

1 HB431  
2 178775-1  
3 By Representative Nordgren (N & P)  
4 RFD: Local Legislation  
5 First Read: 16-MAR-17

2  
3  
4  
5  
6  
7  
8  
9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
12

13 Relating to Etowah County; authorizing separate  
14 elections within municipalities within the county and within  
15 the unincorporated area of the county to determine whether  
16 alcoholic beverages may be sold or distributed on Sunday by  
17 properly licensed retail licensees serving the general public.  
18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. This act shall apply only in Etowah  
20 County.

21 Section 2. (a) The voters of any municipality within  
22 the county may authorize the sale of alcoholic beverages  
23 within the municipality on Sunday by an election pursuant to  
24 this act, in the following manner:

25 The governing body of the municipality, by  
26 resolution, may call an election for the municipality to  
27 determine the sentiment of the voters of the municipality

1 residing within the corporate limits, as to whether alcoholic  
2 beverages may be legally sold or distributed on Sunday within  
3 the municipality.

4 (b) On the ballot to be used for the election, the  
5 question shall be in the following form: "Do you favor the  
6 legal sale and distribution of alcoholic beverages within this  
7 municipality on Sundays as further provided for and regulated  
8 by ordinance of the municipal governing body? Yes \_\_\_ No \_\_\_."

9 (c) The first election and any subsequent elections  
10 shall be held and the officers appointed to hold the election  
11 in the manner provided by law for holding other municipal  
12 elections, and the returns thereof tabulated and results  
13 certified as provided by law for municipal or general  
14 elections. Any Sunday sales election shall be held as provided  
15 in this act as a special election, or any subsequent municipal  
16 or general election not less than 30 days following the date  
17 of the resolution.

18 (d) Notice of the election shall be given by the  
19 governing body of the municipality by publication or by  
20 posting the notice at the town or city hall apprising the  
21 voters of the municipality, at least three weeks before the  
22 date of the election, that an election shall be held to  
23 determine whether alcoholic beverages may be sold in the  
24 municipality on Sunday. The cost of the election shall be paid  
25 out of the general fund of the municipality.

26 (e) Only qualified voters of the municipality may  
27 vote in the election. If a majority of the voters voting in

1 the municipal election vote "Yes," alcoholic beverages may be  
2 legally sold or dispensed within the corporate limits of the  
3 municipality on Sunday by licensees of the Alcoholic Beverage  
4 Control Board and the municipality serving the general public  
5 in accordance with applicable laws and regulations and as  
6 further provided for and regulated by ordinance of the  
7 municipal governing body. The municipality may enact, by  
8 ordinance, any policies it deems appropriate to regulate any  
9 aspect of Sunday alcoholic beverages sales within the  
10 municipality.

11 (f) If a majority of the voters voting in the  
12 municipal election vote "No," alcoholic beverages may not be  
13 sold or dispensed in the municipality on Sunday, except as  
14 otherwise authorized by law or by subsequent election which  
15 legalizes the sale and dispensing of alcoholic beverages on  
16 Sunday. A subsequent election shall not be held within 12  
17 months following an election under this section.

18 Section 3. (a) The voters in the unincorporated area  
19 of the county may authorize the sale of alcoholic beverages  
20 within the unincorporated area of the county on Sunday by an  
21 election pursuant to this act, in the following manner:

22 The county commission, by resolution, may call an  
23 election to determine the sentiment of the voters residing  
24 outside the corporate limits of any municipalities within the  
25 county, as to whether alcoholic beverages may be legally sold  
26 or distributed on Sunday in the unincorporated area of the

1 county as further provided for and regulated by ordinance of  
2 the county commission.

3 (b) On the ballot to be used for the election, the  
4 question shall be in the following form: "Do you favor the  
5 legal sale and distribution of alcoholic beverages outside the  
6 corporate limits of any municipalities within the county on  
7 Sunday as further provided for and regulated by ordinance of  
8 the county commission? Yes \_\_\_ No \_\_\_."

9 (c) The first election and any subsequent elections  
10 shall be held and the officers appointed to hold the election  
11 in the manner at the general election in November 2016, and  
12 the returns thereof tabulated and results certified as  
13 provided by law for county elections. Any Sunday sales  
14 election shall be held as provided in this act as a special  
15 election or at any subsequent countywide election not less  
16 than 30 days following the date of the resolution.

17 (d) Notice of the election shall be given by the  
18 judge of probate by publication or by posting the notice at  
19 the courthouse apprising the voters of the unincorporated area  
20 of the county, at least three weeks before the date of the  
21 election, that an election shall be held to determine whether  
22 alcoholic beverages may be sold in the unincorporated area of  
23 the county on Sunday. The cost of the election shall be paid  
24 out of the general fund of the county.

25 (e) Only qualified voters of the unincorporated area  
26 of the county may vote in the election. If a majority of the  
27 voters voting in the election vote "Yes," alcoholic beverages

1 can be legally sold or dispensed outside the corporate limits  
2 of any municipalities in the county on Sunday by licensees of  
3 the Alcoholic Beverage Control Board and the county serving  
4 the general public in accordance with applicable laws and  
5 regulations and as further provided for and regulated by the  
6 county commission. The county commission may enact, by  
7 ordinance, any policies it deems appropriate to regulate any  
8 aspect of Sunday alcoholic beverages sales in the  
9 unincorporated area of the county.

10 (f) If a majority of the voters voting in the  
11 election vote "No," alcoholic beverages may not be sold or  
12 dispensed in the unincorporated area of the county on Sunday,  
13 except as otherwise authorized by law or by subsequent  
14 election which legalizes the sale and dispensing of alcoholic  
15 beverages on Sunday. A subsequent election shall not be held  
16 within 12 months following an election under this section.

17 Section 4. The provisions of this act are cumulative  
18 and supplemental to the present power and authority of any  
19 municipality or the county and is not intended to, nor shall  
20 it be interpreted so as to, repeal any existing power or  
21 authority of any municipality or the county now permitted  
22 under the general laws of the state, or under any local or  
23 special act of the Legislature.

24 Section 5. The provisions of this act are cumulative  
25 and supplemental to the present power and authority of the  
26 county and are not intended to, nor shall it be interpreted so  
27 as to, repeal any existing power or authority of the county

1 now permitted under the general laws of the state, or under  
2 any local or special act of the Legislature.

3 Section 6. This act shall become effective  
4 immediately following its passage and approval by the  
5 Governor, or its otherwise becoming law.