

HOUSE FILE 391
BY COMMITTEE ON STATE GOVERNMENT

MAR 1 1991

Place On Calendar

(SUCCESSOR TO HF 295)

(COMPANION TO SF 202 BY HORN)

Passed House, Date 3/14/91 (p. 642) Passed Senate, Date 5/6/91 (p. 1691)
Vote: Ayes 55 Nays 41 Vote: Ayes 26 Nays 22
Approved June 6, 1991

A BILL FOR

- 1 An Act relating to the sale of alcoholic liquor, wine, and beer
- 2 on Sunday.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 391

S-3352

1 Amend House File 391, as passed by the House, as
 2 follows:
 3 1. Page 2, by inserting after line 7 the
 4 following:
 5 "Sec. ____ . Section 123.49, Code 1991, is amended
 6 by adding the following new subsection:
 7 NEW SUBSECTION. 5. Notwithstanding section
 8 123.36, 123.134, 123.150, or this section, a person
 9 who has a commercial establishment which is open to
 10 the public for twenty-four hours per day and for which
 11 an alcoholic beverage license or permit has been
 12 acquired pursuant to this chapter, may sell the
 13 alcoholic beverage for which the license or permit is
 14 issued, for consumption off the premises during the
 15 twenty-four hours of operation. If the person is
 16 licensed or permitted to sell alcoholic beverages on
 17 Sunday, the license or permit is valid for sales for
 18 consumption off the premises during the twenty-four
 19 hours on Sunday."

HF 391

By LARRY MURPHY

S-3352 FILED APRIL 9, 1991
w/lf 5/6/91 (p. 1690)

1 Section 1. Section 123.36, subsection 6, Code 1991, is
2 amended to read as follows:

31403 6. Any club, hotel, motel, or commercial establishment
4 holding a liquor control license, subject to section 123.49,
5 subsection 2, paragraph "b", may apply for and receive
6 permission to sell and dispense alcoholic liquor and wine to
7 patrons on Sunday for consumption on the premises only, and
8 beer for consumption on or off the premises between the hours
9 of ten eight a.m. on Sunday and twelve-midnight two a.m. on
10 Sunday the following Monday. A class "D" liquor control
11 licensee may apply for and receive permission to sell and
12 dispense alcoholic beverages to patrons for consumption on the
13 premises only between the hours of ten eight a.m. on Sunday
14 and twelve-midnight two a.m. on Sunday the following Monday.
15 For the privilege of selling beer, wine, and alcoholic liquor
16 on the premises on Sunday the liquor control license fee of
17 the applicant shall be increased by twenty percent of the
18 regular fee prescribed for the license pursuant to this
19 section, and the privilege shall be noted on the liquor
20 control license.

21 Sec. 2. Section 123.49, subsection 2, paragraph b, Code
22 1991, is amended to read as follows:

23 b. Sell or dispense any alcoholic beverage or beer on the
24 premises covered by the license or permit, or permit its
25 consumption thereon between the hours of two a.m. and six a.m.
26 on a weekday, and between the hours of two a.m. on Sunday and
27 six a.m. on the following Monday, however, a holder of a
28 liquor control license or retail beer permit granted the
29 privilege of selling alcoholic liquor or beer on Sunday may
30 sell or dispense alcoholic liquor or beer between the hours of
314031 ten eight a.m. on Sunday and twelve-midnight two a.m. on
32 Sunday the following Monday.

314033 Sec. 3. Section 123.49, subsection 2, paragraph k, Code
34 1991, is amended to read as follows:

35 k. Sell or dispense any wine on the premises covered by

1 the permit or permit the consumption on the premises between
 2 the hours of two a.m. and six a.m. on a weekday, and between
 3 the hours of two a.m. on Sunday and six a.m. on the following
 4 Monday, however, a holder of a wine permit authorized to sell
 5 wine on Sunday may sell or dispense wine between the hours of
 6 ten eight a.m. on Sunday and twelve-midnight two a.m. on
 7 Sunday the following Monday.

