
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, 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;"

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, 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:

** * *

§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 for all notices to the applicant or permittee required by this Chapter, and shall be accompanied by an affidavit of the applicant showing that he meets the qualifications

1 and conditions set out in R.S. 26:80. ~~Original and renewal applications shall also be~~
2 ~~accompanied by a signed sales tax clearance from the sales tax collection agency or~~
3 ~~agencies in the parish in which the application is made, which clearance request shall~~
4 ~~be processed within seven business days.~~

5 §79. Submission of applications; delay

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

21 * * *

22 §80. Qualifications of applicants for permits

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

25 * * *

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

32 * * *

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

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

41 * * *

42 §271.2. Class A permit; definitions

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

45 (4) Class A-Restaurant-Conditional:

46 (a) Any retail establishment holding a Class A-General permit issued
47 pursuant to this Section may be issued a Class-A-Restaurant-Conditional permit
48 provided it meets the requirements of ~~R.S. 26:73(B)(1), (2), (3), (5), and (6)~~ R.S.
49 26:73(C)(1)(a), (b), (c), and (d) during the hours from 7:00 a.m. until 11:00 p.m.
50 each day of operation.

51 * * *

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

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

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

17 * * *

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

34 * * *

35 §280. Qualifications of applicants for permits
 36 A. Applicants for state and local permits of all kinds shall demonstrate that
 37 they meet the following qualifications and conditions:

38 * * *

39 (8) Have not had a license or permit to sell or deal in alcoholic beverages,
 40 issued by the United States, any state, or by any political subdivision of a state
 41 authorized to issue permits or licenses, revoked within two years prior to the
 42 application, or been convicted, or had a judgment of court rendered against the
 43 applicant involving the sale or service of alcoholic beverages by this or any other
 44 state or by the United States for two years prior to the application.
 45

46 * * *

47 §283. Authority of commissioner and local authorities to withhold permits
 48 The commissioner with respect to state permits and municipal authorities or
 49 parish governing authorities with respect to local permits may withhold the issuance
 50 of permits in the manner and under the terms and conditions specified in this
 51 Chapter; ~~however, if a sales tax clearance has not been issued, the permit shall be~~
 52 ~~withheld. Nevertheless, if the sales tax clearance request is not processed within the~~
 53 ~~time limitation provided in R.S. 26:278, the permit shall be issued if all other~~
 54 ~~qualifications are met by the applicant. "~~
 55

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