

SENATE BILL NO. 116

BY SENATOR GALLOT

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

1 AN ACT

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

6 Be it enacted by the Legislature of Louisiana:

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

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

10 **A. Notwithstanding any other provision of law to the contrary, in a**  
11 **municipality established and governed pursuant to Part I of Chapter 2 of Title**  
12 **33 of the Louisiana Revised Statutes of 1950, having a population of not less**  
13 **than thirteen thousand five hundred and not more than sixteen thousand five**  
14 **hundred according to the latest federal decennial census, the governing**  
15 **authority may submit to the voters in any election held in compliance with**  
16 **provisions of R.S. 18:402, a proposition to determine whether or not the**  
17 **business of selling alcoholic beverages in a restaurant may be conducted and**  
18 **licensed only within the incorporated limits of the municipality.**

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

21 **(1) "Alcoholic beverages" means any fluid or any solid capable of being**  
22 **converted into fluid, suitable for human consumption, and containing more**

1 than one-half of one percent alcohol by volume, including malt, vinous,  
2 spirituous, alcoholic or intoxicating liquors, beer, porter, ale, stout, fruit juices,  
3 cider, or wine.

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

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

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

10 (a) Operates a place of business whose average monthly revenue from  
11 food and nonalcoholic beverages exceeds fifty percent of its total average  
12 monthly revenue from the sale of food, nonalcoholic beverages, and alcoholic  
13 beverages.

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

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

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

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

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

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

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

1                   "Shall the sale of beverages of high and low alcoholic content be  
 2                   permitted only on the premises of restaurant establishments which have been  
 3                   issued an "R" permit as defined by law within the corporation limits of the city  
 4                   of \_\_\_\_\_?"

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

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

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

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

\_\_\_\_\_  
 PRESIDENT OF THE SENATE

\_\_\_\_\_  
 SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_