

ACT No. 69

Regular Session, 2014

HOUSE BILL NO. 460

BY REPRESENTATIVE ARNOLD

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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~~

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: _____