

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

House File 248

February 11, 1947.
Liquor Control.

By MILLS, SIEFKAS, SAYLOR,
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A BILL FOR

An Act to amend chapter one hundred twenty-three (123), Code 1946, relating to liquor control, extending the prohibitions thereof to certain territory and providing for petitions and elections in all political subdivisions for the purpose of determining and defining such territory.

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

1 Section 1. Chapter one hundred twenty-three (123), Code
2 1946, is hereby amended by adding immediately follow-
3 ing section one hundred twenty-three point three (123.3), the
4 following sections, to wit:

5 1. Notwithstanding the provisions of section one hundred
6 twenty-three point three (123.3), or of any other section or
7 sections of this chapter, it shall be unlawful to manufacture
8 for sale, sell, offer or keep for sale, possess and/or trans-
9 port vinous, fermented, spirituous, or alcoholic liquor except
10 beer as defined in chapter 124, or as the same may hereafter
11 be amended for any purpose whatsoever, in any township, county,
12 incorporated town or city, including cities under special charter
13 and those under the commission form of government, in which a
14 majority of the votes cast at an election held therein opposes
15 the sale, or manufacture for sale, of vinous, fermented, spirit-

16 uous, or alcoholic liquor therein as hereinafter provided.

17 2. Such election shall be called and held in such subdivi-
18 vision when there is addressed to the body authorized by law to
19 call, provide for, and hold elections therefor:

20 (a) A petition to such body that there be submitted to the
21 electors of such subdivision at the next general election in the
22 manner provided by law the proposal: "Shall vinous, fermented,
23 spirituous or alcoholic liquor be sold or manufactured for sale,
24 in (describing the subdivision)?"

25 (b) Such petition shall be signed by at least twenty-five
26 per cent of the electors who voted at the last general election
27 preceding the filing of such petition; and such petition may
28 consist of the aggregate of a number of separate petitions, which
29 however, when filed shall constitute the petition herein referred
30 to.

31 (c) Such petition shall be filed with the city or town clerk
32 if the election is asked for in a city or town, or with the county
33 auditor if it is asked for in a township or county, at least
34 sixty days prior to the date of the next succeeding general elect-
35 ion.

36 3. Upon filing of such petition the city or town council or
37 board of supervisors, as the case may be, shall proceed at once
38 to canvass the same and complete such canvass and enter or re-
39 cord in its proceedings its findings as to the sufficiency or
40 insufficiency of such petition within fifteen days after filing
41 the same.

42 4. If such petition is sufficient such council or board of
43 supervisors, as the case may be, shall forthwith order and pro-
44 vide by proper procedure for the holding of such election and
45 furnish the ballots therefor.

46 5. Such ballot shall contain the following proposition:

47 "Shall vinous, fermented, spirituous, or alcoholic liquor be
48 sold or manufactured for sale, in (describing the subdivision)?"

49 6. Opposite and to the right of such proposal as it appears
50 upon the ballot shall be placed two squares one above the other,
51 and to the left of the upper square shall be printed the word
52 "Yes", and to the left of the lower square the word "No", and
53 in casting his vote upon such proposal the voter favoring such
54 proposition shall place a cross in the square opposite the word
55 "Yes" and the voter opposed to such proposition shall place a
56 cross in the square opposite the word "No".

57 7. The board of supervisors or council, as the case may be,
58 shall promptly appropriate and provide funds to meet the expens-
59 es of such election.

60 8. The ballots cast on said proposal at such election shall
61 be counted and the results certified as required by the laws
62 applicable to such general election, and the ballots at once
63 returned to such clerk or auditor, as the case may be, who shall
64 canvass same and certify the result, and make a permanent record
65 thereof in his office, which certificate and record shall be
66 completed within thirty days after such election.

67 9. If a majority of the votes cast on said proposal at such

68 election opposes the sale, or manufacture for sale, of vinous,
69 fermented, spirituous or alcoholic liquor in such subdivision,
70 all licenses or permits or other authority including that for
71 state liquor stores and special distributors, for the handling,
72 purchasing, sale, or manufacture for sale, of such liquors there-
73 in shall be without force after ninety days from the date of such
74 election; and thereafter it shall be unlawful to manufacture for
75 sale, sell, offer, possess or keep for sale, such liquor there-
76 in, notwithstanding any other provisions of this chapter; and
77 all the prohibitions of this chapter shall fully apply in said
78 territory, except as provided in section one hundred twenty-
79 three point four (123.4) and that portion of section one hun-
80 dred twenty three point twenty-seven (123.27) which relates to
81 special permits.

82 10. No such election shall be held in and by and for such
83 a subdivision oftener than once in two years, and then only at
84 regular general election dates; and if at any such subsequent
85 election the majority of the votes cast on said proposal favors
86 such subdivision being territory in which such liquor may be
87 sold or manufactured for sale, ninety days after the date of
88 such election the provisions of this chapter shall again pre-
89 vail permitting the handling and sale of liquor in such subdi-
90 vision.

EXPLANATION OF H. F. 248.

The present Iowa Liquor Control Act deprives the citizens of any given community in Iowa the democratic right to vote on the question as to whether liquor shall be manufactured or sold in that community. This bill attempts to correct that condition by amending the present Liquor Control Act so as to give townships, counties, towns and cities, including cities under special charter and those under the commission form of government, the right to petition for a vote on the question of sale and manufacture of liquor.