and adopted  
April 10, 1963.

By HILL.

SENATE FILE 437

- 1 Amend the Hill amendment to Senate File 437, filed April 8, 1963, by
- 2 striking from lines 7, 8 and 9 the following: "; and members of the
- 3 state department of public safety, either members of the bureau
- 4 of criminal investigation or of the highway patrol".

Filed and adopted  
April 10, 1963.

By WALKER.

SENATE FILE 437

- 1 Amend Senate File 437 as follows:
- 2 Amend section 25 by striking the period (.) after the
- 3 word "person" in line 8 and insert the following: "for
- 4 all damages actually sustained, as well as exemplary damages."

Filed and adopted  
April 10, 1963.

By DORAN.

SENATE FILE 437

- 1 Amend Senate File 437 by adding the following new
- 2 section at the end thereof:
- 3 "It is hereby declared to be the legislative intent
- 4 that if this Act cannot take effect in its entirety because
- 5 of the decision of any court holding unconstitutional any
- 6 part, sentence or clause thereof, the remaining provisions
- 7 of the Act shall be given full force and effect as completely
- 8 as if the part held unconstitutional had not been included
- 9 herein."

Filed and adopted  
April 10, 1963.

By FULTON.

SENATE FILE 437

*Rec'd  
accepted 5/3*

- 1 Amend Senate File 437 as follows:
- 2 1. Section 1, by striking all of said section and inserting
- 3 in lieu thereof the following:
- 4 Section 1. Section one hundred twenty-three point one (123.1),
- 5 Code 1962, is amended by striking lines one (1) and two (2) and
- 6 the word "Act" in line three (3) and inserting in lieu thereof
- 7 the words "This chapter as amended shall be known as the 'Iowa
- 8 Home Rule Liquor Control Act.'"
- 9 2. Section 3, line twenty-eight (28), by striking the words
- 10 "and/or" and inserting in lieu thereof the word "or".
- 11 3. Section 4, line four (4), by inserting after the word
- 12 "licenses" the words "and other"; also by striking the word "and"
- 13 before the word "licenses" in said line one (1).
- 14 4. Section 10, line six (6), by striking the word "Act" and
- 15 inserting in lieu thereof the words "chapter as amended"
- 16 5. Section 10, line twenty-five (25), by striking the word
- 17 "Act" and inserting in lieu thereof the words "chapter as amended".
- 18 6. Section 10, line one hundred (100), by striking the word
- 19 "Act" and inserting in lieu thereof the words "chapter as amended".
- 20 7. Section 11, line twenty-seven (27), by striking the word
- 21 "Act" and inserting in lieu thereof the word "section".
- 22 8. Section 12, lines ten (10) and eleven (11), by striking
- 23 the words "the Iowa liquor control act" and inserting in lieu
- 24 thereof the words "this chapter as amended".
- 25 9. Section 24, by inserting at the beginning of said section
- 26 the following: "Chapter one hundred twenty-three (123), Code
- 27 1962, is amended by adding thereto the following:".
- 28 10. Section 24, line six (6), by striking the words "or beer"
- 29 and inserting after the word "giving" the words "beer or".
- 30 11. Section 24, line seven (7), by striking the word "Act"
- 31 and inserting in lieu thereof the words "chapter as amended".
- 32 12. Section 25, by inserting at the beginning of said section
- 33 the following: "Chapter one hundred twenty-three (123), Code
- 34 1962, is amended by adding thereto the following:".
- 35 13. Section 26, by inserting at the beginning of said section
- 36 the following: "Chapter one hundred twenty-three (123), Code
- 37 1962, is amended by adding thereto the following:".
- 38 14. Section 27, by inserting at the beginning of said section
- 39 the following: "Chapter one hundred twenty-three (123), Code
- 40 1962, is amended by adding thereto the following:".
- 41 15. Section 28, by inserting at the beginning of said section
- 42 the following: "Chapter one hundred twenty-three (123), Code
- 43 1962, is amended by adding thereto the following:".
- 44 16. Section 29, by inserting at the beginning of said section
- 45 the following: "Chapter one hundred twenty-three (123), Code
- 46 1962, is amended by adding thereto the following:".
- 47 17. Section 29, line one (1), by striking the word "Act" and
- 48 inserting in lieu thereof the words "chapter as amended".
- 49 18. Section 30, by inserting at the beginning of said section
- 50 the following: "Chapter one hundred twenty-three (123), Code
- 51 1962, is amended by adding thereto the following:".
- 52 19. Section 30, line two (2), by striking the word "Act" and
- 53 inserting in lieu thereof the words "chapter as amended".
- 54 20. Section 31, by inserting at the beginning of said section
- 55 the following: "Chapter one hundred twenty-three (123), Code
- 56 1962, is amended by adding thereto the following:".
- 57 21. Section 31, line three (3), by striking the word "Act" and
- 58 inserting in lieu thereof the words "chapter as amended".

*Rec'd  
5/2*

*Rec'd  
5/2*

Filed  
April 22, 1963.

DIETZ of Scott.

32 state while in an intoxicated condition and that the person had  
33 refused to submit to the chemical testing, shall revoke his  
34 license or permit to drive and any nonresident operating  
35 privilege for a period of not less than one hundred twenty (120)  
36 days nor more than one (1) year; or if the person is a resident  
37 without a license or permit to operate a motor vehicle in this  
38 state, the commissioner shall deny to the person the issuance of  
39 a license or permit within one year from the date of the alleged  
40 violation, subject to review as hereinafter provided. The effective  
41 date of any such revocation shall be twenty (20) days after  
42 the commissioner has mailed notice of such revocation to such  
43 person by registered or certified mail.

44 Sec. 39. Upon the written request of a person whose privilege  
45 to drive has been revoked or denied, the commissioner shall grant  
46 the person an opportunity to be heard within ten days after the  
47 receipt of the request, but the request must be made within  
48 thirty days after the effective date of revocation or denial.  
49 The hearing shall be before the commissioner or his authorized  
50 agent, in the county wherein the alleged events occurred for  
51 which the person was arrested, unless the commissioner or his  
52 authorized agent and the person agree that the hearing may be  
53 held in some other county. The hearing shall be recorded and its  
54 scope shall cover the issues of whether a peace officer had  
55 reasonable grounds to believe the person to have been operating  
56 a motor vehicle upon a public highway of this state while in an  
57 intoxicated condition, whether the person was placed under arrest  
58 and whether he refused to submit to the test or tests. The

59 commissioner or his authorized agent shall order that the  
60 revocation or denial be either rescinded or sustained.

61 Sec. 40. If the revocation or denial is sustained the  
62 person whose license, permit to drive, or nonresident operating  
63 privilege has been revoked or denied, may file a petition within  
64 thirty days after the determination by the commissioner or his  
65 authorized agent for a hearing of the matter in the district  
66 court in the county wherein the alleged events occurred for which  
67 he was arrested or in the county in which the administrative  
68 hearing was held. It shall be the duty of the court to set the  
69 matter for hearing, and the petitioner shall give twenty days  
70 notice thereof to the commissioner. Within fifteen days after  
71 receipt of the notice, the commissioner shall file in the office  
72 of the clerk of the district court to which the appeal is taken  
73 a certified transcript of the testimony and all other proceedings.  
74 It shall constitute the record on which the commissioner made  
75 his determination. The court thereafter shall hear the matter  
76 de novo and shall affirm or vacate the decision of the commissioner  
77 or his authorized agent. The person or the commissioner  
78 may appeal to the supreme court in accordance with the Iowa Rules  
79 of Civil Procedure.

80 Sec. 41. Upon the trial of any civil or criminal action or  
81 proceeding arising out of acts alleged to have been committed by  
82 any person while operating a motor vehicle upon a public highway  
83 of this state while in an intoxicated condition, evidence of the  
84 amount of alcohol in the person's blood at the time of the act  
85 alleged as shown by a chemical analysis of his blood, breath,  
86 saliva or urine is admissible.

87 Sec. 42. If the person under arrest refuses to submit to the  
88 test or tests, proof of refusal shall be admissible in any civil  
89 or criminal action or proceeding arising out of acts alleged to  
90 have been committed while the person was operating a motor  
91 vehicle upon a public highway of this state while in an  
92 intoxicated condition.

93 Sec. 43. The provisions of this Act shall not be construed  
94 as limiting the introduction of any other competent evidence  
95 bearing on the question of whether the person was in an  
96 intoxicated condition.

97 Sec. 44. When it has been finally determined under the  
98 procedures of this Act that a nonresident's privilege to operate  
99 a motor vehicle in this state has been revoked or denied, the  
100 department of public safety shall give information in writing of  
101 the action taken to the official in charge of traffic control or  
102 public safety of the state of the person's residence and of any  
103 state in which he has a license.

104 Sec. 45. Sections thirty-two (32) through forty-five (45) of  
105 this Act may be cited as the Uniform Chemical Test for  
106 Intoxication Act."

107 3. Renumber the sections.

GRASSLEY of Butler.  
STANLEY of Muscatine  
SMITH of O'Brien.  
VETTER of Washington.  
NIELSEN of Shelby.  
MEYER of Madison.  
KREAGER of Jasper.  
BUSH of Bremer.  
VAN ALSTINE of Humboldt.  
KLEPPER of Cass.  
MILLEN of Van Buren.  
HARRON of Lyon.  
WALTER of Hardin.  
CRANE of Crawford.  
OLSON of Cerro Gordo.  
RILEY of Linn.  
ANDERSON of Ringgold.

HANSEN of Mitchell.  
NIELSEN of Emmet.  
JOHNSON of Audubon.  
HIRECH of Warren.  
WORTHINGTON of Decatur.  
HALLING of Adair.  
STOKES of Plymouth.  
MILLER of Jones.  
MAULE of Monona.  
HAGID of Wright.  
PETERSEN of Dallas.  
SIGUN of Lucas.  
DEN HERDEA of Sioux.  
LUTZ of Clarke.  
BARINGER of Fayette.  
WELLS of Taylor.  
ROBINSON of Guthrie.  
PARKER of Buchanan.

HAKES of Focalount.  
WINKELMAN of Calhoun.  
EDGINGTON of Franklin.  
BALLOUN of Tama.  
ANDERSEN of Woodbury.  
CUNNINGHAM of Story.  
STROTSMAN of Henry.  
PATTON of Delaware.  
HAGEN of Allamakee.  
CARNAHAN of Wapello.  
MURRAY of Webster.  
MUELLER of Worth.  
MCILROY of Fremont.  
NELSON of Winnebago.  
GRAHAM of Ida.  
MOFFITT of Appanoose.  
FALAS of Clayton.  
BOCK of Hancock.  
FALVEY of Monroe.  
SMITH of Dickinson.

