

Iowa. Liquor problem

State of Iowa

1949

The Iowa Liquor Control Act

CHAPTER 123

1946 Code of Iowa as Amended
by the Fifty-second and Fifty-
third General Assembly



MEMBERS OF THE IOWA LIQUOR CONTROL COMMISSION

GEO. L. SCOTT, *Chairman*

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THE IOWA LIQUOR CONTROL ACT

Section 1. Public policy declared. This chapter shall be cited as the "Iowa Liquor Control Act," and shall be deemed an exercise of the police power of the state, for the protection of the welfare, health, peace, morals and safety of the people of the state, and all its provisions shall be liberally construed for the accomplishment of that purpose, and it is declared to be the public policy that the traffic in alcoholic liquors is so affected with a public interest that it should be regulated to the extent of prohibiting all traffic in them, except as hereinafter provided for in this chapter through the medium of an Iowa Liquor Control Commission by this chapter created, in which is vested the sole and exclusive authority to purchase alcoholic liquors, as defined herein, for the purpose of resale.

Sec. 2. Conflicting statutes superseded. Wherever any provisions of the existing laws are in conflict with the provisions of this chapter, the provisions of this chapter shall control and supersede all such existing laws.

Sec. 3. General prohibition. It shall be unlawful to manufacture for sale, sell, offer or keep for sale, possess and/or transport vinous, fermented, spirituous, or alcoholic liquor, except beer as defined in chapter 124, or as the same may hereafter be amended for any purpose whatsoever, except upon the terms, conditions, limitations and restrictions as set forth herein.

Sec. 4. Sacramental wines. Nothing in this chapter shall affect the purchase or use of sacramental wines to be used exclusively for sacramental purposes.

Sec. 5. Definitions. For the interpretation of this chapter, unless the context indicates a different meaning:

1. "Commission" means the commission created by this chapter under the name of the "Iowa Liquor Control Commission".

2. "Alcohol" means the product of distillation of any fermented liquor, rectified either once or oftener, whatever may be the origin thereof, and includes synthetic ethyl alcohol.

3. "Spirits" means any beverage which contains alcohol obtained by distillation mixed

with drinkable water and other substances in solution, and includes, among other things, brandy, rum, whisky, and gin.

4. "Wine" means any alcoholic beverage obtained by the fermentation of the natural sugar contents of fruits, (grapes, apples, etc.) or other agricultural products containing sugar (honey, milk, etc.).

5. "Alcoholic liquor" includes the three varieties of liquor above defined (alcohol, spirits, and wine), and every liquid or solid, patented or not, containing alcohol, spirits, or wine, and susceptible of being consumed by a human being, for beverage purposes. Any liquid or solid containing more than one of the three varieties above defined is considered as belonging to that variety which has the highest percentage of alcohol, according to the order in which they are above defined.

6. "Person" includes any natural person, association, partnership, corporation, and club.

7. "Whosoever" when used in reference to any offender under this chapter, includes every person who acts for himself or for any other person, and includes also such other person.

8. "Residence" means the premises where a person resides, permanently, or temporarily.

9. "License" means a contract between the commission and a licensee entitled thereto under the provisions of this chapter.

10. "Manufacture" means to distill, rectify, ferment, brew, make, mix, concoct, or process any substance or substances capable of producing a beverage containing more than one-half of one percent of alcohol by volume and includes "blending," "bottling," or the preparation for "sale".

11. "Package" means any container or containers, receptacle or receptacles used for holding liquor.

12. "Distillery", "winery", and "berwery" means not only the premises wherein "alcohol" or "spirits" is distilled, or rectified "wine" is fermented, but in addition a "person" owning, representing or in charge of such premises and the operations conducted thereon, including the blending and bottling or other handling and preparation of "alcoholic liquor" in any form.

13. "Importer" means the "person" transporting or ordering, authorizing or arranging the transportation or shipment of "alcoholic liquor" into the state of Iowa whether such "person"

is a resident or citizen of Iowa or not

14. "Interdicted person" means a person to whom the sale of liquor is prohibited by an order of the commission or the court under this chapter.

15. "Import" means the transporting or ordering or arranging for the transportation or shipment of "alcoholic liquor" into the state of Iowa whether by a resident of the state or otherwise.

16. "State liquor store" means a store established by the Liquor Control Commission under this chapter for the sale of alcoholic liquor in the original package for consumption off the premises.

17. "Special distributor" means a person especially designated by the commission to dispense alcoholic liquors, subject to the provisions of this chapter, in such cities and towns as in the opinion of the commission there is not sufficient demand for a state liquor store.

18. "Warehouse" means any premises or place primarily constructed or used or provided with facilities for the storage in transit or other temporary storage of perishable goods and/or for the conduct of normal warehousing business.

19. "Public place" includes any place, building or conveyance to which the public has or is permitted to have access and any place of public resort.

20. "Permit" means a permit for the purchase and/or consumption of liquor by an individual under this chapter.

21. Whenever reference shall be made to anything forbidden under this chapter, and relating to alcoholic liquor, the words, "to sell" includes: to solicit, or receive an order for; to keep or expose for sale; to deliver for value or in any other way than purely gratuitously; to peddle; to keep with the intent to sell; to keep or transport in contravention of section 123.3; to traffic in for a valuable consideration, promised or obtained directly or indirectly, or under any pretext or by any means whatsoever, to procure or allow to be procured for any other person; and the word, "sale" includes every act of selling as above defined.

22. "Wholesaler" means any person who shall sell, barter, exchange, offer for sale or have in possession with intent to sell, alcoholic liquor and wines to retailers for resale.

Sec. 6. Commission created. There is hereby created a commission composed of three electors

of this state to be known and designated as the Iowa Liquor Control Commission, not more than two of whom shall belong to the same political party, and no two of whom shall, at the time of appointment, reside in the same congressional district. The commission shall be held strictly accountable for the enforcement of the provisions of this chapter.

Sec. 7. Appointment — term. The members of the first commission shall be appointed by the governor, subject to approval of the senate by a majority vote of the members in executive session as follows: one for a term to expire July 1, 1935; one for a term to expire July 1, 1937; and one for a term to expire July 1, 1939. Said terms shall begin immediately upon the appointment, approval and qualification.

Thereafter, the term of each member of said commission shall be six years; and the governor shall, within sixty days following the organization of each regular session of the general assembly, appoint, with the approval of a majority of the members of the senate in executive session, a successor to the member of said commission whose terms of office will expire July 1 next following.

