SLS 14RS-333 ORIGINAL

Regular Session, 2014

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SENATE BILL NO. 100

BY SENATOR MORRELL

REVENUE DEPARTMENT. Provides relative to mailing of official correspondence by the office of alcohol and tobacco control. (gov sig)

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 for the mailing of alcoholic beverage and
4	tobacco notices and summons to applicants or permittees; and to provide for related
5	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

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

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§98. Notice of hearing by commissioner

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

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§284. Procedure for determination to issue or withhold permit

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

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

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§295. Notice of hearing by commissioner

Whenever the commissioner is to hold a hearing pursuant to the provisions of this Part, he shall issue a written summons or notice thereof to the applicant or permittee, as the case may be, directing him to show cause why his application should not be refused or why his permit should not be suspended or revoked. The notice or summons shall state the time, place, and hour of the hearing, which shall be not less than ten nor more than thirty calendar days from the date of the notice. The notice or summons shall enumerate the cause or causes alleged for refusing the application or for suspending or revoking the permit. When a petition has been filed

opposing the issuance of the permit or asking for its suspension or revocation, a copy of the petition shall accompany the notice or summons. All notices or summonses shall be **either delivered to the applicant or permittee in person or** sent by certified mail to the applicant or permittee and directed to him at the **mailing** address of his place of business as given in his **last** application for the permit. When so addressed and mailed, notices or summonses shall be conclusively presumed to have been received by the applicant or permittee.

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§919. Administrative hearings

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

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

1 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Cathy Wells.

DIGEST

Morrell (SB 100)

<u>Present law</u> requires all official correspondence sent by the office of alcohol and tobacco control to be delivered in person or by registered or certified mail to the applicant or permittee at his business address.

<u>Proposed law</u> requires all official correspondence sent by the office of alcohol and tobacco control to be either delivered to the applicant or permittee in person or sent by certified mail to the applicant or permittee at the mailing address given on the last application or permit.

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

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