Filed  
April 22, 1963.

*Adopted 5/1/63*

1 Amend Senate File 437 as follows:

2 1. Strike the title and insert the following in lieu thereof:  
 3 "An Act relating to the control, sale, and use of alcoholic  
 4 beverages and law enforcement with respect to alcoholic  
 5 beverages."

6 2. Insert the following new sections after section 31:

7 "Sec. 32. The General Assembly hereby determines and declares  
 8 that the provisions of sections thirty-two (32) through forty-  
 9 five (45) of this Act are necessary in order to control alcoholic  
 10 beverages and aid the enforcement of laws prohibiting operation  
 11 of a motor vehicle while in an intoxicated condition.

12 Sec. 33. As used in sections thirty-two (32) through forty-  
 13 five (45) of this Act the words "peace officer" mean:

- 14 1. Members of the highway patrol.
- 15 2. Police officers under civil service as provided in chapter  
 16 three hundred sixty-five (365) of the Code.
- 17 3. Sheriffs.
- 18 4. Regular deputy sheriffs who have had formal police  
 19 training.

20 Sec. 34. Any person who operates a motor vehicle in this  
 21 state upon a public highway, under such circumstances as to give  
 22 reasonable grounds to believe the person to have been operating  
 23 a motor vehicle while in an intoxicated condition, shall be  
 24 deemed to have given consent to the withdrawal from his body of  
 25 specimens of his blood, breath, saliva, or urine, and to a  
 26 chemical test or tests thereof, for the purpose of determining  
 27 the alcoholic content of his blood, subject to the provisions  
 28 hereinafter set out. The withdrawal of such body substances,  
 29 and the test or tests thereof, shall be administered at the  
 30 written request of a peace officer having reasonable grounds to  
 31 believe the person to have been operating a motor vehicle upon a  
 32 public highway of this state while in an intoxicated condition,  
 33 and only after the peace officer has placed such person under  
 34 arrest for the offense of operating a motor vehicle while in an  
 35 intoxicated condition. If such person requests that a specimen  
 36 of his blood not be withdrawn, then a specimen of his breath,  
 37 saliva, or urine shall be withdrawn at the written request of  
 38 such peace officer; provided, however, that if such person  
 39 refuses to submit to any chemical testing, no test shall be  
 40 given, and the provisions of section thirty-eight (38) of this  
 41 Act shall apply. However, if such peace officer fails to provide  
 42 such test within two (2) hours after such arrest, no test shall  
 43 be required, and there shall be no revocation under the  
 44 provisions of section thirty-eight (38) of this Act.

45 Sec. 35. Only a licensed physician, or a medical technologist  
 46 or registered nurse designated by a licensed physician as his  
 47 representative, acting at the written request of a peace officer  
 48 may withdraw such body substances for the purpose of determining  
 49 the alcoholic content of the person's blood. Only new,  
 50 originally factory wrapped, disposable syringes and needles, kept  
 51 under strictly sanitary and sterile conditions shall be used for  
 52 drawing blood. Such person may have an independent chemical test  
 53 or tests administered in addition to any administered at the  
 54 ~~direction of a peace officer.~~ *filed 4/22*  
 55 ~~The failure or inability of the~~  
 56 ~~person to obtain an independent chemical test or tests shall not~~  
 57 ~~preclude the admission in evidence of the results of the test or~~  
 58 ~~tests taken at the direction of the peace officer. Upon the~~  
 59 ~~request of the person who is tested, the results of the test or~~  
 60 ~~tests taken at the direction of the peace officer shall be made~~  
 61 ~~available to him.~~

61 Sec. 36. Any person who is dead, unconscious or who is  
 62 otherwise in a condition rendering him incapable of consent or  
 63 refusal shall be deemed not to have withdrawn the consent  
 64 provided by section thirty-four (34) of this Act, and the test  
 65 may be given; provided that a licensed physician shall certify  
 66 in advance of such test that such person is dead, unconscious or  
 67 otherwise in a condition rendering him incapable of consent or  
 68 refusal. In such case such condition shall obviate the require-  
 69 ments of arrest and advice pursuant to section thirty-seven (37)  
 70 of this Act.

71 Sec. 37. A peace officer shall advise any person who is  
 72 requested to take any chemical test that a refusal to submit to  
 73 such test will result in revocation of the person's license or  
 74 privilege to operate a motor vehicle; provided, however, that  
 75 this requirement shall not apply in the case of any person  
 76 referred to in section thirty-six (36).

77 Sec. 38. If a person under arrest refuses to submit to the  
 78 chemical testing, no test shall be given, but the commissioner,  
 79 upon the receipt of a sworn report of the peace officer that he  
 80 had reasonable grounds to believe the arrested person to have  
 81 been operating a motor vehicle upon a public highway of this

SENATE FILE 437

1 Amend Senate File 437 by striking everything after the enacting  
2 clause and inserting in lieu thereof the following:

3 Section 1. Section one hundred twenty-three point one (123.1),  
4 Code 1962, is hereby amended by striking all of such section  
5 after the word "this" in line thirteen (13) and inserting in lieu  
6 thereof the word "title".

7 Sec. 2. Section one hundred twenty-three point three (123.3),  
8 Code 1962, is hereby amended by striking all of such section  
9 after the word "beer" in line five (5) and inserting in lieu  
10 thereof the words "containing not more than four (4) percent of  
11 alcohol by weight."

12 Sec. 3. Section one hundred twenty-three point five (123.5),  
13 Code 1962, is hereby amended as follows:

14 1. By inserting after subsection four (4) the following new  
15 subsection:

16 " 'Beer' means any liquid capable of being used for beverage  
17 purposes made by the fermentation of an infusion in potable water  
18 of barley, malt and hops, with or without unmalted grains or  
19 decorticated and degerminated grains."

20 2. By inserting in line one (1) of subsection five (5) of  
21 such section after the word "liquor" the words ", alcoholic  
22 beverage, or beer".

23 3. By inserting in line one (1) of subsection nine (9) of  
24 such section after the word "license" the words "'or liquor  
25 control license'".

26 4. By adding the following new subsections:

27 a. " 'Air common carrier' means a person engaged in trans-  
28 porting passengers for hire in interstate or foreign commerce  
29 by aircraft and operating regularly scheduled flights under a  
30 certificate of public convenience issued by the civil aeronautics  
31 board.

32 b. " 'Club' means a corporation or association of individuals  
33 organized in good faith for social, recreational, benevolent,  
34 charitable, political, patriotic, or athletic purposes, but not  
35 for private gain. The club must be the owner, lessor or occupant  
of a permanent building, or part thereof, membership in which en-  
ails the prepayment of regular dues, and which has been in con-  
ous operation as a club for not less than two (2) years be-  
ore making application for a license under this Act.

44 c. " 'Commercial establishment' means a place of business  
45 which is at all times equipped with sufficient tables and seats  
46 to accommodate twenty-five (25) persons at one time, is located  
47 in a business district or an area now or hereafter zoned as a  
48 business district, and the licensed premises of which conform  
49 to the standards and specifications of the zoning commission.

50 d. " 'Licensed premises' or 'premises' means all rooms or en-  
51 closures where alcoholic beverages or beer are sold or consumed  
52 under authority of a license.

53 e. " 'Hotel' or 'motel' means a premise or structure regularly  
54 or seasonably kept open in a bona fide manner for the lodging of  
55 transient guests, where there is in the same premises or struc-  
56 ture an establishment where food is regularly prepared and served  
57 and where thirty-five (35) or more sleeping rooms are provided  
58 for such guests."

59 Sec. 4. Section one hundred twenty-three point sixteen  
60 (123.16), Code 1962, is hereby amended as follows:

61 1. By striking from line one (1) of subsection seven (7) of  
62 such section the word "and" and inserting in lieu thereof the  
63 words ", liquor control licenses and other".

64 2. By striking all of subsection eight (8) after the word  
65 "chapter" in line three (3) of such section and inserting in  
66 lieu thereof a period.

67 3. By adding to subsection nine (9) of such section the  
68 following:

69 "The commission shall create an enforcement division and shall  
70 appoint a director, who shall be an attorney licensed to practice  
71 in the State of Iowa, and five (5) assistant directors, at least  
72 two (2) of whom shall be accountants. The director of the en-  
73 forcement division shall employ needed clerical help, and such  
74 other assistants as are necessary to carry out the enforcement of  
75 the laws on liquor control. The enforcement division may enforce  
76 the liquor laws in the name of the State of Iowa in proceedings  
77 before any court.

78 4. By striking from subsection eleven (11) all of lines seven  
79 (7), eight (8), and nine (9).

80 5. By adding the following subsection:

81 "To hear appeals from any order denying an application for a  
82 liquor control license."

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79 Sec. 5. Section one hundred twenty-three point seventeen  
80 (123.17), Code 1962, is hereby amended by striking from para-  
81 graph "f" of subsection two (2) of such section all after the  
82 word "chapter" in line four (4) and inserting in lieu thereof the  
83 words "by the commission. Each licensee holding a liquor control  
84 license and dispensing liquors or beer at retail shall establish  
85 prices based on serving one (1) ounce of intoxicating liquor and  
86 eight (8) ounces of beer per sale. Such price lists shall be  
87 filed with the commission and are subject to change by the li-  
88 censee upon filing a new price list with the commission."

89 Sec. 6. Section one hundred twenty-three point twenty-two  
90 (123.22), Code 1962, is hereby amended as follows:

91 1. By inserting in line four (4) of subsection one (1) of  
92 such section after the word "permit" the words "or liquor  
93 control license".

94 2. By striking from lines five (5) and six (6) of subsection  
95 one (1) of such section the words "under such permit".

96 3. By striking from line two (2) of subsection two (2) of  
97 such section the word "person" and inserting in lieu thereof the  
98 words "permit holder".

99 4. By adding the following subsection:

100 "Every holder of a liquor control license shall keep a daily  
101 record of the gross receipts of his business and shall include  
102 in such record the number, brand and type of bottles emptied  
103 during the course of the day's business. Each bottle emptied,  
104 except beer bottles, shall be broken immediately by the licensee  
105 or his agent into a container provided for that purpose. The  
106 records herein required and the premises of the licensee shall be  
107 open to the agents of the enforcement division of the Iowa liquor  
108 control commission during normal business hours of the licensee."

