

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2, Section
2 84.400, Line 14, by inserting after all of said section and line the following:
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4 "217.689. Notwithstanding any law to the contrary, any offender sentenced prior to January
5 1, 2017, under subsection 2 or 3 of section 195.295 or under section 195.296 shall be eligible for parole after
6 having served ten years of such sentence if the board determines that there is a strong and reasonable
7 probability that the offender will not thereafter violate the law. This section shall not apply to any offender
8 who is also serving a sentence for an offense under a section other than section 195.295 or 195.296.
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10 311.060. 1. No person shall be granted a license hereunder unless such person is of good moral
11 character and a qualified legal voter and a taxpaying citizen of the county, town, city or village, nor shall any
12 corporation be granted a license hereunder unless the managing officer of such corporation is of good moral
13 character and a qualified legal voter and taxpaying citizen of the county, town, city or village; and, except as
14 otherwise provided under subsection 7 of this section, no person shall be granted a license or permit
15 hereunder whose license as such dealer has been revoked, or who has been convicted, since the ratification of
16 the twenty-first amendment to the Constitution of the United States, of a violation of the provisions of any
17 law applicable to the manufacture or sale of intoxicating liquor, or who employs in his or her business as such
18 dealer any person whose license has been revoked unless five years have passed since the revocation as
19 provided under subsection 6 of this section, or who has been convicted of violating such law since the date
20 aforesaid; provided, that nothing in this section contained shall prevent the issuance of licenses to
21 nonresidents of Missouri or foreign corporations for the privilege of selling to duly licensed wholesalers and
22 soliciting orders for the sale of intoxicating liquors to, by or through a duly licensed wholesaler, within this
23 state.

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

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

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

3. A "resident corporation" is defined to be a corporation incorporated under the laws of this state, all

Action Taken _____ Date _____

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.

311.660. 1. The supervisor of liquor control shall have the authority to suspend or revoke for cause all such licenses; and to make the following regulations, without limiting the generality of provisions empowering the supervisor of liquor control as in this chapter set forth as to the following matters, acts and things:

(1) Fix and determine the nature, form and capacity of all packages used for containing intoxicating liquor of any kind, to be kept or sold under this law;

(2) Prescribe an official seal and label and determine the manner in which such seal or label shall be attached to every package of intoxicating liquor so sold under this law; this includes prescribing different official seals or different labels for the different classes, varieties or brands of intoxicating liquor;

(3) Prescribe all forms, applications and licenses and such other forms as are necessary to carry out the provisions of this chapter, except that when a licensee substantially complies with all requirements for the renewal of a license by the date on which the application for renewal is due, such licensee shall be permitted at least an additional ten days from the date notice is sent that the application is deficient, in which to complete the application;

(4) Prescribe the terms and conditions of the licenses issued and granted under this law;

1 (5) Prescribe the nature of the proof to be furnished and conditions to be observed in the issuance of
2 duplicate licenses, in lieu of those lost or destroyed;

3 (6) Establish rules and regulations for the conduct of the business carried on by each specific
4 licensee under the license, and such rules and regulations if not obeyed by every licensee shall be grounds for
5 the revocation or suspension of the license;

6 (7) The right to examine books, records and papers of each licensee and to hear and determine
7 complaints against any licensee;

8 (8) To issue subpoenas and all necessary processes and require the production of papers, to
9 administer oaths and to take testimony;

10 (9) Prescribe all forms of labels to be affixed to all packages containing intoxicating liquor of any
11 kind; and

12 (10) To make such other rules and regulations as are necessary and feasible for carrying out the
13 provisions of this chapter, as are not inconsistent with this law.

14 2. Notwithstanding subsection 1 of this section, the supervisor of liquor control shall not prohibit
15 persons from participating in the sale of intoxicating liquor within the scope of their employment solely on
16 the basis of being found guilty of any felony offense, except for prohibitions set forth in sections 311.191 and
17 311.193.

18 313.220. 1. The commission shall promulgate such rules and regulations governing the
19 establishment and operation of a state lottery as it deems necessary and desirable to fully implement the
20 mandate of the people expressed in the approval of the lottery amendment to Article III of the Missouri
21 Constitution. Such rules and regulations shall be designed so that a lottery may be initiated at the earliest
22 feasible and practicable time. No rule or portion of a rule promulgated under the authority of this chapter
23 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

24 2. The commission shall have the authority to require a fingerprint background check on any person
25 seeking employment or employed by the commission, any person seeking contract with or contracted to the
26 commission and any person seeking license from or licensed by the commission. The background check
27 shall include a check of the Missouri criminal records repository and when the commission deems it
28 necessary to perform a nationwide criminal history check, a check of the Federal Bureau of Investigation's
29 criminal records file. Fingerprints shall be submitted to the Missouri criminal records repository as required.
30 Notwithstanding the provisions of section 610.120, the commission shall have access to closed criminal
31 history information when fingerprints are submitted. The commission shall not prohibit a person from
32 participating in the sale of lottery tickets solely on the basis of the person being found guilty of any criminal
33 offense; except that, the person shall not be eligible to be a licensed lottery game retailer under subsection 2
34 of section 313.260."; and

35
36 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.