

Regular Session, 2014

HOUSE BILL NO. 578

BY REPRESENTATIVE COX

ALCOHOLIC BEVERAGES: Authorizes the city of Mansfield to conduct local option elections regarding the sale of alcohol in restaurants

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:

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

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

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

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

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

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

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

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

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

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

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

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

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

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Cox

HB No. 578

Abstract: Authorizes the governing authority for the city of Mansfield to hold an election to authorize the sale of alcoholic beverages in restaurants.

Proposed law provides that the governing authority for the city of Mansfield 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 governor or lapse of time for gubernatorial action.

(Adds R.S. 26:600)