109 Sec. 7. Section one hundred twenty-three point twenty-four  
110 (123.124), Code 1962, is hereby amended by inserting in line one  
111 (1) after the word "sold" the words "by the commission".

112 Sec. 8. Section one hundred twenty-three point twenty-six  
113 (123.26), Code 1962, is hereby amended by inserting in line  
114 twenty-five (25) after the word "permit" the words "or liquor  
115 control license".

116 Sec. 9. Section one hundred twenty-three point twenty-seven  
117 (123.27), Code 1962, is hereby amended as follows:

118 1. By adding at the end of paragraph "a" of subsection two  
119 (2) of such section, the words "However, no individual permit  
120 shall be required for the purchase of alcoholic liquor for consump-  
121 tion on premises covered by a liquor control license."

122 2. By adding thereto the following new subsections:

123 "1. Upon posting bond in the penal sum of ten thousand  
124 (10,000) dollars with sureties approved by the commission, con-  
125 ditioned upon the payment of all taxes due the state, all claims  
126 arising out of the normal operation of business, and upon com-  
127 pliance with the provisions of law for liquor control, a liquor  
128 control license for approved premises may be issued to any per-  
129 son who is of good moral character, is a citizen of the United  
130 States, is not chargeable directly or indirectly with the adminis-  
131 tration or enforcement of the alcoholic beverage laws of the State  
132 of Iowa, and is, in the judgment of the commission, of such fi-  
133 nancial standing and good reputation as will satisfy the commission.

134 that the licensee will comply with the laws and the regulations of  
135 the commission. The failure of a licensee to pay liquor taxes due  
136 the state or pay other just claims when due shall work a forfei-  
137 ture of the bond.

138 "2. No liquor control license shall be issued for premises  
139 which do not conform to all laws, ordinances and resolutions,  
140 health and fire regulations applicable thereto, or, except in  
141 the case of a hotel or motel, have any interior access to resi-  
142 dential or sleeping quarters.

143 "3. Liquor control licenses issued under this chapter shall  
144 be of the following classes:

145 a. Class 'A'. A class 'A' liquor control license may be is-  
146 sued to a club and shall authorize the holder thereof to purchase  
147 spirits and wine, from the commission only, at prices to be set  
148 by the commission, and beer from licensed manufacturers or whole-  
149 salers, and to sell alcoholic beverages and beer so purchased to  
150 bona fide members and their guests by the individual drink for  
151 consumption on the premises. This license shall also permit  
152 the licensee to sell beer for off-premises consumption.

153 However, any veterans organizations chartered by the congress of  
154 the United States shall be entitled to a special license as a  
155 'club' for a license fee of one hundred (100) dollars provided such  
156 club is not open more often than one (1) day a week.

157 Any veterans club licensed under this section shall be subject  
158 to all other provisions of this Act.

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159 b. Class 'B'. A class 'B' liquor control license may be is-  
160 sued to a hotel or motel and shall authorize the holder thereof  
161 to purchase spirits and wine, from the commission only, at prices  
162 to be set by the commission, and beer from licensed manufacturers  
163 or wholesalers, and to sell alcoholic beverages and beer so pur-  
164 chased to patrons by the individual drink for consumption on the  
165 premises. This license shall also permit the licensee to sell  
166 beer for off-premises consumption. Each such license shall be  
167 effective throughout the premises described in the application  
168 for such license, but a duplicate of such license shall be posted  
169 in each room wherein such beverages are dispensed or sold for off-  
170 premises consumption.

171 c. Class 'C'. A class 'C' liquor control license may be is-  
172 sued to a commercial establishment and authorize the holder  
173 thereof to purchase spirits and wine, from the commission only,  
174 at prices to be set by the commission, and beer from licensed  
175 manufacturers or wholesalers, and to sell alcoholic beverages and  
176 beer so purchased to patrons by the individual drink for consumption  
177 on the premises. This license shall also permit the licensee to  
178 sell beer for off-premises consumption.

179 d. Class 'D'. A class 'D' liquor control license may be is-  
180 sued to a railway corporation and to an air common carrier and  
181 shall authorize the holder thereof to sell or furnish alcoholic  
182 beverages to passengers for consumption only on trains or air-  
183 craft, respectively. Only alcoholic beverages purchased from  
184 the commission may be served. Each such license shall be good  
185 throughout the state as a state license. Only one such license  
186 shall be required for all trains or aircraft operated in the  
187 state by the licensee, but a duplicate of such license issued  
188 shall be posted in each railroad car or aircraft in which such  
189 beverages are sold. Such licensee shall keep a record of all al-  
190 coholic beverages sold or furnished in the State of Iowa, and on  
191 or before the last day of each month shall render a report to the  
192 commission showing the quantities of the various kinds of alcoholic  
193 beverages so sold or furnished during the preceding month, which  
194 report shall be accompanied by payment of appropriate taxes owing.

195 "4. An application for a class 'B' or class 'C' liquor control  
196 license, accompanied by the required fee and bond, shall be filed  
197 with the appropriate city or town council if the premises proposed  
198 to be licensed are located within the corporate limits of a city  
199 or town, or with the board of supervisors if the premises proposed  
200 to be licensed are located outside the corporate limits of a city  
201 or town. Application for class 'A' and class 'D' liquor control  
202 licenses, accompanied by the required fee and bond, shall be filed  
203 with the commission, which shall proceed in the same manner as in  
204 the case of an application approved by local authorities.

205 a. The city or town council, or county board of supervisors,  
206 as the case may be, shall personally interview all applicants and  
207 may approve the issuance of a license and endorse its approval on  
208 the application and forward it along with the fee and bond to the  
209 commission; or if it disapproves issuance of a license, it shall  
210 endorse its disapproval on the application and forward same along  
211 with the fee and bond to the commission.

212 b. Upon receipt of an application which has been disapproved,  
213 the commission shall disapprove the application and so notify the  
214 applicant by registered mail. Upon receipt of an application hav-  
215 ing been approved, the commission shall make such investigation  
216 as it deems necessary; and it may require the applicant to appear  
217 before it and be examined under oath regarding any matters per-  
218 tinent to the application, in which case a record shall be made  
219 of all testimony or evidence and the same shall become a part of  
220 the application. If the application is approved, an appropriate  
221 liquor control license shall be issued. If the application is  
222 disapproved, the applicant and the appropriate city or town  
223 council, or county board of supervisors, shall be so notified in  
224 writing, and the fee and bond shall be returned to the applicant.

225 c. Any applicant for a liquor control license may appeal to  
226 the commission from its disapproval of an application for a li-  
227 cense. If, upon appeal the commission shall determine that the  
228 disapproval should be reversed, it may issue a license.

229 d. Any applicant who feels aggrieved by a decision of the  
230 commission disapproving issuance of a license may, if he has  
231 exercised his rights of appeal to the commission, appeal from the  
232 decision within ten (10) days by writ of certiorari to the district  
233 court of the county wherein the premises covered by the applications  
234 are situated.

235 "5. Applications for the original issuance or the renewal of  
236 liquor control licenses shall be filed at such time and in such  
237 number of copies as the commission shall by regulation prescribe  
238 on forms prescribed by the commission, and shall set forth under  
239 oath the following information:

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240 a. The name and address of the applicant, and the names and  
241 addresses of officers and directors if the applicant is a corpora-  
242 tion.

243 b. The precise location of the premises for which a license  
244 is sought.

245 c. The names and addresses of all persons having a ten (10)  
246 percent or more financial interest, by way of loan, ownership, or  
247 otherwise, in the business or the profits thereof.

248 d. When required by the commission, a sketch or drawing of  
249 the premises proposed to be licensed and in such form and con-  
250 taining such information as the commission may require.

251 e. A statement whether any person specified in paragraphs  
252 (a) or (c) of this subsection has ever been convicted of any  
253 offense against the laws of the United States, or any state or  
254 territory thereof, or any political subdivision of any such state  
255 or territory, together with the nature of any offense.

256 f. That the applicant does not have a federal gambling tax  
257 stamp.

258 g. Such other information as the commission shall require.

259 "6. The number of class 'B' and class 'C' licenses issued  
260 covering premises within any incorporated city or town shall not  
261 exceed one (1) license for each five hundred (500) population or  
262 major fraction thereof according to the last decennial federal  
263 census, except as the city council shall provide for a maximum  
264 number of licensees by ordinance.

265 "7. The number of class 'B' and class 'C' licenses issued  
266 covering premises in any county outside of incorporated cities  
267 and towns shall not exceed one (1) license for each five hundred  
268 (500) population or major fraction thereof of the entire county,  
269 excluding cities and towns therein, according to the last decen-  
270 nial federal census, except as the board of supervisors shall  
271 provide by resolution for a maximum number of licensees.

272 "8. If, after processing all applications, a city or town  
273 council or board of supervisors shall not have issued all the li-  
274 censes allowed herein, and it shall appear that such licenses  
275 should be issued in cities or towns which have already issued all  
276 licenses provided for herein, the board of supervisors shall au-  
277 thorize transfer of licenses among jurisdictions within a county.  
278 In no event shall the number of licenses exceed one (1) per five  
279 hundred (500) population in a county.

280 "9. All liquor control licenses issued, unless sooner revoked,  
281 shall expire on June 30 following the date of issuance."

282 Sec. 10. Section one hundred twenty-three point twenty-eight  
283 (123.28), Code 1962, is hereby amended by adding thereto the  
284 following:

285 "For each liquor control license there shall be paid annually  
286 to the commission:

287 1. For a class 'A' license, five hundred (500) dollars.

288 2. For a class 'B' license:

289 a. In cities of two thousand (2,000) population or more,  
290 one thousand (1,000) dollars plus two hundred fifty (250) dollars  
291 for each bar in excess of one (1) operated by the licensee on  
292 a premises.

293 b. In towns of less than two thousand (2,000) population,  
294 five hundred (500) dollars plus two hundred fifty (250) dollars  
295 for each bar in excess of one (1) operated by the licensee on  
296 a licensed premises.

297 3. For a class 'C' license:

298 a. In cities of two thousand (2,000) population or more,  
299 one thousand (1,000) dollars plus two hundred fifty (250) dollars  
300 for each bar in excess of one (1) operated by the licensee on a  
301 licensed premises.

302 b. In towns of less than two thousand (2,000) population,  
303 five hundred (500) dollars plus two hundred fifty (250) dollars  
304 for each bar in excess of one (1) operated by the licensee on a  
305 licensed premises.

