FILED

Judiciary 2-7-73, Pass 3/7/73

Potter, Chairman
McCartney
Willits

Reprinted 6/6

SENATE FILE 144

By GRIFFIN, KENNEDY, BLOUIN, MILLER of Des Moines, GLUBA, SHAW and TIEDEN
(Knoke, Monroe, Norpel, Clark of Dubuque and Carr)

Passed Senate, Date 4-12-73 (873) Passed House, Date _____
Vote: Ayes 26 Nays 23 Vote: Ayes _____ Nays _____
Approved 6-26-73

A BILL FOR

1 An Act relating to the hours during which alcoholic beverages
2 and beer may be sold.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 Section 1. Section one hundred twenty-three point forty-
5 nine (123.49), subsection two (2), paragraph b, Code 1973,
6 is amended to read as follows:
7 b. Sell or dispense any alcoholic beverage or beer on
8 the premises covered by the license or permit, or permit the
9 consumption thereon between the hours of two a.m. and six a.m.
10 on any weekday, and between the hours of ~~one~~ two a.m. and
11 eleven-thirty a.m. on Sunday ~~and six a.m. on the following~~
12 ~~Monday~~.
13 EXPLANATION
14 This bill allows the sale of alcoholic beverages and
15 beer between the hours of 11:30 a.m. on Sunday and 2:00
16 a.m. on Monday.
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LSB 631
jd/dg

S—370

1 Amend Senate File 144 as follows:

2 1. By inserting after line 3 the following new
3 sections:

4 Sec.___. Section one hundred twenty-three point
5 thirty-six (123.36), Code 1973, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. Any holder of a liquor control
8 license may agree not to sell alcoholic liquor or beer
9 on Sunday, in which case, that fact shall be noted on
10 the liquor control license of the holder, and the fee
11 for the license shall be two-thirds of the fee prescribed
12 in this section.

13 Sec.___. Section one hundred twenty-three point
14 thirty-six (123.36), subsections two (2), three (3),
15 four (4), and five (5), Code 1973, are amended to read
16 as follows:

17 2. Class "A" liquor control licenses, the sum of
18 ~~six~~ nine hundred dollars, except that for class "A"
19 licenses in towns of less than two thousand popula-
20 tion, and for clubs of less than two hundred fifty mem-
21 bers, the license fee shall be ~~four~~ six hundred dollars;
22 however, the fee shall be ~~two~~ three hundred dollars
23 for any club which is a post, branch, or chapter of
24 a veterans organization chartered by the Congress of
25 the United States, if such club does not sell or permit

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1 the consumption of alcoholic beverages on the premises
2 more than one day in any week, and if the application
3 for a license states that such club does not and will
4 not sell or permit the consumption of alcoholic beverages
5 on the premises more than one day in any week.

6 3. Class "B" liquor control licenses, the sum as
7 follows:

8 a. Hotels or motels located within the corporate
9 limits of cities of ten thousand population and over,
10 one thousand ~~three~~ nine hundred fifty dollars.

11 b. Hotels and motels located within the corporate
12 limits of cities of over three thousand and less than
13 ten thousand population, one thousand ~~fifty~~ five hundred
14 seventy-five dollars.

15 c. Hotels and motels located within the corporate
16 limits of cities or towns of three thousand population
17 and less, ~~eight~~ one thousand two hundred dollars.

18 d. Hotels and motels located outside the corporate
19 limits of any city or town, a sum equal to that charged
20 in the incorporated city or town located nearest the
21 premises to be licensed, and in case there is doubt
22 as to which of two or more differing corporate limits
23 is the nearest, the license fee which is the largest
24 shall prevail.

25 4. Class "C" liquor control licenses, the sum as

c. Commercial establishments located within the corporate limits of towns of fifteen hundred population or less, ~~six~~ nine hundred dollars.

d. Commercial establishments located outside the corporate limits of any city or town, a sum equal to that charged in the incorporated city or town located nearest the premises to be licensed, and in case there is doubt as to which of two or more differing corporate limits are the nearest, the license fee which is the larger shall prevail.

5. Class "D" liquor control licenses, the following sums:

a. For watercraft, ~~one~~ two hundred ~~fifty~~ twenty-five dollars.

b. For trains, ~~five~~ seven hundred fifty dollars.

c. For air common carriers, each company shall pay a base annual fee of ~~five~~ seven hundred fifty dollars and, in addition, shall quarterly remit to the department an amount equal to seven dollars for each gallon of alcoholic liquor sold, given away, or dispensed in or over this state during the preceding calendar quarter. The class "D" license fee and tax for air common carriers shall be in lieu of any other fee or tax collected from such carriers in this state for the possession and sale of alcoholic liquor and beer.

The department shall credit all fees to the beer and liquor control fund and shall remit to the appropriate local authority, a sum equal to sixty-five percent of the fees collected for each class "A", class "B", or class "C" license covering premises located within their respective jurisdictions.

2. By inserting after line 12 the following new section:

Sec.____. Section one hundred twenty-three point one hundred thirty-four (123.134), Code 1973, is amended to read as follows:

123.134 FEES.

1. The annual permit fee for a class "A" permit shall be ~~two~~ three hundred ~~fifty~~ seventy-five dollars.

2. The annual permit fee for a class "B" permit shall be graduated according to population as follows:

a. For premises located within the corporate limits of cities with a population of ten thousand and over, ~~three~~ four hundred fifty dollars.

b. For premises located within the corporate limits of cities or towns with a population of at least fifteen hundred but less than ten thousand, ~~two~~ three hundred dollars.

c. For premises located within the corporate limits of towns with a population of under fifteen hundred,

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1 Sec.___. Section one hundred twenty-three point
2 one hundred thirty-four (123.134), Code 1973, is amended
3 to read as follows:
4 123.134 FEES.
5 1. The annual permit fee for a class "A" permit
6 shall be ~~two~~ three hundred ~~fifty~~ seventy-five dollars.
7 2. The annual permit fee for a class "B" permit
8 shall be graduated according to population as follows:
9 a. For premises located within the corporate limits
10 of cities with a population of ten thousand and over,
11 ~~three~~ four hundred fifty dollars.
12 b. For premises located within the corporate limits
13 of cities or towns with a population of at least fifteen
14 hundred but less than ten thousand, ~~two~~ three hundred
15 dollars.
16 c. For premises located within the corporate limits
17 of towns with a population of under fifteen hundred,
18 one hundred fifty dollars.
19 d. For premises located outside the corporate limits
20 of any city or town, a sum equal to that charged in
21 the incorporated city or town located nearest the
22 premises to be operated under the permit, and in case
23 there is doubt as to which of two or more differing
24 corporate limits are the nearest, the permit fee which
25 is the largest shall prevail.

