

FIRST REGULAR SESSION

HOUSE BILL NO. 316

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES GRAHAM, OVERSCHMIDT,
GRIESHEIMER AND DOLAN (Co-sponsors).

Read 1st time January 10, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1093L.011

AN ACT

To repeal section 311.660, RSMo 2000, relating to liquor control, and to enact in lieu thereof two new sections relating to the same subject.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 311.660, RSMo 2000, is repealed and two new sections enacted in lieu thereof, to be known as sections 311.635 and 311.660, to read as follows:

311.635. An on-duty peace officer for the division of liquor control, unless working undercover, shall immediately upon entering the premises of a retail licensee present such officer's identification to the licensee or employee in charge.

311.660. 1. The supervisor of liquor control shall have the authority to suspend or revoke for cause all such licenses; and to make the following regulations, without limiting the generality of provisions empowering the supervisor of liquor control as in this chapter set forth as to the following matters, acts and things:

(1) Fix and determine the nature, form and capacity of all packages used for containing intoxicating liquor of any kind, to be kept or sold [under this law] **pursuant to this chapter**;

(2) Prescribe an official seal and label and determine the manner in which such seal or label shall be attached to every package of intoxicating liquor so sold [under this law] **pursuant to this chapter**; this includes prescribing different official seals or different labels for the different classes, varieties or brands of intoxicating liquor;

(3) Prescribe all forms, applications and licenses and such other forms as are necessary to carry out the provisions of this chapter, except that when a licensee substantially complies with all requirements for the renewal of a license by the date on which the application for

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

14 renewal is due, such licensee shall be permitted at least an additional ten days from the date
15 notice is sent that the application is deficient, in which to complete the application;

16 (4) Prescribe the terms and conditions of the licenses issued and granted [under this law]
17 **pursuant to this chapter;**

18 (5) Prescribe the nature of the proof to be furnished and conditions to be observed in the
19 issuance of duplicate licenses, in lieu of those lost or destroyed;

20 (6) Establish rules and regulations for the conduct of the business carried on by each
21 specific licensee under the license, and such rules and regulations if not obeyed by [every] **the**
22 **licensee shall be grounds for the revocation or suspension of the license; except that the**
23 **supervisor of liquor control shall not establish any rule or regulation prohibiting a licensee**
24 **or any employee of a licensee from drinking in such licensee's establishment, or allowing**
25 **an agent of the supervisor of liquor control to drink in any establishment while such agent**
26 **is on duty and not working under cover;**

27 (7) The right to examine books, records and papers of each licensee and to hear and
28 determine complaints against any licensee;

29 (8) To issue subpoenas and all necessary processes and require the production of papers,
30 to administer oaths and to take testimony;

31 (9) Prescribe all forms of labels to be affixed to all packages containing intoxicating
32 liquor of any kind; and

33 (10) To make such [other] rules and regulations as are necessary and feasible for carrying
34 out the provisions of this chapter[, as are not inconsistent with this law].

35 **2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
36 **that is created under the authority delegated in this chapter shall become effective only if**
37 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
38 **applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28,**
39 **2000, is of no force and effect and repealed. Nothing in this section shall be interpreted to**
40 **repeal or affect the validity of any rule filed or adopted prior to August 28, 2000, if it fully**
41 **complied with all applicable provisions of law. This section and chapter 536, RSMo, are**
42 **nonseverable and if any of the powers vested with the general assembly pursuant to**
43 **chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule**
44 **are subsequently held unconstitutional, then the grant of rulemaking authority and any**
45 **rule proposed or adopted after August 28, 2000, shall be invalid and void.**