306 c. In a county outside the corporate limits of a city or town,  
307 one thousand (1,000) dollars.

308 4. For a class 'D' license, five hundred (500) dollars.

309 In the case of an original license issued for an unexpired  
310 portion of a license year, the amount of the fee shall be appor-  
311 tioned on the basis of the ratio the number of months or major  
312 fraction thereof bears to twelve (12).

313 The commission shall credit all fees to the liquor control act  
314 fund and shall remit to the respective city or town council, or  
315 county board of supervisors, as the case may be, a sum equal to  
316 fifty (50) percent of the fees collected for each class 'A',  
317 class 'B', or class 'C' license covering premises located within  
318 their respective jurisdiction."

319 Sec. 11. Section one hundred twenty-three point twenty-nine  
320 (123.29), Code 1962, is hereby amended as follows:

321 1. By inserting in line one (1) after the word "permit" the  
322 words "or liquor control license".

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323 2. By inserting in line eight (8) after the word "permittee"  
324 the words "or licensee".

325 3. By adding the following:

326 "In the case of a class 'A', class 'B', or class 'C' licensee,  
327 the commission may in its discretion authorize a licensee to re-  
328 move the license from one location to another within the same  
329 incorporated city or town, or within a county outside the corpo-  
330 rate limits of a city or town, provided that the premises to which  
331 the transfer is to be made would have been eligible for a license  
332 in the first instance and such transfer will not result in any vio-  
333 lation of any provision of law."

334 Sec. 12. Section one hundred twenty-three point thirty-two  
335 (123.32), Code 1962, is hereby amended by adding the following:

336 "Any liquor control license issued under this chapter may,  
337 after notice in writing to the license holder and reasonable  
338 opportunity for hearing, be suspended or canceled by the commis-  
339 sion for any of the following causes:

340 1. Misrepresentation of any material fact in the application  
341 for such license.

342 2. Violation of any of the provisions of the Iowa liquor con-  
343 trol Act or regulations of the commission.

344 3. Any change in the ownership or interest in the business  
345 operated under a class 'A', class 'B', or class 'C' license,  
346 which change was not previously reported to the commission and  
347 approved by it.

348 4. An event which would have resulted in disqualification  
349 from receiving such license when originally issued.

350 5. Any sale, hypothecation, or transfer of such license.

351 6. Possession, by the licensee, of a federal gambling stamp.

352 Sec. 13. Section one hundred twenty-three point thirty-six  
353 (123.36), Code 1962, is hereby amended as follows:

354 1. By inserting in line ten (10) after the word "wines" the  
355 words ", except beer containing not more than four (4) percent of  
356 alcohol by weight,".

357 2. By inserting in line eleven (11) after the word "to" the  
358 word "authorized".

359 3. By striking from line eleven (11) the words "outside of the  
360 state".

361 Sec. 14. Section one hundred twenty-three point thirty-seven  
362 (123.37), Code 1962, is hereby amended as follows:

363 1. By inserting in line nine (9) after the word "liquor"  
364 the words ", except beer containing not more than four (4) percent  
365 of alcohol by weight,".

366 2. By inserting in line eleven (11) after the word "and" the  
367 word "authorized".

368 3. By inserting in line thirteen (13) after the word "wines"  
369 the words "except beer containing not more than four (4) percent  
370 of alcohol by weight".

371 4. By striking from lines thirteen (13) and fourteen (14) the  
372 words "outside of the state".

373 5. By adding thereto the following:

374 "A manufacturer's and wholesaler's beer license shall be issued  
375 by the commission to any person who:

376 1. Submits a written application for a manufacturer's and whole-  
377 saler's beer license, which application shall state under oath:

378 a. The name and place of residence of the applicant and the  
379 length of time he has lived at such place of residence.

380 b. That he is a citizen of the State of Iowa.

381 c. The place of birth of the applicant, and if the applicant  
382 is a naturalized citizen, the time and place of such natural-  
383 ization.

384 d. The location of the place or building where the applicant  
385 intends to operate.

386 e. The name of the owner of the building and if the owner  
387 is not the applicant, that such applicant is the actual lessee  
388 of the premises.

389 2. Establishes:

390 a. That he is a person of good moral character.

391 b. That the place or building where he intends to operate  
392 conforms to all laws, health and fire regulations applicable  
393 thereto, and is a safe and proper place or building.

394 3. Furnishes a bond in the form prescribed and furnished by  
395 the commission, with good and sufficient sureties to be approved  
396 by the commission conditioned upon the faithful observance of  
397 this chapter in the sum of five thousand (5,000) dollars."

398 Sec. 15. Section one hundred twenty-three point forty (123.40),  
399 Code 1962, is hereby amended by adding the following:

400 "No person engaged in the business of manufacturing or whole-  
401 saling alcoholic beverages or beer shall have, through ownership,  
402 loan, or otherwise, any interest, directly or indirectly, in the  
403 business premises or furnishings thereof covered by a liquor con-  
404 trol license issued under this chapter."

405 Sec. 16. Section one hundred twenty-three point forty-two  
(123.42), Code 1962, is hereby amended by inserting in line four  
(4) after the word "place," the words "except premises covered by

8 a liquor control license."

409 Sec. 17. Section one hundred twenty-three point forty-three  
410 (123.43), Code 1962, is hereby amended by adding thereto the  
411 following:

412 "No person under the age of twenty-one (21) years shall mis-  
413 represent his or her age for the purpose of purchasing or attempting  
414 to purchase any alcoholic beverage from any licensee.

415 Whoever violates any of the provisions of this section shall be  
416 subject to a fine of not to exceed one hundred (100) dollars or  
417 to imprisonment for not more than thirty (30) days in the county  
418 jail or to both such fine and imprisonment."

419 Sec. 18. Section one hundred twenty-three point forty-six  
420 (123.46), Code 1962, is hereby amended by adding thereto the  
421 following new subsection:

422 "No person holding a liquor control license under this chapter,  
423 his agents or employees shall:

424 1. Sell or dispense any alcoholic beverage on the licensed  
425 premises or permit the consumption thereon between the hours of  
426 one (1) a.m. and seven (7) a.m. on any week day, and from one (1)  
427 a.m. on Sunday and seven (7) a.m. on the following Monday, or on  
428 any general, special, or primary election day during the hours  
429 that polls are open, or during such other periods or days as may  
430 be designated by the commission.

431 2. Sell alcoholic beverages to any person on credit, except  
432 that this provision shall not apply to sales by a club to its  
433 members nor to sales by a hotel to bona fide registered guests.

434 3. Keep on the licensed premises any spirits or wine in any  
435 container except the original package purchased from the commis-  
436 sion, except mixed drinks or cocktails mixed on the premises for  
437 immediate consumption, provided that this shall not apply to com-  
438 mon carriers holding a class 'D' liquor control license.

439 4. Employ any person under the age of twenty-one (21) years  
440 in the direct handling or selling of liquor on the premises where  
441 such liquor is sold.

442 5. Allow any person other than the license holder or his  
443 employees to use or keep on the licensed premises any spirits,  
444 wine, or beer in any bottle or other container which is designed  
445 for the transporting of alcoholic beverages, except that this  
446 shall not apply to the premises of a class 'A' liquor control li-  
447 cense, to the lodging quarters of a class 'B' liquor control li-  
448 censee, or to common carriers holding a class 'D' liquor control  
449 license.

450 6. Sell any spirits, beer, or wine to an intoxicated person  
451 or serve any person to a point where such person is intoxicated.

452 Whoever violates any of the provisions of this section, for a  
453 first offense, shall be subject to a fine of not to exceed one  
454 thousand (1,000) dollars or to imprisonment in the county jail  
455 for not more than thirty (30) days or to both such fine and im-  
456 prisonment; for a second offense to a fine of not to exceed two  
457 thousand (2,000) dollars or to imprisonment in the county jail for  
458 not more than sixty (60) days or to both such fine and imprison-  
459 ment; for a third offense, the liquor control license shall be  
460 revoked. In addition to such fine and imprisonment the liquor  
461 control license may be suspended for a period of not to exceed  
462 one (1) year." *Fixed 9/25*

463 Sec. 19. Chapter one hundred twenty-three (123), Code 1962,  
464 is hereby amended by adding thereto the following new section:

465 "No person holding a liquor control license under this chapter,  
466 his agents or employees shall:

467 1. Suffer or permit any gaming, solicitation for immoral pur-  
468 poses, immoral or disorderly conduct on the licensed premises.

469 2. Reuse for the packaging of any spirits or wine any bottle  
470 or other container which has been used for the packaging of alcoholic  
471 beverages or possess any such bottle or container, or in any manner  
472 alter or increase, by the addition thereto of any substance,  
473 any portion of the original contents remaining in such bottle or  
474 container in which any portion of the original contents has been  
475 so altered or increased.

476 3. Knowingly sell any spirits, wine, or beer to any person  
477 under the age of twenty-one (21) years.

478 The liquor control license of any person convicted of violating  
479 any of the provisions of this section shall be revoked. If a  
480 license is revoked for cause, the premises covered by such revoked  
481 license shall not be relicensed under the same owner or management  
482 and such licensee is disqualified as an applicant for a liquor  
483 control license."

484 Sec. 20. Section one hundred twenty-three point fifty-three  
485 (123.53), Code 1962, is hereby amended by adding the following  
486 new subsections:

487 "1. The number of liquor control licenses issued, by class,  
488 and the number in effect on the last day included in the report.