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1 3. The annual permit fee for a class "C" permit
2 shall be graduated on the basis of the amount of interior
3 floor space which comprises the retail sales area of
4 the premises covered by the permit, as follows:
5 a. Up to one thousand five hundred square feet,
6 the sum of ~~seventy-five~~ one hundred ten dollars.
7 b. Over one thousand five hundred square feet and
8 up to two thousand square feet, the sum of one hundred
9 fifty dollars.
10 c. Over two thousand and up to five thousand square
11 feet, the sum of ~~two~~ three hundred dollars.
12 d. Over five thousand square feet, the sum of ~~three~~
13 four hundred fifty dollars.
14 4. The annual permit fee for a special class "B" per-
15 mit, issued under section 123.133, shall be one hundred
16 fifty dollars, and three dollars for each duplicate
17 permit, which fees shall be paid to the department. The
18 department shall issue duplicates of such permits from
19 time to time as applied for by each such company.
20 3. By amending the title in line 2 by inserting after
21 the word "sold" the words "and to the fees required for
22 the issuance of liquor control licenses and beer permits".
23 4. By renumbering sections to conform to this amend-
24 ment.

S—370 Filed Ruled out of order By RODGERS
April 11, 1973 per adoption of S-371

Amend Senate File 144 as follows:

1. By inserting after line 3 the following ne section:

Sec.____. Section one hundred twenty-three pc nt thirty-~~six~~ (123.36), subsections two (2), three (3), four (4), and five (5), Code 1973, are amended to read as follows:

2. Class "A" liquor control licenses, the sum of ~~six~~ nine hundred dollars, except that for class "A" licenses in towns of less than two thousand population, and for clubs of less than two hundred fifty members, the license fee shall be ~~four~~ six hundred dollars; however, the fee shall be ~~two~~ three hundred dollars for any club which is a post, branch, or chapter of a veterans organization chartered by the Congress of the United States, if such club does not sell or permit the consumption of alcoholic beverages on the premises more than one day in any week, and if the application for a license states that such club does not and will not sell or permit the consumption of alcoholic beverages on the premises more than one day in any week.

3. Class "B" liquor control licenses, the sum as follows:

a. Hotels or motels located within the corporate limits of cities of ten thousand population and over,

one thousand ~~three~~ nine hundred fifty dollars.

b. Hotels and motels located within the corporate limits of cities of over three thousand and less than ten thousand population, one thousand ~~fifty~~ five hundred seventy-five dollars.

c. Hotels and motels located within the corporate limits of cities or towns of three thousand population and less, ~~eight~~ one thousand two hundred dollars.

d. Hotels and motels located outside the corporate limits of any city or town, a sum equal to that charged in the incorporated city or town located nearest the premises to be licensed, and in case there is doubt as to which of two or more differing corporate limits is the nearest, the license fee which is the largest shall prevail.

4. Class "C" liquor control licenses, the sum as follows:

a. Commercial establishments located within the corporate limits of cities of ten thousand population and over, one thousand ~~three~~ nine hundred fifty dollars.

b. Commercial establishments located within the corporate limits of cities or towns of over fifteen hundred and less than ten thousand population, ~~nine hundred-fifty~~ one thousand four hundred twenty-five dollars.

1 follows:
2 a. Commercial establishments located within the
3 corporate limits of cities of ten thousand population
4 and over, one thousand ~~three~~ nine hundred fifty dollars.
5 b. Commercial establishments located within the
6 corporate limits of cities or towns of over fifteen
7 hundred and less than ten thousand population, ~~nine~~
8 ~~hundred-fifty~~ one thousand four hundred twenty-five
9 dollars.
10 c. Commercial establishments located within the
11 corporate limits of towns of fifteen hundred population
12 or less, ~~six~~ nine hundred dollars.
13 d. Commercial establishments located outside the
14 corporate limits of any city or town, a sum equal to
15 that charged in the incorporated city or town located
16 nearest the premises to be licensed, and in case there
17 is doubt as to which of two or more differing corporate
18 limits are the nearest, the license fee which is the
19 larger shall prevail.
20 5. Class "D" liquor control licenses, the following
21 sums:
22 a. For watercraft, ~~one~~ two hundred ~~fifty~~ twenty-
23 five dollars.
24 b. For trains, ~~five~~ seven hundred fifty dollars.
25 c. For air common carriers, each company shall pay

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1 a base annual fee of ~~five~~ seven hundred fifty dollars
2 and, in addition, shall quarterly remit to the department
3 an amount equal to seven dollars for each gallon of
4 alcoholic liquor sold, given away, or dispensed in or
5 over this state during the preceding calendar quarter.
6 The class "D" license fee and tax for air common carriers
7 shall be in lieu of any other fee or tax collected from
8 such carriers in this state for the possession and sale
9 of alcoholic liquor and beer.
10 The department shall credit all fees to the beer
11 and liquor control fund and shall remit to the
12 appropriate local authority, a sum equal to sixty-five
13 percent of the fees collected for each class "A", class
14 "B", or class "C" license covering premises located
15 within their respective jurisdictions.
16 2. By inserting after line 12 the following new
17 sections:
18 Sec.___. Section one hundred twenty-three point
19 one hundred thirty-four (123.134), Code 1973, is amended
20 by adding the following new subsection:
21 NEW SUBSECTION. Any holder of a beer permit may
22 agree not to sell beer on Sunday, in which case, that
23 fact shall be noted on the permit of the holder, and
24 the fee for the permit shall be two-thirds of the fee
25 prescribed in this section.

one hundred fifty dollars.

d. For premises located outside the corporate limits of any city or town, a sum equal to that charged in the incorporated city or town located nearest the premises to be operated under the permit, and in case there is doubt as to which of two or more differing corporate limits are the nearest, the permit fee which is the largest shall prevail.

