

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.

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

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____