

JAN 31 2000
LOCAL GOVERNMENT

HOUSE FILE 2101
BY MUNDIE

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the approval of liquor control, beer, and wine
2 licenses by local authorities and providing an applicability
3 date.

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

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HF 2101

1 Section 1. Section 123.32, subsection 2, Code 1999, is
2 amended to read as follows:

3 2. ACTION BY LOCAL AUTHORITIES.

4 a. The local authority shall either approve or disapprove
5 the issuance of a liquor control license, retail wine permit,
6 or retail beer permit~~7~~. If approved, the local authority
7 shall endorse its approval or disapproval on the application
8 and shall forward the application with the necessary fee and
9 bond, if required, to the division. There is no limit upon
10 the number of liquor control licenses, retail wine permits, or
11 retail beer permits which may be approved for issuance by
12 local authorities.

13 b. If an application is disapproved, the local authority
14 shall notify the applicant that the applicant may appeal the
15 disapproval of the application to the district court of the
16 county in which the premises covered by the application are
17 located. The applicant shall be notified by certified mail,
18 and the application, the fee, and any bond shall be returned
19 to the applicant.

20 Sec. 2. Section 123.32, subsection 4, paragraph a, Code
21 1999, is amended by striking the paragraph.

22 Sec. 3. Section 123.32, subsection 5, Code 1999, is
23 amended by striking the subsection.

24 Sec. 4. Section 123.32, subsection 7, Code 1999, is
25 amended to read as follows:

26 7. SUSPENSION BY LOCAL AUTHORITY. A liquor control
27 licensee or a wine or beer permittee whose license or permit
28 has been suspended or revoked or a civil penalty imposed by a
29 local authority for a violation of this chapter or suspended
30 by a local authority for violation of a local ordinance may
31 appeal the suspension, revocation, or civil penalty to the
32 administrator district court of the county in which the
33 licensed premises are located. The-administrator-may-appoint
34 a-member-of-the-division-or-may-request-an-administrative-law
35 judge-from-the-department-of-inspections-and-appeals-to-hear

~~1 the appeal which shall be conducted in accordance with chapter
2 17A and to issue a proposed decision. The administrator may
3 review the proposed decision upon the motion of a party to the
4 appeal or upon the administrator's own motion in accordance
5 with chapter 17A. Upon review of the proposed decision, the
6 administrator may affirm, reverse, or modify the proposed
7 decision. A liquor control licensee, wine or beer permittee,
8 or a local authority aggrieved by a decision of the
9 administrator may seek judicial review of the decision
10 pursuant to chapter 17A.~~

11 Sec. 5. Section 123.35, unnumbered paragraph 2, Code 1999,
12 is amended to read as follows:

13 The application, accompanied by the necessary fee and bond,
14 if required, shall be filed in the same manner as is provided
15 for filing the initial application. However, ~~for the renewal
16 of a class "E" license, the simplified application form for
17 renewal, accompanied by the necessary fee and bond if
18 required, shall be filed directly with the administrator
19 without the endorsement of local authorities if all of the
20 following conditions are met: the applicant's license has not
21 been suspended or revoked since the preceding license was
22 issued; a civil penalty has not been imposed against the
23 applicant under this chapter since the preceding license was
24 issued; an administrative proceeding is not pending against
25 the applicant to suspend or revoke the applicant's license or
26 to impose a civil penalty under this chapter; and the
27 applicant has not been convicted of a violation of this
28 chapter since the preceding license was issued.~~

29 Sec. 6. APPLICABILITY. This Act applies to all new
30 applications and renewals for liquor control licenses, retail
31 wine permits, or retail beer permits submitted to local
32 authorities on or after July 1, 2000.

33 EXPLANATION

34 This bill provides that a local authority, either a city
35 council or board of supervisors, may disapprove an application

1 or renewal for a liquor control license, or beer or wine
2 permit within its respective jurisdiction. If disapproved,
3 the application is not forwarded to the administrator of the
4 alcoholic beverages division of the department of commerce for
5 review. The disapproved application, with the fee and bond,
6 is returned to the applicant by certified mail. The
7 unsuccessful applicant is also notified that the local
8 authority's decision may be appealed to the district court of
9 the county in which the premises covered by the application
10 are located.

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