489 2. Amount of fees paid to the commission from said liquor  
490 control licenses, in gross, and the amount returned to local sub-  
491 divisions of government as provided under this chapter."  
492 Sec. 21. Section one hundred twenty-three point fifty-seven  
493 (123.57), Code 1962, is hereby amended by striking from lines one  
494 (1) and two (2) the words "auditor of state" and inserting in  
495 lieu thereof the words "enforcement division of the Iowa liquor  
496 control commission".  
497 Sec. 22. Section one hundred twenty-three point fifty-nine  
498 (123.59), Code 1962, is hereby amended as follows:  
499 1. By inserting in line eight (8) after the word "otherwise"  
500 the words "in violation of law".  
501 2. By striking from lines twelve (12) and thirteen (13) the  
502 words "in violation of this chapter" and inserting in lieu there-  
503 of the words "in violation of law".  
504 Sec. 23. Section one hundred twenty-three point sixty (123.60),  
505 Code 1962, is hereby amended by striking from line eight (8) the  
506 words "in violation of this chapter" and inserting in lieu thereof  
507 the words "in violation of law".  
508 Sec. 24. Section one hundred twenty-three point ninety-three  
509 (123.93), Code 1962, is hereby amended as follows:  
510 1. By striking from line one (1) the words "county attorney"  
511 and inserting in lieu thereof the words "enforcement division".  
512 2. By inserting in line four (4) after the word "safety," the  
513 words "the county attorney,".  
514 3. By striking from line nine (9) the words "county attorney"  
515 and inserting in lieu thereof the words "enforcement division".  
516 Sec. 25. Chapter one hundred twenty-three (123), Code 1962, *filed 4/25*  
517 is hereby amended by adding thereto the following new section:  
518 "In addition to the manufacturer's and wholesaler's beer li-  
519 cense fee, there shall be levied and collected from such manu-  
520 facturer and/or wholesaler on all beer manufactured for sale or  
521 sold in this state at wholesale and on all beer imported into this  
522 state for sale at wholesale and sold in this state at wholesale, a  
523 tax of two and forty-eight hundredths (2.48) dollars for every  
524 barrel containing thirty-one (31) gallons, and at a like rate  
525 for any other quantity or for the fractional part of a barrel.  
526 Provided, however, that no tax shall be levied or collected on  
527 beer shipped outside this state by a manufacturer or wholesaler  
528 or sold by one (1) manufacturer or wholesaler to another manu-  
529 facturer or wholesaler.  
530 All revenue derived from the tax hereby imposed shall accrue  
531 to the state general fund."  
532 Sec. 26. Section one hundred twenty-five point seven (125.7),  
533 Code 1962, is hereby amended by inserting in line eight (8) after  
534 the word "otherwise" the words "in violation of law".  
535 Sec. 27. Section one hundred twenty-five point thirteen  
536 (125.13), Code 1962, is hereby amended by adding thereto the  
537 following:  
538 "Provided, however, that this section shall not apply to the  
539 holder of a liquor control license authorizing the sale of alco-  
540 holic liquors and beer for consumption on the premises where sold,  
541 his agents, servants or employees for the performance on the li-  
542 censed premises of the acts herein prohibited."  
543 Sec. 28. Section one hundred twenty-five point seventeen  
544 (125.17), Code 1962, is hereby amended by inserting in line eight  
545 (8) after the word "car," the words "in violation of law".  
546 Sec. 29. There is hereby imposed on every individual, part-  
547 nership, corporation, association or club licensed to sell alco-  
548 holic beverages and beer for consumption on the premises where  
549 sold, an occupational tax to be computed on all alcoholic bever-  
550 ages sold as follows:  
551 An amount equivalent to ten (10) percent upon the gross receipts  
552 of any licensee from all sales of alcoholic beverages in the  
553 State of Iowa, which shall be in lieu of all other sales taxes  
554 imposed by the State of Iowa.  
555 Sec. 30. On or before the fifteenth day of each month every  
556 such licensee shall render to the commission a report sworn to  
557 by an officer or agent in the case of corporations, and by the  
558 owner or agent in the case of an individual licensee, showing the  
559 amount of receipts from sales of such alcoholic beverages in the  
560 State of Iowa during the preceding calendar month and such other  
561 information as the commission may require, such reports to be on  
562 forms provided by the commission.  
563 Sec. 31. "Gross receipts" as used in this Act means the amount  
564 received in money, credits, or property valued in money in consider-  
565 ation of the sale of such alcoholic beverages within this state,  
566 without any deduction on account of the cost of the property sold,  
567 the costs of the materials used, the cost of labor or services,  
568 purchases, amounts paid for interest or discount, or any other  
569 expenses whatsoever. No deductions shall be allowed for losses  
570 of any nature.  
571 Sec. 32. Every licensee shall, within thirty (30) days after  
572 the filing date of reports as provided for in this Act, compute and *filed 4/25*  
*P. Conroy*

573 pay to the commission an amount equivalent to ten (10) percent  
574 of his gross receipts during the calendar month covered by a re-  
575 port and the commission shall forthwith issue a receipt to the  
576 taxpayer for the amount of tax so paid.  
577 Sec. 33. All revenues arising under the operation of the pro-  
578 visions of this Act shall become part of the state general fund.  
579 Sec. 34. The failure or refusal on the part of any licensee  
580 to render any report or remit any taxes due under this Act shall  
581 be reported to the Iowa liquor control commission by the state  
582 tax commission.  
583 Sec. 35. Chapter one hundred twenty-four (124), Code 1962, is  
584 hereby repealed.  
585 Sec. 36. Section one hundred twenty-five point two (125.2),  
586 Code 1962, is hereby amended by striking all after the word  
587 "whatever" in line six (6) and inserting in lieu thereof a  
588 period.

Filed  
April 25, 1963.

FISHER of Greene.  
VETTER of Washington.  
SWISHER of Johnson.  
MILLEN of Van Buren.  
NIELSEN of Shelby.  
HAGEDORN of Clay.  
JOHNSON of Audubon.  
HAGEN of Allamakee.  
ANDERSEN of Woodbury.  
BALLOUN of Tama.  
DENMAN of Polk.

SENATE FILE 437

1 Amend Senate File 437, section ten (10), by inserting in line  
2 one hundred thirty-four (134) after the word "situated." the  
3 following:  
4 "Where the commission on an appeal by an applicant finds that  
5 a city or town council or county board of supervisors acted arbi-  
6 trarily, capriciously, or without reasonable cause in disapproving  
7 an application and the commission issues a license, the council  
8 or board may appeal from such decision of the commission within  
9 ten (10) days to the district court of the county wherein the  
10 premises covered by the application are situated."

Filed  
April 24, 1963.

*Adopted*  
5/3  
SOKOL of Osceola.

SENATE FILE 437

1 Amend Senate File 437, section ten (10), as follows:  
2 1. By striking from line forty-three (43) the words  
3 "at a discount of not to exceed ten percent (10%) of the  
4 retail price."  
5 2. By striking from lines forty-nine (49) and fifty (50)  
6 the words "at a discount of not to exceed ten percent (10%)  
7 of the retail price."  
8 3. By striking from lines sixty (60) and sixty-one (61) the  
9 words "at a discount of not to exceed ten percent (10%) of  
10 the retail price."  
11 4. By striking from lines ninety-eight (98) and ninety-nine  
12 (99) the words "or that the number of licenses issued are less  
13 than the maximum allowed".  
14 5. By striking all of lines one hundred fifty-six (156)  
15 through one hundred sixty-seven (167) and inserting in lieu  
16 thereof the following:  
17 "There shall be no limit upon the number of liquor control  
18 licenses which may be issued by a city or town council or board  
19 of supervisors, except that not more than one license may be  
20 issued to each qualified applicant."  
21 6. By striking from line one hundred sixty-eight (168) the  
22 number "11" and inserting in lieu thereof the number "9".

Filed  
April 24, 1963.

*Adopted*  
SOKOL of Osceola.

SENATE FILE 437

1 Amend Senate File 437 as follows:  
2 Amend section ten (10) by adding after line one hundred thirty-four  
3 (134) the following:  
4 "e. Provided however, before any license can be issued by the  
5 local authorities in any county an election shall be held as herein-  
6 after provided."  
7 "If a petition shall be signed by the electors of any county  
8 in such number as shall equal ten (10) percent of the votes cast in  
9 such county for governor at the last general election, which shall  
10 request that the question of licensing the sale of alcoholic  
11 beverages (exceeding four percent by weight) by the drink be  
12 submitted to the electors thereof at a special election to be called  
13 for that purpose, as hereinafter provided, and shall be filed with  
14 the board of supervisors, the board shall cause such election to be  
15 held and shall cause to be published once each week for four (4)  
16 weeks in succession in a newspaper of general circulation in such  
17 county a notice of such special election to be held not less than  
18 fifteen (15) nor more than thirty (30) days from the date of the  
19 last publication. The notice shall state the proposition to be  
20 submitted to the electors at such special election. Each sheet of  
21 the petition shall contain not more than thirty (30) names of  
22 electors with their personal signatures, addresses, and the date of  
23 signing. If residing within a city or town where the electors are  
24 required to be registered, the signature shall be the same as it  
25 appears upon the registration records. At the top of each sheet  
26 shall be stated the proposition to be submitted. No signature on  
27 such petition shall be valid unless appended to the petition within  
28 the last ninety days prior to the date of filing the petition.  
29 At the bottom of each sheet of such petition shall be the affidavit  
30 of the person who circulated same, stating that the signatures on  
31 the petition were made in his presence, that he has reasonable  
32 cause to believe that they are qualified electors of the particular  
33 county, and that they are the persons they represent themselves  
34 to be. No person shall ever sign any such petition, knowing that he is not  
35 a qualified elector in the county where such petition is made,  
36 or who aids or abets any other person in doing any of the acts  
37 mentioned, or whoever bribes, gives or pays any money or thing of  
38 value to any person directly or indirectly, to induce him to sign  
39 such petition, shall upon conviction thereof be punished by a fine  
40 of not exceeding three hundred dollars (\$300.00) or by imprisonment  
41 in the county jail not exceeding ninety (90) days or by both such  
42 fine and imprisonment, in the discretion of the court."  
43 "Upon the ballot the proposition shall be stated as follows:  
44 "Shall the retail sale of alcoholic beverages (exceeding four percent  
45 by weight) by the drink be permitted in (here insert the name of the  
46 county)?"  
47 YES   
48 NO   
49 "The provisions of the statutes of this state relating to  
50 election of officers, voting places, election apparatus and blanks,  
51 preparation and form of ballots, information to voters, delivery of  
52 ballots, calling of elections, conduct of elections, manner of voting,  
53 counting of votes, records and certificates of election, and recount  
54 of votes, so far as applicable, shall apply to voting on the  
55 proposition under the provisions of this Act. If a majority of the  
56 ballots cast are "YES", the board shall issue licenses as permitted  
57 by the provisions of this Act."  
58 "No new election shall be held for a period of four (4)  
59 years."

Filed  
April 24, 1963.

*note 5/2/63  
after 5/7  
may 7/1  
look me  
amended  
5/2*

GOODE of Davis.

1 Amend the Fisher, et al., amendment to Senate File 437, filed  
2 April 25, 1963, as follows:

3 "1. By striking all of lines 7 through 11 and inserting in lieu  
4 thereof the following:

5 "Sec. 2. Section one hundred twenty-three point three (123.3).  
6 Code 1962, is hereby amended by striking from line five (5) the  
7 words 'as defined in chapter 124' and inserting in lieu thereof  
8 the words 'containing not more than four (4) percent of alcohol  
9 by weight'."

