



1 applicant's or permittee's place of business, proposed or actual as the case may be.  
 2 Such appeals shall be filed in the district courts in the same manner as original suits  
 3 are instituted therein. The appeals shall be tried de novo. Either party may amend  
 4 and supplement his pleadings and additional witnesses may be called and heard.  
 5 When there has been a previous criminal prosecution for the same or similar act upon  
 6 which the refusal, suspension, or revocation of a permit is being considered,  
 7 evidence of an acquittal in a court of competent jurisdiction is admissible in the trial  
 8 of the appeal.

9 ~~B. Within ten calendar days of the signing of the judgment by the district~~  
 10 ~~court in any such appeal case, the commissioner or the applicant for a permit or~~  
 11 ~~permittee, as the case may be, may devolutively appeal the judgment to the appellate~~  
 12 ~~court of proper jurisdiction. These appeals shall be perfected in the manner provided~~  
 13 ~~for in civil cases and shall be devolutive only. If the district court determines that~~  
 14 ~~the decision of the commissioner or of the local authorities in withholding,~~  
 15 ~~suspending, or revoking the permit was in error, the decision of the commissioner~~  
 16 ~~or local authorities shall not be voided if the commissioner or local authorities take~~  
 17 ~~an appeal to the court of appeals in the time provided for suspensive appeals.~~

18 B. When a petition appealing a decision of the commissioner to suspend or  
 19 revoke a permit is timely filed, the district court may order a stay ex parte upon  
 20 appropriate terms or following a contradictory hearing. The court may require that  
 21 the stay be granted in accordance with the local rules of the reviewing court  
 22 pertaining to injunctive relief and the issuance of temporary restraining orders. A  
 23 showing of irreparable injury, loss, or damage shall not be required.

24 C. An aggrieved party may obtain a review of any final judgment of the  
 25 district court by appeal to the appropriate circuit court of appeal. The appeal shall  
 26 be taken as in other civil cases.

27 \* \* \*

1 §302. Decisions to withhold, suspend, or revoke permits final unless appealed and  
2 reversed

3 Decisions of the commissioner in withholding, suspending, or revoking  
4 permits and of the local authorities in withholding permits are final and binding on  
5 all parties unless appealed in the manner provided in R.S. 26:303 and finally stayed  
6 or reversed by the courts.

7 §303. Appeals to courts

8 A. Any party aggrieved by a decision of the commissioner to withhold,  
9 suspend, or revoke a permit or of the local authorities to withhold a permit may,  
10 within ~~ten~~ thirty days of the notification of the decision, ~~take a devolutive appeal to~~  
11 the decision by filing a petition in the district court having jurisdiction of the  
12 applicant's or permittee's place of business, proposed or actual, as the case may be.  
13 ~~Such appeals shall be granted by the clerk of court on written petition together with~~  
14 ~~a bond for costs.~~ The appeals shall be tried de novo. Either party may amend and  
15 supplement his pleadings and additional witnesses may be called and heard.

16 ~~B. Within ten calendar days of the signing of the judgment by the district~~  
17 ~~court in any such appeal cases, any aggrieved party may devolutively appeal the~~  
18 ~~judgment to the appellate court of proper jurisdiction. These appeals shall be~~  
19 ~~perfected in the manner provided for in civil cases but shall be devolutive in their~~  
20 ~~nature and effect.~~

21 B. When a petition appealing a decision of the commissioner to suspend or  
22 revoke a permit is timely filed, the district court may order a stay ex parte upon  
23 appropriate terms or following a contradictory hearing. The court may require that  
24 the stay be granted in accordance with the local rules of the reviewing court  
25 pertaining to injunctive relief and the issuance of temporary restraining orders. A  
26 showing of irreparable injury, loss, or damage shall not be required.

27 C. An aggrieved party may obtain a review of any final judgment of the  
28 district court by appeal to the appropriate circuit court of appeal. The appeal shall  
29 be taken as in other civil cases.

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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)]

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HB 310 Original

2023 Regular Session

Landry

**Abstract:** Provides for the reversal, stay, and appeal of a decision by the commissioner of alcohol and tobacco control.

Present law provides that decisions of the commissioner in withholding, suspending or revoking permits are final and binding unless appealed.

Proposed law retains present law and adds additional remedies including stay or reversal by the courts.

Present law provides that an aggrieved party may file a petition for appeal within 10 days of the decision.

Proposed law changes the amount of days to file a petition for appeal from 10 to 30.

(Amends R.S. 26:105, 106, 302, and 303)