

AMENDED IN ASSEMBLY APRIL 23, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 2266

Introduced by Assembly Member Evans
(Principal coauthor: Senator Wiggins)

February 21, 2008

An act to add Section 23826.10 to the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 2266, as amended, Evans. Alcoholic beverages: licenses.

The Alcoholic Beverage Control Act, administered by the Department of Alcoholic Beverage Control, regulates the sale and distribution of alcoholic beverages and the granting of licenses for the manufacture, distribution, and sale of alcoholic beverages within the state. The act also provides for a limitation on the amount of on-sale general licenses that may be issued by the department based on the population of the county in which the licensed premises are located, as provided.

This bill would provide an exception to this limitation for a county of the 29th class, as specified. The bill makes legislative findings and declarations regarding the necessity of a special statute.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 23826.10 is added to the Business and
- 2 Professions Code, to read:

1 23826.10. (a) Notwithstanding any other provision of this
 2 chapter, in any county of the 29th class, *commencing January 1,*
 3 *2009,* the department may issue ~~15~~ *five* additional new original
 4 on-sale general licenses for bona fide public eating places *per year,*
 5 *for a period of three years.* Any premises to qualify for a license
 6 under this section shall have a seating capacity for 50 or more
 7 diners. In no event shall more than 15 on-sale general licenses for
 8 bona fide eating places be issued under this section.

9 (b) In issuing the licenses provided for in this section, the
 10 department shall follow the procedure set forth in Section 23961.

11 (c) Nothing in this chapter shall prohibit a person who currently
 12 holds a valid on-sale general license for seasonal business from
 13 applying for an original on-sale general license pursuant to this
 14 section.

15 (d) A license issued under this section shall not be transferred
 16 from one county to another nor shall it be transferred to any
 17 premises not qualifying under this section.

18 SEC. 2. The Legislature finds and declares that, because of the
 19 unique circumstances of the economy of the county of the 29th
 20 class specified in Section 1, that are applicable only to the county
 21 of the 29th class, a statute of general applicability cannot be enacted
 22 within the meaning of subdivision (b) of Section 16 of Article IV
 23 of the California Constitution, and, therefore, this special statute
 24 is necessary.