

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

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Bill No. 786, Page 2, Section 311.055, Line 20, by  
2 inserting immediately after said line the following:

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4 "311.060. 1. No person shall be granted a license hereunder unless such person is of good  
5 moral character and a qualified legal voter and a taxpaying citizen of the county, town, city or  
6 village, nor shall any corporation be granted a license hereunder unless the managing officer of such  
7 corporation is of good moral character and a qualified legal voter and taxpaying citizen of the  
8 county, town, city or village; and no person shall be granted a license or permit hereunder whose  
9 license as such dealer has been revoked, or who has been convicted, since the ratification of the  
10 twenty-first amendment to the Constitution of the United States, of a violation of the provisions of  
11 any law applicable to the manufacture or sale of intoxicating liquor, or who employs in his or her  
12 business as such dealer any person whose license has been revoked or who has been convicted of  
13 violating such law since the date aforesaid; provided, that nothing in this section contained shall  
14 prevent the issuance of licenses to nonresidents of Missouri or foreign corporations for the privilege  
15 of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquors to, by  
16 or through a duly licensed wholesaler, within this state.

17 2. (1) No person, partnership or corporation shall be qualified for a license under this law if  
18 such person, any member of such partnership, or such corporation, or any officer, director, or any  
19 stockholder owning, legally or beneficially, directly or indirectly, ten percent or more of the stock of  
20 such corporation, or other financial interest therein, or ten percent or more of the interest in the  
21 business for which the person, partnership or corporation is licensed, or any person employed in the  
22 business licensed under this law shall have had a license revoked under this law or shall have been  
23 convicted of violating the provisions of any law applicable to the manufacture or sale of intoxicating  
24 liquor since the ratification of the twenty-first amendment to the Constitution of the United States, or  
25 shall not be a person of good moral character.

26 (2) No license issued under this chapter shall be denied, suspended, revoked or otherwise  
27 affected based solely on the fact that an employee of the licensee has been convicted of a felony  
28 unrelated to the manufacture or sale of intoxicating liquor. Each employer shall report the identity of  
29 any employee convicted of a felony to the division of liquor control. The division of liquor control  
30 shall promulgate rules to enforce the provisions of this subdivision.

31 (3) No wholesaler license shall be issued to a corporation for the sale of intoxicating liquor  
32 containing alcohol in excess of five percent by weight, except to a resident corporation as defined in  
33 this section.

34 3. A "resident corporation" is defined to be a corporation incorporated under the laws of this  
35 state, all the officers and directors of which, and all the stockholders, who legally and beneficially  
36 own or control sixty percent or more of the stock in amount and in voting rights, shall be qualified

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1 legal voters and taxpaying citizens of the county and municipality in which they reside and who shall  
2 have been bona fide residents of the state for a period of three years continuously immediately prior  
3 to the date of filing of application for a license, provided that a stockholder need not be a voter or a  
4 taxpayer, and all the resident stockholders of which shall own, legally and beneficially, at least sixty  
5 percent of all the financial interest in the business to be licensed under this law; provided, that no  
6 corporation, licensed under the provisions of this law on January 1, 1947, nor any corporation  
7 succeeding to the business of a corporation licensed on January 1, 1947, as a result of a tax-free  
8 reorganization coming within the provisions of Section 112, United States Internal Revenue Code,  
9 shall be disqualified by reason of the new requirements herein, except corporations engaged in the  
10 manufacture of alcoholic beverages containing alcohol in excess of five percent by weight, or owned  
11 or controlled, directly or indirectly, by nonresident persons, partnerships or corporations engaged in  
12 the manufacture of alcoholic beverages containing alcohol in excess of five percent by weight.

13 4. The term "financial interest" as used in this chapter is defined to mean all interest, legal or  
14 beneficial, direct or indirect, in the capital devoted to the licensed enterprise and all such interest in  
15 the net profits of the enterprise, after the payment of reasonable and necessary operating business  
16 expenses and taxes, including interest in dividends, preferred dividends, interest and profits, directly  
17 or indirectly paid as compensation for, or in consideration of interest in, or for use of, the capital  
18 devoted to the enterprise, or for property or money advanced, loaned or otherwise made available to  
19 the enterprise, except by way of ordinary commercial credit or bona fide bank credit not in excess of  
20 credit customarily granted by banking institutions, whether paid as dividends, interest or profits, or  
21 in the guise of royalties, commissions, salaries, or any other form whatsoever.

22 5. The supervisor shall by regulation require all applicants for licenses to file written  
23 statements, under oath, containing the information reasonably required to administer this section.  
24 Statements by applicants for licenses as wholesalers and retailers shall set out, with other information  
25 required, full information concerning the residence of all persons financially interested in the  
26 business to be licensed as required by regulation. All material changes in the information filed shall  
27 be promptly reported to the supervisor.

28 6. Any person whose license or permit issued pursuant to this chapter has been revoked shall  
29 be eligible to apply and be qualified for a new license or permit five years after the date of the  
30 revocation. The person may be issued a new license or permit at the discretion of the division of  
31 alcohol and tobacco control. If the division denies the request for a new license or permit, the person  
32 shall not submit a new application for five years from the date of the denial. If the application is  
33 approved, the person shall pay all the fees required by law for the license or permit. Any person  
34 whose request for a new license or permit is denied may seek a determination by the administrative  
35 hearing commission as provided under section 311.691"; and

36  
37 Further amend said bill by amending the title, enacting clause, and intersectional references  
38 accordingly.