

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

Offered By

1 AMEND House Bill No. 2104, Page 1, Section A, Line 2, by inserting immediately after said  
2 section and 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, except as otherwise provided under subsection 6 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13 person whose license has been revoked unless such person has received a new license or permit  
14 under subsection 6 of this section, or who has been convicted of violating such law since the date  
15 aforesaid; provided, that nothing in this section contained shall prevent the issuance of licenses to  
16 nonresidents of Missouri or foreign corporations for the privilege of selling to duly licensed  
17 wholesalers and soliciting orders for the sale of intoxicating liquors to, by or through a duly licensed  
18 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 unless such person  
25 has received a new license or permit under subsection 6 of this section, or shall have been convicted  
26 of violating the provisions of any law applicable to the manufacture or sale of intoxicating liquor  
27 since the ratification of the twenty-first amendment to the Constitution of the United States, or shall  
28 not be a 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 \_\_\_\_\_

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

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

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

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

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

43  
44 Further amend said bill by amending the title, enacting clause, and intersectional references  
45 accordingly.  
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