

1 HB549
2 174096-5
3 By Representative Tuggle (N & P)
4 RFD: Local Legislation
5 First Read: 19-APR-16

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Tallapoosa 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 Tallapoosa
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.