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**HOUSE COMMITTEE AMENDMENTS**

2015 Regular Session

Amendments proposed by House Committee on Judiciary to Original House Bill No. 233  
by Representative AdamsAMENDMENT NO. 1

On page 1, line 2, after "(24)" and before "and to" delete "and 71(A)(3)(d)" and insert a comma "," and insert "71(A)(3)(d), 71.1(4)(a), 78(A), 79, 80(A)(8), 86, 142, 271.2(4)(a), 278(A), 279, 280(A)(8), and 283"

AMENDMENT NO. 2

On page 1, line 5, after "microdistiller;" and before "and to" insert "to provide relative to Class A-Restaurant-Conditional permits; to provide relative to permit application requirements; to authorize microdistillers to reuse certain alcoholic beverage containers; to require microdistillers to receive approval from the state fire marshal;"

AMENDMENT NO. 3

On page 1, line 8, after "(24)" and before "are" delete "and 71(A)(3)(d)" and insert a comma "," and insert "71(A)(3)(d), 71.1(4)(a), 78(A), 79, 80(A)(8), 86, 142, 271.2(4)(a), 278(A), 279, 280(A)(8), and 283"

AMENDMENT NO. 4

On page 4, between lines 24 and 25, insert the following:

"§71.1. Class A permit; definitions  
The commissioner shall issue the following four types of Class A retail liquor permits:  
\* \* \*  
(4) Class A-Restaurant-Conditional:  
(a) Any retail establishment holding a Class A-General permit issued pursuant to this Section may be issued a Class-A-Restaurant-Conditional permit, provided it meets the requirements of ~~R.S. 26:73(B)(1), (2), (3), (5), and (6)~~ R.S. 26:73(C)(1)(a), (b), (c), and (d) during the hours from 7:00 a.m. until 11:00 p.m. each day of operation.  
\* \* \*"

AMENDMENT NO. 5

On page 5, after line 11, add the following:

"E. Notwithstanding the provisions of R.S. 26:149, microdistillers may reuse alcoholic beverage containers in connection with distilling and bottling operations.  
F. Prior to commencing distilling operations, microdistillers shall obtain approval from the state fire marshal.  
\* \* \*

§78. Content of application for permit; commissioner power as ex officio notary  
A. Applications for state and local permits to engage in any business or operation regulated by this Chapter shall be in writing and sworn to, and shall contain the full name of the applicant, his social security number, his federal employer identification number, if applicable, his Louisiana Department of Revenue business account number, if applicable, his correct home address, and an accurate description and correct street address of the premises wherein the business or operation is to be conducted, which address shall be considered the proper address

1 for all notices to the applicant or permittee required by this Chapter, and shall be  
2 accompanied by an affidavit of the applicant showing that he meets the qualifications  
3 and conditions set out in R.S. 26:80. ~~Original and renewal applications shall also be~~  
4 ~~accompanied by a signed sales tax clearance from the sales tax collection agency or~~  
5 ~~agencies in the parish in which the application is made, which clearance request shall~~  
6 ~~be processed within seven business days.~~

7 \* \* \*

8 §79. Submission of applications; delay

9 All applications for state permits shall be mailed or delivered to the  
10 commissioner in Baton Rouge, Louisiana, and all applications for local permits shall  
11 be mailed or delivered to the respective local authorities. An applicant shall mail or  
12 deliver both his applications for state and local permits within twenty-four hours of  
13 each other. If he fails to do so, his state application may be withheld and the permits  
14 denied. Upon receipt of an application, the commissioner or the local authorities, as  
15 the case may be, shall stamp the day, month, and year received, and the  
16 commissioner shall verify that the applicant does not owe the state or the political  
17 subdivision in which the business is located any delinquent sales taxes, penalties, or  
18 interest, excluding items under formal appeal pursuant to the applicable statutes.  
19 The commissioner and officers or employees specifically so authorized by the  
20 commissioner and local authorities may issue the permits immediately after proper  
21 investigation but, for a period of thirty-five days after issuance, such permits shall  
22 operate on a probationary basis subject to final action on, opposition to, or  
23 withholding of, the permits as hereinafter provided.

24 \* \* \*

25 §80. Qualifications of applicants for permits

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

28 \* \* \*

29 (8) Have not had a license or permit to sell or deal in alcoholic beverages,  
30 issued by the United States, any state, or by any political subdivision of a state  
31 authorized to issue permits or licenses, revoked within two years prior to the  
32 application, or been convicted or had a judgment of court rendered against the  
33 applicant involving the sale or service of alcoholic beverages by this or any other  
34 state or by the United States for two years prior to the application.

