

1 HB269  
2 145882-5  
3 By Representatives Williams (P), Ball, Johnson (W), McMillan,  
4 Patterson, McCutcheon and Hall  
5 RFD: Economic Development and Tourism  
6 First Read: 14-FEB-13

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ENROLLED, An Act,

To amend Act 2012-438, now appearing as Section 28-3A-17.1, Code of Alabama 1975, to provide that the governing body of a Class 3 municipality or the governing body of any municipality which is located 15 miles north of the Gulf of Mexico may establish up to five entertainment districts within its corporate limits, and the governing body of a Class 8 municipality which is located in a county with a Class 3 municipality may establish one entertainment district within its corporate limits.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Act 2012-438, now appearing as Section 28-3A-17.1, Code of Alabama 1975, is amended to read as follows:

"§28-3A-17.1.

"(a) The provisions of this section shall only apply to Class 1, Class 2, Class 3, Class 4, and Class 5, ~~including only Phenix City, Selma, and Pritchard,~~ municipalities and municipalities with an incorporated arts council, main street program, or downtown development entity.

"(b) Upon compliance of the applicant with the provisions of this chapter, and the regulations made thereunder which are not in conflict with the provisions of this section, the Alabama Alcoholic Beverage Control Board may

1 issue an entertainment district designation for any retail  
2 license authorized in this chapter which allows the licensee  
3 to sell alcoholic beverages for consumption on the licensed  
4 premises and which licensed premises is located in an  
5 entertainment district established as provided in subsection  
6 (d) A licensee who receives an entertainment district  
7 designation for an on-premises retail license shall comply  
8 with all laws, rules, and regulations which govern its license  
9 type, except that the patrons, guests, or members of that  
10 licensee may exit that licensed premises with open containers  
11 of alcoholic beverages and consume alcoholic beverages  
12 anywhere within the confines of the entertainment district,  
13 which shall be permitted, but may not enter another licensed  
14 premises with open containers or closed containers of  
15 alcoholic beverages acquired elsewhere.

16 "(c) The permission granted by subsection (b)  
17 permitting the consumption of alcoholic beverages anywhere  
18 within the confines of the entertainment district shall not  
19 extend the confines of the licensed premises.

20 "~~(d) The governing body of a Class 1 municipality~~  
21 ~~may establish up to five entertainment districts within its~~  
22 ~~corporate limits, each of which must have not fewer than four~~  
23 ~~licensees holding a retail liquor license in that area, and~~  
24 ~~each district may not exceed one-half mile by one-half mile in~~  
25 ~~area, but may be irregularly shaped.~~ The governing body of

1 any Class 2, ~~Class 3, Class 4,~~ or Class 5 municipality covered  
2 by this amendatory act, or a municipality with an incorporated  
3 arts council, main street program, or downtown development  
4 entity may establish not more than two entertainment districts  
5 within its corporate limits, each of which must have not fewer  
6 than four licensees holding a retail liquor license in that  
7 area, and each district may not exceed one-half mile by  
8 one-half mile in area, but may be irregularly shaped.

9 "(e) The governing body of a Class 1 municipality,  
10 Class 4 municipality and the governing body of a Class 3  
11 municipality, Class 3 municipality, or any municipality which  
12 is located 15 miles north of the Gulf of Mexico, may establish  
13 up to five entertainment districts within the corporate  
14 limits, each of which must have not fewer than four licensees  
15 holding a restaurant retail liquor license, an on-premises  
16 alcoholic beverage license, or other retail liquor license in  
17 that area and each district may not exceed one-half mile by  
18 one-half mile in area, but may be irregularly shaped.

19 The governing body of a Class 8 municipality which  
20 is located in a county with a Class 3 municipality may  
21 establish two entertainment districts within its corporate  
22 limits which may not have fewer than four licensees holding a  
23 retail liquor license in that area and may not exceed one-half  
24 mile by one-half mile in area, but may be irregularly shaped.

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

5           "~~(e)~~(f) All laws or parts of laws which conflict  
6           with this section are repealed. All general, local, and  
7           special laws or parts of such laws insofar as they designate  
8           or restrict the boundaries, size, or area of such  
9           entertainment districts are hereby repealed."

10           Section 2. The provisions of this act are severable.  
11           If any part of this act is declared invalid or  
12           unconstitutional, that declaration shall not affect the part  
13           which remains.

14           Section 3. This act shall become effective on the  
15           first day of the third month following its passage and  
16           approval by the Governor, or its otherwise becoming law.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

---

Speaker of the House of Representatives

---

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 04-APR-13, as amended.

Jeff Woodard  
Clerk

Senate	20-MAY-13	Amended and Passed
House	20-MAY-13	Concurred in Senate Amendment