

Regular Session, 2014

HOUSE BILL NO. 460

BY REPRESENTATIVE ARNOLD

1 AN ACT

2 To amend and reenact R.S. 26:87(A)(2), 98, 284(B), 295, and 919(A), relative to the office
3 of alcohol and tobacco control; to provide with respect to the delivery of official
4 correspondence from the commissioner of alcohol and tobacco control; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 26:87(A)(2), 98, 284(B), 295, and 919(A) are hereby amended and
8 reenacted to read as follows:

9 §87. Procedure for determination to issue or withhold permit

10 A. The right to determine what persons shall or shall not be licensed under
11 this Chapter shall be exercised in the following manner:

12 * * *

13 (2) The commissioner shall investigate all applications for state permits and
14 shall withhold the issuance of the permit where that action is justified under the
15 provisions of this Chapter. The decision to withhold the permit shall be made within
16 thirty-five calendar days of the filing of the application. Within that period, the
17 commissioner shall notify in writing the municipal authority or parish governing
18 authority, as the case may be, where the applicant has his place of business, that it
19 is withholding the permit and shall give his reasons therefor. Upon receipt of this
20 notice, the governing authorities of the municipality or parish, as the case may be,
21 shall withhold the issuance of the local permit. Within five calendar days of the
22 decision to withhold the permit the commissioner shall notify the applicant in writing
23 of the withholding of the permit and shall assign the reasons therefor. Such notice
24 shall be either delivered to the applicant in person or sent to him by ~~registered~~

1 certified mail at the ~~business mailing~~ address given in his last application. When so
 2 addressed and mailed, it shall be conclusively presumed to have been received by the
 3 applicant.

4 * * *

5 §98. Notice of hearing by commissioner

6 Whenever the commissioner is to hold a hearing pursuant to the provisions
 7 of this Part, he shall issue a written summons or notice thereof to the applicant or
 8 permittee, ~~as the case may be~~, directing him to show cause why his application
 9 should not be refused or why his permit should not be suspended or revoked. The
 10 notice or summons shall state the time, place, and hour of the hearing, which shall
 11 be not less than ten nor more than thirty calendar days from the date of the notice.
 12 The notice or summons shall enumerate the cause or causes alleged for refusing the
 13 application or for suspending or revoking the permit. When a petition has been filed
 14 opposing the issuance of the permit or asking for its suspension or revocation, a copy
 15 of the petition shall accompany the notice or summons. All notices or summonses
 16 shall be either delivered to the applicant or permittee in person or sent by certified
 17 mail to the applicant or permittee and directed to him at the mailing address of his
 18 ~~place of business~~ as given in his last application for the permit. When so addressed
 19 and mailed, notices or summonses shall be conclusively presumed to have been
 20 received by the applicant or permittee.

21 * * *

22 §284. Procedure for determination to issue or withhold permit

23 The right to determine what persons shall or shall not be licensed under this
 24 Chapter shall be exercised in the following manner:

25 * * *

26 B. The commissioner shall investigate all applications for state permits and
 27 shall withhold the issuance of a permit where that action is justified under the
 28 provisions of this Chapter. This action may be taken without a prior hearing except
 29 as provided in R.S. 26:80(F) and ~~R.S. 26:280(F)~~. The decision to withhold a state
 30 permit shall be made within thirty-five calendar days of the filing of an application.

1 §919. Administrative hearings

2 A. When the commissioner holds a hearing pursuant to this Chapter, he shall

3 issue a written summons or notice to the applicant or permittee, ~~as the case may be,~~

4 directing him to show cause why his application should not be refused or why he

5 should not be assessed a penalty or why his permit should not be suspended or

6 revoked. The notice or summons shall state the time, place, and hour of the hearing,

7 which shall be not less than ten nor more than thirty calendar days from the day of

8 the notice. The notice or summons shall enumerate the cause or causes alleged for

9 refusing the application or for assessing the penalty or suspending or revoking the

10 permit. If a petition has been filed opposing the issuance of the permit or asking for

11 its suspension or revocation, a copy of the petition shall accompany the notice or

12 summons. All notices or summonses shall be either delivered to the applicant or

13 permittee in person or sent by certified mail to the applicant or permittee and

14 directed to him at the mailing address ~~of his place of business~~ as given in his last

15 application for the permit. When so addressed and mailed, notices or summonses

16 shall be presumed to have been received by the applicant or permittee.

17 * * *

18 Section 2. This Act shall become effective upon signature by the governor or, if not

19 signed by the governor, upon expiration of the time for bills to become law without signature

20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

21 vetoed by the governor and subsequently approved by the legislature, this Act shall become

22 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____