

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1128-05  
Bill No.: SCS for SB 298  
Subject: Alcohol; Public Safety Department.  
Type: Original  
Date: March 7, 2003

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
None			
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

### FISCAL ANALYSIS

#### ASSUMPTION

Officials from the **Department of Public Safety - Division of Liquor Control, Office of the State Courts Administrator, City of Kansas City, Department of Revenue, Department of Elementary and Secondary Education** and the **Office of the State Public Defender** each assume this proposal would not fiscally impact their respective agencies

In response to a similar version of this proposal, officials from the **Office of Prosecution Services** assumed the proposal would not fiscally impact their agency.

Officials from the **City of St. Louis** did not respond to our request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
	<u><b>\$0</b></u>	<u><b>\$0</b></u>	<u><b>\$0</b></u>

FISCAL IMPACT - Local Government

FY 2004  
(10 Mo.)

FY 2005

FY 2006

\$0

\$0

\$0

FISCAL IMPACT - Small Business

Small businesses that sell liquor may be impacted by this proposal.

DESCRIPTION

This proposal removes a provision of the liquor control law which has been found unconstitutional, a board of directors of a school or the managing board of a church may no longer grant a waiver for the sale of intoxicating liquor within one hundred feet of their respective school, church, or other building regularly used as a place of religious worship. However, this provision shall not apply to a holder of a license issued pursuant to Section 311.090, Section 311.218, Section 311.482, RSMo, or a holder of such a license issued prior to January 1, 2004.

The proposal allows the governing body of any city, town or village by ordinance to prohibit the sale of intoxicating liquor within three hundred feet of a school, church, or other building regularly used as a place of religious worship.

Any person licensed to sell malt liquor containing alcohol in excess of three and two-tenths percent by weight and not in excess of five percent by weight under Section 311.200(2), RSMo, may also sell malt liquor at retail between the hours of 9:00 a.m. and midnight on Sunday.

A fee of twenty five dollars shall be required of all licensees who may sell malt liquor at retail by the drink for consumption on the premises where sold, pursuant to Section 311.200(3), RSMo. Such license holders may sell malt liquor at retail between the hours of 9:00 a.m. and midnight on Sunday.

The proposal adds an exemption to the limit of three liquor licenses pursuant to Section 311.260, RSMo, for establishments having at least thirty rooms for the overnight accommodation of transient guests.

The proposal adds a new subsection to Section 311.280, RSMo, which prohibits a licensed retailer

DESCRIPTION (continued)

from selling liquor or nonintoxicating beer with an alcohol content below five percent by weight to a customer in an original carton, if the carton has been mutilated, torn apart, or cut apart. Additionally the retailer may not repackage said substance in a misleading manner or if required labeling would be omitted or obscured.

The proposal combines the subsections of Section 311.290, RSMo, which addresses the prohibition of the sale, gift, or other disposal of intoxicating liquor between the hours of 1:30 a.m. and 6:00 a.m. by a license holder.

The proposal allows a license holder for the sale of intoxicating liquor to make such sales between the hours of 9:00 a.m. and midnight on Sundays upon receipt of a special licenses for such purpose.

The proposal adds a subsection to Section 311.325 RSMo, which states that a manufacturer-sealed container describing the intoxicating liquor therein need not be opened or tested to verify said liquid is contained therein. An alleged violator may challenge that the contents of the container are not an nonintoxicating liquor, but the burden of proof is on the alleged violator.

The proposal clarifies that Section 311.328, RSMo, applies only to a valid or unexpired operator's or chauffeur's license.

The proposal removes subsection 2 of Section 311.360, RSMo, which addresses the sale of malt liquor that is manufactured at a facility other than that of the individual who's name appears on the label.

The proposal changes section 311.630 RSMo, to allow peace officers designated under the director of liquor control to make arrests and searches and seizures related to violations of intoxicating liquor and nonintoxicating beer pursuant to chapters 311 and 312 RSMo. Further they may make such arrests and searches and seizures related to violations of Section 407.924 to 407.934 RSMo, which relate to tobacco products. The proposal removes the training requirements for such peace officers and only requires that they be appointed, qualified under Section 311.620, RSMo, and hold a valid peace officer license under Chapter 590, RSMo.

The proposal states that a manufacturer-sealed container of nonintoxicating beer need not be opened or tested to verify said liquid is contained therein. A violator may allege that the contents of the container are not nonintoxicating beer or liquor but the burden of proof is on the alleged

violator.

DESCRIPTION (continued)


The proposal, under Section 312.410, RSMo, modifies current language and prevents a license holder from selling, giving or permitting consumption of any nonintoxicating beer between the hours of one-thirty a.m., and six a.m. upon or about the license holders premises.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety - Liquor Control  
Department of Elementary and Secondary Education  
Department of Revenue  
Office of the State Courts Administrator  
Office of the State Public Defender  
Office of Prosecution Services  
City of Kansas City

**NOT RESPONDING: City of St. Louis**



Mickey Wilson, CPA  
Director  
March 7, 2003