

1 HB73
2 164728-5
3 By Representative Martin
4 RFD: Economic Development and Tourism
5 First Read: 03-MAR-15

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ENROLLED, An Act,

To amend Sections 28-2A-1 and 28-2A-3, Code of Alabama 1975, relating to municipal option elections; to remove the exclusion of Clay, Randolph, and Blount Counties from changing their classification from dry to wet or wet to dry by a municipal option election.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 28-2A-1 and 28-2A-3, Code of Alabama 1975, are amended to read as follows:

"§28-2A-1.

"(a) Any municipality having a population of ~~1,000~~ 500 1,000 or more, ~~excluding Clay, Randolph, and Blount Counties,~~ may change its classification from dry to wet or wet to dry by a municipal option election, in the following manner.

"(b) Upon petition of 30 percent of the number of voters voting in the last preceding general election of the municipality being filed with the city or town clerk or governing body of said municipality, said governing body must call a municipal option election for said municipality to determine the sentiment of the people as to whether or not alcoholic beverages can be legally sold or distributed in said municipality. Said petition for municipal option election shall contain the following: "It is petitioned that a

1 municipal option election be held to permit the legal sale and
2 distribution of alcoholic beverages within this municipality."
3 On the ballot to be used for such municipal option election,
4 the question shall be in the following form: "Do you favor the
5 legal sale and distribution of alcoholic beverages within this
6 municipality? Yes _____ No _____." Each subsequent municipal
7 option election must follow the petition process as provided
8 in this subsection with a new petition.

9 "(c) Said municipal option election shall be held
10 and the officers appointed to hold same in the manner provided
11 by law for holding other municipal elections and the returns
12 thereof tabulated and the results certified as provided by law
13 for such municipal elections. Said municipal option election
14 shall be held at the time of the primary, general,
15 county-wide, or municipal election next succeeding the date of
16 the filing of said petition, provided, however, said election
17 shall not be held within less than 30 days from the date of
18 the filing of said petition. Notice of said municipal option
19 election shall be given by the governing body of the
20 municipality by publication at least three weeks before the
21 date of election, in a newspaper in the municipality, or, if
22 there be none, in a newspaper in the county, or, if there be
23 neither, by posting such notice at the town or city hall,
24 apprising the voters of the municipality that a municipal
25 option election shall be held to determine whether such

1 municipality shall be wet or dry under this article. The cost
2 of said municipal option election, including the cost of
3 notice by publication, shall be paid out of the general fund
4 of the municipality.

5 "(d) Only qualified voters shall vote in said
6 municipal option election. If a majority of the voters in said
7 municipal option election vote "yes," said municipality shall
8 be wet, and alcoholic beverages can be legally sold,
9 distributed and consumed within the corporate limits of said
10 municipality, and all of the provisions of this title,
11 relating to alcoholic beverages in wet counties, including
12 Chapters 3, 3A, 6, and 7, shall be immediately put into
13 operation with respect to and effective within the corporate
14 limits of said municipality. Said municipality shall remain
15 wet until said municipality shall be in subsequent municipal
16 option election held under this article changed to a dry
17 municipality, notwithstanding the results of any subsequent
18 county election or special method referendum. All other laws
19 to the contrary notwithstanding, the electors residing within
20 the corporate limits of any such municipality that has become
21 wet pursuant to a municipal option election held under this
22 article shall not be entitled to vote in any subsequent county
23 election or special method referendum held to determine if the
24 county in which such municipality is located shall become wet.
25 The question of whether such county shall become wet shall be

1 decided by the electors of such county residing outside the
2 corporate limits of such wet municipality as otherwise
3 provided by law.

4 "(e) If a majority of the voters voting in said
5 municipal option election vote "no," said municipality shall
6 be a dry municipality under the terms of this article until
7 the county shall by subsequent election or special referendum,
8 vote wet, or the municipality shall by a subsequent municipal
9 option election held under this article, vote wet.

10 "(f) Said municipal option election in said
11 municipality may be held at the time of any primary, general,
12 county-wide, or municipal election as determined by the county
13 commission or the municipal governing body, as applicable,
14 provided a period of not less than 720 days must elapse
15 between the dates of such municipal option elections; provided
16 further, that a county wet-dry election or special method
17 referendum may be held at any time without regard to the lapse
18 of time between the dates of any county option elections.

19 "§28-2A-3.

20 "It is hereby declared the intention and the purpose
21 of this article to permit an election by the citizens of
22 certain municipalities to determine the wet or dry status of
23 such municipalities with regard to the sale, distribution and
24 consumption of alcoholic beverages within the corporate limits
25 of such municipalities; and further that such election shall

1 be provided only in those municipalities which can provide
2 safeguards for the protection of the public welfare, health,
3 peace, and morals of the people. In the furtherance of the
4 protection of the public welfare, health, peace, and morals,
5 the Legislature has determined that a population
6 classification should be established to provide this method of
7 municipal option election only in those municipalities with a
8 population of ~~1,000-500~~ 1,000 or more people within a county,
9 ~~excluding Clay, Randolph, and Blount Counties,~~ it being the
10 judgment of the Legislature that municipalities with a lesser
11 population would be unable to support and maintain such
12 protection where such municipality is located in a dry county,
13 whereas a municipality of ~~1,000-500~~ 1,000 or more population
14 would have the resources and ability to support and maintain
15 such safeguards."

16 Section 2. This act shall become effective
17 immediately following its passage and approval by the
18 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 10-MAR-15.

Jeff Woodard
Clerk

Senate	12-MAR-15	Amended and Passed
House	12-MAR-15	Concurred in Senate Amendment