

1 SB336
2 181869-2
3 By Senator Livingston
4 RFD: Fiscal Responsibility and Economic Development
5 First Read: 16-MAR-17

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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
23

24 To amend Section 35-8B-3, Code of Alabama 1975, as
25 amended by Act 2016-222 of the 2016 Regular Session, relating
26 to community development districts; to provide for the sale of

1 alcoholic beverages for off-premises consumption in certain
2 districts.

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 2016-222 of the 2016 Regular Session, is
6 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)a. 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.

19 "b. The club shall be licensed to sell alcoholic
20 beverages to its members and their guests as a club liquor
21 retail licensee by the Alabama Alcoholic Beverage Control
22 Board, upon the club's compliance with the provisions of the
23 alcoholic beverage licensing code and the regulations made
24 thereunder. The original application shall be accompanied by a
25 certificate from the board of control of the district in which
26 the licensed club is located, consenting to and approving the
27 sale of alcoholic beverages at the club. The club shall not be

1 required to present its application or obtain the consent and
2 approval of any authority other than the Board of Control of
3 the district.

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

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

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

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

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