

FIRST REGULAR SESSION

# HOUSE BILL NO. 564

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES WALTON (Sponsor) AND COOPER (158) (Co-sponsor).

Read 1st time January 24, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1281L.011

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### AN ACT

To repeal section 311.090, RSMo, and to enact in lieu thereof one new section relating to liquor control.

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

Section A. Section 311.090, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 311.090, to read as follows:

311.090. 1. Any person who possesses the qualifications required by this chapter, and who meets the requirements of and complies with the provisions of this chapter, and the ordinances, rules and regulations of the incorporated city in which such licensee proposes to operate his business, may apply for, and the supervisor of liquor control may issue, a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises described in the application; provided, that no license shall be issued for the sale of intoxicating liquor, other than malt liquor containing alcohol not in excess of five percent by weight, and light wines containing not in excess of fourteen percent of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables, by the drink at retail for consumption on the premises where sold to any person other than a charitable, fraternal, religious, service or veterans' organization which has obtained an exemption from the payment of federal income taxes as provided in section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the United States Internal Revenue Code of 1954, as amended, in any incorporated city having a population of less than nineteen thousand five hundred inhabitants, until the sale of such intoxicating liquor, by the drink at retail for

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 consumption on the premises where sold, shall have been authorized by a vote of the majority  
17 of the qualified voters of the city. Such authority shall be determined by an election to be held  
18 in those cities having a population of less than nineteen thousand five hundred inhabitants as  
19 determined by the last preceding federal decennial census, under the provisions and methods set  
20 out in this chapter. Once such licenses are issued in a city with a population of at least nineteen  
21 thousand five hundred inhabitants, any subsequent loss of population shall not require the  
22 qualified voters of such a city to approve the sale of such intoxicating liquor prior to the issuance  
23 or renewal of such licenses. No license shall be issued for the sale of intoxicating liquor, other  
24 than malt liquor containing alcohol not in excess of five percent by weight, and light wines  
25 containing not in excess of fourteen percent of alcohol by weight made exclusively from grapes,  
26 berries and other fruits and vegetables, by the drink at retail for consumption on the premises  
27 where sold, outside the limits of such incorporated cities unless the licensee is a charitable,  
28 fraternal, religious, service or veterans' organization which has obtained an exemption from the  
29 payment of federal income taxes as provided in section 501(c)(3), 501(c)(4), 501(c)(5),  
30 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the United States Internal Revenue  
31 Code of 1954, as amended.

32         2. Notwithstanding any other provisions of this chapter to the contrary, any charitable,  
33 fraternal, religious, service or veterans' organization which has obtained an exemption from the  
34 payment of federal income taxes as provided in section 501(c)(3), 501(c)(4), 501(c)(5),  
35 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the United States Internal Revenue  
36 Code of 1954, as amended, may apply for, and the supervisor of liquor control may issue, a  
37 license to sell intoxicating liquor, as defined in this chapter, between the hours of 11:00 a.m. on  
38 Sunday and midnight on Sunday by the drink at retail for consumption on the premises described  
39 in the application. The authority for the collection of fees by cities and counties as provided in  
40 section 311.220, and all other laws and regulations of the state relating to the sale of liquor by  
41 the drink for consumption on the premises where sold, shall apply to organizations licensed  
42 under this subsection in the same manner as they apply to establishments licensed under  
43 subsection 1 of this section and sections 311.085 and 311.095. In addition to all other fees  
44 required by law, an organization licensed under this section shall pay an additional fee of two  
45 hundred dollars a year payable at the same time and in the same manner as its other license fees.

46         3. If any charitable, fraternal, religious, service, or veterans' organization has a license  
47 to sell intoxicating liquor on its premises pursuant to this section and such premises includes two  
48 or more buildings in close proximity, such permit shall be valid for the sale of intoxicating liquor  
49 at any such building.

50         **4. Any charitable, fraternal, religious, service, or veterans' organization which has**  
51 **obtained an exemption from the payment of federal income taxes as provided in section**

52 **501(c)(3), 501(c)(4), 501(c)(5), 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the**  
53 **United States Internal Revenue Code of 1986, as amended, possessing or qualifying for a**  
54 **license to sell intoxicating liquor by the drink at retail, or possessing the qualifications and**  
55 **meeting the requirements of this chapter, or who is licensed to sell intoxicating liquor by**  
56 **the drink at retail for consumption on the premises may apply to the supervisor of liquor**  
57 **control for a special permit to remain open on each day of the week until 3:00 a.m. of the**  
58 **morning of the following day. The time of opening on Sunday may be 8:00 a.m. The**  
59 **provisions of this section and not those of section 311.097 regarding the time of closing**  
60 **shall apply to the sale of intoxicating liquor by the drink at retail for consumption on the**  
61 **premises on Sunday.**

62 **5. An applicant granted a special permit under subsection 4 of this section shall, in**  
63 **addition to all other fees required by this chapter, pay an additional fee of three hundred**  
64 **dollars a year payable at the time and in the same manner as its other license fees.**

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