

1 HB126
2 165079-2
3 By Representative Martin
4 RFD: Economic Development and Tourism
5 First Read: 03-MAR-15

2
3
4
5
6
7
8 SYNOPSIS: Currently, any municipality, excluding
9 municipalities in Clay, Randolph, and Blount
10 Counties, having a population of 1,000 or more may
11 determine by a local option election whether
12 alcoholic beverages may be legally sold and
13 distributed within the corporate limits of the
14 municipalities.

15 This bill would decrease the population
16 threshold from 1,000 to 500 for municipalities to
17 change from dry to wet.

18 This bill would remove the exception for
19 municipalities in Clay, Randolph, and Blount
20 Counties which would allow them to determine by a
21 local option election whether alcoholic beverages
22 may be legally sold and distributed within the
23 corporate limits of the municipalities.

24
25 A BILL
26 TO BE ENTITLED
27 AN ACT

1
2 To amend Sections 28-2A-1 and 28-2A-3, Code of
3 Alabama 1975, relating to municipal option elections as to the
4 sale of alcoholic beverages within municipalities; to decrease
5 the population threshold from 1,000 to 500 for municipalities
6 to change from dry to wet; and to allow municipalities in
7 Clay, Randolph, and Blount Counties to determine by a local
8 option election whether alcoholic beverages may be legally
9 sold and distributed within the corporate limits of the
10 municipalities.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

14 "§28-2A-1.

15 "(a) Any municipality having a population of ~~1,000~~
16 500 or more, ~~excluding Clay, Randolph, and Blount Counties,~~
17 may change its classification from dry to wet or wet to dry by
18 a municipal option election, in the following manner.

19 "(b) Upon petition of 30 percent of the number of
20 voters voting in the last preceding general election of the
21 municipality being filed with the city or town clerk or
22 governing body of said municipality, said governing body must
23 call a municipal option election for said municipality to
24 determine the sentiment of the people as to whether or not
25 alcoholic beverages can be legally sold or distributed in said
26 municipality. Said petition for municipal option election
27 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
26 municipality shall be wet or dry under this article. The cost
27 of said municipal option election, including the cost of

1 notice by publication, shall be paid out of the general fund
2 of the municipality.

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

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

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

16 "§28-2A-3.

17 "It is hereby declared the intention and the purpose
18 of this article to permit an election by the citizens of
19 certain municipalities to determine the wet or dry status of
20 such municipalities with regard to the sale, distribution, and
21 consumption of alcoholic beverages within the corporate limits
22 of ~~such~~ the municipalities; and further that ~~such~~ the election
23 shall be provided only in those municipalities which can
24 provide safeguards for the protection of the public welfare,
25 health, peace, and morals of the people. In the furtherance of
26 the protection of the public welfare, health, peace, and
27 morals, the Legislature has determined that a population

1 classification should be established to provide this method of
2 municipal option election only in those municipalities with a
3 population of 1,000 or more people within a county, ~~excluding~~
4 ~~Clay, Randolph, and Blount Counties,~~ it being the judgment of
5 the Legislature that municipalities with a lesser population
6 would be unable to support and maintain such protection where
7 ~~such~~ the municipality is located in a dry county, whereas a
8 municipality of 1,000 or more population would have the
9 resources and ability to support and maintain such
10 safeguards."

11 Section 2. This act shall become effective on the
12 first day of the third month following its passage and
13 approval by the Governor, or its otherwise becoming law.