

ACT No. 184

Regular Session, 2014

HOUSE BILL NO. 578

BY REPRESENTATIVE COX

1 AN ACT

2 To enact R.S. 26:600, relative to alcoholic beverage sales; to authorize the governing
3 authority of the city of Mansfield to hold an election to allow certain restaurants to
4 sell alcohol; to provide for definitions; to provide for the election and ballot
5 language; and to provide for related matters.

6 Notice of intention to introduce this Act has been published
7 as provided by Article III, Section 13 of the Constitution of
8 Louisiana.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 26:600 is hereby enacted to read as follows:

11 §600. Alcoholic beverage sales in restaurants; authorization for propositions to be
12 submitted to voters in certain elections

13 A. Notwithstanding any other provision of law to the contrary, in the city
14 of Mansfield, the governing authority may submit to the voters in any election held
15 in compliance with provisions of R.S. 18:402, a proposition to determine whether or
16 not the business of selling alcoholic beverages in a restaurant may be conducted and
17 licensed only within the incorporated limits of the municipality.

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

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

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

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

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

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

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

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

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

14 (e) Has a public habitable floor area of no less than that which is required by
 15 R.S. 26:73 and 272.

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

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

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

26 "Shall the sale of beverages of high and low alcoholic content be permitted
 27 only on the premises of restaurant establishments which have been issued an "R"
 28 permit as defined by law within the corporation limits of the city of Mansfield?"

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

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

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____