(Sec. 8. Vacancies. Any vacancy or vacancies on said commission which may occur when the general assembly is not in session shall be filled by appointment by the governor, which appointment shall expire at the end of thirty days following the organization of the next general assembly. Prior to the expiration of said period of thirty days, the governor shall transmit to the senate for its approval an appointment for the unexpired portion of the regular term. Any vacancy or vacancies occurring when the general assembly is in session shall be filled in the same manner as regular appointments are made, and before the end of such session, and for the unexpired portion of the regular term.

Sec. 9. Bonds. The commissioners shall post a bond or bonds, at the expense of the state, with such sureties as the executive council shall approve to guarantee to the state the proper handling and accounting of such moneys and merchandise and other properties as may be required in the administration of this chapter. It shall be the duty of the commission to secure from all agents, servants, and employees of the commission holding positions of trust a bond or bonds with such sureties as the commission will approve adequate to guarantee to the state the proper handling and accounting of all moneys, merchandise and other properties.

Sec. 10. Organization. — salary — assistants.

The commission shall, on July 1 of each year, select one of its members as chairman, who shall serve in such capacity for the succeeding year. Each member of the commission shall devote his entire time to the duties of his office, and his salary shall be five thousand a year (for each year of the biennium beginning July 1, 1949 and ending June 30, 1951 an additional sum of three hundred dollars per year per member). Said commission may employ a secretary and such other assistants and/or employees as may reasonably be necessary, and at such salary each as may be fixed by said commission.

Sec. 11. Expenses. Members of the commission and said secretary, assistants and/or employees shall be allowed their actual and necessary expenses while traveling on business of the Commission outside of their place of residence; provided, however, that an itemized account of such expenses shall be verified by the member, secretary, assistant and/or employee making claim for payment and shall be approved by a majority of the members of the commission. If such account is paid, the same shall be filed in the office of said commission and be and remain a part of its permanent records. All of said salaries and expenses shall be payable out of the Liquor Control Act Fund created by this chapter.

Sec. 12. Removal. Any member, secretary, officer or employee of said Commission shall be removable for any of the causes and in the manner provided by chapter 66 relating to removal from office; such removal shall not be in lieu of any other punishment that may be prescribed by the laws of the state of Iowa.

Sec. 13. Exemption from suit. The commission, or any member of the commission, shall not be personally liable for any action at law for damages sustained by any person because of any action performed or done by the commission, or any member of the commission, in the performance of their respective duties in the administration and in the carrying out of the purposes and provisions of this chapter.

Sec. 14. Prohibition on members and employees. No member, officer or employee of said commission shall, while holding such office or position, hold any other office or position under the laws of this state or of any other state or of the United States, and shall not engage in any occupation or business inconsistent and/or interfering with the duties of such employment; and no such member, officer or employee shall, while holding such office or position, serve on or under or be a member of any committee of any political party, and shall not, directly or

indirectly, use his influence to induce any other officer or officers, employee or employees, elector or electors of this state to adopt his political views or to favor any particular candidate for office, nor shall any such member, officer or employee contribute in any manner, directly or indirectly, any money or other things of value to or for any person or persons, committee or committees, for campaign or election purposes. Any such member, officer or employee who violates any of the terms and/or provisions of this section shall be deemed guilty of corruption.

Sec. 15. Place of business. The principal place of business of the Liquor Control Commission shall be in the city of Des Moines, and the executive council shall provide suitable quarters or offices for the Liquor Control Commission in Des Moines.

Sec. 15. Powers The commission shall have the following functions, duties and powers:

1. To buy, import, and have in its possession for sale and sell liquors in the manner set forth in this chapter.

2. To establish, maintain and/or discontinue state liquor stores and special distributors and to determine the cities and towns including cities and towns under special charter and cities under commission form of government in which state liquor stores and special distributors shall be located. However, no liquor store or special distributor shall be established within three hundred feet of any school building used for school purposes or any church used as such.

3. To grant and refuse, or cancel for cause, permits for the purchase of liquor.

4. To rent, lease, and/or equip any building or any land necessary to carry out the purposes of this chapter.

5. To lease all plants and lease or buy equipment it may consider necessary and useful in carrying into effect the objects and purposes of this chapter.

6. To appoint vendors, clerks, or other employees required for the operation or carrying out of this chapter and to dismiss the same, but not without cause deemed by the commission in its discretion as sufficient; to fix their salaries or remuneration; assign them their title, duties and powers.

7. To issue and grant permits and licenses; and to revoke all such licenses and permits for cause, under this chapter.

8. To determine the nature, form and capacity of all packages containing liquor kept or sold under this chapter; provided, that all spirituous and vinous liquor shall be purchased and sold only in the original package.

9. To license, inspect and control the manu-

facture of alcoholic liquors and regulate the entire liquor industry in the state.

10. To employ a chemist, maintain a laboratory, to test, label and certify to all alcoholic liquors sold in Iowa.

11. To establish and maintain in its own name in the state treasury a special account, hereinafter known as the Liquor Control Act fund, in an amount necessary for use of the commission, said amount to be determined by the state comptroller.

The commission shall refer all alleged violations of the Liquor Control Act to the state department of public safety.

Sec. 17. Rules and regulations.

1. The commission may make such rules and regulations not inconsistent with this chapter, which to the commission may seem expedient or necessary for carrying out the provisions of this chapter and for the efficient administration thereof.

2. Without attempting or intending to limit the power of the commission as to the provisions contained in subsection 1 hereof, it is declared that the commission may and it does have the power to make regulations in the manner set forth in the foregoing subsection and that said powers shall extend to and include the following:

(a) Prescribing the duties of the secretary, officers, clerks, servants, agents, or employees of the commission and regulating their conduct while in the discharge of their duties.

(b) Regulating the management, equipment and merchandise of state liquor stores, and warehouses in and from which liquors are transported, kept or sold and prescribing the books and records to be kept therein. This paragraph shall apply to special distributors insofar as in the opinion of the commission it is deemed necessary for proper regulation and control.

(c) Regulating the purchase of liquor generally and the furnishing of liquor to state liquor stores and special distributors established under this chapter, determining the classes, varieties, and brands of alcoholic liquors to be kept in state warehouses or for sale at any state liquor store or by any special distributor.

(d) Prescribing forms or information blanks to be used for the purpose of this chapter or the regulations made thereunder and the terms and conditions under which permits and licenses may be issued or granted.

(e) Prescribing the nature and character of proof to be furnished and conditions to be observed in the issuance of duplicate permits where the originals have been either lost or destroyed.

