

Reprinted

JAN 21 1990

STATE GOVERNMENT

HOUSE FILE 2188
BY FEY

Passed House, Date 2/19/90 (p. 446) Passed Senate, Date _____
Vote: Ayes 76 Nays 6 Vote: Ayes _____ Nays _____
Approved April 19, 1990

A BILL FOR

1 An Act relating to the issuance of alcoholic beverage licenses
2 and permits for certain licensed premises and prescribing
3 fees.

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

HF 2188

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 Section 1. Section 123.32, Code Supplement 1989, is
2 amended by adding the following new subsection:

5/153 NEW SUBSECTION. 2A. A local authority may define, by
4 ordinance, licensed premises which shall be used by holders of
5 liquor control licenses, beer permits, and wine permits at
6 festivals, fairs, or celebrations which are sponsored or
7 authorized by the local authority. The licensed premises
8 defined by ordinance shall be used by the holders of five-day
9 or fourteen-day liquor control licenses, five-day or fourteen-
10 day wine permits, or five-day or fourteen-day beer permits
11 only. The ordinance defining licensed premises for festivals,
12 fairs, or celebrations is subject to approval of the
13 commission before the ordinance becomes effective.

5/15 > 14 Sec. 2. Section 123.34, Code 1989, is amended by adding
15 the following new subsections:

16 NEW SUBSECTION. 4. The administrator may issue five-day
17 class "A", class "B", class "C", and class "D" liquor control
5/15 > 18 licenses, five-day class "B" wine permits, and five-day class
19 "B" beer permits. A five-day license or permit is valid for
20 five consecutive days, but the holder shall not sell alcoholic
21 beverages on Sunday in the five-day period unless the holder
22 qualifies for and obtains the privilege to sell on Sunday
23 pursuant to sections 123.36 and 123.134.

5/15 > 24 NEW SUBSECTION. 5. The fee for the five-day liquor
25 control license, wine permit, or beer permit is one-eighth of
26 the annual fee for that class of license or permit. The fee
27 for the privilege to sell on a Sunday in the five-day period
28 is ten percent of the price of the five-day liquor control
29 license, wine permit, or beer permit.

30 EXPLANATION

31 This bill authorizes cities or counties to define by
32 ordinance, with approval of the alcoholic beverages
33 commission, licensed premises which shall be used by liquor
34 control licensees, wine permittees, and beer permittees at
35 festivals, fairs, or celebrations which are sponsored or

1 authorized by cities or counties.

2 The bill also creates five-day class "A", class "B", class
3 "C", and class "D" liquor control licenses, five-day class "B"
4 wine permits, and five-day class "B" beer permits. The fee is
5 one-eighth of the annual fee for that class of license or
6 permit and the fee to sell on a Sunday during the five-day
7 period is ten percent of the price of the five-day license or
8 permit.

9
10
11
12
13

**HOUSE FILE 2188
FISCAL NOTE**

A fiscal note for House File 2188 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2188 authorizes cities or counties to define by ordinance, with approval of the alcoholic beverages commission, licensed premises which shall be used by liquor control licensees, wine permittees, and beer permittees at festivals, fairs, or celebrations which are sponsored or authorized by cities or counties.

The bill also creates five-day class "A," class "B," class "C," and class "D" liquor control licenses, five-day class "B" wine permits, and five-day class "B" beer permits. The fee is one eighth of the annual fee for that class of license or permit and the fee to sell on a Sunday during the five-day period is ten percent of the price of the five-day license or permit.

FISCAL IMPACT:

The Alcoholic Beverages Division estimates no significant fiscal effect, and no additional staff will be necessary to implement this legislation.

Source: (Department of Commerce
Alcoholic Beverages Division)

(LSB 7422h, MAS)

FILED FEBRUARY 13, 1990

BY DENNIS PROUTY, FISCAL DIRECTOR

LSB 7422H 73

HOUSE FILE 2188

H-5115

1 Amend House File 2188 as follows:

2 1. Page 1, by striking lines 11 through 13 and
3 inserting the following: "only."

