

Jesse  
Shimanek

1977

HOUSE FILE 351

STATE GOVERNMENT Do Pass 4/28 (9. 1773)

BY NEWHARD

Referred 1/9/78 Pass 5/4/78 5410 2/21 (611)

Passed House, Date 3-8-78 (9. 857) Passed Senate, Date \_\_\_\_\_

Vote: Ayes 91 Nays 1 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved May 16, 1978

# A BILL FOR

1 An Act to clarify and further define "licensed premises"  
 2 or "premises"; to remove the restriction that the Iowa  
 3 beer and liquor control department's headquarters and  
 4 principal place of business be located only in the city  
 5 of Des Moines; to prevent premises on which a liquor  
 6 control license or beer permit has been suspended from  
 7 being relicensed within a designated period of time;  
 8 to prohibit a person holding a liquor control license  
 9 or beer permit from permitting or engaging in illegal  
 10 activities on the licensed premises; and to remove the  
 11 restriction that a retail beer permittee can own only  
 12 one class of retail beer permit.

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

- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

1 Section 1. Section one hundred twenty-three point three  
2 (123.3), subsection thirty-one (31), Code 1977, is amended  
3 to read as follows:

4 31. "Licensed premises" or "premises" means all rooms  
5 or, enclosures, contiguous areas, or places susceptible of  
6 precise description satisfactory to the director where  
7 alcoholic beverages or beer ~~are~~ is sold or consumed under  
8 authority of a liquor control license or beer permit. A  
9 single licensed premises may consist of multiple rooms,  
10 enclosures, areas or places if they are wholly within the  
11 confines of a single building or contiguous grounds.

12 Sec. 2. Section one hundred twenty-three point four  
13 (123.4), Code 1977, is amended to read as follows:

14 123.4 DEPARTMENT CREATED--PLACE OF BUSINESS. There is  
15 hereby created an Iowa beer and liquor control department  
16 to administer and enforce the laws of this state concerning  
17 beer and alcoholic liquor. The principal place of business  
18 of the department shall be ~~in-the-city-of-Des-Moines,-and~~  
19 ~~suitable-quarters-or-offices-shall-be~~ provided the department  
20 ~~in-such-city~~ by the authority designated by law to provide  
21 such quarters or offices to state departments or agencies.

22 Sec. 3. Section one hundred twenty-three point thirty-  
23 nine (123.39), Code 1977, is amended by adding the following  
24 new unnumbered paragraph:

25 NEW UNNUMBERED PARAGRAPH. When a liquor license or beer  
26 permit is suspended after a hearing as a result of violations  
27 of the provisions of this chapter by the licensee, permittee  
28 or his or her agents or employees, the premises which were  
29 licensed by such license or permit shall not be relicensed  
30 for a new applicant until the suspension has terminated or  
31 time of suspension has elapsed, or ninety days has elapsed  
32 since the commencement of the termination, whichever occurs  
33 first.

34 Sec. 4. Section one hundred twenty-three point forty-  
35 nine (123.49), subsection two (2), Code 1977, is amended by

1 adding the following new lettered paragraph:

2 NEW LETTERED PARAGRAPH.

3 j. Knowingly permit or engage in any criminal activity  
4 on the premises covered by the license or permit.

5 Sec. 5. Section one hundred twenty-three point one hundred  
6 forty (123.140), Code 1977, is amended to read as follows:

7 123.140 SEPARATE LOCATIONS--CLASS "B" OR "C". Every  
8 person holding a class "B" or class "C" permit having more  
9 than one place of business where such beer is sold which  
10 places do not constitute a single premises within the meaning  
11 of section one hundred twenty-three point three (123.3),  
12 subsection thirty-one (31) of the Code shall be required to  
13 have a separate license for each separate place of business,  
14 except as otherwise provided by this chapter.

15 Sec. 6. Section one hundred twenty-three point one hundred  
16 twenty-six (123.126), Code 1977, is repealed.

17 Sec. 7. This Act is effective January 1, 1978.

18 EXPLANATION

19 This bill:

20 1. Defines the boundaries to be licensed under a single  
21 liquor license or beer permit.