(f) Providing for the issuing and distributing of price lists showing the price to be paid by

purchasers for each brands, class or variety of liquors kept for sale under this chapter, and such prices shall be uniform throughout the state.

(g) Prescribing what official seals or labels should be attached to the packages of liquor sold under this chapter including the various kinds of official seals or labels for the different classes or varieties or brands of liquors.

(h) Prescribing the kind, quantity, and character of liquors which may be purchased or sold under any permits including the quantity which may be purchased or sold at any one time or within any specified period of time.

(i) Prescribing the duties of employees authorized to issue permits or licenses under this chapter.

(j) Prescribing, subject to this chapter, the days and hours during which state liquor stores and special distributors shall be kept open for the purpose of the sale or dispensing of liquors.

(k) Prescribing, subject to this chapter, the records of sales to permit holders and by those holding licenses, for the report of the same to the commission and for the confidential character of the reports or records of individual permit holders.

(l) Prescribing the place and the manner in which liquor may be lawfully kept or stored by the licensed manufacturer under this chapter.

(m) Prescribing the time, manner, means, and method by which distillers, brewers, vendors, or others having permission under this chapter may deliver or transport liquors and prescribing the time, manner, means, and methods by which liquor under this chapter may be lawfully conveyed, carried, or transported.

(n) Prescribing, subject to the provisions of this chapter, the conditions and qualifications necessary for the obtaining of licenses and the books and records to be kept and the remittance to be made by those holding licenses and determining the number of persons, firms, or corporations who shall be entitled to licenses and providing for the inspection of the records of all such licenses.

(o) Prescribing the conditions and qualifications necessary for the obtaining of permits under this chapter.

(p) Prescribing the purchase of liquor and furnishing liquor at state liquor stores and special distributors under this chapter.

3. The Liquor Control Commission shall prepare, print, and furnish all forms required under this chapter.

Sec. 18. State liquor stores. The Commission shall establish and maintain in any city or incorporated town, including cities under special charter and cities under commission form of

government, which the commission may deem advisable, a state liquor store or stores or special distributors, as provided for in section 123.19, for storage and sale of liquor in accordance with the provisions of this chapter and the regulations made thereunder. The commission may, from time to time, as determined by it, fix the prices of the different classes, varieties, or brands of liquor to be sold.

Sec. 19. Special distributors.

1. In cities and towns where the establishment of a state liquor store, under the provisions of this chapter, does not seem advisable, the commission may select a special distributor, who shall have been in business in and a resident of such city or town not less than two years immediately prior to such appointment, to sell alcoholic liquors for consumption off the premises; provided, however, that in no case such special distributor shall be the holder of a class "B" permit to sell beer as provided in chapter 124, nor shall such special distributor be granted such beer permit while being such distributor.

2. Special distributors shall be paid a sum to be fixed by the Commission, but in no event shall this sum be in excess of nine hundred dollars per annum. All alcoholic liquors sold by such distributors shall be sold in the original package at the price fixed by the Commission, without profit to the distributor, and in accordance with the rules and regulations of the Commission.

3. At any time, if in the judgment of the Commission it shall appear advisable, the commission may establish a state liquor store in such city or town to replace the special distributor.

4. If, after a state liquor store has been in operation in any city or town, such store should show a loss to the state, the commission may discontinue such store and select a special distributor in accordance with the provisions of this chapter.

5. No special distributor shall be selected in any city or town where there is a state liquor store in operation.

Sec. 20. Vendors. In the conduct and management of state liquor stores the commission is empowered to employ a person who shall be known as a "vendor" who shall, subject to the directions of the commission, observe all provisions of this chapter and the rules and regulations of the commission.

Sec. 21. Qualifications of employees. The Liquor Control Commission shall prescribe from time to time by rule or regulation the qualifications to be possessed by persons desiring employment in state liquor stores or establishments.

Sec. 22. Sales regulated.

1. A vendor or special distributor may not sell to any person nor may any person purchase alcoholic liquors from such vendor unless the person be the holder of a permit entitling such person to purchase liquors under such permit in conformity with the provisions of this chapter and the regulations established by the commission.

2. Before the vendor or special distributor shall sell or deliver to any person any alcoholic liquors he shall:

(a) Have first demanded and received the permit or order in writing dated and signed by the purchaser setting forth the number of his permit, the kind and quantity of the liquor ordered or furnish such information in writing as may be determined by the regulations established by the commission.

(b) Have received from the purchaser his permit and have indorsed thereon the kind and quantity of liquor sold, the date of sale and such other information as may be required by the commission.

(c) Have demanded and received the purchase price of such liquor in cash.

Sec. 23. Consumption on premises. No vendor, officer, clerk, servant, agent, or employee of the commission employed in any state liquor store, state-owned warehouse, or special distributor, shall allow any alcoholic liquor to be consumed on the premises of such state warehouse, store, or special distributor nor shall any person consume any liquor on such premises.

Sec. 24. Restrictions on sales — seals — labeling. No alcoholic liquor shall be sold to any purchaser except in sealed container with the official seal or label prescribed by the commission and no such container shall be opened upon the premises of any state warehouse, store or special distributor. Such seal or label shall bear the seal of the commission and a facsimile of the signature of the chairman of the Liquor Control Commission and shall certify the quality, age, and contents of the bottle or package on which it is affixed and must be attached and sealed to all liquors sold in the state. Possession of alcoholic liquors bought or sold in the state which do not carry such label or seal shall be considered a violation of this chapter. No alcoholic liquor shall be labeled "whisky" unless it is a distillate of fermented mash of grain or mixture of grains. Spirits, the alcoholic content of which is distilled of any other substance, must be labeled "imitation". No spirits shall contain any substance, compound, or ingredient which is injurious to health or deleterious for human consumption.

Sec. 25. Sales prohibited. It shall be unlawful to transact the sale or delivery of any liquor in, on, or from the premises of any state liquor store, special distributor, or warehouse:

1. After the closing hour as established by the Commission.

2. On any legal holiday.

3. On any Sunday.

4. On any national or state election day.

5. On any municipal election day held in the municipality in which such store, warehouse, or special distributor may be situated.

