

1 HB704
2 119832-2
3 By Representatives Buskey, Taylor, Robinson (J), Kennedy,
4 Gordon, Baker (L) and McClammy
5 RFD: Tourism and Travel
6 First Read: 11-MAR-10

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8 SYNOPSIS: Under existing law, there is no retail
9 liquor license designated as an entertainment
10 district retail liquor license.

11 This bill would create a new retail liquor
12 license designated as an entertainment district
13 retail liquor license and fee for the district
14 available in any Class 1, Class 2, or Class 3
15 municipality to be issued by the Alabama Alcoholic
16 Beverage Control Board to permit the sale and
17 consumption of alcoholic beverages within the
18 entertainment districts established by the
19 municipalities.

20
21 A BILL
22 TO BE ENTITLED
23 AN ACT
24

25 To create and establish an entertainment district
26 retail liquor license available in any Class 1, Class 2, or
27 Class 3 municipality to be issued by the Alabama Alcoholic

1 Beverage Control Board permitting and regulating the sale and
2 consumption of alcoholic beverages within entertainment
3 districts established by the municipalities; to authorize the
4 governing body of the municipality to establish entertainment
5 districts with restrictions as to number and size; and to
6 amend Section 28-3A-21 of the Code of Alabama 1975, relating
7 to fees issued by the board; to provide a license fee for the
8 entertainment district retail liquor license.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. The provisions of this act shall only
11 apply to Class 1, Class 2, or Class 3 municipalities.

12 Section 2. (a) Upon compliance of the applicant with
13 the provisions of Chapter 3A of Title 28 of the Code of
14 Alabama 1975, and the regulations made thereunder which are
15 not in conflict with the provisions of this act, the Alabama
16 Alcoholic Beverage Control Board may, where the application is
17 accompanied by a certificate from the clerk or proper officer
18 setting out that the applicant has presented his or her
19 application to the governing authority of the municipality and
20 has obtained its consent and approval, issue an entertainment
21 district retail liquor license for a restaurant, hotel, civic
22 center authority, dinner theatre, lounge, or club, which will
23 authorize the licensee to purchase liquor from the board or as
24 authorized by the board and to purchase wine and beer,
25 including draft or keg beer, from any wholesale licensee of
26 the board and to sell liquor and wine, dispensed from
27 containers of any size, and beer, including draft or keg beer,

1 to the patrons, guests, or members for consumption in any part
2 of the entertainment district. The patrons, guests, or members
3 may exit the licensed premises with open containers of
4 alcoholic beverages and consume alcoholic beverages anywhere
5 within the confines of the entertainment district, which shall
6 be permitted, but may not enter from outside another licensed
7 premises with open containers or closed containers of
8 alcoholic beverages acquired elsewhere during times when that
9 licensee is dispensing alcoholic beverages acquired pursuant
10 to its license.

11 (b) The term "on-premises" as applied to consumption
12 in each such entertainment district shall include anywhere
13 within the district without violating the terms or conditions
14 of licensure but shall not extend the confines of the licensed
15 premises.

16 Section 3. The governing body of any Class 1, Class
17 2, or Class 3 municipality may establish not more than two
18 entertainment districts within its corporate limits, but not
19 in residential areas, each of which shall have not fewer than
20 four licensees holding a retail liquor license in that area;
21 and may not exceed one-half mile by one-half mile in area, but
22 may be irregularly shaped.

23 Section 4. Section 28-3A-21 of the Code of Alabama
24 1975, is amended to read as follows:

25 "§28-3A-21.

1 "(a) The following annual license fees are levied
2 and prescribed for licenses issued and renewed by the board
3 pursuant to the authority contained in this chapter:

4 "(1) Manufacturer license, license fee of five
5 hundred dollars (\$500).

6 "(2) Importer license, license fee of five hundred
7 dollars (\$500).

8 "(3) Liquor wholesale license, license fee of five
9 hundred dollars (\$500).

10 "(4) Wholesaler license, beer license fee of five
11 hundred fifty dollars (\$550) or wine license fee of five
12 hundred fifty dollars (\$550); license fee for beer and wine of
13 seven hundred fifty dollars (\$750); plus two hundred dollars
14 (\$200) for each warehouse in addition to the principal
15 warehouse.

16 "(5) Warehouse license, license fee of two hundred
17 dollars (\$200).

18 "(6) Lounge retail liquor license, license fee of
19 three hundred dollars (\$300).

20 "(7) Restaurant retail liquor license, license fee
21 of three hundred dollars (\$300).

22 "(8) Club liquor license, Class I license fee of
23 three hundred dollars (\$300), Class II license fee of seven
24 hundred fifty dollars (\$750).

25 "(9) Retail table wine license for off-premises
26 consumption, license fee of one hundred fifty dollars (\$150).

1 "(10) Retail table wine license for on-premises and
2 off-premises consumption, license fee of one hundred fifty
3 dollars (\$150).

4 "(11) Retail beer license for on-premises and
5 off-premises consumption, license fee of one hundred fifty
6 dollars (\$150).

7 "(12) Retail beer license for off-premises
8 consumption, license fee of one hundred fifty dollars (\$150).

9 "(13) Retail common carrier liquor license, license
10 fee of one hundred fifty dollars (\$150) for each railroad,
11 airline, bus line, ship line, vessel or other common carrier
12 entity with a vehicle passenger capacity of at least 10
13 people.

14 "(14) Special retail license, license fee of one
15 hundred dollars (\$100) for 30 days or less; license fee of two
16 hundred fifty dollars (\$250) for more than 30 days.

17 "(15) Special events retail license, license fee of
18 one hundred fifty dollars (\$150).

19 "(16) Entertainment district retail liquor license,
20 license fee of eight hundred dollars (\$800).

21 "(b) The license fees levied and fixed by this
22 section shall be paid before the license is issued or renewed.

23 "(c) In addition to the foregoing filing fee and
24 license taxes or fees, any county or municipality in which the
25 sale of alcoholic beverages is permitted shall be authorized
26 to fix and levy privileges or license taxes on any of the

1 foregoing licenses located or operated therein, conditioned on
2 a permit or license being issued by the board.

3 "(d) No county or municipality shall have any
4 authority to levy a license or tax of any nature on any liquor
5 store."

6 Section 5. All laws or parts of laws which conflict
7 with this act are repealed. All general, local, and special
8 laws or parts of such laws insofar as they designate or
9 restrict the boundaries, size, or area of such entertainment
10 districts are hereby repealed.

11 Section 6. This act shall become effective
12 immediately following its passage and approval by the
13 Governor, or its otherwise becoming law.