22 2. Permits the Iowa beer and liquor control department's  
23 principal place of business to be located somewhere other  
24 than the city of Des Moines.

25 3. Establishes a time period in which premises owned by  
26 a person found in violation of the provisions of chapter 123,  
27 may not be relicensed.

28 4. Forbids licensees and permittees from permitting or  
29 engaging in illegal activities on the licensed premises.

30 5. Allows a beer retailer to hold more than one class  
31 of retail beer permit. Section 123.45 will continue to prevent  
32 manufacturers, bottlers, and wholesalers from owning or  
33 controlling retail establishments.

34

35

HOUSE FILE 351

H-3873

- 1 Amend House File 351 as follows:  
2 1. Page 1, line 32, by striking the word  
3 "termination" and inserting in lieu thereof the  
4 word "suspension".

H-3873 FILED *Adopted 2/8* BY SHIMANEK of Jones  
APRIL 28, 1977 (*p 855*) NEWHARD of Jones

HOUSE FILE 351

H-5410

- 1 Amend House File 351 as follows:  
2 1. Page 2, by striking line 17.

H-5410 FILED *Adopted* BY COMMITTEE ON STATE GOVERNMENT  
FEBRUARY 22, 1978 *3/8 (p 855)* MONROE of Des Moines, Chair

HOUSE FILE 351

H-5539

- 1 Amend House File 351 as follows:  
2 1. Page 1, by striking line 33 and inserting in  
3 lieu thereof the following: "first. However, nothing  
4 in this section shall prohibit the premises from being  
5 relicensed to a new applicant before the suspension  
6 has terminated or before the time of suspension has  
7 elapsed or before ninety days have elapsed from the  
8 commencement of the suspension, if the premises prior  
9 to the time of the suspension had been purchased under  
10 contract, and the vendor under that contract exercised  
11 the person's rights under chapter six hundred fifty-  
12 six (656) of the Code and sold the property to a  
13 different person who is not related to the previous  
14 licensee or permittee by marriage or within the third  
15 degree of consanguinity or affinity and if the pre-  
16 vious licensee or permittee does not have a financial  
17 interest in the business of the new applicant."

H-5539 FILED *Adopted* BY SCHROEDER of Pottawattamie  
MARCH 6, 1978 *3/8 (p 856)* SHIMANEK of Jones  
TAUKE of Dubuque

HOUSE FILE 351

H-5555

- 1 Amend House File 351 as follows:  
2 1. Page 2, by inserting after line 14 the following  
3 new section:  
4 "Sec. \_\_\_\_ . Section seven hundred twenty-eight  
5 point five (728.5), Code 1977 Supplement, is amended  
6 by adding the following new subsection:  
7 NEW SUBSECTION. If such person advertises that  
8 any activity prohibited by this section is allowed  
9 or permitted in such licensed premises."  
10 2. By renumbering sections to conform to this  
11 amendment.

H-5555 FILED *Adopted 2/8* BY SCHROEDER of Pottawattamie  
MARCH 6, 1978 (*p 856*)

Way and Means  
Nolting, Chairperson  
Shaff  
Palmer

HOUSE FILE 351

By NEWHARD

(As Amended and Passed by the House)

Passed House, Date 3-9-78 (p 857) Passed Senate, Date 5-1-78 (p 1121)

Vote: Ayes 91 Nays 1 Vote: Ayes 46 Nays 0

Approved May 16, 1978

### A BILL FOR

1 An Act to clarify and further define "licensed premises"  
 2 or "premises"; to remove the restriction that the Iowa  
 3 beer and liquor control department's headquarters and  
 4 principal place of business be located only in the city  
 5 of Des Moines; to prevent premises on which a liquor  
 6 control license or beer permit has been suspended from  
 7 being relicensed within a designated period of time;  
 8 to prohibit a person holding a liquor control license  
 9 or beer permit from permitting or engaging in illegal  
 10 activities on the licensed premises; and to remove the  
 11 restriction that a retail beer permittee can own only  
 12 one class of retail beer permit.

