

1 HB269  
2 145882-4  
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 ENGROSSED

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4 A BILL  
5 TO BE ENTITLED  
6 AN ACT  
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8 To amend Act 2012-438, now appearing as Section  
9 28-3A-17.1, Code of Alabama 1975, to provide that the  
10 governing body of a Class 3 municipality or the governing body  
11 of any municipality which is located 15 miles north of the  
12 Gulf of Mexico may establish up to five entertainment  
13 districts within its corporate limits.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Act 2012-438, now appearing as Section  
16 28-3A-17.1, Code of Alabama 1975, is amended to read as  
17 follows:

18 "§28-3A-17.1.

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

24 "(b) Upon compliance of the applicant with the  
25 provisions of this chapter, and the regulations made  
26 thereunder which are not in conflict with the provisions of  
27 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  
26 any Class 2, ~~Class 3, Class 4,~~ or Class 5 municipality covered  
27 by this amendatory act, or a municipality with an incorporated

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

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

17 For the purposes of this subsection, the term  
18 "on-premises" as applied to consumption within such  
19 entertainment district shall include anywhere within the  
20 district, regardless of the terms and conditions of licensure.

21 "(e)(f) All laws or parts of laws which conflict  
22 with this section are repealed. All general, local, and  
23 special laws or parts of such laws insofar as they designate  
24 or restrict the boundaries, size, or area of such  
25 entertainment districts are hereby repealed."

26 Section 2. The provisions of this act are severable.  
27 If any part of this act is declared invalid or

1 unconstitutional, that declaration shall not affect the part  
2 which remains.

3           Section 3. 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 Economic Devel-  
opment and Tourism..... . . . . . 14-FEB-13

Read for the second time and placed  
on the calendar 2 amendments ..... . . . . . 28-FEB-13

Read for the third time and passed  
as amended..... . . . . . 04-APR-13

Yeas 70, Nays 23, Abstains 2

Jeff Woodard  
Clerk