10 2. By inserting in line 120 after the word "States" the words  
11 "and a resident of the State of Iowa for the past two (2) years  
12 or licensed to do business in the case of a corporation in the  
13 State of Iowa for the last two (2) years".

14 3. By striking all of lines 309 through 312.

15 4. By inserting after line 325 the following:

16 "Any liquor control licensee or his executor, administrator or  
17 any person duly appointed by the court to take charge of and ad-  
18 minister the property or assets of such licensee for the bene-  
19 fit of his creditors, may voluntarily surrender any license, is-  
20 sued under this chapter, to the issuing authority and when so  
21 surrendered the issuing authority shall refund to the person so  
22 surrendering the license a proportionate amount of the permit fee  
23 paid for such permit as follows: if surrendered during the first  
24 three (3) months of the period for which said license was issued  
25 the refund shall be three-fourths ( $\frac{3}{4}$ ) of the amount of the  
26 license fee; if surrendered more than three (3) months but not  
27 more than six (6) months after issuance the refund shall be one-  
28 half ( $\frac{1}{2}$ ) of the amount of the license fee; if surrendered more  
29 than six (6) months but not more than nine (9) months after  
30 issuance the refund shall be one-fourth ( $\frac{1}{4}$ ) of the amount of  
31 the license fee. No refund shall be made, however, for any  
32 license surrendered more than nine (9) months after issuance. No  
33 refund shall be made to any license holder, upon the surrender of  
34 his license, if there is at the time of said surrender a complaint  
35 filed with the board or council charging him with a violation of  
36 the provisions of this chapter. If upon hearing on any such com-  
37 plaint, so filed, his license be not revoked, then said license  
38 holder shall be eligible, upon surrender of his license, to receive  
39 a refund as herein provided. But in event his license is revoked  
40 upon such hearing then he shall not be eligible for the refund of  
41 any portion of his license fee.

42 5. By striking all of lines 400 through 404 and inserting in  
43 lieu thereof the following:

44 "No person engaged in the business of manufacturing, bottling,  
45 or wholesaling any alcoholic beverages nor any jobber nor any  
46 agent of such person shall directly or indirectly supply, furnish,  
47 give or pay for any furnishings, fixtures or equipment used in  
48 the storage, handling, serving, or dispensing of any alcoholic  
49 beverages or food within the place of business of another permit-  
50 tee authorized under the provisions of this chapter to sell at  
51 retail; nor shall he directly or indirectly extend any credit for  
52 any alcoholic beverages or pay for any such permit, nor directly  
53 or indirectly be interested in the ownership, conduct or operation  
54 of the business of another permittee authorized under the pro-  
55 visions of this chapter to sell at retail. Any permittee who shall  
56 permit or assent or be a party in any way to any such violation or  
57 infringement of the provisions of this chapter shall be deemed  
58 guilty of a violation of the provisions of this chapter."

59 6. By striking from lines 459 and 460 the words ", the liquor  
60 control license shall be revoked" and inserting in lieu thereof  
61 the words "and each subsequent offense, the liquor control license  
62 shall be suspended for not less than thirty (30) days or more than  
63 one (1) year or the commission may revoke the liquor control  
64 license".

65 7. By inserting in line 529 after the word "wholesaler" the  
66 following:

67 "Every person holding a beer wholesalers' or manufacturers'  
68 license shall, on or before the tenth day of each calendar month  
69 following the month in which such person is issued a license, make  
70 a report to the liquor control commission upon forms furnished by  
71 it for such purpose showing the exact number of barrels of beer,  
72 or fractional part thereof, sold by such wholesaler or manufacturer  
73 during the preceding calendar month. Such licensee shall, at the  
74 time of filing said report, pay to the liquor control commission  
75 the amount of tax due at the rate fixed in accordance with the  
76 provisions of this Act."

77 8. By inserting in line 552 after the word "beverages" the  
78 words "for consumption on the premises".

79 9. By striking all of lines 555 through 562 and inserting in  
80 lieu thereof the following:  
81 "Sec. 30. On or before the fifteenth day of each month every  
82 such licensee shall render to the commission a report sworn to  
83 by an officer or agent in the case of corporations, and by the owner  
84 or agent in the case of an individual licensee, showing the amount  
85 of receipts from sales of such alcoholic beverages in the State of  
86 Iowa during the preceding calendar month and such other information  
87 as the commission may require, such reports to be on forms to be  
88 provided by the commission. Such reports shall be accompanied by  
89 payment of ten (10) percent of the gross receipts received during  
90 the calendar month covered by such report.  
91 A penalty of five (5) percent per month of the amount of the  
92 tax shall be added thereto if the report is not filed and the tax  
93 paid to the commission by said fifteenth day of the calendar  
94 month.  
95 10. By striking all of lines 571 through 576.  
96 11. By striking all of lines 581 and 582 and inserting in lieu  
97 thereof the following:  
98 "be grounds for suspension or revocation of the liquor control  
99 license."  
100 12. Further amend by renumbering the sections in conformity  
101 with this amendment.

Filed  
April 30, 1963.

FISHER of Greene.

*Loor 5/1/63*

SENATE FILE 437

1 Amend Senate File 437 by adding to section thirteen (13) the  
2 following:  
3 "In the event a license is revoked for cause the premises  
4 covered by a revoked license shall not be relicensed for one (1)  
5 year."

Filed  
April 25, 1963.

*adopted 5/3*

GOODE of Davis.

SENATE FILE 437

1 Amend Senate File 437 as follows:  
2 Amend section sixteen (16), line fifty-six (56) by striking } *withdrawn 5/3*  
3 the words "suspension or".  
4 Also amend by adding after the word "authority" in line } *post 5/3*  
5 fifty-seven (57) the following: "and for the forfeiture of the  
6 bond posted for the licensee".

Filed  
April 25, 1963.

GOODE of Davis.

SENATE FILE 437

1 Amend the Goode amendment to Senate File 437, filed April  
2 24, as follows:  
3 Section 10, line nineteen (19), insert after the word "publication"  
4 the following: "but not within thirty (30) days of any general  
5 election".

Filed  
April 29, 1963.

*adopted 5/1/63*

WINKELMAN of Calhoun.

SENATE FILE 437

1 Amend the Grassiey, et al. amendment to Senate File 437, filed  
2 April 22, by inserting after the word "condition" in line eighty-  
3 two (82) the following: ", that he had placed such person under  
4 arrest for the offense of operating a motor vehicle while  
5 intoxicated".

Filed  
April 30, 1963.

*adopted 5/1/63*

RILEY of Linn.

1 Amend section ten (10) line one hundred sixty four by  
2 striking the period and inserting a comma, and by adding the  
3 following: "except that at least two (2) licenses may be issued  
4 within any municipal corporation."  
5  
6 2. Amend section ten (10) by adding a new subsection as  
7 follows: "Every permit holder licensed under this chapter  
8 shall fill out in duplicate, on forms furnished by the commission,  
9 the amount and kinds of liquors purchased, and shall retain  
10 one (1) copy in his establishment for a period of two (2) years,  
11 and the manager of the state liquor store at which the purchase  
12 was made shall monthly forward the other copy to the commission."  
13  
14 3. Amend section eleven (11), line nineteen (19), by strik-  
15 ing all after the comma and inserting the following: "the  
16 license fee shall be that which would be applicable to the  
17 closest city or town to which it is located."  
18  
19 4. Amend section eleven (11), line twenty-six (26) by  
20 adding after the word "be," the words "one-half of", and by  
21 striking the period in line twenty-seven (27), and by adding  
22 the words "and the balance shall be remitted to the state general  
23 fund." Also amend section eighteen (18), line eight (8), by adding  
24 after the word "government", the words "and the state general  
25 fund".  
26  
27 5. Amend section eleven (11), line seven (7), by striking  
28 the semicolon and adding a comma, and by adding the words  
29 "except that for class 'A' permits in towns of less than two  
30 thousand (2,000) population, and for clubs of less than two  
31 hundred fifty (250) members, the license fee shall be three  
32 hundred (300) dollars."  
33  
34 6. Amend section twenty-five (25) by adding before the  
35 comma in line four (4), the words "and beer".  
36  
37 7. Amend section twenty-five (25) by striking the first  
38 comma and the words "except private residences" in line four (4) and  
39 inserting in lieu thereof the words "open to the public".  
40  
41 8. Amend Senate File 437 by adding a new section as follows:  
42 "Amend section one hundred twenty-nine point one (129.1), Code  
43 1962, by inserting after the words "intoxicating liquors" in  
44 line three (3), the words "or beer"; also amend section one  
45 hundred twenty-nine point two (129.2), Code 1962, by adding  
46 after the word "intoxicating liquors" in line ten (10), the  
47 words "or beer".  
48  
49 9. Amend Senate File 437 by adding a new section as  
50 follows: "Section one hundred twenty-three point sixteen (123.16),  
51 Code 1962, is hereby amended as follows:  
52 1. By striking from line one (1) of subsection seven (7) of  
53 such section the second word "and" and inserting in lieu thereof  
54 the words ", liquor control licenses and other".  
55  
56 2. By striking all of subsection eight (8) after the word  
57 "chapter" in line three (3) of such section and inserting in  
58 lieu thereof a period.  
59  
60 3. By adding to subsection nine (9) of such section the  
61 following:  
62 "The commission shall create an enforcement division and  
63 shall appoint a director, who shall be an attorney licensed to  
64 practice in the State of Iowa, and five (5) assistant directors,  
65 at least two (2) of whom shall be accountants. The director of  
66 the enforcement division shall employ needed clerical help, and  
67 such other assistants as are necessary to carry out the enforce-  
68 ment of the laws on liquor control. The enforcement division  
69 may enforce the liquor laws in the name of the State of Iowa  
70 in proceedings before any court. This provision shall not  
71 limit the law enforcement duties of any other law enforcement  
72 officers, including enforcement of the provisions of this law."  
73  
74 4. By striking from subsection eleven (11) all of lines  
75 seven (7), eight (8), and nine (9).  
76  
77 10. Amend Senate File 437 by adding a new section as  
78 follows:  
79 "It shall be unlawful for any law enforcement officer or  
80 other official to accept or solicit donations, gratuities,  
81 advertising, gifts or other favors, directly or indirectly,  
82 from any licensee hereunder. Anyone violating this section  
83 shall be guilty of a misdemeanor and shall be subject to a fine  
84 of not less than one hundred (100) dollars nor more than one  
85 thousand (1,000) dollars, or shall be subject to a jail term  
86 of not less than thirty (30) days, nor more than six (6) months,  
87 or to both such fine and imprisonment."  
88  
89 11. Amend Senate File 437 by adding a new section as follows:  
90 a. "Amend section one hundred twenty-three point twenty-  
91 seven (123.27), Code 1962, by striking all of lines one (1), two  
92 (2), three (3) and four (4) and inserting in lieu thereof the  
93 words "Special permits shall be issued as herein provided:"  
94 b. Further amend section one hundred twenty-three point  
95 twenty-seven (123.27), Code 1962, by striking all of subsection  
96 two (2), paragraph a.  
97 c. Amend section one hundred twenty-three point twenty-  
98 eight (123.28), Code 1962, by striking all of lines one (1),  
99 two (2), three (3) and four (4).

