

**ACT No. 69**

Regular Session, 2014

HOUSE BILL NO. 460

BY REPRESENTATIVE ARNOLD

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§87. Procedure for determination to issue or withhold permit

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

\* \* \*

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

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

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.

\*           \*           \*

§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.

\*           \*           \*

§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:

\*           \*           \*

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           Within that period of time, the commissioner shall notify in writing the municipal  
2           authorities or parish governing authority, as the case may be, where the applicant has  
3           or was to have his place of business and shall specify the reasons for withholding the  
4           issuance of the state permit. Upon receipt of this notice, the municipal authorities  
5           or the parish governing authority shall withhold the issuance of the local permit.  
6           Within five calendar days of mailing the notice of withholding to the local  
7           authorities, the commissioner shall notify the applicant in writing of the withholding  
8           of the permit and shall assign reasons therefor. Such notice shall be either delivered  
9           to the applicant in person or sent to him by ~~registered~~ certified mail at the mailing  
10          address given in his last application for a state permit. When so addressed and  
11          mailed, it shall be conclusively presumed to have been received by the applicant.

\* \* \*

§295. Notice of hearing by commissioner

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

\* \* \*

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: \_\_\_\_\_