3147
 5-1582 8 Sec. 4. Section 123.134, subsection 5, Code 1991, is
 9 amended to read as follows:

10 5. Any club, hotel, motel, or commercial establishment
 11 holding a class "B" beer permit, subject to the provisions of
 12 section 123.49, subsection 2, paragraph "b", may apply for and
 13 receive permission to sell and dispense beer to patrons on
 14 Sunday for consumption on or off the premises between the
 15 hours of ten eight a.m. on Sunday and twelve-midnight two a.m.
 16 on Sunday the following Monday. Any class "C" beer permittee
 17 may sell beer for consumption off the premises between the
 18 hours of ten eight a.m. on Sunday and twelve-midnight two a.m.
 19 on Sunday the following Monday. For the privilege of selling
 20 beer on Sunday the beer permit fees of the applicant shall be
 21 increased by twenty percent of the regular fees prescribed for
 22 the permit pursuant to this section and the privilege shall be
 23 noted on the beer permit.

24 Sec. 5. Section 123.150, unnumbered paragraph 1, Code
 25 1991, is amended to read as follows:

26 Notwithstanding section 123.36, subsection 6, section
 27 123.49, subsection 2, paragraph "b", and section 123.134,
 28 subsection 5, a holder of any class of liquor control license
 29 or the holder of a class "B" beer permit may sell or dispense
 30 alcoholic liquor, wine, or beer to patrons for consumption on
 31 the premises between the hours of ten eight a.m. on Sunday and
 32 two a.m. on Monday when that Monday is New Year's Day and beer
 33 for consumption off the premises between the hours of ten
 34 eight a.m. on Sunday and midnight-Sunday two a.m. on the
 35 following Monday when that Sunday is the day before New Year's

1 Day. The liquor control license fee or beer permit fee of
2 licensees and permittees permitted to sell or dispense liquor,
3 wine, or beer on a Sunday when that Sunday is the day before
4 New Year's Day shall not be increased because of this
5 privilege.

6 EXPLANATION

7 The bill authorizes classes "A", "B", "C", and "D" liquor
8 control licensees and class "B" beer permittees who have
9 received permission to sell liquor, wine, and beer on Sunday
10 to sell liquor, wine, or beer for consumption on the premises
11 from 8 a.m. to 12 midnight on Sunday. From 10 a.m. until 12
12 midnight on Sunday, beer may also be sold for consumption off
13 the premises. Currently, the Sunday sales hours are 10 a.m.
14 to 12 midnight.

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HOUSE FILE 391

H-3140

- 1 Amend House File 391 as follows:
2 1. Page 1, line 9, by striking the words "ten
3 eight" and inserting the following: "ten".
4 2. Page 1, line 13, by striking the words "ten
5 eight" and inserting the following: "ten".
6 3. Page 1, line 31, by striking the words "ten
7 eight" and inserting the following: "ten".
8 4. Page 2, line 6, by striking the words "ten
9 eight" and inserting the following: "ten".
10 5. Page 2, line 15, by striking the words "ten
11 eight" and inserting the following: "ten".
12 6. Page 2, line 18, by striking the words "ten
13 eight" and inserting the following: "ten".
14 7. Page 2, line 31, by striking the words "ten
15 eight" and inserting the following: "ten".
16 8. Page 2, lines 33 and 34, by striking the words
17 "ten eight" and inserting the following: "ten".

By BARTZ of Worth

H-3140 FILED MARCH 5, 1991

Loss 3/14 (p. 642)

HOUSE FILE 391

H-3147

- 1 Amend House File 391 as follows:
2 1. Page 2, by inserting after line 7, the
3 following:
4 "Sec. ____ . Section 123.49, subsection 2, Code
5 1991, is amended by adding the following new
6 paragraph:
7 NEW PARAGRAPH. 1. Sell or dispose any cold
8 alcoholic beverages at retail for consumption off the
9 premises. As used in this subsection, "cold" means
10 reduced in temperature by refrigeration or other means
11 more than ten degrees Fahrenheit below the normal room
12 temperature of the retail establishment at which the
13 alcoholic beverage is sold."
14 2. By renumbering sections as required.

