Conference Committee Report on

House Bill No. 1720 / Senate Bill No. 1955

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No.1720 (Senate Bill No. 1955) has met and recommends that the following amendments be deleted: Senate Amendment Nos. 1 and 2 and House Amendment Nos. 1, 2, 4, 6, 7, 8, 10 and 11

The Committee further recommends that the following amendment be adopted:

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 adding the following new subsections:

(d)

(1)

(A) Notwithstanding subsections (a) through (c), it shall be lawful to manufacture intoxicating liquors and/or intoxicating drinks within the boundaries of those counties included in subdivision (B), 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.

(B) The provisions of this subdivision (d) shall apply in any county having a population according to the 2000 federal census or any subsequent federal census of:

not less than	nor more than
71,300	71,400
105,800	105,900
35,900	36,000
46,800	46,900
43,100	43,200
37,200	37,300
39,200	39,300
48,125	48,200
29,400	29,450
62,900	63,000
14,300	14,400
25,575	25,650
53,500	53,600
31,100	31,200
17,900	18,000
44,200	44,300
382,000	382,100
27,100	27,200
91,800	91,900
27,700	27,800
26,700	26,800
134,700	134,800
7,600	7,700
51,900	52,000

54,400	54,500
182,000	182,100
11,369	11,450
71,100	71,200
17,700	17,775
153,000	153,100
51,200	51,300
107,100	107,200
126,600	126,700

and in any county having a population of more than five hundred thousand (500,000) according to the 2000 federal census or any subsequent federal census.

(2)

(A) The county legislative body of any other county to which subdivision (1)(A) applies may adopt a resolution to apply this subdivision (d) within the boundaries of its county. The county mayor shall notify the alcoholic beverage commission if such action is taken and approved.

(B)

(i) Notwithstanding a county's inclusion in subdivision (1)(B), the county legislative body of any such county may adopt a resolution to remove the county from the application of subdivision (d) subject to the restrictions in subdivision (ii). The county mayor shall notify the

alcoholic beverage commission and the Tennessee code commission if such action is taken and approved.

(ii) Such action may be taken by the county legislative body until a written notification is filed with the county mayor by any person as an official notice that such person intends to pursue all lawful avenues to manufacture intoxicating liquors and/or intoxicating drinks within the boundaries of the county. Once such a notice is filed no action may be taken by the county legislative body unless such interest is withdrawn or the person's application to manufacture such intoxicating liquors and/or intoxicating drinks is denied by the state or federal government.

(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 2. 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 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Joe Haynes

Representative John Tidwell

Senator Bill Ketron

Representative Richard Montgomery

Senator Doug Overbey

Representative Joe Carr