3. The annual permit fee for a class "C" permit shall be graduated on the basis of the amount of interior floor space which comprises the retail sales area of the premises covered by the permit, as follows:

a. Up to one thousand five hundred square feet, the sum of ~~seventy-five~~ one hundred ten dollars.

b. Over one thousand five hundred square feet and up to two thousand square feet, the sum of one hundred fifty dollars.

c. Over two thousand any up to five thousand square feet, the sum of ~~two~~ three hundred dollars.

d. Over five thousand square feet, the sum of ~~three~~ four hundred fifty dollars.

4. The annual permit fee for a special class "B" permit, issued under section 123.133, shall be one hundred fifty dollars, and three dollars for each duplicate permit, which fees shall be paid to the

department. The department shall issue duplicates of such permits from time to time as applied for by each such company.

3. By amending the title in line 2 by inserting after the word "sold" the words "and to the fees required for the issuance of liquor control licenses and beer permits".

4. By renumbering sections to conform to this amendment.

S—351 Filed - withdrawn 4/12 By RODGERS
April 5, 1973

HOUSE AMENDMENT TO SENATE FILE 144

1. Page 1, line 19, by striking the word "fifteen" and inserting in lieu thereof the word "twenty".

2. Page 1, by adding after line 24 the following new section:

Sec.____. Section one hundred twenty-three point thirty-six (123.36), unnumbered paragraph two (2), Code 1973, is amended to read as follows:

The department shall credit all fees to the beer and liquor control fund and shall remit to the appropriate local authority, a sum equal to sixty-five percent of the fees collected for each class "A", class "B", or class "C" license covering premises located within their respective jurisdictions. <u>However, that amount remitted to the appropriate local authority out of the fee collected for the privilege authorized under section one (1) of this Act shall be deposited in the county mental health and institutions fund to be used only for the care and treatment of persons admitted or committed to the alcoholic treatment center at Oakdale or any facilities as provided in chapter one hundred twenty-three B (123B) of the Code.</u>

3. Page 2, line 27, by striking the word "fifteen" and inserting in lieu thereof the word

Page 2

"twenty".

4. Page 2, by adding the following new section:

Sec.____. Section one hundred twenty-three point forty-nine (123.49), Code 1973, is amended by adding the following new subsection:

<u>NEW SUBSECTION</u>. No privilege of selling alcoholic liquor or beer on Sunday as provided in sections one (1) and three (3) of this Act shall be granted to a club or other organization which places restrictions on admission or membership in the club or organization on the basis of sex, race, religion, or national origin. However, the privilege may be granted to a club or organization which places restrictions on membership on the basis of sex, if the club or organization has an auxiliary organization open to persons of the other sex.

This subsection shall be effective July 1, 1974.

5. Page 2, by adding after line 32 the following new section:

Sec.____. Section one hundred twenty-three point one hundred forty-three (123.143), subsection one (1), Code 1973, is amended to read as follows:

1. All retail beer permit fees collected by any local authority at the time application for the permit is made, and remitted with the permit application to

1 the department, shall be refunded by the department
2 to the local authority at the time the permit is
3 issued. Those amounts refunded to the appropriate
4 local authority out of the fee collected for the
5 privilege authorized under section three (3) of
6 this Act shall be deposited in the county mental
7 health and institutions fund to be used only for the
8 care and treatment of persons admitted or committed
9 to the alcoholic treatment center at Oakdale or any
10 facilities as provided in chapter one hundred twenty-
11 three B (123B) of the Code.
12 6. Page 2, by adding after line 32 the following
13 new section:
14 Sec.____. Chapter one hundred twenty-three (123),
15 Code 1973, is amended by adding the following new
16 section:
17 NEW SECTION. Holders of liquor control licenses
18 and beer permits may sell alcoholic beverages or
19 beer on Sunday pursuant to sections one (1) through
20 three (3) of this Act only if the governing body of
21 the city or town in which the premises covered by the
22 license or permit are located, or the board of
23 supervisors if the premises so covered are not
24 located in a city or town, specifically approves
25 authority to sell on Sunday in the area subject to

1 its jurisdiction.
2 The governing body or board of supervisors at any
3 time may repeal the authorization to sell on Sunday.
4 Any license or permit for which the increased fee for
5 Sunday sales has been paid and which is in effect at
6 the time of such repeal shall remain effective until
7 its date of expiration under section one hundred
8 twenty-three point thirty-four (123.34) of the Code,
9 unless sooner suspended or revoked.
10 7. By renumbering sections and correcting
11 internal references as necessary in accordance with
12 this amendment.

Received from the House
June 8, 1973

SENATE CLIP SHEET

Friday, April 13, 1973

SENATE FILE 144

S—373

1 Amend the Kinley-Shaff Amendment S-371 to Senate File 144
2 as follows:
3 1. Page 1, by inserting after line 6 the following:
4 NEW SUBSECTION. Any holder of a liquor control license
5 may agree not to sell alcoholic liquor or beer on Sunday, in
6 which case, that fact shall be noted on the liquor control
7 license of the holder, and the fee for the license shall be
8 two-thirds of the fee prescribed in this section.
9 2. Page 1, by striking lines 7 through 22, inclusive, and
10 inserting in lieu thereof the following:
11 Sec.___. Section one hundred twenty-three point
12 thirty-six (123.36), subsections two (2), three (3), four
13 (4), and five (5), Code 1973, are amended to read as
14 follows:
15 2. Class "A" liquor control licenses, the sum of ~~six~~
16 nine hundred dollars, except that for class "A" licenses
17 in towns of less than two thousand and for clubs of less
18 than two hundred fifty members, the license fee shall be
19 ~~four~~ six hundred dollars; however, the fee shall be ~~two~~
20 three hundred dollars for any club which is a post, branch,
21 or chapter of a veterans organization chartered by the
22 Congress of the United States, if such club does not sell
23 or permit the consumption of alcoholic beverages on the
24 premises more than one day in any week, and if the
25 application for a license states that such club does not

