

2015 Regular Session

SENATE BILL NO. 112

BY SENATOR GALLOT

LOCAL OPTION. Provides for a local option election for the sale of liquor and wine in certain areas of Rapides Parish. (gov sig)

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AN ACT

To enact R.S. 26:601, relative to alcoholic beverage sales; to authorize the governing authority of Rapides Parish to hold an election to allow certain restaurants and liquor retailers to sell alcohol; to provide for definitions; to provide for the election and ballot language; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 26:601 is hereby enacted to read as follows:

**§601. Alcoholic beverage sales in restaurants and liquor retailers; authorization for propositions to be submitted to voters in certain elections**

**A. Notwithstanding any other provision of law to the contrary, the governing authority of Rapides Parish 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 or by a liquor retailer may be conducted and licensed only within the unincorporated areas of Police Jury District B of the parish.**

**B. As used in this Section, the following words shall have the following**

1 meanings:

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

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

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

11 (4) "Liquor retailer" means any dealer, other than a manufacturer or  
12 wholesaler, who sells, offers for sale, exposes for sale, or has in his possession for  
13 sale or distribution any alcoholic beverages in any quantity.

14 (5) "Restaurant establishment" means an establishment that meets all  
15 of these requirements:

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

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

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

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

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

26 C.(1) The governing authority may order a referendum election to be  
27 held within the unincorporated areas of Police Jury District B after an  
28 ordinance or resolution of the governing authority is passed authorizing such  
29 an election.

1           **(2) The governing authority shall not have to comply with the other**  
2           **provisions of this Chapter such as but not limited to the requirement of filing**  
3           **a petition containing the signatures of not less than twenty-five percent of the**  
4           **qualified electors residing in the unincorporated areas of Police Jury District**  
5           **B with the registrar of voters.**

6           **(3) When such election has been ordered by the governing authority of**  
7           **the parish, the following proposition, and no other, shall be submitted to the**  
8           **voters of the unincorporated areas of Police Jury District B:**

9           **"Shall the sale of beverages of high and low alcoholic content be**  
10           **permitted only on the premises of restaurant establishments which have been**  
11           **issued an "R" permit as defined by law within the limits of the ward and shall**  
12           **a liquor retailer be permitted to sell alcoholic beverages suitable for human**  
13           **consumption, and containing more than one-half of one percent alcohol by**  
14           **volume, including malt, vinous, spirituous, alcoholic or intoxicating liquors,**  
15           **beer, porter, ale, stout, fruit juices, cider, or wine within the limits of the**  
16           **ward?"**

17           **(4) In an election, a majority vote cast on the proposition shall determine**  
18           **the issue for the district and only residents of the unincorporated areas shall be**  
19           **allowed to vote on the proposition affecting Police Jury District B.**

20           **(5) The governing authority shall promulgate the result of the election**  
21           **by resolution or ordinance adopted at its first regular meeting after the election**  
22           **and shall publish it in the official journal of the parish.**

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

27           Section 2. This Act shall become effective upon signature by the governor or, if not  
28           signed by the governor, upon expiration of the time for bills to become law without signature  
29           by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
2 effective on the day following such approval.

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The original instrument was prepared by Michael Bell. The following digest, which does not constitute a part of the legislative instrument, was prepared by Alden A. Clement, Jr.

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DIGEST

SB 112 Engrossed 2015 Regular Session Gallot

Proposed law provides that the governing authority of Rapides Parish may submit to the voters in any election held in compliance with law, a proposition to determine whether or not the business of selling alcoholic beverages in a restaurant or a liquor retailer may be conducted and licensed only within the unincorporated areas of Police Jury District B of the parish.

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

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 unincorporated areas will determine the issue.

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

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

(Adds R.S. 26:601)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Change application of proposed law from "certain wards" of Rapides Parish to the unincorporated areas of Police Jury District B of Rapides Parish.