Reported Recommending .....
Ind. Postponed .....
Passed Senate ..... as passed by the Senate
Failed to Pass Senate .....
Passed House .....
Failed to Pass House .....

Senate File 100

January 23, 1947.
Passed on File.

By LUCAS, KNUDSON, JACOBSON, SCHLUTER, DOUD, KLEIN, CLEM, ROCKHILL, BEKMAN, LONG, KEIR, LEO, DEWEL, SHARP, FINDLAY, ELTHON, FOSTER, LYNES, NEWSOME, RITCHIE, MILLER, J. F., VITTETOE, ZASTROW, COLBURN, JONES, MILLER, AI, BARKLEY, DYKHOUSE, KIRKETEG, AUGUSTINE, LORD and LINNEVOLD.

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" and
4a inserting in lieu thereof the following words: "in
5 unincorporated villages where the stores are owned and operated
6 by a single society and where each of said villages is located
7 no more than eight miles from any other such village where
8 the stores are owned and operated by the same society, 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
3 adding to subsection two (2) the following:
4 c. That the building or place in which applicant intends
5 to operate is approved by the authority empowered to issue a
6 permit under this chapter. In cities and towns having a
7 zoning ordinance that it is located in an area zoned for
8 retail business. In cities or towns having no zoning ordinance
9 that it is located in an area where fifty per cent or more of
10 the frontage contiguous to the street for a distance of three
11 hundred feet or more is occupied by buildings in use for
12 business. If such place or building is located on a ground
13 floor it shall have a clear unobstructed view into the interior
14 of not less than two feet high by six feet wide and approx-
15 imately four feet above the side walk level.
16 d. That he will comply with such other requirements as
17 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
5 operate conforms to all the laws, health and fire regulations
6 applicable thereto, is a safe and proper place or building,
7 and is located in an area zoned for retail business in those
8 cities and towns having a zoning ordinance or in an area where
9 fifty per cent (50%) or more of the frontage contiguous to
10 the street for a distance of three hundred feet or more is
11 occupied by buildings in use for business in cities or towns
12 having no zoning ordinance."

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 premises
6 where food is sold or consumed except in the dining cars of
7 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. Amend section one hundred twenty-four point
2 fifteen (124.15), Code 1946, by striking the word 'shall' " in
3 line two (2) and inserting in lieu thereof the word 'may'.
4 Further amend said section by striking the word 'shall' in
5 line seven (7) and inserting in lieu thereof the word 'may'.

1 Sec. 9. Section one hundred twenty-four point twenty-one
2 (124.21), Code of 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 of
5 business where beer is sold under a class "B" permit."
1 Sec. 10. 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"
6 permit shall be fixed by the authorities empowered by this
7 chapter to issue said permit which shall be not less than
8 three hundred dollars nor more than one thousand dollars.
9 A 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 one hundred
13 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. 11. 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 lieu
4 thereof the words "two and forty-eight hundredths".
1 Sec. 12. 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. 13. 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. 14. 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."

1 Sec. 15. Section one hundred twenty-four point thirty-nine
2 (124.39), Code 1946, is amended by striking subsection two (2)
3 thereof.

1 Sec. 16. Section one hundred twenty-four point thirty-nine
2 (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. 17. 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 attorney
8 at least once in each quarter of each year. Upon receiving such direction, such
9 chief law enforcing officer shall make an investigation either
10 personally or by officers under his direction and control.
11 Within thirty days after receiving such direction a return
12 thereof shall be made to the county attorney
13 on forms prepared and approved by the attorney general stating
14 under oath his findings and that such investigation was made
15 without prior notice to the holder of such class "B" permit,
16 either directly or indirectly.
17 Such return shall be sworn to by the officer making
18 the investigation and by the chief law enforcing officer to
19 whom the direction was sent by the county attorney. In making
20 the investigation the peace officer shall give special atten-
21 tion to facts which would indicate violations of this title,
22 and shall include in his return filed with the county attorney
23 his findings with reference to whether the permit holder is
24 the owner of a federal liquor license, whether minors are

25 found frequenting the premises, and whether gambling devices
26 are found therein. The county attorney shall file such
27 returns with the district court. Such file shall be sealed
28 and not open for public inspection, but shall be available
29 to the county attorney, the district court, and the grand
30 jury."

1 Sec. 18. It shall be unlawful for any A, B, or C licensee
2 under this chapter to give away beer, or to promote the sale
3 of beer by the gift of any lunch, meal, or articles of food.

1 Sec. 19. This act shall apply to special charter cities.

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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:
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6 where food is sold or consumed except in the dining cars of
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8 less than fifteen guest rooms and in such clubs as are
9 specifically designated by section 124.16."
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5 business where beer is sold under a class "B" permit."
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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"
6 permit shall be fixed by the authorities empowered by this
7 chapter to issue said permit which shall be not less than
8 three hundred dollars nor more than one thousand dollars.
9 A 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 lieu
4 thereof the words "two and forty-eight hundredths".

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3 two (2) and inserting in lieu thereof the following:
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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."

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8 sections 124.15 and 124.16 or to hotels with fifteen or
9 more guest rooms holding a class "B" permit."

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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 attorney
8 at least twice each year. Upon receiving such direction, such
9 chief law enforcing officer shall make an investigation either
10 personally or by officers under his direction and control.
11 Within thirty days after receiving such direction a return
12 thereof shall be made to the county attorney under oath upon
13 forms which shall be prepared and approved by the attorney
14 general. Such return shall be sworn to by the officer making

15 the investigation and by the chief law enforcing officer to
16 whom the direction was sent by the county attorney. In making
17 the investigation the peace officer shall give special atten-
18 tion to facts which would indicate violations of this title,
19 and shall include in his return filed with the county attorney
20 his findings with reference to whether the permit holder is
21 the owner of a federal liquor license, whether minors are
22 found frequenting the premises, and whether gambling devices
23 are found therein. The county attorney shall file such
24 returns with the district court. Such file shall be sealed
25 and not open for public inspection, but shall be available
26 to the county attorney, the district court, and the grand
27 jury."

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