

*Referred to 3-11-97 State Gov.  
3-13-97 Do Pass*

MAR 10 1997  
STATE GOVERNMENT

HOUSE FILE 507  
BY VAN MAANEN

Passed House, Date 3-25-97 (p.780) Passed Senate, Date \_\_\_\_\_  
Vote: Ayes 93 Nays 6 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the issuance or renewal of liquor control  
2 licenses and wine and beer permits by local authorities.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 507

1 Section 1. Section 123.32, subsections 5, 6, and 7, Code  
2 1997, are amended to read as follows:

3 5. APPEAL TO ADMINISTRATOR. An applicant for a liquor  
4 control license, wine permit, or beer permit may appeal from  
5 the local authority's disapproval of an application for a  
6 license or permit to the administrator. In the appeal the  
7 applicant shall be allowed the opportunity to demonstrate in  
8 an evidentiary hearing conducted pursuant to chapter 17A that  
9 the applicant complies with all of the requirements for  
10 holding the license or permit. The administrator may appoint  
11 a member of the division or may request an administrative law  
12 judge from the department of inspections and appeals to  
13 conduct the evidentiary hearing and to render a proposed  
14 decision to approve or disapprove the issuance of the license  
15 or permit. The administrator may ~~affirm, reverse, or modify~~  
16 the proposed decision or recommend that the local authority  
17 reverse its decision. If the administrator determines that  
18 the applicant complies with all of the requirements for  
19 holding a license or permit, the administrator shall ~~order the~~  
20 ~~issuance of the license or permit~~ notify, by certified mail,  
21 the local authority of the administrator's finding. The local  
22 authority shall reconsider the application based on the  
23 administrator's findings and its own findings and approve or  
24 disapprove the application. The second disapproval by the  
25 local authority shall be the final administrative decision on  
26 the application. If the administrator determines that the  
27 applicant does not comply with the requirements for holding a  
28 license or permit, the administrator shall disapprove the  
29 issuance of the license or permit.

30 6. JUDICIAL REVIEW. The applicant ~~or the local authority~~  
31 may seek judicial review of the action of the administrator in  
32 accordance with the terms of the Iowa administrative procedure  
33 Act. Notwithstanding the terms of the Iowa administrative  
34 procedure Act, petitions for judicial review may be filed in  
35 the district court of the county where the premises covered by

1 the application are situated. The applicant may seek judicial  
2 review of a second disapproval by the local authority in the  
3 district court of the county where the premises covered by the  
4 application are located.

5 7. SUSPENSION BY LOCAL AUTHORITY. A liquor control  
6 licensee or a wine or beer permittee whose license or permit  
7 has been suspended or revoked or a civil penalty imposed by a  
8 local authority for a violation of this chapter or suspended  
9 by a local authority for violation of a local ordinance may  
10 appeal the suspension, revocation, or civil penalty to the  
11 administrator. The administrator may appoint a member of the  
12 division or may request an administrative law judge from the  
13 department of inspections and appeals to hear the appeal which  
14 shall be conducted in accordance with chapter 17A and to issue  
15 a proposed decision. The administrator may review the  
16 proposed decision upon the motion of a party to the appeal or  
17 upon the administrator's own motion in accordance with chapter  
18 17A. Upon review of the proposed decision, the administrator  
19 may affirm, ~~reverse, or modify~~ the proposed decision or  
20 recommend that the local authority reverse its decision. A  
21 ~~liquor-control-licensee, wine-or-beer-permittee, or-a-local~~  
22 ~~authority-aggrieved-by-a-decision-of-the-administrator-may~~  
23 ~~seek-judicial-review-of-the-decision-pursuant-to-chapter-17A.~~  
24 The local authority shall reconsider the suspension,  
25 revocation, or civil penalty, and affirm or reverse its  
26 action. A liquor control licensee or wine or beer permittee  
27 may seek judicial review of the decision of the local  
28 authority in the district court of the county where the  
29 premises subject to the decision are located.

30 EXPLANATION

31 This bill provides that applications for liquor control  
32 licenses and wine and beer permits which are disapproved by a  
33 city or county are subject to reconsideration by the city or  
34 county if the same application is recommended to be approved  
35 by the administrator of the alcoholic beverages division of

1 the department of commerce. If the city or county disapproves  
2 the application upon reconsideration, the license or permit is  
3 denied. The decision may be appealed to the district court.

4 The bill also provides that a suspension or revocation of  
5 an alcoholic beverage license or permit or a civil penalty  
6 imposed by a city or county is subject to reconsideration by  
7 the city or county if, upon appeal, the administrator of the  
8 alcoholic beverages division recommends reversal. If the city  
9 or county reaffirms its previous action, the action of the  
10 city or county may be appealed to the district court.

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