

1 HB71
2 216084-4
3 By Representative Oliver
4 RFD: Economic Development and Tourism
5 First Read: 11-JAN-22
6 PFD: 01/10/2022

1 on-premises consumption only. The club shall be licensed to
2 sell alcoholic beverages to its members and their guests as a
3 club liquor retail licensee by the Alabama Alcoholic Beverage
4 Control Board, upon the club's compliance with the provisions
5 of the alcoholic beverage licensing code and the regulations
6 made thereunder. The original application shall be accompanied
7 by a certificate from the board of control of the district in
8 which the licensed club is located, consenting to and
9 approving the sale of alcoholic beverages at the club. The
10 club shall not be required to present its application or
11 obtain the consent and approval of any authority other than
12 the board of control of the district.

13 "(2) MEMBER. Any person or entity whose membership
14 application has been approved by the club.

15 "(3) ON-PREMISES CONSUMPTION. Consumption on the
16 property of the club, including the club house, the golf
17 course, and other recreational facilities of the club. Sales
18 of alcoholic beverages for on-premises consumption shall be
19 made only by authorized charge to a member's account.

20 "(b) If a majority of the board of control of a
21 community development district formed pursuant to Section
22 35-8B-1(e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (p),
23 or (q) consents to and approves the sale and distribution of
24 alcoholic beverages within the district for seven days a week,
25 any person within the district licensed by the Alabama
26 Alcoholic Beverage Control Board may sell alcoholic beverages
27 in the district for on-premises consumption.

1 "(c) If a majority of the board of a community
2 development district formed pursuant to Section 35-8B-1(h)
3 consents to and approves the sale of alcoholic beverages
4 within the district for seven days a week, any person within
5 the district with the appropriate license from the Alabama
6 Alcoholic Beverage Control Board may sell alcoholic beverages
7 in the district for on-premises or off-premises consumption,
8 subject to approval by a referendum as provided herein.

9 "(1) If the community development district is
10 situated entirely within the corporate limits of a
11 municipality, then upon a petition by the board of the
12 district being filed with the city or town clerk or governing
13 body of the municipality, the governing body must call a
14 municipal referendum election on the question of whether to
15 authorize the sale of alcoholic beverages in the district as
16 provided in the petition. The municipal election shall be held
17 at the time of the primary, general, county-wide, or municipal
18 election next succeeding the date of the filing of the
19 petition but not less than 82 days from the date of the filing
20 of the petition. The cost of the municipal election, including
21 the cost of notice by publication, shall be paid out of the
22 general fund of the municipality.

23 "(2) If the community development district is not
24 situated entirely within the corporate limits of a
25 municipality, then upon a petition by the board of the
26 district being filed with the probate judge of the county, the
27 probate judge must call a county-wide referendum election on

1 the question of whether to authorize the sale of alcoholic
2 beverages in the district as provided in the petition. The
3 county-wide election shall be held at the time of the
4 regularly scheduled primary or general election next
5 succeeding the date of the filing of the petition but not less
6 than 82 days from the date of the filing of the petition. The
7 cost of the election, including the cost of notice by
8 publication, shall be paid out of the general funds of the
9 county.

10 "(3) Notice of any referendum election called
11 pursuant to the provisions hereof shall be given by the city
12 or town clerk for municipal elections, or by the probate judge
13 for county-wide elections, by publication at least three weeks
14 before the date of the election, in a newspaper in the
15 municipality or county, as appropriate, or, if there be none,
16 by posting such notice at the town or city hall or county
17 courthouse, as appropriate, apprising the voters of the
18 municipality or county that an election will be held to
19 determine whether alcoholic beverages may be sold within the
20 district as provided in the petition.

21 "(4) If a majority of the electors voting in a
22 referendum called pursuant hereto votes "yes" in favor of the
23 question, then the sale of alcoholic beverages in the district
24 as provided in the petition shall be authorized. If a majority
25 of the electors votes "no," then the sale of alcoholic
26 beverages in the district shall be authorized only as provided
27 by the laws in effect for the district prior to the filing of

1 the petition, and the board of the community development
2 district shall not file another petition under this subsection
3 within 12 months of the referendum election.

4 "(d) In any community development district formed
5 pursuant to Section 35-8B-1(e) or (f) in which the sale of
6 alcoholic beverages has been approved pursuant to this
7 section, the board of that district may establish an
8 entertainment district within the district, which may not
9 exceed one-half mile by one-half mile in area, but may be
10 irregularly shaped.

11 "(1) The Alabama Alcoholic Beverage Control Board
12 may issue an entertainment district designation to any
13 retailer licensee that is licensed to sell alcoholic beverages
14 for on-premises consumption and to any manufacturer licensee
15 that conducts tastings or samplings on the licensed premises,
16 provided the licensees are located in an entertainment
17 district established pursuant to this subsection.

18 "(2) Notwithstanding any provision of law to the
19 contrary, a licensee who receives an entertainment district
20 designation under this subsection shall comply with all laws
21 and rules governing its license type, as well as the
22 limitations specified in this section, except that patrons,
23 guests, or members of that licensee may exit that licensed
24 premises with open containers of alcoholic beverages and
25 consumer alcoholic beverages anywhere within the confines of
26 the entertainment district.

1 "(3)a. For purposes of this subsection, the term
2 on-premises as applied to consumption within the entertainment
3 district shall include anywhere within the district,
4 regardless of the terms or conditions of licensure.

5 "b. The permission granted by this subsection
6 permitting the consumption of alcoholic beverages anywhere
7 within the confines of the entertainment district shall not be
8 construed to extend the confines of the licensed premises.

9 "(4) The operation of an entertainment district
10 established in a community development district pursuant to
11 this subsection shall not be affected by any future annexation
12 of that district or any part of that district into a
13 municipality.

14 ~~"(d)~~ (e) In addition to the limitations specified in
15 this section, with regard to a community development district
16 defined in subsections (a) and (b), alcoholic beverages shall
17 be sold only for on-premises consumption, as defined in
18 subdivision (a) (3), and in regard to a community development
19 district defined in subsection (b), alcoholic beverages shall
20 not be sold within 3,000 feet of the south right-of-way of any
21 state or federal highway adjacent to any such district."

22 Section 2. This act shall become effective on the
23 first day of the third month following its passage and
24 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Economic Devel-
opment and Tourism..... 11-JAN-22

Read for the second time and placed
on the calendar..... 02-FEB-22

Read for the third time and passed
as amended..... 08-FEB-22

Yeas 80, Nays 5, Abstains 15

Jeff Woodard
Clerk