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1 and will not sell or permit the consumption of alcoholic
2 beverages on the premises more than one day in any week.
3 3. Class "B" liquor control licenses, the sum as
4 follows:
5 a. Hotels or motels located within the corporate
6 limits of cities of ten thousand population and over,
7 one thousand ~~three~~ nine hundred fifty dollars.
8 b. Hotels and motels located within the corporate
9 limits of cities of over three thousand and less than

10 ten thousand population, one thousand ~~fifty~~ fi[illegible] hund[illegible]
11 seventy-five dollars.
12 c. Hotels and motels located within the corporate
13 limits of cities or towns of three thousand population
14 and less, ~~eight~~ one thousand two hundred dollars.
15 d. Hotels and motels located outside the corporate
16 limits of any city or town, a sum equal to that charged
17 in the incorporated city or town located nearest the
18 premises to be licensed, and in case there is doubt
19 as to which of two or more differing corporate limits
20 is the nearest, the license fee which is the largest
21 shall prevail.
22 4. Class "C" liquor control licenses, the sum as
23 follows:
24 a. Commercial establishments located within the
25 corporate limits of cities of ten thousand population

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1 and over, one thousand ~~three~~ nine hundred fifty dollars.
2 b. Commercial establishments located within the
3 corporate limits of cities or towns of over fifteen
4 hundred and less than ten thousand population, ~~nine~~
5 ~~hundred-fifty~~ one thousand four hundred twenty-five
6 dollars.
7 c. Commercial establishments located within the
8 corporate limits of towns of fifteen hundred population
9 or less, ~~six~~ nine hundred dollars.
10 d. Commercial establishments located outside the
11 corporate limits of any city or town, a sum equal to
12 that charged in the incorporated city or town located
13 nearest the premises to be licensed, and in case there
14 is doubt as to which of two or more differing corporate
15 limits are the nearest, the license fee which is the
16 larger shall prevail.
17 5. Class "D" liquor control licenses, the following
18 sums:
19 a. For watercraft, ~~one~~ two hundred ~~fifty~~ twenty-
20 five dollars.
21 b. For trains, ~~five~~ seven hundred fifty dollars.
22 c. For air common carriers, each company shall pay
23 a base annual fee of ~~five~~ seven hundred fifty dollars
24 and, in addition, shall quarterly remit to the department
25 an amount equal to seven dollars for each gallon of

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1 alcoholic liquor sold, given away, or dispensed in or
2 over this state during the preceding calendar quarter.
3 The class "D" license fee and tax for air common carriers
4 shall be in lieu of any other fee or tax collected from
5 such carriers in this state for the possession and sale
6 of alcoholic liquor and beer.
7 The department shall credit all fees to the beer
8 and liquor control fund and shall remit to the
9 appropriate local authority, a sum equal to sixty-five
10 percent of the fees collected for each class "A:, class
11 "B", or class "C" license covering premises located
12 within their respective jurisdictions.

13 3. Page 2, by inserting after line 10 the following:
14 Sec. ___. Section one hundred twenty-three point
15 one hundred thirty-four (123.134), Code 1973, is amended
16 by adding the following new subsection:
17 NEW SUBSECTION. Any holder of a beer permit may
18 agree not to sell beer on Sunday, in which case, that
19 fact shall be noted on the permit of the holder, and
20 the fee for the permit shall be two-thirds of the fee
21 prescribed in this section.
22 4. Page 2, by striking lines 11 through 25 and page 3,
23 by striking lines 1 through 4 and inserting in lieu
24 thereof the following:
25 Sec. ___. Section one hundred twenty-three point

Page 5

1 one hundred thirty-four (123.134), Code 1973, is amended
2 to read as follows:
3 123.134 FEES.
4 1. The annual permit fee for a class "A" permit
5 shall be ~~two~~ three hundred ~~fifty~~ seventy-five dollars.
6 2. The annual permit fee for a class "B" permit
7 shall be graduated according to population as follows:
8 a. For premises located within the corporate limits
9 of cities with a population of ten thousand and over,
10 ~~three~~ four hundred fifty dollars.
11 b. For premises located within the corporate limits
12 of cities or towns with a population of at least fifteen
13 hundred but less than ten thousand, ~~two~~ three hundred
14 dollars.
15 c. For premises located within the corporate limits
16 of towns with a population of under fifteen hundred,
17 one hundred fifty dollars.
18 d. For premises located outside the corporate limits
19 of any city or town, a sum equal to that charged in
20 the incorporated city or town located nearest the
21 premises to be operated under the permit, and in case
22 there is doubt as to which of two or more differing
23 corporate limits are the nearest, the permit fee which
24 is the largest shall prevail.
25 3. The annual permit fee for a class "C" permit

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1 shall be graduated on the basis of the amount of interior
2 floor space which comprises the retail sales area of
3 the premises covered by the permit, as follows:
4 a. Up to one thousand five hundred square feet,
5 the sum of ~~seventy-five~~ one hundred ten dollars.
6 b. Over one thousand five hundred square feet and
7 up to two thousand square feet, the sum of one hundred
8 fifty dollars.
9 c. Over two thousand and up to five thousand square
10 feet, the sum of ~~two~~ three hundred dollars.
11 d. Over five thousand square feet, the sum of ~~three~~
12 four hundred fifty dollars.
13 4. The annual permit fee for a special class "B" per-
14 mit, issued under section 123.133, shall be one hundred
15 fifty dollars, and three dollars for each duplicate
16 permit, which fees shall be paid to the department. The
17 department shall issue duplicates of such permits from
18 time to time as applied for by each such company.

