

Reported Recommending
 Ind. Postponed
 Passed House
 Failed to Pass House
 Passed Senate
 Failed to Pass Senate

House File 143

January 28, 1947.
 Liquor Control.

By POSTON, ROBB, REDMAN, GOOD, STEINBERG, WATSON, FLETCHER, FREI, EDWARDS, De GROOTE, DATISMAN, BUTLER, LANDSNESS, BOOTHBY, HUSTON, SAYLOR, FULK, WILLIAMS, SIEFKAS, WILSON, BOCKWOLDT, SMITH of Clayton, PATRICK, BAKER, WEISS, SMITH of Des Moines, HANSEN, STRAWMAN, STEVENS, RANKIN, KLEMESRUD, BLOOM, NICHOLAS, AVERY, ANDERSON, GANNAWAY, NELSON of Buchanan, BEMAN, TURNER, KERR, LANGLAND, DONOHUE, NORLAND and OLSON.

A BILL FOR

An Act to amend chapter one hundred twenty-four (124), Code 1946, relating to the issuance of permits to sell beer and malt liquors and to the regulation of places where sales are made by such permit holders.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Section one hundred twenty-four point five
 2 (124.5), Code 1946, is amended by striking from lines fifteen
 3 (15) and sixteen (16) the following:

4 "in villages platted prior to January 1, 1934, and "

1 Sec. 2. Section one hundred twenty-four point nine (124.9),
 2 Code 1946, is amended by striking from line three (3) the word
 3 "shall" and inserting in lieu thereof the word "may".

1 Sec. 3. Section one hundred twenty-four point nine (124.9)
 2 Code 1946, is amended by striking paragraph (f) of subsection
 3 one (1).

1 Sec. 4. Section one hundred twenty-four point nine (124.9),
2 Code 1946, is amended by striking the period (.) in line seven
3 (7) of subsection two (2) and adding thereto the following:
4 “and is approved by the authority empowered to issue a
5 permit under this chapter; that it is located in an area
6 where fifty percent or more of the frontage contiguous to
7 the street for a distance of three hundred feet or more is
8 occupied by buildings in use for business; if such place
9 or building is located on a ground floor it shall have a
10 clear unobstructed view into the interior of not less than
11 two feet high by six feet wide and approximately four feet
12 above the sidewalk level.

13 c. That he will comply with such other requirements as
14 the issuing authority may require.”

1 Sec. 5. Section one hundred twenty-four point ten (124.10),
2 Code 1946, is amended by striking from line six (6) the word
3 “shall” and inserting in lieu thereof the word “may”.

1 Sec. 6. Section one hundred twenty-four point ten (124.10),
2 Code 1946, is amended by adding to subsection one (1) the fol-
3 lowing:

4 “f. That the place or building where he intends to operate
5 conforms to all the laws, health and fire regulations applic-
6 able thereto, is a safe and proper place or building, and is
7 located in an area where fifty percent or more of the frontage
8 contiguous to the street for a distance of three hundred feet
9 or more is occupied by buildings in use for business.”

1 Sec. 7. Section one hundred twenty-four point twelve (124.12),
2 Code 1946, is amended by striking all of said section after the
3 word "that" in line five (5) and inserting in lieu thereof the
4 following:

5 "no sale of beer shall be made for consumption on the
6 premises where food is sold or consumed except in the dining
7 cars of trains, in the dining room of a licensed hotel having not
8 less than fifteen guest rooms and in such clubs as are
9 specifically designated by section 124.16."

1 Sec. 8. Section one hundred twenty-four point twenty-one
2 (124.21), Code 1946, is amended by striking all of said section
3 and inserting in lieu thereof the following:

4 "Minors shall not be employed or permitted in any place
5 of business where beer is sold under a class "B" permit."

1 Sec. 9. Section one hundred twenty-four point twenty-four
2 (124.24), Code 1946, is amended by striking all of said section
3 and inserting in lieu thereof the following:

4 "The annual fee for a class "A" permit shall be two
5 hundred fifty dollars. The annual fee for a class "B" permit
6 shall be fixed by the authorities empowered by this chapter
7 to issue said permit which shall be not less than three
8 hundred dollars nor more than one thousand dollars. A
9 permit to a golf or country club as defined in section
10 124.16 may be granted for a period of less than one year
11 upon a pro rata permit fee basis.

