

1 SB146
2 189554-1
3 By Senator Livingston
4 RFD: Fiscal Responsibility and Economic Development
5 First Read: 11-JAN-18

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8 SYNOPSIS: Under existing law, there is a process for
9 establishing community development districts that
10 meet certain requirements. Once established, the
11 sale of alcoholic beverages for on-premises
12 consumption is authorized within the district by
13 certain entities otherwise licensed by the
14 Alcoholic Beverage Control Board.

15 This bill would provide for the sale of
16 alcoholic beverages for off-premises consumption by
17 licensees of the board in a specified community
18 development district.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT

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24 To amend Section 35-8B-3, Code of Alabama 1975, as
25 amended by Act 2017-350 and Act 2017-359 of the 2017 Regular
26 Session, relating to community development districts; to

1 provide for the sale of alcoholic beverages for off-premises
2 consumption in a specified district.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 35-8B-3, Code of Alabama 1975, as
5 amended by Act 2017-350 and Act 2017-359 of the 2017 Regular
6 Session, is amended to read as follows:

7 "§35-8B-3.

8 "(a) If a majority of the board of control of a
9 community development district formed under Section
10 35-8B-1(a), (b), or (d) consents to and approves the sale and
11 distribution of alcoholic beverages within the district, it
12 shall be lawful to sell and distribute alcoholic beverages in
13 the community development district in the following manner and
14 subject to the following terms, definitions, and conditions:

15 "(1) Upon being licensed by the Alabama Alcoholic
16 Beverage Control Board, alcoholic beverages may be sold by the
17 club of the district to members and their guests for
18 on-premises consumption only. The club shall be licensed to
19 sell alcoholic beverages to its members and their guests as a
20 club liquor retail licensee by the Alabama Alcoholic Beverage
21 Control Board, upon the club's compliance with the provisions
22 of the alcoholic beverage licensing code and the regulations
23 made thereunder. The original application shall be accompanied
24 by a certificate from the board of control of the district in
25 which the licensed club is located, consenting to and
26 approving the sale of alcoholic beverages at the club. The
27 club shall not be required to present its application or

1 obtain the consent and approval of any authority other than
2 the Board of Control of the district.

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

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

10 "(b) If a majority of the board of control of a
11 community development district formed pursuant to Section
12 35-8B-1(e), (f), (g), (h), (i), (j), (k), or (l) consents to
13 and approves the sale and distribution of alcoholic beverages
14 within the district for seven days a week, any person within
15 the district licensed by the Alabama Alcoholic Beverage
16 Control Board may sell alcoholic beverages in the district for
17 on-premises consumption.

18 "(c) If a majority of the board of a community
19 development district formed pursuant to Section 35-8B-1(h)
20 consents to and approves the sale of alcoholic beverages
21 within the district for seven days a week, any person within
22 the district with the appropriate license from the Alabama
23 Alcoholic Beverage Control Board may sell alcoholic beverages
24 in the district for on-premises or off-premises consumption."

25 Section 2. This act shall become effective
26 immediately following its passage and approval by the
27 Governor, or its otherwise becoming law.

