

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 994, Page 2, Section 262.823, Line 19,
2 by inserting after all of said line the following:

3
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, except as otherwise provided under subsection 7 of this section,
9 no person shall be granted a license or permit hereunder whose license as such dealer has been
10 revoked, or who has been convicted, since the ratification of the twenty-first amendment to the
11 Constitution of the United States, of a violation of the provisions of any law applicable to the
12 manufacture or sale of intoxicating liquor, or who employs in his or her business as such dealer any
13 person whose license has been revoked unless five years have passed since the revocation as
14 provided under subsection 6 of this section, or who has been convicted of violating such law since
15 the date aforesaid; provided, that nothing in this section contained shall prevent the issuance of
16 licenses to nonresidents of Missouri or foreign corporations for the privilege of selling to duly
17 licensed wholesalers and soliciting orders for the sale of intoxicating liquors to, by or through a duly
18 licensed wholesaler, within this state.

19 2. (1) No person, partnership or corporation shall be qualified for a license under this law if
20 such person, any member of such partnership, or such corporation, or any officer, director, or any
21 stockholder owning, legally or beneficially, directly or indirectly, ten percent or more of the stock of
22 such corporation, or other financial interest therein, or ten percent or more of the interest in the
23 business for which the person, partnership or corporation is licensed, or any person employed in the
24 business licensed under this law shall have had a license revoked under this law except as otherwise
25 provided under subsections 6 and 7 of this section, or shall have been convicted of violating the
26 provisions of any law applicable to the manufacture or sale of intoxicating liquor since the
27 ratification of the twenty-first amendment to the Constitution of the United States, or shall not be a
28 person of good moral character.

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

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

Standing Action Taken _____ Date _____

Select Action Taken _____ Date _____

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

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

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

6. Any person whose license or permit issued under this chapter has been revoked shall be automatically eligible to work as an employee of an establishment holding a license or permit under this chapter five years after the date of the revocation.

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

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