

1 SB518
2 119954-3
3 By Senator Ross
4 RFD: Tourism and Marketing
5 First Read: 09-MAR-10

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To create and establish an entertainment district
12 retail liquor license available in any Class 1, Class 2, or
13 Class 3 municipality to be issued by the Alabama Alcoholic
14 Beverage Control Board permitting and regulating the sale and
15 consumption of alcoholic beverages within entertainment
16 districts established by the municipalities; to authorize the
17 governing body of the municipality to establish entertainment
18 districts with restrictions as to number and size; and to
19 amend Section 28-3A-21 of the Code of Alabama 1975, relating
20 to fees issued by the board; to provide a license fee for the
21 entertainment district retail liquor license.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

25 Section 2. (a) Upon compliance of the applicant with
26 the provisions of Chapter 3A of Title 28 of the Code of
27 Alabama 1975, and the regulations made thereunder which are

1 not in conflict with the provisions of this act, the Alabama
2 Alcoholic Beverage Control Board may, where the application is
3 accompanied by a certificate from the clerk or proper officer
4 setting out that the applicant has presented his or her
5 application to the governing authority of the municipality and
6 has obtained its consent and approval, issue an entertainment
7 district retail liquor license for a restaurant, hotel, civic
8 center authority, dinner theatre, lounge, or club, which will
9 authorize the licensee to purchase liquor from the board or as
10 authorized by the board and to purchase wine and beer,
11 including draft or keg beer, from any wholesale licensee of
12 the board and to sell liquor and wine, dispensed from
13 containers of any size, and beer, including draft or keg beer,
14 to the patrons, guests, or members for consumption in any part
15 of the entertainment district. The patrons, guests, or members
16 may exit the licensed premises with open containers of
17 alcoholic beverages and consume alcoholic beverages anywhere
18 within the confines of the entertainment district, which shall
19 be permitted, but may not enter from outside another licensed
20 premises with open containers or closed containers of
21 alcoholic beverages acquired elsewhere during times when that
22 licensee is dispensing alcoholic beverages acquired pursuant
23 to its license.

24 (b) The term "on-premises" as applied to consumption
25 in each such entertainment district shall include anywhere
26 within the district without violating the terms or conditions

1 of licensure but shall not extend the confines of the licensed
2 premises.

3 Section 3. The governing body of any Class 1, Class
4 2, or Class 3 municipality may establish not more than two
5 entertainment districts within its corporate limits, but not
6 in residential areas, each of which shall have not fewer than
7 four licensees holding a retail liquor license in that area;
8 and may not exceed one-half mile by one-half mile in area, but
9 may be irregularly shaped.

10 Section 4. Section 28-3A-21 of the Code of Alabama
11 1975, is amended to read as follows:

12 "\$28-3A-21.

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

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

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

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

22 "(4) Wholesaler license, beer license fee of five
23 hundred fifty dollars (\$550) or wine license fee of five
24 hundred fifty dollars (\$550); license fee for beer and wine of
25 seven hundred fifty dollars (\$750); plus two hundred dollars
26 (\$200) for each warehouse in addition to the principal
27 warehouse.

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

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

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

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

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

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

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

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

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

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

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

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

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

7 "(c) In addition to the foregoing filing fee and
8 license taxes or fees, any county or municipality in which the
9 sale of alcoholic beverages is permitted shall be authorized
10 to fix and levy privileges or license taxes on any of the
11 foregoing licenses located or operated therein, conditioned on
12 a permit or license being issued by the board.

13 "(d) No county or municipality shall have any
14 authority to levy a license or tax of any nature on any liquor
15 store."

16 Section 5. All laws or parts of laws which conflict
17 with this act are repealed. All general, local, and special
18 laws or parts of such laws insofar as they designate or
19 restrict the boundaries, size, or area of such entertainment
20 districts are hereby repealed.

21 Section 6. This act shall become effective
22 immediately following its passage and approval by the
23 Governor, or its otherwise becoming law.

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3 Senate

4 Read for the first time and referred to the Senate
5 committee on Tourism and Marketing 09-MAR-10
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7 Read for the second time and placed on the calen-
8 dar with 1 substitute and 11-MAR-10
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10 Read for the third time and passed as amended ... 08-APR-10

11 Yeas 22
12 Nays 2

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15 McDowell Lee
16 Secretary
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