

1 SB478
2 151497-2
3 By Senator Fielding (N & P)
4 RFD: Local Legislation No. 1
5 First Read: 30-APR-13

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to the City of Lincoln in Talladega County;
14 authorizing elections to determine whether alcoholic beverages
15 may be sold or dispensed on Sunday by properly licensed
16 licensees serving the general public within the city.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. This act shall apply only to the City of
19 Lincoln in Talladega County.

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

24 Within 30 days from the effective date of this act,
25 the governing body of the City of Lincoln, by resolution, may
26 call an election for the municipality to determine the
27 sentiment of the voters of the municipality residing within

1 the corporate limits, as to whether or not alcoholic beverages
2 can be legally sold or distributed on Sunday within the
3 municipality. The City of Lincoln shall pay the costs of the
4 election.

5 (b) On the ballot to be used for such election, the
6 question shall be in the following form: "Do you favor the
7 legal sale and distribution of alcoholic beverages within this
8 municipality, on Sunday after 12:00 P.M. (noon) or after 8:00
9 A.M. on the Sunday when or after a major racing event is held
10 at the Talladega Superspeedway? Yes ____ No ____."

11 (c) The first election and any subsequent elections
12 shall be held and the officers appointed to hold the election
13 in the manner provided by law for holding other municipal
14 elections, and the returns thereof tabulated and results
15 certified as provided by law for municipal elections. Any
16 Sunday sales election shall be held as provided in this act as
17 a special election or any subsequent municipal election
18 following the date of the resolution.

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

1 (e) Only qualified voters of the municipality may
2 vote in the election. If a majority of the voters voting in
3 the municipal election vote "Yes," alcoholic beverages can be
4 legally sold or dispensed within the corporate limits of the
5 municipality on Sunday by licensees of the Alcoholic Beverage
6 Control Board and the City of Lincoln serving the general
7 public in accordance with applicable laws and regulations
8 after 12:00 P.M. (noon) or after 8:00 A.M. on the Sunday when
9 or after a major racing event is held at the Talladega
10 Superspeedway. Except as authorized by law or during such
11 hours, it shall be unlawful for any licensed vendor to sell,
12 dispense, or permit the consumption of alcoholic beverages on
13 Sunday. The municipality may enact, by ordinance, such
14 policies it deems appropriate to regulate any aspect of Sunday
15 alcoholic beverages sales.

16 (f) If a majority of the voters voting in the
17 municipal election vote "No," alcoholic beverages may not be
18 sold or dispensed in the municipality on Sunday after the hour
19 of 2:00 A.M., except as otherwise authorized by law or by
20 subsequent election which legalizes the sale and dispensing of
21 alcoholic beverages on Sunday.

22 Section 3. The provisions of this act are cumulative
23 and supplemental to the present power and authority of the
24 City of Lincoln and are not intended to, nor shall they be
25 interpreted so as to, repeal any existing power or authority
26 of the City of Lincoln now permitted under the general laws of

1 the state, or under any local or special act of the
2 Legislature.

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