6. During such other periods or days as may be designated by the Commission.

Sec. 26. Transportation permitted. It shall be lawful to transport carry, or convey liquors as defined by this chapter from the place of purchase by the commission to any state warehouse, store, special distributor or depot established by the commission for the purpose of this chapter or from one such place to another and when so permitted by this chapter the regulations made thereunder and in accordance therewith, it shall be lawful for any common carrier, or other person to transport, carry, or convey liquor sold by a vendor or a special distributor from a state warehouse, store or depot to any place to which the same may be lawfully delivered under this chapter and the regulations established by the commission; provided, however, that no common carrier or other person shall break, open, allow to be broken or opened any container or package containing alcoholic liquor or to use or drink or allow to be used or drunk any liquor therefrom while in the process of being transported or conveyed; provided, however, that nothing in this chapter shall effect the right of any permit holder to purchase, possess, or transport alcoholic liquors as defined by this chapter and subject to the provisions of this chapter and the regulations made thereunder.

Sec. 27. Permits.

1. There shall be two classes of permits under this chapter:

(a) Individual permits.

(b) Special permits.

2. Upon application being made, in the form and manner prescribed by the commission, to the commission, or to any agent authorized by the commission to issue permits accompanied by payment of the prescribed fee, and upon the commission or such authorized agent being satisfied that the applicant has complied with the rules and regulations established by the commission for the issuance of such a permit for the purchase, possession and/or transportation of alcoholic liquors under this chapter, the commission or such authorized agent shall issue

to the applicant a permit of the class applied for as follows:

(a) An "individual permit" in the form prescribed by the commission may be granted to an individual of the full age of twenty-one years who is not disqualified under the provisions of this chapter entitling the applicant to purchase liquor or beverages for medicinal or personal purposes in accordance with the terms and provisions of such permit and the provisions of this chapter by complying with such terms and conditions as may be prescribed by the commission.

(b) A "special permit" in form as prescribed by the commission and subject to its issuance and/or use to such rules and regulations as the commission may adopt, may be issued as provided in this section, notwithstanding the other provisions of this chapter as follows:

(1) To a physician, pharmacist, dentist, or veterinarian, which will entitle the holder to purchase liquor from the state liquor stores or special distributors for use medicinally and in compounding prescriptions and to sell the same for use medicinally in the compound prescription only upon the prescription of a licensed physician or surgeon, and to purchase liquor from the state liquor stores or special distributors for use in manufacturing or compounding lotions, compounds, and other like commodities not susceptible for beverage purpose, and to sell the same for public use.

(2) To a soldiers home, sanitarium, hospital, college, or home for the aged which will entitle the holder to purchase liquor from the state liquor stores or special distributors for use for medicinal, laboratory and scientific purposes only.

(c) Notwithstanding any of the provisions of this chapter, patent and proprietary medicines, tinctures, food products, extracts, toilet articles and perfumes, and other like commodities, none of which are susceptible of use as a beverage, but which require as one of their ingredients alcohol or vinous liquors, may be manufactured and sold within this state, provided a special permit so to do is first obtained, as in this subsection provided.

Any person, firm, or corporation desiring such permit shall file with the liquor commission the affidavit of such person, member of the firm, secretary or other managing officer of the corporation, as the case may be, stating therein the following facts:

(1) The name, place of business, and post-office address of the person, firm, or corporation desiring such permit.

(2) The business in which said person, firm, or corporation is engaged and the articles manufactured by them which require in their

manufacture the use of alcohol or vinous liquors.

(3) That neither the applicant, nor any member of the firm, nor officer of the corporation has been convicted of any violation of the laws of this state with reference to the sale of intoxicating liquors within three years last past prior to the date of said affidavit.

If the liquor commission is satisfied that the facts stated in said affidavit are true and that the applicant is a person fit and proper to be entrusted with the permit applied for, the same shall be issued upon the filing by the applicant of a bond in the sum of two thousand dollars, with approved sureties, conditioned that the applicant will faithfully observe the provisions of this chapter and the rules and regulations of the commission.

Such special permit when so issued shall entitle the holder thereof to import into the state, or purchase from licensed distillers within the state or from the commission, alcohol or vinous liquors for use in manufacture, in accordance with the terms of said permit, and to sell the product of such manufacture, regardless of any of the other provisions of this chapter with respect to purchase and sale of alcohol or vinous liquors.

It shall be the duty of every manufacturer holding such special permit under the provisions of this subsection whenever such manufacturer shall purchase any alcoholic liquor from any person, firm or corporation, other than the liquor commission, immediately upon receipt thereof to file with the liquor commission a report of the receipt of such liquor in accordance with the rules and regulations as they may be established by the liquor commission.

3. Nothing in this chapter shall prohibit the legitimate sale of patent and proprietary medicines, tinctures, food products, extracts, toilet articles and perfumes, and other like commodities, none of which are generally classified or used as a beverage but which require as one of their ingredients alcoholic or vinous liquors, through the ordinary retail or wholesale channels.

Sec. 28. Fees. On all such (individual) permits issued on or after July 1, 1934, the fee shall be one dollar, and such permits shall expire on June 30 following date of issuance.

For a "special permit" under paragraph b of subsection 2 of section 123.27 the fee shall be three dollars per year.

Sec. 29. Nature of permit. A permit shall be a purely personal privilege and shall expire on June 30 following date of issuance and shall be revocable for cause. It shall not constitute property nor shall it be subject to attachment

and execution nor shall it be alienable nor assignable and in any case it shall cease upon the death of the permittee. Every permit shall be issued in the name of the applicant and no person holding a permit shall allow any other person to use the permit.

Sec. 30. Signature to permit. No permit shall be issued or delivered to an applicant for the same unless said applicant has in the presence of some person duly authorized by the commission written his signature thereon or filed his signature with such duly authorized person in the manner prescribed by the regulations as fixed by the commission for the purpose of the future identification of said permit holder and until the signature has been witnessed and attested to by such duly authorized official authorized to issue permits.

Sec. 31. Duplicate permits. Any permit holder whose permit has been lost, destroyed, or stolen may make application to the commission or such other duly authorized agent entitled to issue permits and upon satisfactory proof of loss, destruction, or theft of said permit, subject to the conditions contained in the regulations, may obtain a duplicate permit in lieu of the permit so lost, destroyed, or stolen for which duplicate permit a fee of fifty cents shall be paid.

Sec. 32. Suspension or cancellation of permit. Whenever the holder of any permit issued under the provisions of this chapter violates any of the provisions of this chapter or any regulations made thereunder or is an interdicted person or is otherwise disqualified from holding such permit, the commission, upon satisfactory proof of such fact, the existence of such violation, the interdiction or disqualification of such permit holder, may, in its discretion with or without hearing, suspend the permit and any and all rights of said permit holders for such period of time as the commission may see fit or may fully cancel said permit.

