

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Judiciary to Original House Bill No. 346 by Representative Arnold

1 AMENDMENT NO. 1

2 On page 1, line 2, delete "R.S. 26:912(A)" and insert "R.S. 26:76(A)(2), 276(A)(2), and
3 912(A)"

4 AMENDMENT NO. 2

5 On page 1, line 3, after "transfer" and before "of" insert a comma "," and "assignment, or
6 inheritance"

7 AMENDMENT NO. 3

8 On page 1, line 4, after "ownership" delete the remainder of the line and insert "or
9 termination of business operations; to require that the permit be returned or surrendered
10 under certain circumstances; to provide for notification requirements; to provide for time
11 delays; and to provide for"

12 AMENDMENT NO. 4

13 On page 1, line 7, delete "R.S. 26:912(A) is" and insert "R.S. 26:76(A)(2), 276(A)(2), and
14 912(A) are"

15 AMENDMENT NO. 5

16 On page 1, between lines 7 and 8, insert the following:

17 "§76. Personal nature of permits; return of permits; necessity of display; penalties

18 A. The following shall apply to permits issued under this Chapter:

19 * * *

20 (2) The permit is not ~~transferrable~~, assignable, or heritable. The permit must
21 be returned to the office of alcohol and tobacco control or surrendered to an agent
22 of the commissioner within five days of closure, when the ownership of the business
23 is transferred or the business is terminated. If the permit holder is a corporation or
24 limited liability company, the permit holder shall notify the office of alcohol and
25 tobacco control of any changes in the officers, directors, managers, shareholders,
26 members, or persons previously qualified to conduct or manage the business within
27 fifteen days of the date of such changes. The notification shall include the suitability
28 documents and information for each new individual required to possess the
29 qualifications of the applicants. However, in the event of the dissolution of a
30 partnership by death, the surviving partner or partners may operate under the
31 partnership permit. The office of alcohol and tobacco control shall be notified of any
32 changes to the licensed business premises which increase or decrease the previously
33 approved licensed business premises prior to any such changes.

34 * * *

35 §276. Personal nature of permits; return of permits; necessity of display; penalties

36 A. The following shall apply to permits issued under this Chapter:

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

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(2) The permit is not transferrable, assignable, or heritable. The permit must be returned to the office of alcohol and tobacco control or surrendered to an agent of the commissioner within five days of closure, when the ownership of the business is transferred or the business is terminated. If the permit holder is a corporation or limited liability company, the permit holder shall notify the office of alcohol and tobacco control of any changes in the officers, directors, managers, shareholders, members, or persons previously qualified to conduct or manage the business within fifteen days of the date of such changes. The notification shall include the suitability documents and information for each new individual required to possess the qualifications of the applicants. However, in the event of the dissolution of a partnership by death, the surviving partner or partners may operate under the partnership permit. The office of alcohol and tobacco control shall be notified of any changes to the licensed business premises which increase or decrease the previously approved licensed business premises prior to any such changes.

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AMENDMENT NO. 6

On page 1, delete lines 9 through 17 in their entirety and insert the following:

"A. A permit issued under this Chapter is a personal privilege and cannot be transferred. ~~If over fifty-one percent of a corporation is sold or transferred during the period for which a permit was issued, a new permit must be applied for, and the new owner must comply with the provisions set forth in this Chapter. If the holder of the permit is an association, partnership, or limited partnership, change of the controlling interest shall constitute a change of ownership under this Chapter,~~ assigned, or inherited. The permit must be returned to the office of alcohol and tobacco control or surrendered to an agent of the commissioner within five days of permanently ceasing business operations or when there is a change in ownership. If the permit holder is a corporation or limited liability company, the permit holder shall notify the office of alcohol and tobacco control of any changes in the officers, directors, managers, shareholders, or members within fifteen days of the date of such changes. The notification shall include the suitability documents and information for each new individual required to possesses the qualifications of the applicants. If the business is physically relocated during ~~such the permit period, the registration certificate holder or permittee~~ permit holder must notify the commissioner in writing so that proper change ~~may be noted thereon prior to relocating.~~"

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