12 The annual fee for a class "C" permit shall be twenty-

13 five dollars. The annual fee for a special class "B"
14 permit, issued under section 124.14, shall be one hundred
15 dollars, and ten dollars for each duplicate thereof,
16 payable to the state tax commission."

1 Sec. 10. Section one hundred twenty-four point twenty-five
2 (124.25), Code 1946, is amended by striking from line nine (9)
3 the words, "one and twenty-four hundredths" and inserting in
4 lieu thereof the words "two and forty-eight hundredths".

1 Sec. 11. Section one hundred twenty-four point thirty-three
2 (124.33), Code 1946, is amended by striking all of subsection
3 two (2) and inserting in lieu thereof the following:

4 "2. The barrel tax collected by the state tax commission
5 shall be distributed one-half to the state general fund
6 and one-half to cities and towns upon the basis of popula-
7 tion as determined by the last federal census. All other
8 license fees and taxes collected under this chapter by the
9 state tax commission shall accrue to the state general fund."

1 Sec. 12. Section one hundred twenty-four point thirty-four
2 (124.34), Code 1946, is amended by striking from line forty-one
3 (41) the word "shall" and inserting in lieu thereof the word
4 "may".

1 Sec. 13. Section one hundred twenty-four point thirty-nine
2 (124.39), Code 1946, subsection one (1) line three (3) is amended
3 by striking the comma (,) after the word "license" and inserting
4 in lieu thereof a period (.), and by striking all of the remainder
5 of said subsection one (1) and inserting in lieu thereof the

6 following:

7 "This provision shall not apply to any club as defined in
8 sections 124.15 and 124.16 or to hotels with fifteen or
9 more guest rooms holding a class "B" permit."

1 Sec. 14. Section one hundred twenty-four point thirty-
2 nine (124.39), Code 1946, is amended by striking subsection
3 two (2) thereof.

1 Sec. 15. Section one hundred twenty-four point thirty-
2 nine (124.39), Code 1946, is amended by striking subsection three
3 (3) and inserting in lieu thereof the following:

4 "Booths and any impediment, screens or partitions which
5 obstruct a full and complete view of the interior of
6 the place or room, where beer is sold or consumed, are
7 prohibited."

1 Sec. 16. Chapter one hundred twenty-four (124), Code 1946,
2 is amended by adding thereto a new section as follows:

3 "It shall be the duty of the county attorney to direct, in
4 writing, the chief law enforcing officer of each town, city,
5 and county to make a special investigation of all places
6 within his jurisdiction, where beer is sold under a class
7 "B" permit. Such direction shall be made by the county
8 attorney at least quarterly each year. Upon receiving such
9 direction, such chief law enforcing officer shall make an
10 investigation either personally or by officers under his direction
11 and control. Within thirty days after receiving such direction
12 a return thereof shall be made to the county attorney on forms

13 prepared and approved by the attorney general stating under oath
14 his findings and that such investigation was made without prior
15 notice to the holder of such class "B" permit, either directly
16 or indirectly." Such return shall be sworn to by the officer
17 making the investigation and by the chief law enforcing officer
18 to whom the direction was sent by the county attorney.
19 In making the investigation the peace officer shall give
20 special attention to facts which would indicate violations
21 of this title, and shall include in his return filed with
22 the county attorney his findings with reference to whether
23 the permit holder is the owner of a federal liquor license,
24 whether minors are found frequenting the premises, and
25 whether gambling devices are found therein. The county
26 attorney shall file such returns with the district court.
27 Such file shall be sealed and not open for public in-
28 spection, but shall be available to the county attorney,
29 the district court, and the grand jury."

1 Sec. 17. This act shall apply to special charter cities.

EXPLANATION OF H. F. 143

In Section 1 of this bill the authority to establish taverns in plats of villages that appear in the old and forgotten records is taken out of the law.

In the following sections the city council is given the authority to decide on the number of permits it may issue, leaving it to their discretion whether they will issue any permits.

Section 4 is an attempt to confine the taverns to the business sections of towns where they can be policed, have fire protection and conduct their business in the open.

Section 7 separates the sale of food and beer and section 8 restricts employees to those of full age, in order to get away from the charge that minors frequent such places.

The issuing authorities in section 9 are not restricted to a definite charge but can make the annual fee in proportion to the opportunity for business.

Section 11 increases the beer barrel tax, dividing it between the state general fund and the cities and towns.

Section 15 eliminates booths and partitions in the room where beer is sold.

Section 16 is an attempt to eliminate places where law is consistently violated by requiring officers to regularly visit such places and report to the Grand Jury.