S—373 Filed and lost By RODGERS

Amend Senate File 144 as follows:

1. By striking lines 4 through 12 and inserting in lieu thereof the following new sections:

Sec. ___. Section one hundred twenty-three point thirty-six (123.36), Code 1973, is amended by adding the following new subsection:

NEW SUBSECTION. Any club, hotel, motel, or commercial establishment holding a liquor control license for whom the sale of goods and services other than alcoholic liquor or beer constitutes fifty percent or more of the gross receipts from the licensed premises, subject to the provisions of section one hundred twenty-three point forty-nine (123.49), subsection two (2), paragraph b of this chapter, may sell and dispense alcoholic liquor to patrons on Sunday for consumption on the premises only. For this privilege the liquor control license fee of the applicant shall be increased by fifteen percent of the regular fee prescribed for the license pursuant to this section, and the privilege shall be noted on the liquor control license. The department shall prescribe the nature and the character of the evidence which shall be required of the applicant under this subsection.

Sec. ___. Section one hundred twenty-three point forty-nine (123.49), subsection two (2), paragraph b, Code 1973, is amended to read as follows:

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b. Sell or dispense any alcoholic beverage or beer on the premises covered by the license or permit; or permit the consumption thereon between the hours of two a.m. and six a.m. on any weekday, and between the hours of ~~one~~ two a.m. on Sunday and six a.m. on the following Monday, however, a holder of a liquor control license or class "B" beer permit granted the privilege of selling alcoholic liquor or beer on Sunday may sell or dispense such liquor or beer between the hours of noon and ten p.m. on Sunday.

Sec. ___. Section one hundred twenty-three point one hundred thirty-four (123.134), Code 1973, is amended by adding the following new subsection:

NEW SUBSECTION. Any club, hotel, motel, or commercial establishment holding a class "b" beer permit for whom the sale of goods and services other than beer constitutes fifty percent or more of the gross receipts from the licensed premises, subject to the provisions of section one hundred twenty-three point forty-nine (123.49), subsection two (2), paragraph b of this chapter, may sell and dispense beer to patrons on Sunday for consumption on the premises only. For this privilege the class "B" beer permit fees of the applicant shall be increased by fifteen percent of the regular fees prescribed for the permit pursuant to

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this section and the privilege shall be noted on the beer permit. The department shall prescribe the nature and character of the evidence which shall be required of the applicant under this subsection.

S—371 Filed - adopted as amended by S-372, 374, 375 By KINLEY and SHAFF
April 11, 1973

S—355

Amend Senate File 144 as follows:

1. By striking lines 4 through 12 and inserting in lieu thereof the following new sections:

Sec.___. Section one hundred twenty-three point thirty, six (123.36), Code 1973, is amended by adding the following new subsection:

NEW SUBSECTION. Any club, hotel, motel, or commercial establishment holding a liquor control license for whom the sale of goods and services other than alcoholic liquor or beer constitutes fifty percent or more of the gross receipts from the licensed premises, subject to the provisions of section one hundred twenty-three point forty-nine (123.49), subsection two (2), paragraph b of this chapter, may sell and dispense alcoholic liquor and beer to patrons on Sunday for consumption on the premises only. An additional annual fee equal to fifty percent of the amount of the holder's liquor control license shall be paid to the commission for this privilege, and the privilege to sell liquor on Sunday shall be noted on the liquor control license.

Sec.___. Section one hundred twenty-three point forty-nine (123.49), subsection two (2), paragraph b, Code 1973, is amended to read as follows:

b. Sell or dispense any alcoholic beverage or beer on the premises covered by the license or permit, or

permit the consumption thereon between the hours of two a.m. and six a.m. on any weekday, and between the hours of one a.m. on Sunday and six a.m. on the following Monday, however, a holder of a liquor control license granted the privilege of selling alcoholic liquor or beer on Sunday pursuant to section one (1) or two (2) of this Act, may sell or dispense such liquor between the hours of one p.m. and ten p.m. on Sunday.

S—355 Filed - withdrawn 4/2
April 6, 1973

By KINLEY and SHAFF

S—363

Amend Senate File 144 as follows:

1. Line 9, by striking the words "two a.m." and inserting in lieu thereof the words "~~two a.m.~~ midnight".

2. Line 10, by striking the words "two a.m." and inserting in lieu thereof the words "~~a.m.~~ midnight".

3. Line 11, by striking the words "eleven-thirty a.m." and inserting in lieu thereof the words "twelve noon".

4. Line 12, by adding after the word "~~Monday~~" the words "and between the hours of nine p.m. and midnight on Sunday".

S—363 Filed - Ruled out of order per adoption of S 371
April 6, 1973

By PLYMAT and RODGERS

April 13, 1973 SENATE FILE 144

Pass with amend. 4/26 Amend pass 5-2 no recommendation
Hse Hwys. Mem 5/3

By GRIFFIN, KENNEDY, BLOUIN, MILLER of Des Moines, GLUBA, SHAW and TIEDEN (Knoke, Monroe, Norpel, Clark of Dubuque and Carr)

Senate File 144
Roorda, Chairman
Branstad
Doyle

SENATE AMEN
SHOWN IN BOLD FACE

(AS PASSED BY THE SENATE)

Passed Senate, Date 4-12-73 (873) Passed House, Date 5-30-73 (1613)

Vote: Ayes 26 Nays 23 Vote: Ayes 47 Nays 0

Approved

Passed Senate as amended by House 6-12-73 (1693) 27-22

Motion to reconsider filed 5/30 (1613) provided w/o

Passed House 6-6-73 53-46

A BILL FOR

Motion to reconsider filed 6/12 (1693)
Motion to withdraw 6/18 (1849)

An Act relating to the hours during which alcoholic beverages and beer may be sold and to the fees required for the issuance of certain liquor control licenses and beer permits.

