

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(B) and (C)(2), relative to qualifications for high alcohol  
3 beverage permits; to provide relative to citizenship and residency requirements for  
4 manufacturer's permits; to provide for an effective date; and to provide for related  
5 matters.

6 Be it enacted by the Legislature of Louisiana:

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

9 §80. Qualifications of applicants for permits

10 \* \* \*

11 B. If the applicant is a partnership recognized by Louisiana law, or anyone  
12 in such partnership with or financed by another, all members of such partnership, or  
13 all the persons furnishing the money shall also possess the qualifications required of  
14 an applicant. The application shall name all partners or financial backers and furnish  
15 their social security numbers and proper addresses. If a partner of a partnership  
16 applying for retail or manufacturer's permits is a corporation or limited liability  
17 company, the requirements as to citizenship and residence shall not apply to officers,  
18 directors, and stockholders of the corporation or members of the limited liability  
19 company. The corporation or limited liability company shall either be organized

1 under the laws of the state of Louisiana or qualified to do business within the state  
2 of Louisiana.

3 C.

4 \* \* \*

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

14 \* \* \*

15 Section 2. This Act shall become effective upon signature by the governor or, if not  
16 signed by the governor, upon expiration of the time for bills to become law without signature  
17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
18 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
19 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 relative to citizenship and residency requirements for any partnership, corporation, or limited liability company applying for a retail or manufacturer's permit.

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 January 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(B) and (C)(2))