

2016 Regular Session

HOUSE BILL NO. 658

BY REPRESENTATIVE ADAMS

ALCOHOLIC BEVERAGE PERMT: Provides relative to applications for alcoholic beverage permits

1 AN ACT

2 To amend and reenact R.S. 26:79 and 279, relative to alcoholic beverage permits; to provide
3 relative to the submission of applications for alcoholic beverage permits; to provide
4 relative to the authority of the commissioner to waive application fees or provide an
5 account credit in certain circumstances; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 26:79 and 279 are hereby amended and reenacted to read as follows:

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

1 investigation but, for a period of thirty-five days after issuance, such permits shall
 2 operate on a probationary basis subject to final action on, opposition to, or
 3 withholding of, the permits as hereinafter provided. ~~Notwithstanding any other~~
 4 ~~provision of this Chapter, prior to August 1, 2016, the commissioner may waive all~~
 5 ~~state application fees or provide an equal credit to an applicant's account when a~~
 6 ~~permit is not issued within three business days after receipt of a fully and properly~~
 7 ~~completed application.~~

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9 §279. Submission of applications; delay

10 All applications for state permits shall be mailed or delivered to the
 11 commissioner in Baton Rouge at the state capitol, and all applications for local
 12 permits shall be mailed or delivered to the respective local authorities. An applicant
 13 shall mail or deliver his applications for state and local permits within twenty-four
 14 hours of each other. If he fails to do so, his state application may be withheld and the
 15 permits denied. Upon receipt of an application, the commissioner or the local
 16 authorities, as the case may be, shall stamp the day, month, and year received, and
 17 the commissioner shall verify that the applicant does not owe the state or the political
 18 subdivision in which the business is located any delinquent sales taxes, penalties, or
 19 interest, excluding items under formal appeal pursuant to applicable statutes. The
 20 commissioner and officers or employees specifically so authorized by the
 21 commissioner and local authorities may issue the permits immediately after proper
 22 investigation but, for a period of thirty-five days after receipt of the application, such
 23 permits shall operate on a probationary basis subject to final action on opposition to,
 24 or withholding of, the permit as hereinafter provided. ~~Notwithstanding any other~~
 25 ~~provision of this Chapter, prior to August 1, 2016, the commissioner may waive all~~
 26 ~~state application fees or provide an equal credit to an applicant's account when a~~
 27 ~~permit is not issued within three business days after receipt of a fully and properly~~
 28 ~~completed application.~~

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)]

HB 658 Original

2016 Regular Session

Adams

Abstract: Removes the commissioner's authority to waive state application fees for alcoholic beverage permits or provide an equal credit to an applicant's account when permits are not issued within a certain period of time.

Present law provides relative to the submission requirements for state and local alcoholic beverage permits. Requires the commissioner or local authorities to stamp the day, month, and year the alcoholic beverage permit was received. Authorizes the commissioner and officers or employees authorized by the commissioner and local authorities to issue permits immediately after proper investigation but, for a period of 35 days after issuance, the permits shall operate on a probationary basis subject to final action on the permits. Present law provides that, prior to August 1, 2016, the commissioner may waive all state application fees or provide an equal credit to an applicant's account when a permit is not issued within three business days after receipt of a fully and properly completed application.

Proposed law retains present law except it removes the commissioner's authority to waive all state application fees or provide an equal credit to an applicant's account when a permit is not issued within three business days after receipt of a fully and properly completed application.

(Amends R.S. 26:79 and 279)