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

Section 1. Section one hundred twenty-three point thirty-six (123.36), Code 1973, is amended by adding the following new subsection:

NEW SUBSECTION. **Any club, hotel, motel, or commercial establishment holding a liquor control license for whom the sale of goods and services other than alcoholic liquor or beer constitutes fifty percent or more of the gross receipts from the licensed premises, subject to the provisions of section one hundred twenty-three point forty-nine (123.49), subsection two (2), paragraph b of this chapter, may sell and dispense alcoholic liquor and beer to patrons on Sunday for consumption on the premises only. For this privilege the liquor control license fee of the applicant shall be increased by fifteen percent of the regular fee prescribed for the license pursuant to this section, and the privilege shall be noted on the liquor control license. The department shall prescribe the nature and the character of the evidence which shall be required of the applicant under this subsection.**

1 Sec. 2. Section one hundred twenty-three point forty-
2 nine (123.49), subsection two (2), paragraph b, Code 1973,
3 is amended to read as follows:
4 b. Sell or dispense any alcoholic beverage or beer
5 on the premises covered by the license or permit; or
6 permit the consumption thereon between the hours of two
7 a.m. and six a.m. on any weekday, and between the hours
8 of [one] *two* a.m. on Sunday and six a.m. on the following
9 Monday, *however, a holder of a liquor control license*
10 *or class "B" beer permit granted the privilege of sell-*
11 *ing alcoholic liquor or beer on Sunday may sell or*
12 *dispense such liquor or beer between the hours of noon*
13 *and ten p.m. on Sunday.*
14 Sec. 3. Section one hundred twenty-three point one
15 hundred thirty-four (123.134), Code 1973, is amended by
16 adding the following new subsection:
17 *NEW SUBSECTION.* Any club, hotel, motel, or commer-
18 cial establishment holding a class "B" beer permit for
19 whom the sale of goods and services other than beer
20 constitutes fifty percent or more of the gross receipts
21 from the licensed premises, subject to the provisions
22 of section one hundred twenty-three point forty-nine
23 (123.49), subsection two (2), paragraph b of this
24 chapter, may sell and dispense beer to patrons on
25 Sunday for consumption on the premises only. For this
26 privilege the class "B" beer permit fees of the appli-
27 cant shall be increased by fifteen percent of the
28 regular fees prescribed for the permit pursuant to
29 this section and the privilege shall be noted on the
30 beer permit. The department shall prescribe the nature
31 and character of the evidence which shall be required
32 of the applicant under this subsection.

H—609

1 Amend Senate File 144, as amended, passed, and re-
2 printed by the Senate as follows:
3 1. Page 2, by adding after line 32 the following
4 new section:
5 Sec.____. Sections one hundred twenty-three point
6 ninety-two (123.92), one hundred twenty-three point
7 ninety-three (123.93), and one hundred twenty-three
8 point ninety-four (123.94), Code 1973, are repealed.

H—609 Filed - Ruled not germane 5/30 By NORPEL of Jackson
May 29, 1973

H—610

1 Amend Senate File 144, as amended, passed, and re-
2 printed by the Senate as follows:
3 1. Page 1, line 12, by striking the word "fifty"
4 and inserting in lieu thereof the word "thirty".
5 2. Page 2, line 20, by striking the word "fifty"
6 and inserting in lieu thereof the word "thirty".

H—610 Filed - W.D. 5/30 By NORPEL of Jackson
May 29, 1973

H—611

1 Amend Senate File 144, as amended, passed, and re-
2 printed by the Senate as follows:
3 1. Page 2, by striking line 13 and inserting in
4 lieu thereof the following: "on Sunday and two a.m.
5 the following Monday."

H—611 Filed - Lost 5/30 By NORPEL of Jackson
May 29, 1973

H—612

1 Amend Senate File 144, as amended, passed, and re-
2 printed by the Senate as follows:
3 1. Page 2, by adding after line 13 the following
4 new section:
5 Sec.____. Section one hundred twenty-three point
6 fifty-one (123.51), subsection three (3), Code 1973,
7 is amended to read as follows:
8 3. No signs or other matter advertising any brand
9 of beer shall be erected or placed upon the outside
10 of any premises occupied by a licensee or permittee
11 authorized to sell beer at retail except between the
12 hours of twelve a.m. to twelve a.m. seven days a week.

H—612 Filed - Ruled not germane 5/30 By NORPEL of Jackson
May 29, 1973

H—608

1 Amend Senate File 144, as amended, passed, and re-
2 printed by the Senate as follows:
3 1. Page 1, by adding after line 24 the following
4 new section:
5 Sec.___. Section one hundred twenty-three point
6 thirty-six (123.36), unnumbered paragraph two (2),
7 Code 1973, is amended to read as follows:
8 The department shall credit all fees to the beer
9 and liquor control fund and shall remit to the appro-
10 priate local authority a sum equal to sixty-five per-
11 cent of the fees collected for each class "A", class
12 "B", or class "C" license covering premises located
13 within their respective jurisdictions. <u>However, that</u>
14 <u>amount remitted to the appropriate local authority</u>
15 <u>out of the fee collected for the privilege authorized</u>
16 <u>under section one (1) of this Act shall be deposited</u>
17 <u>in the county mental health and institutions fund to</u>
18 <u>be used only for the care and treatment of persons</u>
19 <u>admitted or committed to the alcoholic treatment</u>
20 <u>center at Oakdale or any facilities as provided in</u>
21 <u>chapter one hundred twenty-three B (123B) of the Code.</u>
22 2. Page 2, by adding after line 32 the following
23 new section:
24 Sec.___. Section one hundred twenty-three point
25 one hundred forty-three (123.143), subsection one (1),
26 Code 1973, is amended to read as follows:
27 1. All retail beer permit fees collected by any
28 local authority at the time application for the permit
29 is made, and remitted with the permit application to
30 the department, shall be refunded by the department to
31 the local authority at the time the permit is issued.
32 <u>Those amounts refunded to the appropriate local au-</u>
33 <u>thority out of the fee collected for the privilege</u>
34 <u>authorized under section three (3) of this Act shall</u>
35 <u>be deposited in the county mental health and institu-</u>
36 <u>tions fund to be used only for the care and treatment</u>
37 <u>of persons admitted or committed to the alcoholic</u>
38 <u>treatment center at Oakdale or any facilities as pro-</u>
39 <u>vided in chapter one hundred twenty-three B (123B) of</u>
40 <u>the Code.</u>
41 3. By renumbering sections and correcting internal
42 references as necessary in accordance with this
43 amendment.