4 2. Page 1, by inserting before line 14 the
5 following:

6 "Sec. ____ . Section 123.34, Code 1989, is amended
7 to read as follows:

8 123.34 EXPIRATION -- SEASONAL OR FOURTEEN-DAY
9 LICENSE OR PERMIT.

10 1. Liquor control licenses, wine permits, and beer
11 permits, unless sooner suspended or revoked, expire
12 one year from date of issuance. The administrator
13 shall give sixty days' written notice of the
14 expiration to each licensee or permittee. However,
15 the administrator may issue six-month or eight-month
16 seasonal licenses, class "B" wine permits, or class
17 "B" beer permits for a proportionate part of the
18 license or permit fee or may issue fourteen-day liquor
19 licenses, ~~wine permits,~~ or beer permits as provided in
20 subsection 2. No refund shall be made for seasonal
21 licenses or permits or for fourteen-day liquor
22 licenses, ~~wine permits,~~ or beer permits. No seasonal
23 license or permit shall be renewed except after a
24 period of two months.

25 2. The administrator may issue fourteen-day class
26 "A", class "B", class "C", and class "D" liquor
27 control licenses, ~~fourteen-day class "B" wine permits,~~
28 and fourteen-day class "B" beer permits. A fourteen-
29 day license or permit, if granted, is valid for
30 fourteen consecutive days, but the holder shall not
31 sell on the two Sundays in the fourteen-day period
32 unless the holder qualifies for and obtains the
33 privilege to sell on Sundays contained in sections
34 123.36, subsection 6 and 123.134, subsection 5.

35 3. The fee for a fourteen-day liquor license, ~~wine~~
36 ~~permit,~~ or beer permit is one quarter of the annual
37 fee for that class of liquor license, wine permit, or
38 beer permit. The fee for the privilege to sell on the
39 two Sundays in the fourteen-day period is twenty
40 percent of the price of the fourteen-day liquor
41 license, wine permit, or beer permit."

42 3. Page 1, line 18, by striking the words "
43 five-day class "B" wine permits,".

44 4. Page 1, line 25, by striking the words "
45 permit,".

46 5. Page 1, line 29, by striking the words "
47 permit,".

By COMMITTEE ON STATE GOVERNMENT
BLANSHAN of Greene, Chairperson

H-5115 FILED FEBRUARY 8, 1990

Adopted 2/19 (p. 445)

HOUSE FILE 2188

H-5154

1 Amend House File 2188 as follows:

2 1. Page 1, by inserting after line 29, the
3 following:

4 "Sec. ____ . NEW SECTION. 123.152 HEALTH WARNING
5 SIGNS BY RETAILERS.

6 The holder of a class "E" liquor control license,
7 class "B" and class "C" beer permit, and a class "B"
8 wine permit shall post in a prominent place in the
9 licensed premise notice of health warnings concerning
10 alcohol and pregnancy, alcohol and medication
11 interactions, signs of alcoholism, and access to
12 treatment. The division shall establish by rule the
13 size, location, and content of the notice."

14 2. Title page, line 2, by inserting after the
15 word "premises" the following: ", the posting of
16 health warnings,".

By GARMAN of Story
BANKS of Plymouth

H-5154 FILED FEBRUARY 15, 1990

w/d 2/19 (p. 445)

HOUSE FILE 2188
BY FEY

(As Amended and Passed by the House February 19, 1990)

Passed House, ^{per 5843} Date 4/6/90 (p. 2183) Passed Senate, ^{as amended} Date 3/22/90 (p. 1268)
Vote: Ayes 79 Nays 9 Vote: Ayes 38 Nays 6
Approved April 19, 1990
Motion to Reconsider (p. 1271) w/d 3/22

A BILL FOR

1 An Act relating to the issuance of alcoholic beverage licenses
2 and permits for certain licensed premises and prescribing
3 fees.

