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FILED MAR 18 1981

SENATE FILE 439

BY COMMITTEE ON STATE GOVERNMENT
Approved 2/18 (7 871)
(FORMERLY SSB 346)

Passed Senate, Date 4-8-81 (p. 1162) Passed House, Date 4-27-81 (P. 1434)
Vote: Ayes 44 Nays 0 Vote: Ayes 93 Nays 3
Approved May 11, 1981

A BILL FOR

1 An Act to allow a class "A" beer permittee to also hold a
2 class "B" beer permit.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 123.45, unnumbered paragraph 2, Code
2 1981, is amended to read as follows:

3 No A person engaged in the business of manufacturing,
4 bottling, or wholesaling alcoholic beverages or beer, ~~nor~~
5 or any jobber or agent of such person, shall not directly
6 or indirectly supply, furnish, give, or pay for any
7 furnishings, fixtures, or equipment used in the storage,
8 handling, serving, or dispensing of alcoholic beverages, beer,
9 or food within the place of business of a licensee or permittee
10 authorized under ~~the-provisions-of~~ this chapter, to sell at
11 retail; nor shall ~~he~~ the person directly or indirectly extend
12 any credit for alcoholic beverages or beer or pay for any
13 such license or permit, nor except as permitted by this
14 chapter, directly or indirectly be interested in the ownership,
15 conduct, or operation of the business of another licensee
16 or permittee authorized under ~~the-provisions-of~~ this chapter
17 to sell at retail. Any licensee or permittee who ~~shall-permit~~
18 permits or ~~assent~~ assents or ~~be~~ is a party in any way to any
19 such violation or infringement of ~~the-provisions-of~~ this
20 chapter ~~shall-be-deemed~~ is guilty of a violation of ~~the~~
21 ~~provisions-of~~ this chapter. However, a class "A" beer
22 permittee may also possess a class "B" beer permit. A class
23 "A" beer permittee who also possesses a class "B" beer permit
24 may supply, furnish, give, or pay for furnishings, fixtures,
25 or equipment for the person's class "B" permit premises and
26 may give beer or sell beer on credit, or both, to the person's
27 class "B" permit premises.

28 Sec. 2. Section 123.130, Code 1981, is amended to read
29 as follows:

30 123.130 AUTHORITY UNDER CLASS "A" PERMIT. Any person
31 holding a class "A" permit issued by the department ~~shall~~
32 ~~be-authorized-to~~ may manufacture and sell, or sell at
33 wholesale, beer for consumption off the premises, such sales
34 within the state to be made only to persons holding subsisting
35 class "A", "B" or "C" permits, or liquor control licenses

1 issued in accordance with ~~the provisions of~~ this chapter.

2 A person holding a class "A" permit who also holds a class
3 "B" permit may give beer to the person's class "B" premises.

4 Sec. 3. Section 123.135, subsection 4, Code 1981, is
5 amended to read as follows:

6 4. It ~~shall be~~ is unlawful for any holder of a certificate
7 of compliance or ~~his~~ the holder's agent, or any class "A"
8 permit holder or ~~his~~ the holder's agent, to grant to any
9 retail beer permit holder, directly or indirectly, any rebates,
10 free goods, or quantity discounts on beer which are not
11 uniformly offered to all retail permittees. However, a class
12 "A" permit holder who also possesses a class "B" permit may
13 provide the person's class "B" premises with free beer and
14 goods without offering free beer and goods to other retail
15 permittees.

16 Sec. 4. Section 123.136, unnumbered paragraph 1, Code
17 1981, is amended to read as follows:

18 In addition to the annual permit fee to be paid by all
19 class "A" permittees under ~~the provisions of~~ this chapter,
20 there shall be levied and collected from ~~such~~ permittees on
21 all beer manufactured for sale or sold in this state at
22 wholesale and on all beer imported into this state for sale
23 at wholesale and sold in this state at wholesale and on all
24 beer sold at retail by a class "B" permittee who also holds
25 a class "A" permit, a tax of four and thirty-four hundredths
26 dollars for every barrel containing thirty-one gallons, and
27 at a like rate for any other quantity or for the fractional
28 part of a barrel. However, no tax shall be levied or collected
29 on beer shipped outside this state by a class "A" permittee
30 or sold by one class "A" permittee to another class "A"
31 permittee.

