

Regular Session, 2013

SENATE BILL NO. 116

BY SENATOR GALLOT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ALCOHOLIC BEVERAGES. Authorizes certain municipalities to conduct local option elections regarding the sale of alcohol in restaurants. (gov sig)

AN ACT

To enact R.S. 26:599, relative to local option elections in certain municipalities regarding the sale of alcohol; to authorize the governing authority of such municipalities to hold an election for a proposal to allow a restaurant to sell alcohol; to provide for definitions; to provide for the election; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 26:599 is hereby enacted to read as follows:

**§599. Alcoholic beverage sales in restaurants; authorization certain municipalities to submit propositions to voters in certain elections**

**A. Notwithstanding any other provision of law to the contrary, in a municipality established and governed pursuant to Part I of Chapter 2 of Title 33 of the Louisiana Revised Statutes of 1950, having a population of not less than thirteen thousand five hundred and not more than sixteen thousand five hundred according to the latest federal decennial census, the governing authority may submit to the voters in any election held in compliance with provisions of R.S. 18:402, a proposition to determine whether or not the business of selling alcoholic beverages in a restaurant may be conducted and**

1 licensed only within the incorporated limits of the municipality.

2 B. As used in this Section, the following words shall have the following  
3 meanings:

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

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

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

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

15 (a) Operates a place of business whose average monthly revenue from  
16 food and nonalcoholic beverages exceeds fifty percent of its total average  
17 monthly revenue from the sale of food, nonalcoholic beverages, and alcoholic  
18 beverages.

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

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

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

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

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

28 (2) The governing authority shall not have to comply with the other  
29 provisions required by the provisions of this Chapter such as but not limited to

1           the requirement of filing a petition of not less than twenty-five percent of the  
2           qualified electors residing in the incorporated municipality with the registrar  
3           of voters.

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

7           "Shall the sale of beverages of high and low alcoholic content be permitted only  
8           on the premises of restaurant establishments which have been issued an "R"  
9           permit as defined by law within the corporation limits of the city of \_\_\_\_\_."

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

13           (5) The governing authority calling the election shall promulgate the  
14           result of the election by resolution or ordinance adopted at its first regular  
15           meeting after the election and shall publish it in the official journal of the  
16           municipality.

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

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

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Jerry J. Guillot.

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#### DIGEST

Proposed law provides that in a Lawrason Act municipality having a population of not less  
than 13,500 and not more than 16,500 according to the latest federal decennial census, the

governing authority may submit to the voters in any election properly held a proposition that would determine whether or not the business of selling alcoholic beverages in a restaurant may be conducted and licensed only within the incorporated limits of the municipality.

Proposed law provides for definitions including requirements to qualify as a "restaurant" for purposes of being licensed.

Proposed law provides for the language of the proposition to be voted on and provides that a majority vote cast on the proposition by the residents of the municipality shall determine the issue.

Proposed law provides that application procedures, qualifications, and all licensing and permit requirements for a restaurant "R" permit shall apply.

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

(Adds R.S. 26:599)