H—608 Filed - adopted 5/30
May 29, 1973

By FISHER of Greene
DAGGETT of Taylor
FERGUSON of Carroll

H—602

1 Amend Senate File 144, as amended, passed, and re-
2 printed as follows:
3 1. Page 2, by adding after line 32 the following
4 new section:
5 Sec.____. Chapter one hundred twenty-three (123),
6 Code 1973, is amended by adding the following new
7 section:
8 NEW SECTION. Holders of liquor control licenses
9 and beer permits may sell alcoholic beverages or beer
10 on Sunday pursuant to sections one (1) through three
11 (3) of this Act only if the governing body of the city
12 or town in which the premises covered by the license
13 or permit are located, or the board of supervisors if
14 the premises so covered are not located in a city or
15 town, specifically approves authority to sell on
16 Sunday in the area subject to its jurisdiction.
17 The governing body or board of supervisors at any
18 time may repeal the authorization to sell on Sunday.
19 Any license or permit for which the increased fee for
20 Sunday sales has been paid and which is in effect at
21 the time of such repeal shall remain effective until
22 its date of expiration under section one hundred twenty-
23 three point thirty-four (123.34) of the Code, unless sooner
24 suspended or revoked.

H—602 Filed - adopted 5/30
May 29, 1973

By HANSEN of O'Brien
MILLER of Calhoun
MIDDLESWART of Warren
JUNKER of Woodbury
HUTCHINS of Guthrie
CAFFREY of Polk
KRAUSE of Palo Alto
HUSAK of Tama
JORDAN of Linn
BRANSTAD of Winnebago
WEST of Marshall
TOFTE of Winneshiek
FULLERTON of Woodbury
STEPHENS of Plymouth
ANDERSON of Ringgold
DeJONG of Marion
PELLETT of Cass
STROTHMAN of Henry
MENDENHALL of Allamakee
FREEMAN of Buena Vista
BORTELL of Madison
BENNETT of Ida
DAGGETT of Taylor
CRABB of Crawford
PETERSON of Woodbury
MILLER of Buchanan

ROORDA of Jasper
STROMER of Hancock
GRIFFEE of Chickasaw
DANKER of Pottawattamie
GRASSLEY of Butler
LOGUE of Iowa
NORLAND of Worth
MILLER of Cerro Gordo
EWING of Mahaska
STANLEY of Muscatine
DUNTON of Keokuk
MENNENGA of Clinton
EGENES of Story
DEN HERDER of Sioux
BROCKETT of Marshall

H—708

Amend Senate File 144, as passed by the Senate and reprinted, as follows:

1. Page 1, line 12, by striking the word "fifty" and inserting in lieu thereof the word "sixty".

2. Page 2, line 20, by striking the word "fifty" and inserting in lieu thereof the word "sixty".

H—708 Filed and lost
June 6, 1973

By MENNENGA of Clinton
GRASSLEY of Butler
DUNTON of Keokuk
JUNKER of Woodbury
JORDAN of Linn
TOFTE of Winneshiek
EDELEN of Emmet

H--708

Amend Senate File 144, as passed by the Senate and reprinted, as follows:

Page 1, line 12, by striking the word "fifty" and inserting in lieu thereof the word "sixty".

2. Page 2, line 20, by striking the word "fifty" and inserting in lieu thereof the word "sixty".

H--708, Filed and lost
June 6, 1972

By MENNENGA
GRASSLEY
DUNTON
JUNKER
JORDAN
TOFTE
EDELEN

H—378

Amend Senate File 144, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by striking lines 9 through 17 and inserting in lieu thereof the following:

"NEW SUBSECTION. Any holder of a liquor control license may sell and dispense alcoholic liquor and beer to patrons on Sunday upon application to the department and payment of the required fee."

2. Page 1, by striking everything after the period in line 22.

3. Page 1, by striking lines 23 and 24.

4. Page 2, line 10, by inserting after the word "class 'B'", the words "or class 'C'".

5. Page 2, by striking lines 17 through 25, and inserting in lieu thereof the following:

"NEW SUBSECTION. Any holder of a class 'B' or class 'C' beer permit may sell and dispense beer to patrons on Sunday upon application to the department and payment of the required fee. For this".

6. Page 2, line 26, by inserting after the word "class 'B'", the words "or class 'C'".

7. Page 2, by striking everything after the period in line 30.

8. Page 2, by striking lines 31 and 32.

H—378 Filed adopted 5/30 Reconsidered and lost
April 26, 1973

By COMMITTEE ON JUDICIARY
HILL of Polk, Chairman

H—615

1 Amend Senate File 144 Page 2 Line 32 by adding the following
2 new section:
3 Section 1. Section one hundred twenty-three point thirty-
4 two (123.32), subsection two (2), Code 1973, is amended to
5 read as follows:
6 2. ACTION BY LOCAL AUTHORITIES. The local authority
7 shall either approve or disapprove the issuance of a liquor
8 control license or retail beer permit, and shall endorse such
9 approval or disapproval on the application and forward same
10 along with the required fee and bond to the department. Upon
11 the initial issuance of a liquor control license or retail
12 beer permit, the fact that the local authority determines that
13 no liquor control license or retail beer permit shall be issued
14 shall not be held to be arbitrary, capricious, or without
15 reasonable cause. ~~There shall be no limit upon the number of~~
16 ~~liquor control licenses or retail beer permits which may be~~
17 ~~approved for issuance by local authorities.~~ Local authorities
18 may place any reasonable limits on the number of liquor control
19 licenses and retail beer permits initially issued within their
20 jurisdictions and establish qualifications for issuance of
21 such licenses and permits as they deem proper.
22 Sec. 2. Section one hundred twenty-three point one hun-
23 dred twenty-nine (123.129), unnumbered paragraph two (2), Code
24 1973, is amended to read as follows:
25 "Grocery store" means any retail establishment, the
26 principal business of which consists of the sale of food,
27 or food products ~~or beverages~~ for consumption off the premises.
28 3. By renumbering sections and correcting internal
29 references as necessary in accordance with this
30 amendment.