32 Sec. 5. Section 123.138, Code 1981, is amended to read
33 as follows:

34 123.138 BOOKS OF ACCOUNT REQUIRED. Each class "A"
35 permittee shall keep proper books of account and records

1 showing the amount of beer sold by ~~him~~ the permittee, which
2 books of account shall be at all times open to inspection
3 by the director. Each class "B" and class "C" permittee shall
4 keep proper books of account and records showing each purchase
5 of beer made by ~~him~~ the permittee or gift of beer received
6 by the permittee if the class "B" permittee also holds a class
7 "A" permit, and the date and the amount of each purchase or
8 gift, and the name of the person from whom each purchase was
9 made or gift received, which books of account and records
10 shall be open to inspection by the director and agents of
11 the division of beer and liquor law enforcement of the
12 department of public safety during normal business hours of
13 the permittee.

14 Sec. 6. Section 123.142, unnumbered paragraph 1, Code
15 1981, is amended to read as follows:

16 It ~~shall-be~~ is unlawful for the holder of any class "B"
17 or class "C" permit issued under ~~the-provisions-of~~ this chapter
18 to sell beer, except beer purchased from a person holding
19 a subsisting class "A" permit issued in accordance with ~~the~~
20 ~~provisions-of~~ this chapter or given to the class "B" permittee
21 if the permittee also holds a class "A" permit, and on which
22 the tax provided in section 123.136 has been paid. However,
23 ~~the-provisions-of~~ this section ~~shall~~ does not apply to the
24 holders of special class "B" permits issued under section
25 123.133 for sales in cars engaged in interstate commerce nor
26 to class "D" liquor control licensees as provided in this
27 chapter.

28 EXPLANATION

29 This bill permits a holder of a class "A" beer permit
30 (manufacturers) to also hold a class "B" (retail sale) beer
31 permit.

32 The bill takes effect July 1 following its enactment.

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S-3335

1 Amend Senate File 439 as follows:

2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:

4 "Section 1. Section 123.45, unnumbered paragraph
5 2, Code 1981, is amended to read as follows:

6 No person engaged in the business of manufacturing,
7 bottling, or wholesaling alcoholic beverages or beer,
8 nor any jobber or agent of such person, shall directly
9 or indirectly supply, furnish, give, or pay for any
10 furnishings, fixtures, or equipment used in the
11 storage, handling, serving, or dispensing of alcoholic
12 beverages, beer, or food within the place of business
13 of a licensee or permittee authorized under the
14 provisions of this chapter, to sell at retail; nor
15 shall he the person directly or indirectly extend
16 any credit for alcoholic beverages or beer or pay
17 for any such license or permit, nor directly or
18 indirectly be interested in the ownership, conduct,
19 or operation of the business of another licensee or
20 permittee authorized under the provisions of this
21 chapter to sell at retail, except that a person engaged
22 in the business of manufacturing beer may sell beer
23 at retail for consumption on or off the premises of
24 the manufacturing facility and, notwithstanding any
25 other provision of this chapter or the fact that such
26 a person may be the holder of a class "A" beer permit,
27 may be granted not more than one class "B" permit
28 as defined in section 123.124 for such purpose. Any
29 licensee or permittee who shall permit or assent or
30 be a party in any way to any such violation or
31 infringement of the provisions of this chapter shall
32 be deemed guilty of a violation of the provisions
33 of this chapter."

34 2. Title page, by striking lines 1 and 2 and
35 inserting in lieu thereof the following: "An Act
36 relating to the retail sale of beer by manufacturers
37 of beer on the premises of the manufacturing facility
38 for on or off premises consumption."

