

1 HB266
2 133111-2
3 By Representatives Melton and Colston (N & P)
4 RFD: Local Legislation
5 First Read: 09-FEB-12

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ENROLLED, An Act,

Relating to Dallas County; authorizing elections to determine whether alcoholic beverages may be sold or dispensed on Sunday by properly licensed retail licensees serving the general public within the county.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall apply only in Dallas County.

Section 2. (a) The voters of Dallas County may authorize the sale of alcoholic beverages within the county on Sunday by an election pursuant to this act, in the following manner:

Within 30 days from the effective date of this act, the Dallas County Commission, by resolution, may call an election for the county to determine the sentiment of the voters of the county as to whether or not alcoholic beverages can be legally sold or distributed on Sunday within the county.

(b) On the ballot to be used for such election, the question shall be in the following form: "Do you favor the legal sale and dispensing of alcoholic beverages within the county on Sunday between 12:00 P.M. (noon), and 9:30 P.M., and on those Sundays on which occurs New Year's Eve (December 31), after 12:00 P.M. (noon)? Yes ___ No ___."

1 (c) The first election and any subsequent elections
2 shall be held and the officers appointed to hold the election
3 in the manner provided by law for holding other county
4 elections, and the returns thereof tabulated and results
5 certified as provided by law for county elections. Any Sunday
6 sales election shall be held as provided in this act as a
7 special election or any subsequent county election following
8 the date of the resolution.

9 (d) Notice of the election shall be given by the
10 governing body of the Dallas County Commission by publication
11 or by posting the notice at the county courthouse apprising
12 the voters of the county, at least three weeks before the date
13 of the election, that an election shall be held to determine
14 whether alcoholic beverages may be sold in the unincorporated
15 areas of the county on Sunday. The cost of the election shall
16 be paid out of the general fund of the county.

17 (e) Only qualified voters of the county may vote in
18 the election. If a majority of the voters voting in the
19 election vote "Yes," alcoholic beverages can be legally sold
20 or dispensed within the unincorporated areas of the county on
21 Sunday by licensees of the Alcoholic Beverage Control Board
22 and the county serving the general public in accordance with
23 applicable laws and regulations between the hours of 12:00
24 P.M., noon, and 9:30 P.M. Except as authorized by law or
25 during such hours, it shall be unlawful for any licensed

1 vendor to sell, dispense, or permit the consumption of
2 alcoholic beverages on Sunday. Provided, that on those Sundays
3 on which occurs New Year's Eve, December 31, alcoholic
4 beverages may be sold or dispensed by such licensees pursuant
5 to applicable laws and regulations any time after 12:00 P.M.,
6 noon. The county may enact, by ordinance, such policies it
7 deems appropriate to regulate any aspect of Sunday alcoholic
8 beverages sales.

9 (f) If a majority of the voters voting in the
10 election vote "No," alcoholic beverages may not be sold or
11 dispensed in the unincorporated areas of the county on Sunday
12 after the hour of 2:00 A.M., except as otherwise authorized by
13 law or by subsequent election which legalizes the sale and
14 dispensing of alcoholic beverages on Sunday.

15 Section 3. The provisions of this act are cumulative
16 and supplemental to the present power and authority of the
17 county and is not intended to, nor shall it be interpreted so
18 as to, repeal any existing power or authority of the county
19 now permitted under the general laws of the state, or under
20 any local or special act of the Legislature.

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

