

Amendment No. 12 to HB1720

**Montgomery
Signature of Sponsor**

AMEND Senate Bill No. 1955*

House Bill No. 1720

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 57-2-103, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) The county legislative body of a county, other than in a county included within the provisions of § 57-2-103(d), may call an election of the qualified voters of the county upon the question of permitting and legalizing the manufacture of intoxicating liquors and other intoxicating drinks within the boundaries of the county.

SECTION 2. Tennessee Code Annotated, Section 57-2-103, is amended by adding the following new subsections:

(d)

(1) Notwithstanding subsections (a) through (c), it shall be lawful to manufacture intoxicating liquors and/or intoxicating drinks within the boundaries of the following counties, if both retail package sales and liquor-by-the-drink have been approved through voter referendum within the county or if the county is included in the Tennessee River resort district as defined in § 57-4-102 and retail package sales have been approved through voter referendum within such county. The provisions of this subdivision (1) shall apply in any county having a population in excess of five hundred thousand (500,000) and in the following counties based on populations, all according to the 2000 federal census or any subsequent federal census:

not less than

nor more than

7,600	7,700
17,900	18,000
44,200	44,300
46,800	46,900
71,100	71,200
105,800	105,900
126,600	126,700
153,000	153,100
182,000	182,100

(2) In addition, the provisions of subdivision (1) shall also apply in the following counties based on populations according to the 2000 federal census or any subsequent federal census, notwithstanding the fact that neither liquor-by-the-drink nor retail package stores have been authorized within such counties:

<u>not less than</u>	<u>nor more than</u>
12,300	12,368
17,475	17,575

(3) Any facility producing such intoxicating liquors or intoxicating drinks may be located in the unincorporated areas of the county, notwithstanding any other provision of law to the contrary.

(4) If a manufacturer which has been issued a license pursuant to this subsection (d) is also issued a license for the retail sale of alcoholic beverages in accordance with § 57-3-204 (f) and such manufacturer is located in a county that, pursuant to § 57-5-105, has established a distance requirement which restricts the storage, sale or manufacture of beer from places of public gatherings, then such distance requirements in effect in such county shall apply to the building used for such retail sale

with respect to any building used for religious purposes. Such measurement shall be a building-to-building measurement.

(e) Any manufacturer's license issued pursuant to subsection (c) or (d) above shall comply with the provisions of § 57-3-202.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect July 1, 2009, the public welfare requiring it.