

**CHAPTER NO. 733**

**SENATE BILL NO. 1528**

**By Cohen**

**Substituted for: House Bill No. 1551**

**By Ulysses Jones**

AN ACT to amend Tennessee Code Annotated, Section 57-4-102, relative to consumption of alcoholic beverages in certain premier type tourist resorts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 57-4-102(24), is amended by adding the following language as a new, appropriately designated subdivision:

- (\_) A commercially operated facility containing all of the following characteristics:
  - (i) The facility has a marina with approximately one hundred sixty-six (166) wet slips and approximately one hundred thirty-three (133) dry storage units;
  - (ii) The facility is located within a lake-resort, gated residential development of at least twelve hundred (1,200) acres having in excess of four hundred fifty (450) single family homes and condominium units;
  - (iii) The facility is located on a lake which has over eight hundred thirty-four (834) miles of shore line;
  - (iv) The facility will have a restaurant with a seating capacity of at least fifty (50) people, serving at least two (2) meals a day;
  - (v) The facility does not discriminate against any patron on the basis of age, gender, sexual orientation, race, religion or national origin; and
  - (vi) The facility is located within a county having a population of not less than thirty-nine thousand eight hundred (39,800) nor more than thirty-nine thousand eight hundred seventy-five (39,875), according to the 2000 federal census or any subsequent federal census.

SECTION 2. Tennessee Code Annotated, Section 57-4-102(24), is further amended by adding the following language as a new, appropriately designated subdivision:

- (\_)
  - (i) A commercially operated facility containing all of the following characteristics:

(a) The facility has on its premises a marina which has at least two hundred fifty (250) covered or uncovered wet slips and at least seventy-five (75) dry rack slips;

(b) The facility has on its premises property leased or available for lease to a boating, yachting or waterbased recreational club;

(c) The facility has on its premises a restaurant, providing food service to the public or for private events, with seating in the restaurant for at least fifty (50) persons at tables, whether or not such seating is inside or on a deck or patio adjacent to the restaurant;

(d) The facility has the capacity to serve as a home berth location for a commercial vessel for hire or for public cruises of at least seventy-five (75) feet in length.

(ii) When used in this subdivision, the "facility" under subdivision (i) above shall include any location within the property designated by the licensee.

(iii) A facility under this section shall also include any passenger sternwheel paddleboat, licensed by the United States Coast Guard, with rated passenger capacity of not less than one hundred (100) passengers and which paddleboat shall be at least seventy-five (75) feet in length, which may use the marina facilities as described in subdivision (i) above for its home or principal secondary port dock. The authority conferred under this subdivision, authorizing the sale or distribution of alcoholic beverages, including beer, on any qualified sternwheel paddleboat shall extend only so long as such paddleboat is located at the marina facility described in subdivision (i) above or is within one hundred (100) miles of such marina facility.

(iv) For purposes of obtaining a license under this subdivision, the commission shall be authorized to issue a license solely to the owner or operator of a sternwheel paddleboat, meeting the qualifications of subdivision (iii) above, whether or not the facility described in subdivision (i) receives a license under this chapter.

SECTION 3. Tennessee Code Annotated, Section 57-4-102(24), is further amended by adding the following language as a new, appropriately designated subdivision:

(\_) A commercially operated restaurant located within a county having a population of not less than thirty nine thousand seven hundred fifty (39,750) nor more than forty thousand (40,000) and also located within the corporate limits of a municipality having a population of not less than seven thousand seven hundred fifty (7,750) nor more than eight thousand (8,000) according to the 2000 federal census or any subsequent federal census, and in addition to satisfying the requirements of subsection 27(A) of this section, also meets the following additional requirements:

(i) The facility is in a structure of not less than six thousand (6,000) square feet;

(ii) The facility has seating at tables, for at least two hundred (200) persons; and

(iii) The facility serves at least two (2) meals a day, five (5) days a week with the exception of holidays, vacations and periods of redecorating.

SECTION 4. Tennessee Code Annotated, Section 57-4-102(24), is further amended by adding the following language as a new, appropriately designated subdivision:

(\_) A commercially operated recreational facility possessing each of the following characteristics:

(i) Owning and operating one or more golf courses, which include practice putting greens, chipping greens and a driving range;

(ii) Operating a clubhouse facility, of at least eight thousand (8,000) square feet, containing a commercial quality kitchen and seating for at least one hundred fifty (150) persons at tables;

(iii) Operating a private clubhouse of at least five thousand (5,000) square feet with seating at tables for at least one hundred ninety (190) persons, and which private clubhouse contains a full service kitchen;

(iv) Located on a minimum of one hundred thirty-seven (137) acres; and

(v) Located within a county which a major interstate passes through, supports a Tennessee Board of Regents university of approximately nine thousand three hundred (9,300) students for the academic year of 2006 and whose sports teams are nicknamed the "GOLDEN EAGLES".

SECTION 5. Tennessee Code Annotated, Section 57-4-102(24), is further amended by adding the following language as a new, appropriately designated subdivision:

(\_) A facility operated either commercially or on a nonprofit basis as a club which contains the following characteristics:

(i) A clubhouse having not less than approximately five thousand eight hundred (5,800) square feet;

(ii) An eighteen-hole golf course for use by its members and their guests;

(iii) A restaurant with a suitable kitchen, dining facilities and equipment serving two (2) meals daily and open six (6) days a week;

(iv) Is part of a planned unit development;

(v) Has at least one hundred (100) members regularly paying dues;

(vi) Does not discriminate against any patron on the basis of age, gender, sexual orientation, race, religion or national origin; and

(vii) Is located in a county having a population of not less than three hundred seven thousand eight hundred (307,800) nor more than three hundred seven thousand nine hundred (307,900) according to the 2000 federal census or any subsequent federal census.

SECTION 6. Tennessee Code Annotated, Section 57-4-102(24), is further amended by adding the following language as a new, appropriately designated subdivision:

(\_) It is lawful for a facility providing full service dining that contains the following characteristics:

(i) The facility provides seating at tables for not less than one hundred twenty-five (125) persons and is located on approximately three (3) acres;

(ii) The dining area is at least four thousand eight hundred (4,800) square feet;

(iii) The facility provides seating, on a deck or a patio, for at least forty (40) persons, weather permitting, which deck or patio is in close proximity to a river or waterway;

(iv) The facility is located in a county with a population of not less than twenty-three thousand (23,000) nor more than twenty-three thousand two hundred (23,200) according to the 2000 federal census or any subsequent federal census;

to serve wine to be consumed on the premises, subject to the further provisions of this chapter other than § 57-4-103.

SECTION 7. Tennessee Code Annotated, Title 57, Chapter 4, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section \_\_\_\_\_. If a premises is authorized pursuant to this chapter to sell wine only, such premises shall also be authorized to sell high alcohol content beer. As used in this section "high alcohol content beer" means beer which contains an alcoholic content of more than five percent (5%) by weight.

SECTION 8. Tennessee Code Annotated, Section 57-4-102, is amended by deleting the language "sexual orientation" wherever it appears.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 8, 2006

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 23<sup>rd</sup> day of May 2006

  
PHIL BREDESEN, GOVERNOR