S-3335 FILED

BY BOB CARR

APRIL 1, 1981

Adopted 4/3/81 (p. 1162)

Has State Sent. 4/18/81
Do Pass 4/16 (p. 1285)

SENATE FILE 439

BY COMMITTEE ON STATE GOVERNMENT

(AS AMENDED AND PASSED BY THE SENATE APRIL 8, 1981)

Passed Senate, Date 4-8-81 (p. 1162) Passed House, Date 4-27-81 (p. 434)

Vote: Ayes 44 Nays 0 Vote: Ayes 93 Nays 3

Approved May 11, 1981

A BILL FOR

1 An Act relating to the retail sale of beer by manufacturers
2 of beer on the premises of the manufacturing facility for
3 on or off premises consumption.

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

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_____ = New Language
by the Senate

1 Section 1. Section 123.45, unnumbered paragraph 2, Code
2 1981, is amended to read as follows:

3 No person engaged in the business of manufacturing,
4 bottling, or wholesaling alcoholic beverages or beer, nor
5 any jobber or agent of such person, shall directly or
6 indirectly supply, furnish, give, or pay for any furnishings,
7 fixtures, or equipment used in the storage, handling, serving,
8 or dispensing of alcoholic beverages, beer, or food within
9 the place of business of a licensee or permittee authorized
10 under the provisions of this chapter, to sell at retail; nor
11 shall he the person directly or indirectly extend any credit
12 for alcoholic beverages or beer or pay for any such license
13 or permit, nor directly or indirectly be interested in the
14 ownership, conduct, or operation of the business of another
15 licensee or permittee authorized under the provisions of this
16 chapter to sell at retail, except that a person engaged in
17 the business of manufacturing beer may sell beer at retail
18 for consumption on or off the premises of the manufacturing
19 facility and, notwithstanding any other provision of this
20 chapter or the fact that such a person may be the holder of
21 a class "A" beer permit, may be granted not more than one
22 class "B" permit as defined in section 123.124 for such
23 purpose. Any licensee or permittee who shall permit or assent
24 or be a party in any way to any such violation or infringement
25 of the provisions of this chapter shall be deemed guilty of
26 a violation of the provisions of this chapter.

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SENATE FILE 439

AN ACT

RELATING TO THE RETAIL SALE OF BEER BY MANUFACTURERS OF BEER
ON THE PREMISES OF THE MANUFACTURING FACILITY FOR ON OR
OFF PREMISES CONSUMPTION.

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

Section 1. Section 123.45, unnumbered paragraph 2, Code
1981, is amended to read as follows:

No person engaged in the business of manufacturing,
bottling, or wholesaling alcoholic beverages or beer, nor
any jobber or agent of such person, shall directly or
indirectly supply, furnish, give, or pay for any furnishings,
fixtures, or equipment used in the storage, handling, serving,
or dispensing of alcoholic beverages, beer, or food within
the place of business of a licensee or permittee authorized
under the provisions of this chapter, to sell at retail; nor
shall he the person directly or indirectly extend any credit
for alcoholic beverages or beer or pay for any such license
or permit, nor directly or indirectly be interested in the
ownership, conduct, or operation of the business of another
licensee or permittee authorized under the provisions of this
chapter to sell at retail, except that a person engaged in
the business of manufacturing beer may sell beer at retail
for consumption on or off the premises of the manufacturing
facility and, notwithstanding any other provision of this
chapter or the fact that such a person may be the holder of
a class "A" beer permit, may be granted not more than one
class "B" permit as defined in section 123.124 for such
purpose. Any licensee or permittee who shall permit or assent

or be a party in any way to any such violation or infringement
of the provisions of this chapter shall be deemed guilty of
a violation of the provisions of this chapter.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and
is known as Senate File 439, Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY
Secretary of the Senate

Approved May 11, 1981

ROBERT D. RAY
Governor