*5/3*

*adopted 5/3*

*5/3*

*5/3*

*adopted 5/3*

*adopted 5/3*

*Withdrawn 5/3*

*adopted 5/3*

*Withdrawn 5/3*

- 1 Amend Senate File 437 as follows:
- 2 1. Amend section 10, subsection 6, by striking from line
- 3 sixty-five (65) the word "and" after the word "corporation"
- 4 and inserting in lieu thereof a comma.
- 5 2. By inserting in line sixty-five (65) after the word
- 6 "carrier" the words", and to passenger-carrying boats or ships
- 7 for hire with a capacity of twenty-five (25) persons ore more
- 8 operating in inland or boundary waters,".
- 9 3. By inserting in line sixty-seven (67) after the word
- 10 "trains" the words " watercraft as described herein,".

Filed  
 May 1, 1963. *5/2/63* *adopted* SERSLAND of Winneshiek.

- 1 Senate File 437 is hereby amended by adding the following
- 2 new section:
- 3 Section one hundred twenty-four point five (124.5), Code
- 4 1962, is amended by striking from lines fourteen (14) and fifteen
- 5 (15) the words and figures "platted prior to January 1, 1934,".

Filed  
 May 1, 1963. *5/1/63* *adopted* PAUL of Poweshiek.

SENATE FILE 437

- 1 Amend the Riley amendment to the Grassley, et al., amendment,
- 2 filed April 30, to Senate File 437 by adding after the word
- 3 "while" in line four (4) of said Riley amendment the words
- 4 "in an"; also by adding after the word "intoxicated" in
- 5 line five (5) the word "condition".

Filed and adopted  
 May 1, 1963. RILEY of Linn.

- 1 Amend the Goode of Davis amendment to Senate File 437
- 2 filed April 24, 1963, as follows:
- 3 1. By inserting after the word "license" in line 4 the
- 4 words "excepting class 'A' liquor control licenses,".
- 5 2. By inserting before the word "by" in line 11 the
- 6 words "excepting class 'A' liquor control licenses,".
- 7 3. By adding after the period in line 57 the words
- 8 "class 'A' liquor control licenses shall not be governed
- 9 by this subsection but shall be governed by the other sections
- 10 of this chapter."

Filed  
 May 1, 1963. *5/2/63* *adopted* RILEY of Linn.

SENATE FILE 437

- 1 Amend the Dietz amendment to Senate File 437, filed April 22,
- 2 by striking all of amendment one (1) and inserting in lieu
- 3 thereof the following:
- 4 1. Amend by striking all of section 1.

Filed  
 May 1, 1963. *5/2/63* *adopted* GOODE of Davis.

- 1 Amend Senate File 437, section 16, by adding after the word
- 2 "or" in line nineteen (19) the following: "with a bona fide
- 3 credit card, or".

Filed  
 May 1, 1963. *5/3/63* *adopted* REFFERT of Polk.

SENATE FILE 437

- 1 Amend Senate File 437 as follows:
- 2 Amend section 41 of the Grassley amendment of April 22, 1963,
- 3 by striking the word "Civil" and "or" in line 130 and the
- 4 word "proceeding" in line 131.

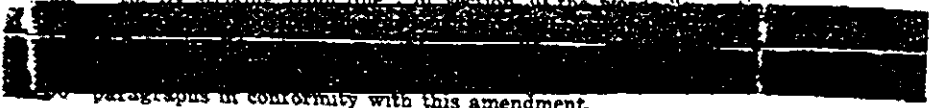
Filed and lost  
 May 1, 1963. FISCHER of Grundy.

SENATE FILE 437

- 1 Amend the amendment to Senate File 437 by Grassley, et al.,
- 2 filed April 22, as follows:
- 3 Amend section 38, line sixty-one (61), by striking therefrom
- 4 the word "dead" and the comma following said word; also by
- 5 striking from line sixty-six (66) the word "dead" and the comma
- 6 following said word.

Filed and lost  
 May 1, 1963. VERMEER of Marion.

81 14. By striking from line 7 of section 24 the words "under the  
82 provisions of this Act".  
83 15. By inserting after section 24 the following new section:  
84 "Section one hundred twenty-four point thirty-one (124.31).  
85 Code 1962, is hereby amended by striking from lines 18 through  
86 24 the following:  
87 "to the private premises of any bona fide private club or  
88 association for which a class "B" permit has been issued, having a  
89 select and discriminate membership and owned and operated by and  
90 for the benefit of the members which is under the exclusive control  
91 of the membership or."  
92 16. By striking from line 1 of section 30 the words "to the



paragraphs in conformity with this amendment.

Filed  
May 1, 1963.

*adopted*  
*5/2*

FISHER of Greene.  
SCHERLE of Mills.  
STANLEY of Muscatine.  
KNOWLES of Iowa.  
VETTER of Washington.  
MILLEN of Van Buren.

SENATE FILE 437

1 Amend the Fisher, et al., amendment to Senate File 437, filed  
2 May 1, 1963, as follows:  
3 1. By inserting in line 11 after the word "assistants" the  
4 words "and agents".  
5 2. By striking from lines 12 and 13 the words "the liquor laws"  
6 and inserting in lieu thereof the words "provisions of title  
7 VI of the Code".  
8 3. By inserting after line 80 the following new sections:  
9 A. "Section one hundred twenty-three point fifty-seven  
10 (123.57), Code 1962, is hereby amended by striking from lines one  
11 (1) and two (2) the words 'auditor of state' and inserting in lieu  
12 thereof the words 'enforcement division of the Iowa liquor  
13 control commission'.  
14 B. "Section one hundred twenty-three point ninety-three  
15 (123.93), Code 1962, is hereby amended as follows:  
16 '1. By striking from line one (1) the words "county attorney"  
17 and inserting in lieu thereof the words "enforcement division".  
18 '2. By inserting in line four (4) after the word "safety"  
19 the words "county attorney".  
20 '3. By striking from line nine (9) the words "county attorney"  
21 and inserting in lieu thereof the words "enforcement division".  
22 '4. By adding at the end of said section the following:  
23 "Nothing in this section shall be construed to remove or lessen  
24 the duties or responsibilities of any county attorney or peace  
25 officer with respect to law enforcement."'  
26 4. Further amend by renumbering the sections in conformity  
27 with this amendment.

Filed and adopted ✓  
May 2, 1963.

*adopted*  
*has amended*  
*5/2*

FISHER of Greene.  
KNOWLES of Scott.  
SCHERLE of Mills.  
STANLEY of Muscatine.  
VETTER of Washington.  
MILLEN of Van Buren.

SENATE FILE 437

1 Amend Senate File 437 by adding an additional  
2 section as follows:  
3 1. "Section one hundred twenty-four point sixteen  
4 (124.16), Code 1962, is hereby amended by striking all  
5 of subsection six (6)."  
6 2. Further amend by renumbering sections to conform  
7 to this amendment.

Filed  
May 2, 1963.

*adopted*  
*5/3*

STEELE of Cherokee.

SENATE FILE 437

1 Amend Senate File 437 as follows:

2 1. By striking the last period in section 5 and inserting in  
3 lieu thereof the following:

4 " ; also by adding to subsection nine (9) of such section the  
5 following:

6 "The commission shall create an enforcement division and shall  
7 appoint a director, who shall be an attorney licensed to practice  
8 in the State of Iowa, and five (5) assistant directors, at least  
9 two (2) of whom shall be accountants. The director of the enforce-  
10 ment division shall employ needed clerical help, and such other as-  
11 sistants as are necessary to carry out the enforcement of the laws  
12 on liquor control. The enforcement division may enforce the liquor  
13 laws in the name of the State of Iowa in proceedings before any  
14 court."

15 2. By inserting after section 5 the following new section:

16 "Section one hundred twenty-three point seventeen (123.17), Code  
17 1982, is hereby amended by striking from paragraph '2' of subsection  
18 two (2) of such section all after the word 'chapter' in line four  
19 (4) and inserting in lieu thereof the words 'by the commission.  
20 Each licensee holding a liquor control license and dispensing liquors  
21 at retail shall establish prices based on serving one (1) ounce of  
22 intoxicating liquor per sale. Such price lists shall be filed with  
23 the commission and are subject to change by the licensee upon filing  
24 a new price list with the commission.'"

25 3. By striking the period in line 8 of section 6 and inserting  
26 in lieu thereof the following:

27 " ; also by adding the following subsection:

28 "Every holder of a liquor control license shall keep a daily  
29 record of the gross receipts of his business and shall include in  
30 such record the number, brand and type of bottles emptied, during  
31 the course of the day's business. Each bottle emptied, except  
32 beer bottles, shall be broken immediately by the licensee or his  
33 agent into a container provided for that purpose. The records  
34 herein required and the premises of the licensee shall be open to  
35 the agents of the enforcement division of the Iowa liquor control  
36 commission during normal business hours of the licensee."

37 4. By striking all of lines 5 and 6 of section 10 and inserting  
38 in lieu thereof the following:

39 "commission, which bond shall be conditioned upon the payment  
40 of all taxes payable to the state and compliance with all pro-  
41 visions of this title,"

42 5. By inserting in line 12 of section 10 after the word "felony,"  
43 the words "does not possess a federal gambling stamp,"

44 6. By inserting after line 154 of section 10 the following new  
45 paragraph:

46 "A statement whether the applicant or any person specified in  
47 paragraph (c) of subsection 8 possesses a federal gambling stamp."

48 7. By striking from line 159 of section 10 the words and  
49 figures "one thousand (1,000)" and inserting in lieu thereof the  
50 words and figures "five hundred (500)".

51 8. By striking from line 164 of section 10 the words and  
52 figures "two thousand (2,000)" and inserting in lieu thereof the  
53 words and figures "five hundred (500)".

