

Regular Session, 2013

HOUSE BILL NO. 462

BY REPRESENTATIVE ARNOLD

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ALCOHOLIC BEVERAGES: Provides relative to citizenship and residency requirements for manufacturer's permits

1 AN ACT

2 To amend and reenact R.S. 26:80(A)(11), (B), and (C)(2), relative to qualifications for high  
3 alcohol beverage permits; to provide for the definition of the term "spouse"; to  
4 provide relative to citizenship and residency requirements for manufacturer's  
5 permits; to provide for an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 26:80(A)(11), (B), and (C)(2) are hereby amended and reenacted to  
8 read as follows:

9 §80. Qualifications of applicants for permits

10 A. Applicants for state and local permits of all kinds shall demonstrate that  
11 they meet all of the following qualifications and conditions:

12 \* \* \*

13 (11) Not be the spouse of a person who does not meet the requirements of  
14 Paragraphs (1) and (3) through (10), and (12) of this Subsection; however, in such  
15 cases the age of the ineligible spouse shall be immaterial. For purposes of this  
16 Paragraph, the term "spouse" shall also include persons who are considered married  
17 outside of the United States, persons who ordinarily hold themselves out as husband  
18 and wife, or persons who file their state and federal income tax returns as either  
19 "married filing jointly" or "married filing separate".

20 \* \* \*

1           B. If the applicant is a partnership recognized by Louisiana law, or anyone  
 2           in such partnership with or financed by another, all members of such partnership, or  
 3           all the persons furnishing the money shall also possess the qualifications required of  
 4           an applicant. The application shall name all partners or financial backers and furnish  
 5           their social security numbers and proper addresses. If a partner of a partnership  
 6           applying for retail or manufacturer's permits is a corporation or limited liability  
 7           company, the requirements as to citizenship and residence shall not apply to officers,  
 8           directors, and stockholders of the corporation or members of the limited liability  
 9           company. The corporation or limited liability company shall either be organized  
 10          under the laws of the state of Louisiana or qualified to do business within the state  
 11          of Louisiana.

12           C.

13   \*       \*       \*

14           (2) The requirements as to citizenship and residence do not apply to officers,  
 15           directors, or stockholders of corporations or members of limited liability companies  
 16           applying for retail permits; to officers, directors, or stockholders or members of a  
 17           manufacturer ~~that does not maintain one or more establishments in this state~~; or to  
 18           officers, directors, or stockholders of any corporation which on January 31, 2003,  
 19           had held a wholesale dealer permit continuously for at least the past three years. The  
 20           provisions of this Paragraph ~~only apply~~ apply only to a corporation, limited liability  
 21           company, partnership, or any other legal business entity either organized under the  
 22           laws of the state of Louisiana or qualified to do business within the state of  
 23           Louisiana.

24   \*       \*       \*

25           Section 2. This Act shall become effective upon signature by the governor or, if not  
 26           signed by the governor, upon expiration of the time for bills to become law without signature  
 27           by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 28           vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 29           effective on the day following such approval.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Arnold

HB No. 462

**Abstract:** Provides for citizenship and residency requirements for any partnership, corporation, or limited liability company applying for a manufacturer's permit.

Present law provides that applicants for state and local permits shall demonstrate that they meet certain qualifications and conditions, which includes that the applicant not be the spouse of a person who does not meet certain requirements and further provides that the age of the ineligible spouse is immaterial.

Proposed law retains present law and further provides for the definition of "spouse" to include persons who are considered married outside of the United States, persons who ordinarily hold themselves out as husband and wife, or persons who file their state and federal income tax returns as either "married filing jointly" or "married filing separate".

Present law provides that if an applicant for a permit is a partnership recognized by La. law, or anyone in such partnership with or financed by another, then all members of such partnership, or all persons furnishing the money for such partnership shall also possess the qualifications required of an applicant.

Present law provides that if a partner of a partnership applying for a retail permit is a corporation or limited liability company, the requirements as to citizenship and residency shall not apply to officers, directors, and stockholders of the corporation or members of the limited liability company.

Proposed law retains present law and provides that the provisions of present law shall also apply to applicants for manufacturer's permits.

Present law provides that the requirements as to citizenship and residence do not apply to officers, directors, or stockholders of corporations or members of limited liability companies applying for retail permits; to officers, directors, or stockholders or members of a manufacturer that does not maintain one or more establishments in this state; or to officers, directors, or stockholders of any corporation which on Jan. 31, 2003, had held a wholesale dealer permit continuously for at least the past three years.

Proposed law amends present law to provide that this exception shall apply to officers, directors, or stockholders or members of a manufacturer regardless of whether the manufacturer maintains an establishment in the state.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 26:80(A)(11), (B), and (C)(2))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Judiciary to the original bill.

1. Added a the definition of "spouse" as it relates to qualifications for applicants for state and local permits to include persons who are considered married outside of the United States, persons who ordinarily hold themselves out as husband and wife, or persons who file their state and federal income tax returns as either "married filing jointly" or "married filing separate".