Sec. 33. Surrender of permit. Whenever a permit has been suspended or canceled as herein provided the holder of such permit shall forthwith deliver the same to the commission. Upon failure of the permit holder to deliver said permit to the commission upon request, the commission shall forthwith cancel the same. In the case of a suspension of the permit, the commission shall return the permit to the holder at the expiration of such period of suspension. Where the permit has been canceled, the commission shall notify the vendors, or such other persons as may be provided in the regulations made under this chapter, of the cancellation of said permit and no permit shall thereafter be issued to such

person whose permit has been canceled within a period of one year from the date of cancellation of said permit.

(Code of Iowa for 1946, 321.281 as amended and Chapter 181 laws of the 52nd General Assembly as amended provides that anyone convicted for driving a motor vehicle while intoxicated or operating an aircraft while intoxicated shall surrender his permit and shall not, thereafter, be issued a permit until such time as a court or the judge of a court having original jurisdiction shall certify for reinstatement).

Sec. 34. Presentation by unlawful holder. Whenever a permit shall be produced at a state-owned warehouse, store, or distributor as defined by this chapter by a person who is not the lawful holder thereof, or where any permit which has been suspended or canceled is produced at such warehouse or store, the vendor or official in charge of such warehouse or store shall retain such permit in his custody and forthwith notify the commission of such fact and the commission shall, unless such permit has been canceled, forthwith cancel the same; provided, however, that the proper holder of any permit lost, destroyed, or stolen may, upon satisfactory proof to the commission that he was not a party to such improper use, obtain a return of such permit and re-establish his rights thereunder.

Sec. 35. Revocation of permits. Without attempting or intending to limit the powers and duties of the commission in the matter of the revocation of permits for cause or for any good and sufficient reason, the commission, municipal and district court are hereby empowered to revoke the permit of any holder as defined in this chapter upon satisfactory proof of any of the following grounds or causes:

- (a) Drunkenness.
- (b) Simulation of drunkenness.
- (c) Nonsupport of family or dependents.
- (d) Desertion of family or dependents.
- (e) The commission of any misdemeanor or felony in which the use of alcoholic liquor was a contributing factor.

Sec. 36. Manufacturer's license. Upon application in the prescribed form and accompanied by a fee of two hundred fifty dollars, the commission may in accordance with this chapter, and in accordance with the regulations, made thereunder, grant a license, good for a period of one year after date of issuance to a manufacturer which shall allow the manufacture, storage and wholesale disposition and sale of alcoholic liquors and wines to the commission and to customers outside of the state.

Sec. 37. Wholesaler's license. Upon application in the prescribed form and accompanied by a fee of one hundred dollars and subject to the provisions of this chapter and the rules and regulations of the commission, the commission shall grant a license good for a period of one year after date of issuance, to a wholesaler, which shall allow the wholesaler to purchase alcoholic liquor from distillers either within or without the state for the purpose of selling to the commission and customers of such wholesaler engaged in the sale of alcoholic liquor and wines at retail outside of the state.

Sec. 38. Conditions — bond. As a condition precedent to the approval and granting of any license to the manufacturer or wholesaler applying therefor, there shall be filed with the commission a statement under oath that the applicant is a bona fide manufacturer or wholesaler of alcoholic liquors, and that the said applicant will faithfully observe and comply with all rules and regulations of the commission then existing, or thereafter made, and that he will in all respects comply with the provisions of this chapter; together with a bond of five thousand dollars for a manufacturer and one thousand dollars for a wholesaler with a surety to be approved by the commission; said bond to be in favor of the state of Iowa for the benefit of the state in case of any violation of this chapter.

Sec. 39. Gift of liquors prohibited. No manufacturer or wholesaler shall give away any alcoholic liquor of any kind or description at any time in connection with his business except for testing or sampling purposes only.

Sec. 40. Interest in liquor business. No member or employee of the commission, directly or indirectly, individually, or as a member of a partnership or as a shareholder in a corporation shall have any interest whatsoever in dealing in or in the manufacture of alcoholic liquor nor receive any kind of profit whatsoever nor have any interest whatsoever in the purchases or sale by the persons authorized to purchase and sell alcoholic liquor except that no such provisions shall prevent any such commissioner or employee from purchasing and keeping in his possession for the personal use of himself, or his family, or his guests any liquors which may be lawfully purchased.

Sec. 41. Cash sales. No vendor of any state liquor store or special distributor shall sell any alcoholic liquor to any individual permit holder except for cash.

Sec. 42. Consumption in public places—intoxication. It is hereby made unlawful for any person to use or consume any alcoholic liquors upon the public streets or highways, or in any public place, and no person shall be intoxicated nor simulate intoxication in a public place; and any person violating any provisions of this section shall be fined not to exceed one hundred dollars or sentenced not to exceed thirty days in the county jail.

Sec. 43. Minors. Except in the case of liquor given or dispensed to a person under the age of twenty-one years by parent or guardian for beverage or medicinal purposes or as administered to him by either the physician or dentist for medicinal purposes no person shall sell, give, or otherwise supply liquor to any such person under the age of twenty-one years, or knowingly permit any person under that age to consume alcoholic liquors.

Sec. 44. Interdicted person. Except in the case of liquor supplied to an interdicted person upon the prescription of a physician or administered by either a physician or dentist for medicinal purposes, no person shall procure for or sell or give to any interdicted person any alcoholic liquors, nor directly or indirectly, assist in procuring or supplying any alcoholic liquors to an interdicted person.

Sec. 45. New permit after cancellation. No person whose permit or license has been canceled shall within one year after date of such cancellation make application for or receive another permit or license.

Sec. 46. Miscellaneous prohibitions. 1. No person whose permit has been either suspended or canceled shall purchase or attempt to purchase any alcoholic liquors during the period of such suspension or cancellation.

2. No person shall apply for the purchase of any alcoholic liquors except in his own name.

3. No person shall sell, dispense, or give to any intoxicated person, or one simulating intoxication, any alcoholic liquors.

Sec. 47. Advertisements. Except as permitted by federal statute and regulations, there shall be no public advertisement or advertising of alcoholic liquors in any manner or form within the state.

1. No person shall publish, exhibit, or display or permit to be displayed any other advertisement or form of advertisement or announcement, publication, or price list of, or concerning any alcoholic liquors, or where, or from whom the same may be purchased or obtained, unless

permitted so to do by the regulations enacted by the commission and then only in strict accordance with such regulations.

