

1 HB89
2 155714-3
3 By Representative Ison
4 RFD: State Government
5 First Read: 14-JAN-14
6 PFD: 01/06/2014

1 purpose of preparing and serving meals, with a seating
2 capacity of at least 60 patrons; (iii) social club memberships
3 with at least 100 paid-up members who have paid a membership
4 initiation fee of not less than two hundred fifty dollars
5 (\$250) per membership; (iv) membership policies whereby
6 membership is not denied or impacted by an applicant's race,
7 color, creed, religion, or national origin; and (v) a
8 full-time management staff for the social activities of the
9 club, including the management of the premises where food and
10 drink are sold.

11 (b) "Community development district" also means
12 privately owned property used for social purposes that: (1) Is
13 a size of at least 250 acres of contiguous land area; (2) is
14 located in a dry county that has one or more wet
15 municipalities, but outside the corporate limits of any
16 municipality; (3) is a social club with: (i) An 18-hole golf
17 course of regulation size; (ii) a marina and boat storage
18 facility with at least 35 spaces; (iii) a clubhouse with more
19 than 20,000 square feet; (iv) a restaurant or eatery used
20 exclusively for the purpose of preparing and serving meals,
21 with a seating capacity of at least 88 patrons; (v) at least
22 600 paid-up golf or social members who have paid a membership
23 initiation fee of not less than two thousand dollars (\$2,000)
24 per family or individual membership; (vi) membership policies
25 whereby membership is not denied or impacted by an applicant's
26 race, color, creed, religion, or national origin; and (vii) a
27 full-time management staff for the social activities of the

1 club, including the management of the premises where food and
2 drink are sold.

3 "(c) In addition to the limitations specified in
4 Section 35-8B-3, with regard to a community development
5 district defined in subsections (a) and (b) of this section,
6 alcoholic beverages shall be sold only for on-premises
7 consumption, as defined in Section 35-8B-3 (3), and in regard
8 to a community development district defined in subsection (b),
9 alcoholic beverages shall not be sold within 3,000 feet of the
10 south right-of-way of any state or federal highway adjacent to
11 any such district.

12 "(d) "Community development district" also means a
13 private residential development that may or may not include
14 additional contiguous privately-owned property used for
15 residential, social, commercial, or charitable purposes that:
16 (1) Is the size of at least 650 acres of contiguous land area,
17 but may also contain non-contiguous land if so divided by a
18 public highway which shall be made part of the district per
19 the articles of establishment; (2) is located in a dry county
20 that has one or more wet municipalities, but may be outside
21 the corporate limits of any municipality or within the
22 corporate limits of a municipality; (3) has the following: (i)
23 At least a 9-hole golf course; (ii) an amenity complex to
24 include a fitness center and a swimming pool; (iii) a
25 clubhouse with at least 7,000 square feet; (iv) a restaurant
26 or eatery used for the purpose of preparing and serving meals,
27 with a seating capacity of at least 50 patrons; (v) a

1 recreational lake of at least 30 acres; (vi) at least 200
2 paid-up golf or club memberships paid initially by either the
3 developer, residential landowners, or commercial entities
4 located within the district at the rate of at least five
5 hundred dollars (\$500) per membership provided the developer
6 reserves the right through residential and commercial lease
7 and purchase agreements to require additional membership and
8 initiation fees and further provided the developer has the
9 discretion to restrict use of the golf course to district
10 landowners and guests or at the developer's discretion to
11 extend use of the golf course to the general public subject to
12 fees set and determined by the developer which may differ from
13 fees applicable to residential and commercial lease and
14 purchase agreements; and (vii) membership policies whereby
15 membership is not denied or impacted by an applicant's race,
16 color, religion, or national origin; (4) may include a
17 multi-purpose use entertainment facility with a minimum
18 capacity to accommodate at least 7,500 patrons; and (5) may
19 include commercial establishments. Notwithstanding any other
20 provisions of law, the sale and distribution of alcoholic
21 beverages, including draft or keg beer, by licensees of the
22 Alcoholic Beverage Control Board shall be authorized in a
23 community development district defined under this subsection
24 and Section 35-8B-3 shall not apply.

25 "(e) "Community development district" also means a
26 commercial district located in a wet county that does not
27 authorize Sunday sales and outside the corporate limits and

1 police jurisdiction of any municipality and which has a
2 restaurant with a seating capacity of at least 120, a
3 grocery-delicatessen, riding stables and riding trails, a
4 community information center, outdoor programming activities,
5 and rural lifestyle demonstrations.

6 "(f) If a community development district is located
7 in any county, including within any wet or dry municipality
8 located within the county, the county shall participate in the
9 distribution of taxes and license fees pursuant to Chapters 3
10 and 3A of Title 28.

11 "(g) Any alcohol revenues received by a county under
12 Act 2007-417 shall offset in an equal amount any T.V.A.
13 in-lieu-of-taxes payments received by the county. Any T.V.A.
14 in-lieu-of-taxes payments replaced by alcohol revenues under
15 this subsection shall be distributed to T.V.A.-served
16 counties.

17 "(h) If a community development district established
18 prior to the effective date of this act becomes a new
19 municipality pursuant to Sections 11-41-1 and 11-41-2, Code of
20 Alabama 1975, the section requiring a vote of the residents of
21 the property described in the petition, the new municipality
22 created thereby shall be wet and the sale and distribution of
23 alcoholic beverages therein shall be authorized to the full
24 extent of any other wet municipality. In addition to the other
25 requirements for incorporating into a municipality set forth
26 in Sections 11-41-1 and 11-41-2, Code of Alabama 1975, the

1 petition shall provide notice to potential voters that if the
2 new municipality is incorporated it shall be wet."

3 Section 2. This act shall become effective on the
4 first day of the third month following its passage and
5 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 State Government
..... 14-JAN-14

Read for the second time and placed
on the calendar..... 15-JAN-14

Read for the third time and passed
as amended..... 30-JAN-14

Yeas 69, Nays 10, Abstains 5

Jeff Woodard
Clerk