2016 Regular Session

HOUSE BILL NO. 692

BY REPRESENTATIVE JACKSON

ALCOHOLIC BEVERAGE PERMT: Provides exemptions to citizenship and residency requirements for certain alcohol beverage permits

1	AN ACT
2	To amend and reenact R.S. 26:80(C), relative to alcoholic beverages; to provide for
3	citizenship and residency requirements for certain permit applicants; to provide
4	exemptions; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. R.S. 26:80(C) is hereby amended and reenacted to read as follows:
7	§80. Qualifications of applicants for permits
8	* * *
9	C.(1) If the applicant is a corporation or a limited liability company, all
10	officers and directors and all stockholders or members owning in the aggregate more
11	than five percent of the stock or of the membership interest in a limited liability
12	company and the person or persons who shall conduct or manage the business shall
13	possess the qualifications required of an applicant and shall furnish their federal
14	identification number, their Louisiana Department of Revenue business account
15	number, their social security number, and their correct home address. The
16	requirements as to citizenship and residence do not apply to either the officers,
17	directors, or stockholders of corporations, or the officers, managers, or members of
18	limited liability companies. The corporation or limited liability company shall be

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

either organized under the laws of the state of Louisiana or qualified to do business
 within the state of Louisiana. , to be shown by the affidavit of each accompanying
 the application. Each affidavit shall include the signatory's Louisiana Department of
 Revenue business account number, his social security number, and his correct home
 address.

6 (2) The requirements as to citizenship and residence do not apply to officers, 7 directors, or stockholders of corporations or members of limited liability companies 8 applying for retail permits; to officers, directors, or stockholders or members of a 9 manufacturer; or to officers, directors, or stockholders of any corporation which on 10 January 31, 2003, had held a wholesale dealer permit continuously for at least the 11 past three years. The provisions of this Paragraph apply only to a corporation, limited 12 liability company, partnership, or any other legal business entity either organized 13 under the laws of the state of Louisiana or qualified to do business within the state 14 of Louisiana.

15 (3) Notwithstanding any other provisions of law to the contrary, the
16 commissioner may accept from a publicly traded or other corporation or entity, other
17 than any gaming entity regulated pursuant to the provisions of R.S. 27:20 et seq.,
18 R.S. 27:41 et seq., or R.S. 27:301 <u>401</u> et seq., the necessary documentation of those
19 persons described in Subsection D of this Section and three officers of the
20 corporation in full satisfaction of the requirements of this Section.

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Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

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 692 Reengrossed	2016 Regular Session	Jackson
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Abstract: Provides for certain exemptions for specific individuals applying for a wholesale dealer permit.

<u>Present law</u>, regarding alcoholic beverages, exempts certain persons applying for a retail, manufacturer, or wholesale permit from the requirement that their officers, directors, stockholders, or members be Louisiana citizens and residents.

<u>Present law</u> provides that only officers, directors, or stockholders of a corporation which held a wholesale permit on Jan. 31, 2003, for three years were exempt from the citizenship and residency requirements. <u>Proposed law</u> deletes this provision of <u>present law</u> and extends exemptions for any officer, director, or stockholder of a corporation, or officer, manager, or member of a limited liability company.

<u>Proposed law</u> requires that the corporation or limited liability company be either organized under the laws of the state Louisiana or qualified to do business within the state of Louisiana.

Present law provides for the information that must be contained in the application.

<u>Proposed law</u> retains <u>present law</u> and adds that the federal identification number shall also be included on the application.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 26:80(C))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

- 1. Amends the law regarding the information that must be contained in applications by corporations and limited liability companies.
- 2. Extends the citizenship exemption for any officer, director, or stockholder of a corporation or officer, manager or members of a limited liability company.
- 3. Adds the requirement that the corporation or limited liability company shall be organized under the laws of the state of Louisiana or qualified to do business in Louisiana.
- 4. Deletes the affidavit requirement for each application.
- 5. Makes technical amendments.