

Regular Session, 2010
HOUSE BILL NO. 995
BY REPRESENTATIVE HOWARD

ACT No. 615

1 AN ACT

2 To enact R.S. 26:598, relative to local option elections in a municipality; to authorize the
3 governing authority of a municipality to hold an election for a proposal to allow a
4 restaurant to sell alcohol; to provide for definitions; to provide for the election; and
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 26:598 is hereby enacted to read as follows:

8 §598. Alcoholic beverage sales in restaurants; authorization for propositions to be
9 submitted to voters in certain elections

10 A. Notwithstanding any other provision of law to the contrary, in a
11 municipality having a population of not less than two thousand eight hundred eighty
12 and not more than two thousand nine hundred fifty according to the latest federal
13 decennial census, the governing authority may submit to the voters in any election
14 held in compliance with provisions of R.S. 18:402, a proposition to determine
15 whether or not the business of selling alcoholic beverages in a restaurant may be
16 conducted and licensed only within the incorporated limits of the municipality.

17 B. As used in this Section, the following words shall have the following
18 meanings:

19 (1) "Alcoholic beverages" means any fluid or any solid capable of being
20 converted into fluid, suitable for human consumption, and containing more than one-
21 half of one percent alcohol by volume, including malt, vinous, spirituous, alcoholic
22 or intoxicating liquors, beer, porter, ale, stout, fruit juices, cider, or wine.

23 (2) "Beverages of high alcoholic content" means alcoholic beverages
24 containing more than six percent alcohol by volume.

1 (3) "Beverages of low alcoholic content" means alcoholic beverages
2 containing not more than six percent alcohol by volume.

3 (4) "Restaurant establishment" means an establishment that meets all of
4 these requirements:

5 (a) Operates a place of business whose average monthly revenue from food
6 and nonalcoholic beverages exceeds fifty percent of its total average monthly
7 revenue from the sale of food, nonalcoholic beverages, and alcoholic beverages.

8 (b) Serves food on all days of operation.

9 (c) Maintains separate sales figures for alcoholic beverages.

10 (d) Operates a fully equipped kitchen used for the preparation of uncooked
11 foods for service and consumption of such foods on the premises.

12 (e) Has a public habitable floor area of no less than five hundred square feet.

13 C.(1) The governing authority of the municipality may order a referendum
14 election to be held within the municipality after an ordinance or resolution of the
15 governing authority is passed authorizing such an election.

16 (2) The governing authority shall not have to comply with the other
17 provisions required by the provisions of this Chapter such as but not limited to the
18 requirement of filing a petition of not less than twenty-five percent of the qualified
19 electors residing in the incorporated municipality with the registrar of voters.

20 (3) When such election has been ordered by the governing authority of the
21 municipality, the following proposition, and no other, shall be submitted to the voters
22 of the municipality:

23 "Shall the sale of beverages of high and low alcoholic content be permitted
24 only on the premises of restaurant establishments which have been issued an "R"
25 permit as defined by law within the corporation limits of the town of _____."

26 (4) In an election, a majority vote cast on the proposition shall determine the
27 issue for the incorporated municipality and only residents of the incorporated
28 municipality shall be allowed to vote.

1 (5) The governing authority calling the election shall promulgate the result
 2 of the election by resolution or ordinance adopted at its first regular meeting after the
 3 election and shall publish it in the official journal of the parish.

4 D. All other statutory provisions and rules and regulations of the office of
 5 alcohol and tobacco, such as but not limited to application procedures, qualifications,
 6 and all licensing and permit requirements for a restaurant "R" permit shall apply.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____