

Regular Session, 2014

HOUSE BILL NO. 460

BY REPRESENTATIVE ARNOLD

ALCOHOLIC BEVERAGES: Provides relative to mailing of official correspondence by the office of alcohol and tobacco control

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,

1 shall withhold the issuance of the local permit. Within five calendar days of the
 2 decision to withhold the permit the commissioner shall notify the applicant in writing
 3 of the withholding of the permit and shall assign the reasons therefor. Such notice
 4 shall be either delivered to the applicant in person or sent to him by ~~registered~~
 5 certified mail at the ~~business~~ mailing address given in his last application. When so
 6 addressed and mailed, it shall be conclusively presumed to have been received by the
 7 applicant.

* * *

9 §98. Notice of hearing by commissioner

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

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

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

* * *

1 B. The commissioner shall investigate all applications for state permits and
2 shall withhold the issuance of a permit where that action is justified under the
3 provisions of this Chapter. This action may be taken without a prior hearing except
4 as provided in R.S. 26:80(F) and ~~R.S. 26:280(F)~~. The decision to withhold a state
5 permit shall be made within thirty-five calendar days of the filing of an application.
6 Within that period of time, the commissioner shall notify in writing the municipal
7 authorities or parish governing authority, as the case may be, where the applicant has
8 or was to have his place of business and shall specify the reasons for withholding the
9 issuance of the state permit. Upon receipt of this notice, the municipal authorities
10 or the parish governing authority shall withhold the issuance of the local permit.
11 Within five calendar days of mailing the notice of withholding to the local
12 authorities, the commissioner shall notify the applicant in writing of the withholding
13 of the permit and shall assign reasons therefor. Such notice shall be either delivered
14 to the applicant in person or sent to him by ~~registered~~ certified mail at the mailing
15 address given in his last application for a state permit. When so addressed and
16 mailed, it shall be conclusively presumed to have been received by the applicant.

* * *

18 §295. Notice of hearing by commissioner

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

1 mail to the applicant or permittee and directed to him at the mailing address ~~of his~~
2 ~~place of business~~ as given in his last application for the permit. When so addressed
3 and mailed, notices or summonses shall be conclusively presumed to have been
4 received by the applicant or permittee.

5 * * *

6 §919. Administrative hearings

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

22 * * *

23 Section 2. This Act shall become effective upon signature by the governor or, if not
24 signed by the governor, upon expiration of the time for bills to become law without signature
25 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
26 vetoed by the governor and subsequently approved by the legislature, this Act shall become
27 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)]

Arnold

HB No. 460

Abstract: Provides that official correspondence from the commissioner of alcohol and tobacco control may be delivered in person or by certified mail.

Present law requires official correspondence sent by the office of alcohol and tobacco control to be delivered in person in some cases or by registered or certified mail to the applicant or permittee at his business address in other cases.

Proposed law authorizes the correspondence to be delivered in person or by certified mail.

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

(Amends R.S. 26:87(A)(2), 98, 284(B), 295, and 919(A))