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

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

House Amendments \_\_\_\_\_

1 Section 1. Section one hundred twenty-three point three  
2 (123.3), subsection thirty-one (31), Code 1977, is amended  
3 to read as follows:

4 31. "Licensed premises" or "premises" means all rooms  
5 or, enclosures, contiguous areas, or places susceptible of  
6 precise description satisfactory to the director where  
7 alcoholic beverages or beer are is sold or consumed under  
8 authority of a liquor control license or beer permit. A  
9 single licensed premises may consist of multiple rooms,  
10 enclosures, areas or places if they are wholly within the  
11 confines of a single building or contiguous grounds.

12 Sec. 2. Section one hundred twenty-three point four  
13 (123.4), Code 1977, is amended to read as follows:

14 123.4 DEPARTMENT CREATED--PLACE OF BUSINESS. There is  
15 hereby created an Iowa beer and liquor control department  
16 to administer and enforce the laws of this state concerning  
17 beer and alcoholic liquor. The principal place of business  
18 of the department shall be ~~in-the-city-of-Des-Moines,-and~~  
19 ~~suitable-quarters-or-offices-shall-be~~ provided the department  
20 ~~in-such-city~~ by the authority designated by law to provide  
21 such quarters or offices to state departments or agencies.

22 Sec. 3. Section one hundred twenty-three point thirty-  
23 nine (123.39), Code 1977, is amended by adding the following  
24 new unnumbered paragraph:

25 NEW UNNUMBERED PARAGRAPH. When a liquor license or beer  
26 permit is suspended after a hearing as a result of violations  
27 of the provisions of this chapter by the licensee, permittee  
28 or his or her agents or employees, the premises which were  
29 licensed by such license or permit shall not be relicensed  
30 for a new applicant until the suspension has terminated or  
31 time of suspension has elapsed, or ninety days has elapsed  
32 since the commencement of the suspension, whichever occurs  
33 first. However, nothing in this section shall prohibit the  
34 premises from being relicensed to a new applicant before the  
35 suspension has terminated or before the time of suspension

1 has elapsed or before ninety days have elapsed from the  
2 commencement of the suspension, if the premises prior to the  
3 time of the suspension had been purchased under contract,  
4 and the vendor under that contract exercised the person's  
5 rights under chapter six hundred fifty-six (656) of the Code  
6 and sold the property to a different person who is not related  
7 to the previous licensee or permittee by marriage or within  
8 the third degree of consanguinity or affinity and if the pre-  
9 vious licensee or permittee does not have a financial interest  
10 in the business of the new applicant.

11 Sec. 4. Section one hundred twenty-three point forty-  
12 nine (123.49), subsection two (2), Code 1977, is amended by  
13 adding the following new lettered paragraph:

14 NEW LETTERED PARAGRAPH.

15 j. Knowingly permit or engage in any criminal activity  
16 on the premises covered by the license or permit.

17 Sec. 5. Section one hundred twenty-three point one hundred  
18 forty (123.140), Code 1977, is amended to read as follows:

19 123.140 SEPARATE LOCATIONS--CLASS "B" OR "C". Every  
20 person holding a class "B" or class "C" permit having more  
21 than one place of business where such beer is sold which  
22 places do not constitute a single premises within the meaning  
23 of section one hundred twenty-three point three (123.3),  
24 subsection thirty-one (31) of the Code shall be required to  
25 have a separate license for each separate place of business,  
26 except as otherwise provided by this chapter.

27 Sec. 6. Section seven hundred twenty-eight point five  
28 (728.5), Code 1977 Supplement, is amended by adding the  
29 following new subsection:

30 NEW SUBSECTION. If such person advertises that any activity  
31 prohibited by this section is allowed or permitted in such  
32 licensed premises.

