

Regular Session, 2014

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)

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 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

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

11 * * *

12 §98. Notice of hearing by commissioner

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

28 * * *

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

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)

Present law 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.

Proposed law 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))