H—615 Filed and ruled not germane May 30, 1973

By CLARK of Lee
LIPSKY of Linn

H—617

1 Amend Senate File 144, as amended, passed, and re-
2 printed by the Senate as follows:
3 1. Page 2, by adding the following new section:
4 Sec.____. This section shall take effect July 1,
5 1974. Section one hundred twenty-three point forty-
6 nine (123.49), Code 1973, is amended by adding the
7 following new subsection:
8 NEW SUBSECTION. No privilege of selling alcoholic
9 liquor or beer on Sunday as provided in sections one
10 (1) and three (3) of this Act shall be granted to a
11 club or other organization which places restrictions
12 on admission or membership in the club or organization
13 on the basis of sex, race, religion, or national
14 origin.

H—617 Filed and adopted as amended by 619 May 30, 1973

By HARGRAVE of Johnson

H—616

1 Amend Senate File 144, as amended, passed, and re-
2 printed by the Senate as follows:
3 1. Page 2, by adding after line 13 the following
4 new sections:
5 Sec.____. Section one hundred twenty-three point
6 one hundred twenty-nine (123.129), unnumbered para-
7 graphs one (1) and four (4), Code 1973, are amended
8 to read as follows:
9 No class "C" permit shall be issued to any person
10 except the owner or proprietor of a grocery store **or**
11 **pharmacy**.
12 A class "C" permit shall be issued by the director
13 to any person who is the owner or proprietor of a
14 grocery store **or pharmacy**, who:
15 Sec.____. Section one hundred twenty-three point
16 one hundred twenty-nine (123.129), Code 1973, is
17 amended by striking unnumbered paragraph three (3).
18 2. Renumber sections and correct internal
19 references as necessary.

H—616 Filed and ruled not germane By MONROE of Des Moines
May 30, 1973

H—626

1 Amend Senate File 144, as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 2, line 10, by inserting after the words
4 "class 'B'" the words "or class 'C'".
5 2. Page 2, line 18, by inserting after the words
6 "class 'B'" the words "or class 'C'".
7 3. Page 2, line 26, by inserting after the words
8 "class 'B'" the words "or class 'C'".

H—626 Filed- Lost 6/6 By JESSE of Polk
May 30, 1973

H—619

1 Amend the Hargrave amendment H-617, to Senate
2 File 144, by inserting after line 14 the following:
3 "However, the privilege may be granted to a club
4 or organization which places restrictions on member-
5 ship on the basis of sex, if the club or organization
6 has an auxiliary organization open to persons of the
7 other sex. This subsection shall be effective July 1,
8 1974."

H—619 Filed and adopted By STANLEY of Muscatine
May 30, 1973 HARGRAVE of Johnson
O'HALLORAN of Black Hawk

H—542

1. Page 1, line 19, by striking the word "fifteen" and inserting in lieu thereof the word "twenty".

2. Page 2, line 27, by striking the word "fifteen" and inserting in lieu thereof the word "twenty".

H—542 Filed - adopted 5/30
May 17, 1973

By COMMITTEE ON WAYS AND MEANS
STANLEY of Muscatine, Chairman

H—588

Amend Senate File 144, as amended, passed, and reprinted by the Senate as follows:

1. Page 1, by striking lines 9 through 24 and inserting in lieu thereof the following:

"NEW SUBSECTION. Any club holding a liquor control license may, subject to the provisions of section one hundred twenty-three point forty-nine (123.49), subsection two (2), paragraph b of this chapter, sell and dispense alcoholic liquor and beer to patrons on Sunday for consumption on the premises only. For this privilege, the liquor control license fee of the holder shall be increased by fifteen percent of the regular fee prescribed for the license pursuant to this section and the privilege shall be noted on the liquor control license."

2. Page 2, by striking lines 17 through 32 and inserting in lieu thereof the following:

"NEW SUBSECTION. Any club holding a class 'B' beer permit may, subject to the provisions of section one hundred twenty-three point forty-nine (123.49), subsection two (2), paragraph b of this chapter, sell and dispense beer to patrons on Sunday for consumption on the premises only. For this privilege, the class 'B' beer permit fees of the holder shall be increased by fifteen percent of the regular fees prescribed for the permit pursuant to this section, and the privilege shall be noted on the beer permit."

H—588 Filed - a. & 5/30
May 24, 1973

By HOLDEN of Scott

Senate

S—372

Amend the Kinley-Shaff amendment S-371 to Senate File 144, page 3, by inserting after line 4 the following:

2. Page 1, line 2, by inserting after the word "sold" the words "and to the fees required for the issuance of certain liquor control licenses and beer permits".

S—372 Filed and adopted
April 12, 1973

By KINLEY and SHAFF

SENATE FILE 144

S—376

Amend the Kinley-Shaff amendment S-371, page 2, line 9, by striking the word "noon" and inserting in lieu thereof "11:00 a.m.".

S—376 Filed and lost
April 12, 1973

By SHAW

S—375

Division S-375A

Amend the Kinley-Shaff amendment, S-371, to Senate File 144 as follows:

1. Page 1, lines 9 and 10, by striking the words "goods and services other than alcoholic liquor or beer" and inserting in lieu thereof the word "food".

Division S-375B

2. Page 2, lines 3 and 4, by striking the words "two a.m." and inserting in lieu thereof the words "~~two a.m.~~ midnight".

3. Page 2, line 5, by striking the words "two a.m." and inserting in lieu thereof the words "~~a.m.~~ midnight".

Division S-375C

4. Page 2, line 10, by striking the word "ten" and inserting in lieu thereof the word "nine".

Division S-375A

5. Page 2, line 16, by striking the words "goods and services other than beer" and inserting in lieu thereof the word "food".

S--375 Filed
division S-375A lost
division S-375B lost
division S-375C lost
April 12, 1973

By PLYMAT

S—374

Amend the Kinley-Shaff amendment, S-371, to Senate File 144 as follows:

1. Page 1, line 14, by inserting after the word "liquor" the words "and beer".

S—374 Filed and adopted
April 12, 1973

By KINLEY and SHAFF