

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Bill No. 2054, Page 2, Section 311.198, Line 1, by deleting the word  
2 "Notwithstanding" an inserting in lieu thereof "1. Beginning January 1, 2017, notwithstanding"; and

3  
4 Further amend said bill, page and section, Lines 2-3, by deleting the phrase "portable refrigeration  
5 units to retail licensees at a fair market value rate" and inserting in lieu thereof the following:

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7 "to the retail licensee and the retail licensee may accept portable refrigeration units at a total lease  
8 value equal to the cost of the unit to the brewer"; and

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10 Further amend said bill, page and section, Line 5, by deleting the phrase "at a fair market value rate"  
11 and inserting in lieu thereof "in which the value contained in the sublease is equal to the unit cost to  
12 the brewer"; and

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14 Further amend said bill, page and section, Lines 10-11, by deleting the phrase "one hundred twenty-  
15 five cubic feet in storage space" and inserting in lieu thereof the following:

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17 "eighty-five inches in height, forty-five inches in width, and thirty inches in depth, and a brewer  
18 may lease, or wholesaler may sublease, not more than two portable refrigeration units per retail  
19 location"; and

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21 Further amend said bill, page and section, Line 13, by inserting immediately after "outlet." the  
22 following:

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24 "Notwithstanding any other provision of law, rule, regulation or lease to the contrary, the retail  
25 licensee is hereby authorized to stock, display, and sell any product in and from the portable  
26 refrigeration units. Any brewer or wholesaler that provides portable refrigeration units shall within  
27 thirty days thereafter notify the division of alcohol and tobacco control on forms designated by the  
28 division of the location, lease terms, and total cubic storage space of the units. The division is  
29 hereby given authority, including rulemaking authority, to enforce this section and to ensure  
30 compliance by having access to and copies of the lease, payment, and portable refrigeration unit  
31 records and information.

32       2. Any rule or portion of a rule, as that term is defined in section 536.010 that is created  
33 under the authority delegated in this section shall become effective only if it complies with and is  
34 subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and  
35 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to  
36 chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are

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1 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or  
2 adopted after August 28, 2016, shall be invalid and void.

3 3. The provisions of this section shall expire three years after the effective date of this  
4 section. Any lease or sublease executed under this section prior to the expiration date shall be  
5 excluded from this subsection."; and

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7 Further amend said bill by amending the title, enacting clause, and intersectional references  
8 accordingly.

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