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

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

House Amendments _____
Deleted Language *

1 Section 1. Section 123.32, Code Supplement 1989, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 2A. A local authority may define, by
4 ordinance, licensed premises which shall be used by holders of
5 liquor control licenses, beer permits, and wine permits at
6 festivals, fairs, or celebrations which are sponsored or
7 authorized by the local authority. The licensed premises
8 defined by ordinance shall be used by the holders of five-day
9 or fourteen-day liquor control licenses, five-day or fourteen-
10 day wine permits, or five-day or fourteen-day beer permits
11 only.

12 Sec. 2. Section 123.34, Code 1989, is amended to read as
13 follows:

14 123.34 EXPIRATION -- SEASONAL OR FOURTEEN-DAY LICENSE OR
15 PERMIT.

16 1. Liquor control licenses, wine permits, and beer
17 permits, unless sooner suspended or revoked, expire one year
18 from date of issuance. The administrator shall give sixty
19 days' written notice of the expiration to each licensee or
20 permittee. However, the administrator may issue six-month or
21 eight-month seasonal licenses, class "B" wine permits, or
22 class "B" beer permits for a proportionate part of the license
23 or permit fee or may issue fourteen-day liquor licenses, wine
24 permits, or beer permits as provided in subsection 2. No
25 refund shall be made for seasonal licenses or permits or for
26 fourteen-day liquor licenses, wine permits, or beer permits.
27 No seasonal license or permit shall be renewed except after a
28 period of two months.

29 2. The administrator may issue fourteen-day class "A",
30 class "B", class "C", and class "D" liquor control licenses,
31 fourteen-day class "B" wine permits, and fourteen-day class
32 "B" beer permits. A fourteen-day license or permit, if
33 granted, is valid for fourteen consecutive days, but the
34 holder shall not sell on the two Sundays in the fourteen-day
35 period unless the holder qualifies for and obtains the

1 privilege to sell on Sundays contained in sections 123.36,
2 subsection 6 and 123.134, subsection 5.

3 3. The fee for a fourteen-day liquor license, wine permit,
4 or beer permit is one quarter of the annual fee for that class
5 of liquor license, wine permit, or beer permit. The fee for
6 the privilege to sell on the two Sundays in the fourteen-day
7 period is twenty percent of the price of the fourteen-day
8 liquor license, wine permit, or beer permit.

9 Sec. 3. Section 123.34, Code 1989, is amended by adding
10 the following new subsections:

11 NEW SUBSECTION. 4. The administrator may issue five-day
12 class "A", class "B", class "C", and class "D" liquor control
*13 licenses and five-day class "B" beer permits. A five-day
14 license or permit is valid for five consecutive days, but the
15 holder shall not sell alcoholic beverages on Sunday in the
16 five-day period unless the holder qualifies for and obtains
17 the privilege to sell on Sunday pursuant to sections 123.36
18 and 123.134.

19 NEW SUBSECTION. 5. The fee for the five-day liquor
*20 control license or beer permit is one-eighth of the annual fee
21 for that class of license or permit. The fee for the
22 privilege to sell on a Sunday in the five-day period is ten
*23 percent of the price of the five-day liquor control license or
24 beer permit.

