

Senate Study Bill 149

Conference Committee Text

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1 1 Section 1. Section [453A.13](#), subsection 3, Code 1995, is
1 2 amended to read as follows:
1 3 3. FEES & EXPIRATION. All permits provided for in this
1 4 division shall expire on June 30 of each year. A permit shall
1 5 not be granted or issued until the applicant has paid for the
1 6 period ending June 30 next, to the department or the city or
1 7 county granting the permit, the fees provided for in this
1 8 division. The annual state permit fee for a distributor,
1 9 cigarette vendor, and wholesaler is one hundred dollars when
1 10 the permit is granted during the months of July, August, or
1 11 September. However, whenever a state permit holder operates
1 12 more than one place of business, a duplicate state permit
1 13 shall be issued for each additional place of business on
1 14 payment of five dollars for each duplicate state permit, but
1 15 refunds as provided in this division do not apply to any
1 16 duplicate permit issued.
1 17 The minimum fee schedule for retail permits is as follows
1 18 when the permit is granted during the months of July, August,
1 19 or September:
1 20 a. In places outside any city, fifty dollars.
1 21 b. In cities of less than fifteen thousand population,
1 22 seventy-five dollars.
1 23 c. In cities of fifteen thousand or more population, one
1 24 hundred dollars.
1 25 If any permit is granted during the months of October,
1 26 November, or December, the fee shall be three-fourths of the
1 27

~~above maximum schedule~~
- annual fee; if granted during the
1 28 months of January, February, or March, one-half of the

~~maximum~~

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1 29

~~schedule~~
- annual fee, and if granted during the months of
1 30 April, May, or June, one-fourth of the

~~maximum schedule~~

- annual
1 31 fee.
1 32 The city or county may establish fees above the minimum fee
1 33 schedule. All retail permit fees above the minimum fee
1 34 schedule shall be retained by the city or county imposing the
1 35 extra fee and shall be used by the state, city, or county for
2 1 the exclusive purpose of enforcing section 453A.2.

2 2 Sec. 2. Section [453A.56](#), Code 1995, is amended to read as
2 3 follows:

2 4 453A.56 UNIFORM APPLICATION.

2 5 1. Enforcement of this chapter shall be implemented in an
2 6 equitable manner throughout the state. For the purpose of
2 7 equitable and uniform implementation, application, and
2 8 enforcement of state and local laws and regulations, the
2 9 provisions of this chapter shall supersede any local law or

2 10 regulation which is inconsistent with or conflicts with the
2 11 provisions of this chapter.

2 12 2. Notwithstanding subsection 1, a city or county may
2 13 establish fees for retail cigarette permits which are in
2 14 excess of the minimum fee schedule established pursuant to
2 15 section 453A.13.

2 16 EXPLANATION

2 17 This bill authorizes city and county governments to
2 18 increase retail permit fees above the existing fee schedule
2 19 for the purposes of enforcing laws regarding tobacco sales to
2 20 persons under legal age.

2 21 Section 1 modifies the current retail fee schedule to allow
2 22 the city and county governments to increase fees to fund
2 23 enforcement of under-aged tobacco purchase laws.

2 24 Section 2 amends the uniform application provision of the
2 25 cigarette and tobacco taxes chapter to enable local government
2 26 discretion in increasing retail permit fees.

2 27 LSB 2190SC 76

2 28 pf/jj/8