

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

House File 447

February 27, 1947.
Liquor Control.

By OLSON, MILLS, SIEFKAS, SAYLOR,
TURNER and KERR.

A BILL FOR

An Act to amend chapter one hundred twenty-four (124), Code 1946, relating to beer and malt liquors, extending the illegality 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. That chapter one hundred twenty-four (124), Code
2 1946, is hereby amended by adding immediately following
3 section one hundred twenty-four point five (124.5), the follow-
4 ing sections, to wit:

5 1. No permit shall be issued or obtained, and any existing
6 permit shall cease to have force as hereinafter provided, in
7 any township, county, incorporated town or city, including cities
8 under special charter and those under the commission form of
9 government, in which a majority of the votes cast at an election
10 held therein opposes the sale, or manufacture for sale, of beer
11 in such territory.

12 2. Such election shall be called and held in such subdivision
13 when there is addressed to the body authorized by law to call,
14 provide for, and hold elections therefor:

15 (a) A petition to such body that there be submitted to

16 the electors of such subdivision at the next general election
17 in the manner provided by law the proposal: "Shall beer be
18 sold, or manufactured for sale in (describing the subdivision)?"

19 (b) Such petition shall be signed by at least twenty-five
20 per cent of the electors who voted at the last general election
21 preceding the filing of such petition; and such petition may
22 consist of the aggregate of a number of separate petitions,
23 which, however, when filed shall constitute the petition herein
24 referred to.

25 (c) Such petition shall be filed with the city or town
26 clerk if the election is asked for in a city or town, or with
27 the county auditor if it is asked for in a township or county,
28 at least sixty days prior to the date of the next succeeding
29 general election.

30 3. Upon filing of such petition the city or town council
31 or board of supervisors, as the case may be, shall proceed at
32 once to canvass the same and complete such canvass and enter
33 of record in its proceedings its findings as to the sufficiency
34 or insufficiency of such petition within fifteen days after
35 filing the same.

36 4. If such petition is sufficient such council or board
37 of supervisors, as the case may be, shall forthwith order and
38 provide by proper procedure for the holding of such election
39 and furnish the ballots therefor.

40 5. Such ballot shall contain the following proposal:
41 "Shall beer be sold, or manufactured for sale, in (describing

42 the subdivision) ?”

43 6. Opposite and to the right of such proposal as it
44 appears upon the ballot shall be placed two squares, one above
45 the other, and to the left of the upper square shall be printed
46 the word “Yes”, and to the left of the lower square shall be
47 printed the word “No”, and in casting his vote upon such pro-
48 posal the voter favoring such proposition shall place a cross
49 in the square opposite the word “Yes” and the voter opposed to
50 such proposition shall place a cross in the square opposite the
51 word “No”.

62 7. The board of supervisors or council, as the case may
53 be, shall promptly appropriate and provide funds to meet the
54 expenses of such election.

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

63 9. If the majority of the votes cast on said proposal at
64 such election oppose the sale, or manufacture for sale, of beer
65 in such subdivision, all licenses or permits or other authority
66 for the handling, purchasing, or sale, or manufacture for sale,
67 of beer shall be without force after ninety days from the date

68 of such election and thereafter it shall be unlawful to manu-
69 facture for sale, offer or keep for sale beer as defined by
70 this chapter therein, notwithstanding any other provisions in
71 this chapter contained and all the prohibitions of this chapter
72 as to the making or selling of beer without a permit shall
73 at once fully apply in such territory.

74 10. Pro rata refunds may be made to the holder of any
75 license or permit as herein provided by the authority which
76 issued such license or permit.

77 11. No such election shall be held in, by, and for such
78 subdivision oftener than once in two years, and then only at
79 regular general election dates; and if at any such subsequent
80 election the majority of the votes cast on said proposal favors
81 such subdivision being territory in which beer may be sold,
82 or manufactured for sale, ninety days after the date of such
83 election the provisions of this chapter shall again prevail
84 permitting the handling and sale of beer in such subdivision.

EXPLANATION OF H. F. 447

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