54 9. By striking all of lines 24 through 27 of section 11 and  
55 inserting in lieu thereof the following:

56 "The commission shall credit all fees to the liquor control act  
57 fund and shall remit to the respective city or town council, or  
58 county board of supervisors, as the case may be, a sum equal to  
59 fifty (50) percent of the fees collected for each class 'A', class  
60 'B', or class 'C' license covering premises located within their  
61 respective jurisdiction.

62 10. By striking from line 6 of section 16 the words "Suffer  
63 or permit any gaming" and inserting in lieu thereof the words  
64 "Knowingly permit any gaming, gambling".

65 11. By striking from line 11 of section 16 the words and  
66 figures "twelve (12) o'clock midnight on Saturday" and inserting  
67 in lieu thereof the words "one (1) a.m. on Sunday".

68 12. By inserting after line 41 of section 10 the following new  
69 paragraph:

70 "Knowingly sell, give, or otherwise supply any alcoholic beverage  
71 or beer to any person under the age of twenty-one (21) years, or  
72 knowingly permit any person under the age of twenty-one (21) years  
73 to consume any alcoholic beverage or beer."

74 13. By inserting after line 57 of section 16 the following  
75 new paragraph:

76 "However, if any liquor control license holder shall be convicted  
77 of any violation of paragraphs (a), (d), (e), or (h) of subsection  
78 4 of this section, the liquor control license shall automatically  
79 be revoked and shall immediately be surrendered by the holder, and  
80 the bond of the license holder shall be forfeited to the commission."

SENATE FILE 437

- 1 Amend Senate File 437 by inserting after line 191 of section
- 2 10 the following new paragraph:
- 3 "Before the issuance, renewal, or denial of liquor control
- 4 licenses by local authorities, the board or council may conduct
- 5 a referendum on the question of whether liquor control licenses
- 6 shall be approved for the city, town, or county in question.
- 7 Said referendum shall be conducted in the same manner that
- 8 special elections are conducted. The purpose of such referendum
- 9 shall be solely to assist the board or council members in
- 10 determining public sentiment toward liquor by the drink sales,
- 11 and shall not be binding on the council or board members in
- 12 determining whether or not to approve the issuance or renewal
- 13 of liquor control licenses."

Filed *adopted*  
 May 2, 1963 *5/3*

WINKLEMAN of Calhoun.

SENATE FILE 437

- 1 Amend Senate File 437, section eleven (11), by adding the
- 2 following at the end of line seven (7): "provided, however,
- 3 that the fee shall be one hundred (100) dollars for any club
- 4 which is a post, branch, or chapter of a veterans' organization
- 5 chartered by the Congress of the United States, if such club
- 6 does not sell or permit the consumption of alcoholic beverages
- 7 on the premises more than one day in any week, and if the appli-
- 8 cation for a license states that such club does not and will not
- 9 sell or permit the consumption of alcoholic beverages on the
- 10 premises more than one day in any week."

Filed *adopted*  
 May 2, 1963 *5/3*

KIRBY of Palo Alto.  
 BRUES of Adams.

SENATE FILE 437

- 1 Amend the Goode amendment, filed April 24, by striking the
- 2 word "board" in line fifty-six (56) and inserting in lieu
- 3 thereof the words "local authorities".

Filed and adopted  
 May 2, 1963

GOODE of Davis.

SENATE FILE 437

- 1 Amend Senate File 437 as follows:
- 2 Amend the Fisher, Scherle, et al, amendment to Senate File 437
- 3 by inserting in line forty (40) after the word "state" the
- 4 words "under the provisions of this chapter."

Filed and adopted  
 May 2, 1963

FISCHER of Grundy.

SENATE FILE 437

- 1 Amend Senate File 437, section 5, as follows:
- 2 1. By inserting in line 2 after the word "all"
- 3 the words "of subsection eight (8)".
- 4 2. By adding the following at the end of
- 5 section 5:
- 6 "Section 123.16, Code 1962, is further amended
- 7 by striking lines 7, 8, and 9 of subsection 11."

Filed  
 May 2, 1963 *adopted 5/3*

STANLEY of Muscatine.  
 BARINGER of Fayette.

SENATE FILE 437

- 1 Amend the Fisher of Greene, Scherle, et al, amendment
- 2 to Senate File 437 by striking all of subsection eleven (11).

Filed and adopted  
 May 2, 1963

WORTHINGTON of Decatur.  
 KREAGER of Jasper. *Vote 5/2*  
 NIELSEN of Emmet. *ays 63*  
 BOCK of Hancock. *Nays 43*  
 PATTON of Delaware.  
 WALTER of Hardin.  
 GRASSLEY of Butler.  
 HAKER of Pocahontas.

- 1 Amend Senate File 437, section 16, by adding the following after line
- 2 forty-four (44):
- 3 "It shall be unlawful for any person under the age of twenty-one
- 4 (21) years unless accompanied by parent or guardian to be in the
- 5 licensed premises under a liquor control license."

Filed and lost  
 May 3, 1963

GOODE of Davis.

SENATE FILE 437

- 1 Amend Senate File 437, section ten (10), by striking
- 2 from line 96 the word "initial."

Filed and lost  
 May 2, 1963

WORTHINGTON of Decatur.

*Vote 5/2*  
*ays 47*  
*Nays 59*

1 Amend Senate File 437 as follows:  
2 Amend section ten (10) by adding after line one hundred  
3 thirty-four (134) the following:  
4 "e. If a petition shall be signed by the electors of any  
5 county in such number as shall equal twenty-five percent of the  
6 votes cast in such county for governor at the last general elec-  
7 tion, which shall request that the question of licensing the sale  
8 of alcoholic beverages (exceeding four percent by weight) by the  
9 drink be submitted to the electors thereof at a special election  
10 to be called for that purpose, as hereinafter provided, and shall  
11 be filed with the board of supervisors, the board shall cause  
12 such election to be held and shall cause to be published once  
13 each week for four (4) weeks in succession in a newspaper of  
14 general circulation in such county a notice of such special  
15 election to be held not less than fifteen (15) nor more than  
16 thirty (30) days from the date of the last publication. The  
17 notice shall state the proposition to be submitted to the  
18 electors at such special election. Each sheet of the petition  
19 shall contain not more than thirty (30) names of electors with  
20 their personal signatures, addresses, and the date of signing. If  
21 residing within a city or town where the electors are required to  
22 be registered, the signature shall be the same as it appears upon  
23 the registration records. At the top of each sheet shall be  
24 stated the proposition to be submitted. No signature on such  
25 petition shall be valid unless appended to the petition within  
26 the last ninety (90) days prior to the date of filing the petition.  
27 At the bottom of each sheet of such petition shall be the affidavit  
28 of the person who circulated same, stating that the signatures  
29 on the petition were made in his presence, that he has reasonable  
30 cause to believe that they are qualified electors of the  
31 particular county, and that they are the persons they represent  
32 themselves to be. Whoever signs any such petition, knowing that  
33 he is not a qualified elector in the county where such petition  
34 is made, or who aids or abets any other person in doing any of  
35 the acts mentioned, or whoever bribes, gives or pays any money or  
36 thing of value to any person directly or indirectly, to induce  
37 him to sign such petition, shall upon conviction thereof be  
38 punished by a fine of not more than \$1000."

42 Upon the ballot the proposition shall be stated as follows:  
43 "Shall the retail sale of alcoholic beverages (exceeding four  
44 percent by weight) by the drink be prohibited in (here insert the  
45 name of the county)?"

46 YES  
47 NO

48 The provisions of the statutes of this state relating to  
49 election of officers, voting places, election apparatus and  
50 blanks, preparation and form of ballots, information to voters,  
51 delivery of ballots, calling of elections, conduct of elections,  
52 manner of voting, counting of votes, records and certificates  
53 of election, and recount of votes, so far as applicable, shall  
54 apply to voting on the proposition under the provisions of this  
55 Act. If a majority of the ballots cast are "YES", the board  
56 shall not issue any new licenses. However, if at the time of  
57 such election there are liquor control licenses in effect in  
58 the county, they shall not be revoked except for cause for a  
59 period of three (3) years. No new election shall be held for  
60 a period of four (4) years. This election shall not be held  
61 within thirty (30) days of any general election.

Filed and adopted  
May 3, 1963. 56-50

DEN HERDER of Sioux.  
WORTHINGTON of Decatur.

1 Amend the Paul amendment, filed May 1, to Senate File 437, by  
2 inserting in line five (5) preceding the word "platted" the  
3 words "in villages".

Filed and adopted  
May 3, 1963.

PAUL of Poweshiek.

1 Amend Senate File 437, section 10, by striking in line twenty-  
2 seven (27) the words "Notwithstanding other" and by striking all  
3 of lines twenty-eight (28) through thirty-one (31).

Filed and adopted  
May 3, 1963. ✓

PAUL of Poweshiek.

SENATE FILE 437  
(House Amendment)

- 1 Amend the House amendment to Senate File 437 as
- 2 follows:
- 3 1. Amend division 17 by adding the following new para-
- 4 graph after "commission." in line 8:
- 5 "The hours of operation hereinbefore set forth in this
- 6 section shall not apply to Class 'C' liquor control licensed
- 7 premises. Premises operated under a Class 'C' liquor control
- 8 license shall not sell or dispense any alcoholic beverage
- 9 on the licensed premises or permit the consumption thereon
- 10 between the hours of twelve (12) o'clock midnight and seven
- 11 (7) a.m. on any day of the week except Sunday, and between the
- 12 hours of twelve (12) o'clock midnight on Saturday and seven (7)
- 13 a.m. on the following Monday, or on any general, special or
- 14 primary election day during the hours that polls are open, or
- 15 during such other periods or days as may be designated by the
- 16 commission. The punishment for violation of the above hours
- 17 of operation regulation shall be the same as is applicable
- 18 under the provisions of paragraph 'b' of subsection four (4)
- 19 of this section."

*Note 5/9  
page 15  
page 35  
Last*

Filed  
May 8, 1963.

By ELIJAH and BUCK.

SENATE FILE 437  
(House Amendment)

- 1 Amend the House amendment to Senate File 437 as follows:
- 2 1. Amend division 9, paragraph "o", lines 52 and 53,
- 3 by striking the words "the board shall not issue any new
- 4 licenses", and by inserting in lieu thereof the words
- 5 "no new licenses shall be issued".

*Note 5/9  
page 15  
page 35  
Last  
5/9*

Filed  
May 8, 1963.

By MAIN.