25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE 2188

S-5540

1 Amend House File 2188, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 99B.6, subsection 1,
 6 unnumbered paragraph 1, Code Supplement 1989, is
 7 amended to read as follows:
 8 Except as provided in subsections 5, 6, 7, and 8,
 9 and 9 gambling is unlawful on premises for which a
 10 class "A", class "B", class "C", or class "D" liquor
 11 control license, or class "B" beer permit has been
 12 issued pursuant to chapter 123 unless all of the
 13 following are complied with:
 14 Sec. _____. Section 99B.6, Code Supplement 1989, is
 15 amended by adding the following new subsection:
 16 NEW SUBSECTION. 9. Pari-mutuel wagering
 17 authorized under chapter 99D may be conducted within a
 18 racetrack enclosure which is licensed as an
 19 establishment that serves or sells alcoholic beverages
 20 as defined in section 123.3 if the pari-mutuel
 21 wagering is conducted pursuant to chapter 99D and
 22 rules adopted under chapter 99D."
 23 2. Page 2, by inserting after line 24 the fol-
 24 lowing:
 25 "Sec. _____. Section 123.49, subsection 2, paragraph
 26 a, Code Supplement 1989, is amended to read as
 27 follows:
 28 a. Knowingly permit any gambling, except in
 29 accordance with chapter 99B, 99D, 99E, or 99F, or
 30 knowingly permit solicitation for immoral purposes, or
 31 immoral or disorderly conduct on the premises covered
 32 by the license or permit.
 33 Sec. _____. EFFECTIVE DATE.
 34 This Act, being deemed of immediate importance,
 35 takes effect upon enactment."
 36 3. Title page, line 3, by inserting after the
 37 word "fees" the following: ", and providing an
 38 effective date".

By MICHAEL GRONSTAL
 CALVIN O. HULTMAN

S-5540 FILED MARCH 16, 1990

the cur. 9/10 3/22 (p. 1265)

HOUSE FILE 2188

S-5519

1 Amend House File 2188, as amended, passed, and re-
 2 printed by the House, as follows:
 3 1. Page 1, line 8, by striking the word
 4 "ordinance" and inserting the following: "motion of
 5 the local authority".

By PAT DELUHERY

S-5519 FILED MARCH 15, 1990

Adopted as amended by 5606 3/22 (p. 1268)

HOUSE FILE 2188

S-5606

1 Amend the amendment, S-5519, to House File 2188, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 1, by inserting after line 2 the follow-
5 ing:

6 "____. Page 1, line 4, by striking the word
7 "ordinance" and inserting the following: "motion of
8 the local authority"."

9 2. By renumbering sections.

By PAT DELUHERY

S-5606 FILED MARCH 20, 1990

Adopted 3/22 (p 1268)

HOUSE FILE 2188

H-6079

1 Amend the Senate amendment, H-5843, to House File
2 2188, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by inserting after line 2 the
5 following:

6 "_____. Page 1, by inserting before line 1, the
7 following:

8 "Section 1. Section 123.30, subsection 3,
9 paragraph e, unnumbered paragraph 1, Code 1989, is
10 amended to read as follows:

11 Class "E". A class "E" liquor control license may
12 be issued and shall authorize the holder to purchase
13 alcoholic liquor from the division only and to sell
14 the alcoholic liquor to patrons for consumption off
15 the licensed premises and to other liquor control
16 licensees. A class "E" license shall not be issued to
17 premises at which gasoline is sold. A holder of a
18 class "E" liquor control license may hold other retail
19 liquor control licenses or retail wine or beer
20 permits, but the premises licensed under a class "E"
21 liquor control license shall be separate from other
22 licensed premises, though the separate premises may
23 have a common entrance. However, the holder of a
24 class "E" liquor control license may also hold a class
25 "B" wine or class "C" beer permit or both for the
26 premises licensed under a class "E" liquor control
27 license. Notwithstanding a contrary provision of this
28 chapter, the holder of a class "E" liquor control
29 license who also holds a class "B" wine permit may
30 sell not more than twelve seven hundred fifty
31 milliliter containers of wine or its equivalent per
32 day to holders of class "A", class "B", class "C", and
33 class "D" liquor control licenses, and the holder of a
34 class "A", class "B", class "C", or class "D" liquor
35 control licenses may purchase not more than twelve
36 seven hundred fifty milliliter containers of wine or
37 its equivalent per day from the holder of a class "E"
38 liquor control license who also holds a class "B" wine
39 permit."