2. This section of the chapter shall not apply, however:

(a) To the liquor control commission.

(b) To the correspondence, or telegrams, or general communications of the commission, or its agents, servants, and employees.

(c) To the receipt or transmission of a telegram or telegraphic copy in the ordinary course of the business of such agents, servants, or employees of any telegraph company.

Sec. 48. **Prohibited sale, etc.** No person not expressly authorized by this chapter to deal in alcoholic liquor shall within the state keep for sale, or offer for sale anything which is either labeled or branded with the name of any kind of alcoholic liquor whether the same contains any alcoholic liquor or not.

Sec. 49. **Orders of interdiction.** Whenever it shall be established to the satisfaction of either the commission or the judge of any superior, municipal or district court that the holder of any permit defined under this chapter shall have been guilty of any of the grounds or causes for the revocation of a permit, as set forth in section 123.35 of this chapter, or who shall by the excessive use of alcoholic liquors injure his health, impair, or endanger the welfare of his family, mispend, squander, or waste his estate, an order of interdiction may be made by either the commission or the judge of any superior, municipal or district court directing the suspension or cancellation of any permit and prohibiting the sale of alcoholic liquors to such persons until the further order of either the commission or the court making such an order. In the event such order is made by the court, a certified copy of the same shall be forthwith filed with the commission. The commission or the court may as a part of its order of interdiction in any such case provide and declare forfeited any alcoholic liquor in the possession of such permit holder or may take possession of and retain for such permit holder any alcoholic liquors until such order of interdiction may be satisfied, set aside, or modified by either the commission or the court entering such order.

Whenever by satisfactory proof it shall appear to either the commission or to the court making such an order of interdiction that the interdicted person has purged himself of the conduct, grounds, reasons, or causes for the suspension, cancellation, or order of interdiction, the commission or the court making such an order of

interdiction may set aside or modify said order, and if deemed advisable, in any such case reinstate said interdicted person to his or her rights and privileges under this chapter. Whenever such order of interdiction has been made by or filed with the commission, the commission shall forthwith notify the vendors of such order of interdiction.

Sec. 50. **Fund.** For the purpose of enabling the commission to carry out the provisions of this chapter, there is hereby appropriated from the funds of the state treasury not otherwise appropriated the sum of five hundred thousand dollars and the state comptroller shall set aside from the appropriation the amount necessary to be used by the commission for the purchase of alcoholic liquors and payment of such other expenses as may be necessary to establish and operate state liquor stores and special distributors in accordance with the provisions of this chapter and to perform such other duties as are imposed upon it by this chapter.

All money hereafter received by the commission, including any money received under the appropriation herein made, shall constitute what shall hereafter be known as the liquor control act fund. Whenever said liquor control act fund shall have a balance in excess of one million five hundred thousand dollars (\$1,500,000.00); the comptroller shall transfer such excess to the general fund of the state treasury, which amount shall be used to reduce the general state tax levy against real estate. "Effective March 15, 1947 the state treasury shall semi-annually distribute, a sum of money equal to five per cent (5%) of the gross amount of sales made by the state liquor stores, to the cities and towns of the state in the manner hereinafter provided. Such amount shall be distributed to the cities and towns of the state in proportion to the population that each incorporated city or town bears to the total population of all incorporated cities and towns of the state as computed by the latest federal census. Such apportionment shall be made semi-annually as of July 1 and January 1 of each year. Warrants for the same shall be issued by the state comptroller upon certification of the state treasurer and mailed to the city clerk of each incorporated city and town of the state and shall be made payable to such incorporated city or town and shall be subject to expenditure under the direction of the city council or other governing bodies of such incorporated city or town for any lawful municipal purpose."

In any case where a city or town has been incorporated since the last federal census, the mayor and council shall certify to the state

treasury the actual population of such incorporated city or town as of date of incorporation and its apportionment of funds under this act shall be based upon such certification until the next federal census enumeration. Any community which has dissolved its corporation shall not receive any apportionment of funds under this act for any period after said corporation has been dissolved.

Effective as of March 15, 1947, the State Treasurer shall credit to a military service tax fund hereby created a sum of money equal to five per cent (5%) of the gross amount of sales made by the state liquor stores in the cities and towns of the state. Any amount thus credited shall be allocated to the various taxing districts of the state as reimbursement for losses of revenue due to exemption or remission of property taxes which would be imposed upon property upon which soldiers' exemptions or soldiers' tax credits are provided under such terms as the general assembly may provide.

Sec. 51. Fees — accounting. It shall be the duty of the commission or its authorized agents to issue individual permits, to remit to the commission all fees received by them from the issuance of individual permits and the commission shall upon receipt of such funds credit the same to the "liquor control act fund" herein provided. The commission or authorized agents designated to sell individual permits shall report the fees received and remit the same once each month, said report and remittances to be made on or before the tenth day of the month succeeding that for which the report is made.

Sec. 52. Drawing appropriation. The appropriation hereby made shall be paid by the Treasurer of State upon the orders of the commission, in such amounts and at such times as in the discretion of the commission, may be necessary to carry on operations in accordance with the terms of this chapter.

Sec. 53. Annual report. It shall be the duty of the commission to make a report to the governor of the state, ending with June 30 of each year, showing fully the results of the operations of the commission covering the period since the last previous report, and which report shall show:

1. Amount of profit or loss, if any, on account of state liquor stores and special distributors.
2. Number of such liquor stores opened, the number closed, and the number thereof operating on last day included in report.
3. Number of such special distributors appointed and number of such appointments in

force on last day shown in report.

4. Amount of fees received from such stores and amount of fees received from such distributors separately and in gross.

5. The amount of said liquor control act fund then in the hands of the commission and also in the hands of the state treasurer.

6. All other funds on hand and the source from which derived.

7. The total quantity and particular kind of alcoholic liquor sold.

8. The increase or decrease of such liquor sales.

9. Number of arrests and/or convictions for violations of this chapter and/or any other law of this state pertaining to alcoholic liquors.

In order that the said commission may be provided with the necessary information to make out the report required by this chapter, it shall be the duty of every justice of the peace, police court, mayor's court and every clerk of a court of record in this state to forward to said commission during the month of July of each year a full and complete report of each case commenced in the court of such justice, police court, mayor's court, or any court of record, in which a violation of this chapter or any other law of this state pertaining to alcoholic liquors was charged, and the disposition of the same.