33 Sec. 7. Section one hundred twenty-three point one hundred  
34 twenty-six (123.126), Code 1977, is repealed.

## HOUSE FILE 351

## AN ACT

TO CLARIFY AND FURTHER DEFINE "LICENSED PREMISES" OR "PREMISES"; TO REMOVE THE RESTRICTION THAT THE IOWA BEER AND LIQUOR CONTROL DEPARTMENT'S HEADQUARTERS AND PRINCIPAL PLACE OF BUSINESS BE LOCATED ONLY IN THE CITY OF DES MOINES; TO PREVENT PREMISES ON WHICH A LIQUOR CONTROL LICENSE OR BEER PERMIT HAS BEEN SUSPENDED FROM BEING RELICENSED WITHIN A DESIGNATED PERIOD OF TIME; TO PROHIBIT A PERSON HOLDING A LIQUOR CONTROL LICENSE OR BEER PERMIT FROM PERMITTING OR ENGAGING IN ILLEGAL ACTIVITIES ON THE LICENSED PREMISES; AND TO REMOVE THE RESTRICTION THAT A RETAIL BEER PERMITTEE CAN OWN ONLY ONE CLASS OF RETAIL BEER PERMIT.

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

Section 1. Section one hundred twenty-three point three (123.3), subsection thirty-one (31), Code 1977, is amended to read as follows:

31. "Licensed premises" or "premises" means all rooms ~~or~~ enclosures, contiguous areas, or places susceptible of precise description satisfactory to the director where alcoholic beverages or beer ~~are~~ is sold or consumed under authority of a liquor control license or beer permit. A single licensed premises may consist of multiple rooms, enclosures, areas or places if they are wholly within the confines of a single building or contiguous grounds.

Sec. 2. Section one hundred twenty-three point four (123.4), Code 1977, is amended to read as follows:

123.4 DEPARTMENT CREATED--PLACE OF BUSINESS. There is hereby created an Iowa beer and liquor control department to administer and enforce the laws of this state concerning beer and alcoholic liquor. The principal place of business

of the department shall be ~~in-the-city-of-Des-Moines,-and suitable-quarters-or-offices-shall-be~~ provided the department ~~in-such-city~~ by the authority designated by law to provide such quarters or offices to state departments or agencies.

Sec. 3. Section one hundred twenty-three point thirty-nine (123.39), Code 1977, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. When a liquor license or beer permit is suspended after a hearing as a result of violations of the provisions of this chapter by the licensee, permittee or his or her agents or employees, the premises which were licensed by such license or permit shall not be relicensed for a new applicant until the suspension has terminated or time of suspension has elapsed, or ninety days has elapsed since the commencement of the suspension, whichever occurs first. However, nothing in this section shall prohibit the premises from being relicensed to a new applicant before the suspension has terminated or before the time of suspension has elapsed or before ninety days have elapsed from the commencement of the suspension, if the premises prior to the time of the suspension had been purchased under contract, and the vendor under that contract exercised the person's rights under chapter six hundred fifty-six (656) of the Code and sold the property to a different person who is not related to the previous licensee or permittee by marriage or within the third degree of consanguinity or affinity and if the previous licensee or permittee does not have a financial interest in the business of the new applicant.

Sec. 4. Section one hundred twenty-three point forty-nine (123.49), subsection two (2), Code 1977, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH.

j. Knowingly permit or engage in any criminal activity on the premises covered by the license or permit.

Sec. 5. Section one hundred twenty-three point one hundred forty (123.140), Code 1977, is amended to read as follows:

123.140 SEPARATE LOCATIONS--CLASS "B" OR "C". Every person holding a class "B" or class "C" permit having more than one place of business where such beer is sold which places do not constitute a single premises within the meaning of section one hundred twenty-three point three (123.3), subsection thirty-one (31) of the Code shall be required to have a separate license for each separate place of business, except as otherwise provided by this chapter.

Sec. 6. Section seven hundred twenty-eight point five (728.5), Code 1977 Supplement, is amended by adding the following new subsection:

NEW SUBSECTION. If such person advertises that any activity prohibited by this section is allowed or permitted in such licensed premises.

Sec. 7. Section one hundred twenty-three point one hundred twenty-six (123.126), Code 1977, is repealed.

---

DALE M. COCHRAN  
Speaker of the House

---

ARTHUR A. NEU  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 351, Sixty-seventh General Assembly.

---

DAVID L. WRAY  
Chief Clerk of the House

Approved May 16, 1978

---

ROBERT D. RAY  
Governor