

1 SB64
2 216084-6
3 By Senator Chambliss
4 RFD: Governmental Affairs
5 First Read: 11-JAN-22

1 SB64

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4 ENROLLED, An Act,

5 Relating to community development districts; to
6 amend Section 35-8B-3, Code of Alabama 1975, relating to sale
7 and distribution of alcoholic beverages within community
8 development districts; to authorize the establishment of
9 entertainment districts within certain community development
10 districts.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Section 35-8B-3, Code of Alabama 1975, is
13 amended to read as follows:

14 "§35-8B-3.

15 "(a) If a majority of the board of control of a
16 community development district formed under Section
17 35-8B-1(a), (b), or (d) consents to and approves the sale and
18 distribution of alcoholic beverages within the district, it
19 shall be lawful to sell and distribute alcoholic beverages in
20 the community development district in the following manner and
21 subject to the following terms, definitions, and conditions:

22 "(1) Upon being licensed by the Alabama Alcoholic
23 Beverage Control Board, alcoholic beverages may be sold by the
24 club of the district to members and their guests for
25 on-premises consumption only. The club shall be licensed to

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

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

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

19 "(b) If a majority of the board of control of a
20 community development district formed pursuant to Section
21 35-8B-1(e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (p),
22 or (q) consents to and approves the sale and distribution of
23 alcoholic beverages within the district for seven days a week,
24 any person within the district licensed by the Alabama

1 Alcoholic Beverage Control Board may sell alcoholic beverages
2 in the district for on-premises consumption.

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

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

1 "(2) If the community development district is not
2 situated entirely within the corporate limits of a
3 municipality, then upon a petition by the board of the
4 district being filed with the probate judge of the county, the
5 probate judge must call a county-wide referendum election on
6 the question of whether to authorize the sale of alcoholic
7 beverages in the district as provided in the petition. The
8 county-wide election shall be held at the time of the
9 regularly scheduled primary or general election next
10 succeeding the date of the filing of the petition but not less
11 than 82 days from the date of the filing of the petition. The
12 cost of the election, including the cost of notice by
13 publication, shall be paid out of the general funds of the
14 county.

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

1 "(4) If a majority of the electors voting in a
2 referendum called pursuant hereto votes "yes" in favor of the
3 question, then the sale of alcoholic beverages in the district
4 as provided in the petition shall be authorized. If a majority
5 of the electors votes "no," then the sale of alcoholic
6 beverages in the district shall be authorized only as provided
7 by the laws in effect for the district prior to the filing of
8 the petition, and the board of the community development
9 district shall not file another petition under this subsection
10 within 12 months of the referendum election.

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

18 "(1) The Alabama Alcoholic Beverage Control Board
19 may issue an entertainment district designation to any
20 retailer licensee that is licensed to sell alcoholic beverages
21 for on-premises consumption and to any manufacturer licensee
22 that conducts tastings or samplings on the licensed premises,
23 provided the licensees are located in an entertainment
24 district established pursuant to this subsection.

1 "(2) Notwithstanding any provision of law to the
2 contrary, a licensee who receives an entertainment district
3 designation under this subsection shall comply with all laws
4 and rules governing its license type, as well as the
5 limitations specified in this section, except that patrons,
6 guests, or members of that licensee may exit that licensed
7 premises with open containers of alcoholic beverages and
8 consumer alcoholic beverages anywhere within the confines of
9 the entertainment district.

10 "(3)a. For purposes of this subsection, the term
11 on-premises as applied to consumption within the entertainment
12 district shall include anywhere within the district.

13 "b. The permission granted by this subsection
14 permitting the consumption of alcoholic beverages anywhere
15 within the confines of the entertainment district shall not be
16 construed to extend the confines of the licensed premises.

17 "(4) The operation of an entertainment district
18 established in a community development district pursuant to
19 this subsection shall not be affected by any future annexation
20 of that district or any part of that district into a
21 municipality.

22 ~~"(d)~~ (e) In addition to the limitations specified in
23 this section, with regard to a community development district
24 defined in subsections (a) and (b), alcoholic beverages shall
25 be sold only for on-premises consumption, as defined in

1 subdivision (a) (3), and in regard to a community development
2 district defined in subsection (b), alcoholic beverages shall
3 not be sold within 3,000 feet of the south right-of-way of any
4 state or federal highway adjacent to any such district."

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

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB64
Senate 01-FEB-22
I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Passed: 16-FEB-22

By: Senator Chambliss