Sec. 54. State monopoly. There is hereby granted unto said commission the sole and exclusive right of importation; into the state, of all forms of alcoholic liquor, except as otherwise provided in this chapter and no person, partnership, club, corporation, or association shall so import any such alcoholic liquor; and no distillery shall sell any such alcoholic liquor within the state to any person, partnership, club, corporation, or association but only to the commission, except as otherwise provided in this chapter, the intent hereof being to vest in said commission exclusive control within the state both as purchaser and vendor of all alcoholic liquor sold by such distilleries within the state or imported therein, except beer as referred to in chapter 124 and amendments thereto, and except as otherwise provided in this chapter.

Sec. 55. Saving clause. This chapter shall not impair or affect any act done, offence committed or right accruing, secured or acquired, or penalty, forfeiture, or punishment incurred prior to the time this chapter takes effect, but the same may be enjoyed, asserted, enforced, prosecuted, or inflicted, as fully and to the same extent as if this chapter had not been passed.

Sec. 56. Native wines. Notwithstanding any-

thing in this chapter contained, but subject to any regulations or restrictions which the commission may impose, manufacturers of native wines from grapes, cherries, other fruit juices, or honey grown and produced in Iowa may sell, keep, or offer for sale and deliver the same in such quantities as may be permitted by the commission for consumption off the premises.

A manufacturer of native wines shall not sell such wines otherwise than as permitted by this section or allow any wine so sold, or any part thereof, to be drunk upon the premises of such manufacturer. Notwithstanding anything in this chapter contained, any person may manufacture native wine as herein defined for consumption on his own premises.

Sec. 57. Examination of accounts. The auditor of state shall cause the financial condition and transactions of all offices, departments, stores, warehouses, depots and liquor transactions of special distributors of the liquor control commission to be examined at least once each year by the state examiners of accounts and at shorter periods if requested by the commission, governor, or executive council.

Sec. 58. Auditing. All provisions of sections 11.6, 11.7, 11.10, 11.11, 11.14, 11.18, 11.21, and 11.23 of the code, relating to auditing of financial records of governmental subdivisions which are not inconsistent herewith are hereby made applicable to the liquor control commission, the liquor transactions of its special distributors and any of its offices, stores, warehouses and depots.

Sec. 59. "Bootlegger" defined. Any person who shall, by himself, or his employee, servant, or agent, for himself or any person, company, or corporation, keep or carry around on his person, or in a vehicle, or leave in a place for another to secure, any alcoholic liquor as herein defined, with intent to sell or dispense of the same by gift or otherwise, or who shall, within this state, in any manner, directly or indirectly, solicit, take, or accept any order for the purchase, sale, shipment, or delivery of such alcoholic liquors in violation of this chapter, or aid in the delivery and distribution of any alcoholic liquors so ordered or shipped, or who shall in any manner procure for, or sell or give any alcoholic liquors to any minor or interdicted person, for any purpose except as authorized and permitted in this chapter, shall be termed a bootlegger and upon conviction shall be sentenced to the county jail or the penitentiary, in the discretion of the court, for a period not exceeding one year.

Sec. 60. Nuisances. The building, erection, or place, or the ground itself in or upon which the unlawful manufacture or sale, or keeping with intent to sell, use or give away, any alcoholic liquors is carried on or continued or exists, and any vehicle or other means of conveyance used in transporting such liquor in violation of this chapter, and the furniture, fixtures, vessels and contents, kept or used in connection therewith, are declared a nuisance and shall be abated as in this chapter provided.

Sec. 61. Penalty. Whoever shall erect, establish, continue or use any building, erection or place for any of the purposes prohibited in Section 123.60, is guilty of a nuisance and upon conviction shall be punished by a fine of not less than three hundred dollars, nor more than one thousand dollars, or imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment and shall stand committed until such fine imposed is paid.

Sec. 62. Injunction. Actions to enjoin nuisances shall be brought in equity in the name of the state by the county attorney who shall prosecute the same to judgment.

Sec. 63. Temporary writ. In such action, the court or a judge in vacation, shall, upon the presentation of a petition therefor, allow a temporary writ of injunction without bond, if it shall be made to appear to the satisfaction of the court or judge by evidence in the form of affidavits, depositions, oral testimony or otherwise, that the nuisance complained of exists.

Sec. 64. Notice. Three days notice in writing shall be given the defendant of the hearing of the application, and if then continued at his instance the writ as prayed shall be granted as a matter of course.

Sec. 65. Scope of injunction. When an injunction has been granted, it shall be binding upon the defendant throughout the state and any violation of the provisions of this chapter anywhere within the state shall be punished as a contempt, as herein provided.

Sec. 66. Trial of action. The action, when brought, shall be triable at the first term of court after due and timely service of notice of the commencement thereof has been given.

Sec. 67. General reputation. In all actions to enjoin a nuisance or to establish a violation of the injunction, evidence of the general reputation of the place described in the petition or information shall be admissible for the purpose of proving the existence of the nuisance or the violation of the injunction.

Sec. 68. Contempt. In the case of a violation of any injunction granted under the provisions of this chapter, the court, or in vacation a judge thereof, may summarily try and punish the defendant. The proceedings shall be commenced by filing with the clerk of the court an information under oath setting out the alleged facts constituting such violation, upon which the court or judge shall cause a warrant to issue under which the defendant shall be arrested.

Sec. 69. Trial of contempt action. The trial shall be as in equity and may be had upon depositions, or either party may demand the production and oral examination of the witnesses.

Sec. 70. Penalty for contempt. A party found guilty of contempt under the provisions of section 123.69 shall be punished by a fine of not less than three hundred dollars, nor more than one thousand dollars, or by imprisonment in the county jail not less than six months, nor more than twelve months, or by both such fine and imprisonment.

Sec. 71. Injunction against bootlegger. A bootlegger as defined in this chapter may be restrained by injunction from doing or continuing to do any of the acts prohibited herein, and all the proceedings for injunctions, temporary and permanent, and for punishments for violation of the same as prescribed herein, shall be applicable to such person, company, or corporation, and the fact that an offender has no known or permanent place of business, or base of supplies, or quits the business after the commencement of an action, shall not prevent a temporary or permanent injunction, as the case may be, from issuing.

Sec. 72. Conditions. In no case shall a bootlegger injunction proceeding, as provided in this chapter, be maintained unless it be shown to the court that efforts in good faith have been made to discover the base of supplies or place where the defendant charged as a bootlegger conducts his unlawful business or receives or manufactures the alcoholic liquors, of which he is charged with bootlegging.