40 2. Page 1, by inserting after line 8 the
41 following:

42 "_____. Title page, line 2, by inserting after the
43 word "for" the following: ", and the sale of wine
44 to,".

By SHOULTZ of Black Hawk

H-6079 FILED APRIL 3, 1990

w/oc 4/6 (of 2182)

SENATE AMENDMENT TO HOUSE FILE 2188

H-5843

1 Amend House File 2188, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 1, line 4, by striking the word
4 "ordinance" and inserting the following: "motion of
5 the local authority".

6 2. Page 1, line 8, by striking the word
7 "ordinance" and inserting the following: "motion of
8 the local authority".

RECEIVED FROM THE SENATE

H-5843 FILED MARCH 23, 1990

House concurred 4/6 (p. 2182)

HOUSE FILE 2188

AN ACT

RELATING TO THE ISSUANCE OF ALCOHOLIC BEVERAGE LICENSES AND PERMITS FOR CERTAIN LICENSED PREMISES AND PRESCRIBING FEES.

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

Section 1. Section 123.32, Code Supplement 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. A local authority may define, by motion of the local authority, licensed premises which shall be used by holders of liquor control licenses, beer permits, and wine permits at festivals, fairs, or celebrations which are sponsored or authorized by the local authority. The licensed premises defined by motion of the local authority shall be used by the holders of five-day or fourteen-day liquor control licenses, five-day or fourteen-day wine permits, or five-day or fourteen-day beer permits only.

Sec. 2. Section 123.34, Code 1989, is amended to read as follows:

123.34 EXPIRATION -- SEASONAL OR FOURTEEN-DAY LICENSE OR PERMIT.

1. Liquor control licenses, wine permits, and beer permits, unless sooner suspended or revoked, expire one year from date of issuance. The administrator shall give sixty days' written notice of the expiration to each licensee or permittee. However, the administrator may issue six-month or eight-month seasonal licenses, class "B" wine permits, or class "B" beer permits for a proportionate part of the license

or permit fee or may issue fourteen-day liquor licenses, ~~wine permits,~~ or beer permits as provided in subsection 2. No refund shall be made for seasonal licenses or permits or for fourteen-day liquor licenses, ~~wine permits,~~ or beer permits. No seasonal license or permit shall be renewed except after a period of two months.

2. The administrator may issue fourteen-day class "A", class "B", class "C", and class "D" liquor control licenses, ~~fourteen-day-class-"B"-wine-permits,~~ and fourteen-day class "B" beer permits. A fourteen-day license or permit, if granted, is valid for fourteen consecutive days, but the holder shall not sell on the two Sundays in the fourteen-day period unless the holder qualifies for and obtains the privilege to sell on Sundays contained in sections 123.36, subsection 6 and 123.134, subsection 5.

3. The fee for a fourteen-day liquor license, ~~wine permit,~~ or beer permit is one quarter of the annual fee for that class of liquor license, wine permit, or beer permit. The fee for the privilege to sell on the two Sundays in the fourteen-day period is twenty percent of the price of the fourteen-day liquor license, wine permit, or beer permit.

Sec. 3. Section 123.34, Code 1989, is amended by adding the following new subsections:

NEW SUBSECTION. 4. The administrator may issue five-day class "A", class "B", class "C", and class "D" liquor control licenses and five-day class "B" beer permits. A five-day license or permit is valid for five consecutive days, but the holder shall not sell alcoholic beverages on Sunday in the five-day period unless the holder qualifies for and obtains the privilege to sell on Sunday pursuant to sections 123.36 and 123.134.

NEW SUBSECTION. 5. The fee for the five-day liquor control license or beer permit is one-eighth of the annual fee for that class of license or permit. The fee for the privilege to sell on a Sunday in the five-day period is ten

percent of the price of the five-day liquor control license or beer permit.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2188, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved April 19, 1990

TERRY E. BRANSTAD
Governor