

2015 Regular Session

SENATE BILL NO. 112

BY SENATOR GALLOT

LOCAL OPTION. Provides for local option election for sale of liquor and wine in certain wards in 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 certain wards 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 applicable wards after an ordinance or resolution of the
28 governing authority is passed authorizing such an election.

29 (2) The governing authority shall not have to comply with the other

1 provisions of this Chapter such as but not limited to the requirement of filing
2 a petition containing the signatures of not less than twenty-five percent of the
3 qualified electors residing in the appropriate wards with the registrar of voters.

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

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

15 (4) In an election, a majority vote cast on the proposition shall determine
16 the issue for the ward and only residents of the applicable ward shall be allowed
17 to vote on the proposition affecting their particular ward.

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

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

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