Sec. 73. Order of abatement. If the existence of the nuisance be established in a civil or criminal action, an order of abatement shall be entered as a part of the judgment in the case, which order shall direct the confiscation of the alcoholic liquors by the state, and in case a vehicle or other means of conveyance is abated, the sale thereof as hereinafter provided, the removal from the building or place of all fixtures, furniture, vessels or movable property used in any way in conducting the unlawful business and sale thereof, in the manner provided for

the sale of chattels under execution, and the effectual closing of the building, erection or place against its use for any purpose prohibited in this chapter, and so keeping it for a period of one year unless sooner released.

Sec. 74. Use of abated premises. If anyone shall use a building or place so directed to be closed, he shall be punished as for contempt, as provided in this chapter.

Sec. 75. Fees. For removing and selling the movable property, the officer shall be entitled to charge and receive the same fees as he would for levying upon and selling like property on execution; and for closing the premises and keeping them closed a reasonable sum shall be allowed by the court.

Sec. 76. Proceeds of sale. The proceeds of the sale of the personal property in abatement proceedings shall be applied first in payment of the costs of the action and abatement, and second to the satisfaction of any fine and costs adjudged against the proprietor of the premises and keeper of said nuisance, and the balance, if any, shall be paid to the defendant.

Sec. 77. Abatement of nuisance. If the owner appears and pays all costs of the proceeding and files a bond with sureties to be approved by the clerk in the full value of the property, to be ascertained by the court, or in vacation by the clerk, auditor and treasurer of the county, conditioned that he will immediately abate said nuisance and prevent the same from being established or kept therein within a period of one year thereafter, the court, or in vacation a judge, may, if satisfied of his good faith, order the premises closed under the order of abatement to be delivered to said owner and the said order of abatement canceled, so far as same may relate to said property.

Sec. 78. Abatement before judgment. If the proceedings be an action in equity and said bond be given and costs therein paid before judgment, and order of abatement, the action shall thereby be abated as to said building only.

Sec. 79. Existing liens. The release of the property under the provisions of either section 123.77 or 123.78 shall not release it from any judgment lien, penalty or liability, to which it may be subject by law.

Sec. 80. Abatement bond a lien. Undertakings of bonds for abatement shall immediately after filing by the clerk of the district court be docketed and entered upon the lien index as required for judgments in civil cases, and from the time of such entries shall be liens upon

real estate of the persons executing the same, with like effect as judgments in civil actions.

Sec. 81. Attested copies filed. Attested copies of such undertakings may be filed in the office of the clerk of the district court of the county in which the real estate is situated in the same manner and with like effect as attested copies of judgments, and shall be immediately docketed and indexed in the same manner.

Sec. 82. Forfeiture of bond. If the owner of a property who has filed such abatement bond as in this chapter provided fails to abate the said liquor nuisance on the premises covered by the bond, or fails to prevent the maintenance of any liquor nuisance on said premises at any time within the period of one year, the court must, after a hearing in which the said fact is established direct an entry of such violation of the terms of his said bond, to be made on the record and the undertaking of his bond thereupon forfeited.

Sec. 83. Procedure. A proceeding to forfeit an abatement bond shall be commenced by filing with the clerk of the court, by the county attorney of the county where the bond is filed, an application under oath to forfeit said bond, setting out the alleged facts constituting the violation of the terms of said bond, upon which the judge or court shall direct by order attached to said application that a notice be issued by the clerk of the district court directed to the principal and sureties on said bond to appear at a certain date fixed to show cause, if any they have, why the said bond should not be forfeited and judgment entered for the penalty therein fixed.

Sec. 84. Method of trial. The trial shall be to the court and as in equity, and be governed by the same rules as to evidence as in contempt proceedings.

Sec. 85. Judgment. If the court after hearing finds a liquor nuisance has been maintained on the premises covered by the abatement bond and that liquor has been sold or kept for sale on the premises contrary to law within one year from the date of the giving of said bond, then the court shall order the forfeiture of the bond and enter judgment for the full amount of said bond against the principal and sureties thereof, and the lien on the real estate heretofore created shall be decreed foreclosed and the court shall provide for a special and general execution for the enforcement of said decree and judgment.

Sec. 86. Appeal. Appeal may be taken as in equity cases and the cause be triable de novo except that if the state appeals it need not file

an appeal or supersedeas bond.

Sec. 87. County attorney to prosecute. It shall be the duty of the county attorney to prosecute in the name of the state all forfeitures of abatement bonds and the foreclosures of same.

Sec. 88. Prompt service. It shall be a misdemeanor for any peace officer to delay service of original notices, writs of injunction, writs of abatement or warrants for contempt in any equity case filed for injunction or abatement by the state.

Sec. 89. Evidence. On the issue whether a party knew or ought to have known of such nuisance, evidence of the general reputation of the place shall be admissible.

Sec. 90. Counts. Information or indictments under this chapter may allege any number of violations of its provisions by the same party, but the several charges must be set out in separate counts, and the accused may be convicted and punished upon each one as on separate informations or indictments, and a separate judgment shall be rendered on each count under which there is a finding of guilty.

Sec. 91. Penalties generally. Unless other penalties are herein provided, any person who violates any of the provisions of this chapter, or who makes a false statement concerning any material fact in submitting an application for a permit or license, shall be punished by a fine of not less than three hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not less than three months nor more than one year, or by both such fine and imprisonment.

Sec. 92. Violation by members and employees—acceptance of bribe. Any member, secretary, officer or employee of the commission who shall knowingly or wilfully violate any of the provisions of this chapter, or knowingly and willingly aid, assist or permit any such violation, shall be guilty of a misdemeanor and be punishable by fine of not to exceed one thousand dollars, nor less than three hundred dollars, or by imprisonment in the county jail for not less than three months, nor more than one year, or by both such fine and imprisonment.

Section 739.2 is hereby made applicable to the members and employees of the liquor control commission.

Sec. 93. Duty of county attorney and peace officers. In every county the county attorney will constitute the head of the enforcement

provision for the liquor control commission. The state department of public safety, the sheriff and his deputy or deputies, and the police department of every city, including the day and night marshal of any incorporated town, shall be supplementary aids to such county attorney.

Any neglect, misfeasance, or malfeasance shown by any peace officer included in this section will be sufficient cause for his removal as provided for by the statutes of the state.

Sec. 94. Saving clause as to permits. No repeal declared in this chapter shall be deemed to affect the validity or continued operation of any existing permit issued upon Chapters 130 to 134, inclusive, of the code, until said permits are formally terminated by the commission and the power to terminate is hereby vested in the commission.

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