By CORBETT of Linn

BRANSTAD of Winnebago

H-3147 FILED MARCH 6, 1991

Ruled not germane 3/14 (p. 642)

HOUSE FILE 391

AN ACT

RELATING TO THE SALE OF ALCOHOLIC LIQUOR, WINE, AND BEER ON SUNDAY.

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

Section 1. Section 123.36, subsection 5, Code 1991, is amended to read as follows:

5. Any club, hotel, motel, or commercial establishment holding a liquor control license, subject to section 123.49, subsection 2, paragraph "b", may apply for and receive permission to sell and dispense alcoholic liquor and wine to patrons on Sunday for consumption on the premises only, and beer for consumption on or off the premises between the hours of ten eight a.m. on Sunday and twelve-midnight two a.m. on Sunday the following Monday. A class "D" liquor control licensee may apply for and receive permission to sell and dispense alcoholic beverages to patrons for consumption on the premises only between the hours of ten eight a.m. on Sunday and twelve-midnight two a.m. on Sunday the following Monday. For the privilege of selling beer, wine, and alcoholic liquor on the premises on Sunday the liquor control license fee of the applicant shall be increased by twenty percent of the regular fee prescribed for the license pursuant to this section, and the privilege shall be noted on the liquor control license.

Sec. 2. Section 123.49, subsection 2, paragraph b, Code 1991, 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 its consumption thereon between the hours of two a.m. and six a.m. on a weekday, and between the hours of two a.m. on Sunday and six a.m. on the following Monday, however, a holder of a

liquor control license or retail beer permit granted the privilege of selling alcoholic liquor or beer on Sunday may sell or dispense alcoholic liquor or beer between the hours of ten eight a.m. on Sunday and twelve-midnight two a.m. on Sunday the following Monday.

Sec. 3. Section 123.49, subsection 2, paragraph k, Code 1991, is amended to read as follows:

k. Sell or dispense any wine on the premises covered by the permit or permit for consumption on the premises between the hours of two a.m. and six a.m. on a weekday, and between the hours of two a.m. on Sunday and six a.m. on the following Monday, however, a holder of a wine permit authorized to sell wine on Sunday may sell or dispense wine between the hours of ten eight a.m. on Sunday and twelve-midnight two a.m. on Sunday the following Monday.

Sec. 4. Section 123.134, subsection 5, Code 1991, is amended to read as follows:

5. Any club, hotel, motel, or commercial establishment holding a class "B" beer permit, subject to the provisions of section 123.49, subsection 2, paragraph "b", may apply for and receive permission to sell and dispense beer to patrons on Sunday for consumption on or off the premises between the hours of ten eight a.m. on Sunday and twelve-midnight two a.m. on Sunday the following Monday. Any class "C" beer permittee may sell beer for consumption off the premises between the hours of ten eight a.m. on Sunday and twelve-midnight two a.m. on Sunday the following Monday. For the privilege of selling beer on Sunday the beer permit fees of the applicant shall be increased by twenty percent of the regular fees prescribed for the permit pursuant to this section and the privilege shall be noted on the beer permit.

Sec. 5. Section 123.150, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Notwithstanding section 123.36, subsection 6, section 123.49, subsection 2, paragraph "b", and section 123.134, subsection 5, a holder of any class of liquor control license

or the holder of a class "B" beer permit may sell or dispense alcoholic liquor, wine, or beer to patrons for consumption on the premises between the hours of ten eight a.m. on Sunday and two a.m. on Monday when that Monday is New Year's Day and beer for consumption off the premises between the hours of ten eight a.m. on Sunday and midnight-Sunday two a.m. on the following Monday when that Sunday is the day before New Year's Day. The liquor control license fee or beer permit fee of licensees and permittees permitted to sell or dispense liquor, wine, or beer on a Sunday when that Sunday is the day before New Year's Day shall not be increased because of this privilege.

ROBERT C. ARNOULD
Speaker of the House

JOE J. WELSH
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 391, Seventy-fourth General Assembly.

Approved  . 1991

JOSEPH O'HERN
Chief Clerk of the House

TERRY E. BRANSTAD
Governor