

FIRST REGULAR SESSION

# HOUSE BILL NO. 316

101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE TOALSON REISCH.

1085H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 311.060, 311.660, and 313.220, RSMo, and to enact in lieu thereof three new sections relating to activities extended to persons found guilty of certain criminal offenses.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 311.060, 311.660, and 313.220, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 311.060, 311.660, and 313.220, to read as follows:

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subsection 7 of this section, no person shall be granted a license or permit hereunder whose license as such dealer has been revoked, or who has been convicted, since the ratification of the twenty-first amendment to the Constitution of the United States, of a violation of the provisions of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or sale of intoxicating liquor, or who employs in his or her business as such dealer any person whose license has been revoked unless five years have passed since the revocation as provided under subsection 6 of this section, or who has been convicted of violating such law since the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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16           2. (1) No person, partnership or corporation shall be qualified for a license under this  
17 law if such person, any member of such partnership, or such corporation, or any officer, director,  
18 or any stockholder owning, legally or beneficially, directly or indirectly, ten percent or more of  
19 the stock of such corporation, or other financial interest therein, or ten percent or more of the  
20 interest in the business for which the person, partnership or corporation is licensed, or any person  
21 employed in the business licensed under this law shall have had a license revoked under this law  
22 except as otherwise provided under subsections 6 and 7 of this section, or shall have been  
23 convicted of violating the provisions of any law applicable to the manufacture or sale of  
24 intoxicating liquor since the ratification of the twenty-first amendment to the Constitution of the  
25 United States, or 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~~  
29 ~~identity of any employee convicted of a felony to the division of liquor control.]~~ The division  
30 of liquor control 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  
32 liquor containing alcohol in excess of five percent by weight, except to a resident corporation  
33 as defined in this section.

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

50           4. The term "financial interest" as used in this chapter is defined to mean all interest,  
51 legal or beneficial, direct or indirect, in the capital devoted to the licensed enterprise and all such

52 interest in the net profits of the enterprise, after the payment of reasonable and necessary  
53 operating business expenses and taxes, including interest in dividends, preferred dividends,  
54 interest and profits, directly or indirectly paid as compensation for, or in consideration of interest  
55 in, or for use of, the capital devoted to the enterprise, or for property or money advanced, loaned  
56 or otherwise made available to the enterprise, except by way of ordinary commercial credit or  
57 bona fide bank credit not in excess of credit customarily granted by banking institutions, whether  
58 paid as dividends, interest or profits, or in the guise of royalties, commissions, salaries, or any  
59 other form whatsoever.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 2. The commission shall have the authority to require a fingerprint background check  
9 on any person seeking employment or employed by the commission, any person seeking contract  
10 with or contracted to the commission and any person seeking license from or licensed by the  
11 commission. The background check shall include a check of the Missouri criminal records  
12 repository and when the commission deems it necessary to perform a nationwide criminal history  
13 check, a check of the Federal Bureau of Investigation's criminal records file. Fingerprints shall

14 be submitted to the Missouri criminal records repository as required. Notwithstanding the  
15 provisions of section 610.120, the commission shall have access to closed criminal history  
16 information when fingerprints are submitted. **The commission shall not prohibit a person**  
17 **from participating in the sale of lottery tickets solely on the basis of the person being found**  
18 **guilty of any criminal offense; except that, the person shall not be eligible to be a licensed**  
19 **lottery game retailer under subsection 2 of section 313.260.**

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