35 \* \* \*

36 §86. Authority of commissioner and local authorities to withhold permit

37 The commissioner with respect to state permits and municipal authorities and  
38 parish governing authorities with respect to local permits may withhold the issuance  
39 of permits in the manner and under the terms and conditions specified in this  
40 Chapter; ~~however, if a sales tax clearance is not issued, the permit shall be withheld.~~  
41 ~~Nevertheless, if the sales tax clearance request is not processed within the time~~  
42 ~~limitations provided in R.S. 26:78, the permit shall be issued if all other~~  
43 ~~qualifications are met by the applicant.~~

44 \* \* \*

45 §142. Distribution through wholesalers only

46 Except as provided for in ~~R.S. 26:85~~ R.S. 26:71.3, 85, 271.1, and 359, no  
47 alcoholic beverage produced or manufactured inside or outside of this state shall be  
48 sold or offered for sale in Louisiana or shipped or transported into or within the state  
49 except to the holder of a wholesaler's permit and for delivery at the place of business  
50 of the wholesaler as shown in his permit.

51 \* \* \*

52 §271.2. Class A permit; definitions

1 The commissioner shall issue the following four types of Class A retail  
2 permits for beverages of low alcoholic content:

3 \* \* \*

4 (4) Class A-Restaurant-Conditional:

5 (a) Any retail establishment holding a Class A-General permit issued  
6 pursuant to this Section may be issued a Class-A-Restaurant-Conditional permit  
7 provided it meets the requirements of ~~R.S. 26:73(B)(1), (2), (3), (5), and (6)~~ R.S.  
8 26:73(C)(1)(a), (b), (c), and (d) during the hours from 7:00 a.m. until 11:00 p.m.  
9 each day of operation.

10 \* \* \*

11 §278. Contents of application for permit; commissioner power as ex officio notary

12 A. Applications for state and local wholesaler or retailer permits shall be in  
13 writing and sworn to and shall contain the full name of the applicant, his social  
14 security number, his federal employer identification number, if applicable, his  
15 Louisiana Department of Revenue business account number, if applicable, his correct  
16 home address, and an accurate description and correct address of the premises  
17 wherein the business or operation is to be conducted, which address shall be  
18 considered the proper address for all notices to the applicant or permittee required  
19 by this Chapter, and shall be accompanied by an affidavit of the applicant showing  
20 that he meets the qualifications and conditions set out in R.S. 26:280, and that he has  
21 no interest in a retail dealer establishment in the case of applicants for wholesaler  
22 permits, and that he has no interest in a wholesaler dealer establishment in the case  
23 of applicants for retail dealer permits unless such interest was held prior to July 31,  
24 1946. ~~Original and renewal applications shall be accompanied by a signed sales tax~~  
25 ~~clearance from the sales tax collection agency or agencies in the parish in which the~~  
26 ~~application is made, which clearance request shall be processed within seven~~  
27 ~~business days.~~

28 \* \* \*

29 §279. Submission of applications; delay

30 All applications for state permits shall be mailed or delivered to the  
31 commissioner in Baton Rouge at the state capitol, and all applications for local  
32 permits shall be mailed or delivered to the respective local authorities. An applicant  
33 shall mail or deliver his applications for state and local permits within twenty-four  
34 hours of each other. If he fails to do so, his state application may be withheld and  
35 the permits denied. Upon receipt of an application, the commissioner or the local  
36 authorities, as the case may be, shall stamp the day, month, and year received, and  
37 the commissioner shall verify that the applicant does not owe the state or the political  
38 subdivision in which the business is located any delinquent sales taxes, penalties, or  
39 interest, excluding items under formal appeal pursuant to applicable statutes. The  
40 commissioner and officers or employees specifically so authorized by the  
41 commissioner and local authorities may issue the permits immediately after proper  
42 investigation but, for a period of thirty-five days after receipt of the application, such  
43 permits shall operate on a probationary basis subject to final action on opposition to,  
44 or withholding of, the permit as hereinafter provided.

45 §280. Qualifications of applicants for permits

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

48 \* \* \*

49 (8) Have not had a license or permit to sell or deal in alcoholic beverages,  
50 issued by the United States, any state, or by any political subdivision of a state  
51 authorized to issue permits or licenses, revoked within two years prior to the  
52 application, or been convicted, or had a judgment of court rendered against the  
53 applicant involving the sale or service of alcoholic beverages by this or any other  
54 state or by the United States for two years prior to the application.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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§283. Authority of commissioner and local authorities to withhold permits  
The commissioner with respect to state permits and municipal authorities or parish governing authorities with respect to local permits may withhold the issuance of permits in the manner and under the terms and conditions specified in this Chapter; however, if a sales tax clearance has not been issued, the permit shall be withheld. Nevertheless, if the sales tax clearance request is not processed within the time limitation provided in R.S. 26:278, the permit shall be issued if all other qualifications are met by the applicant."