

1 HB266

2 133111-1

3 By Representatives Melton and Colston (N & P)

4 RFD: Local Legislation

5 First Read: 09-FEB-12

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A BILL

10 TO BE ENTITLED

11 AN ACT

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

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

24 Within 30 days from the effective date of this act,
25 the Dallas County Commission, by resolution, may call an
26 election for the county to determine the sentiment of the
27 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 ."

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

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

(e) Only qualified voters of the county may vote in the election. If a majority of the voters voting in the election vote "Yes," alcoholic beverages can be legally sold

1 or dispensed within the unincorporated areas of the county on
2 Sunday by licensees of the Alcoholic Beverage Control Board
3 and the county serving the general public in accordance with
4 applicable laws and regulations between the hours of 12:00
5 P.M., noon, and 9:30 P.M. Except as authorized by law or
6 during such hours, it shall be unlawful for any licensed
7 vendor to sell, dispense, or permit the consumption of
8 alcoholic beverages on Sunday. Provided, that on those Sundays
9 on which occurs New Year's Eve, December 31, alcoholic
10 beverages may be sold or dispensed by such licensees pursuant
11 to applicable laws and regulations any time after 12:00 P.M.,
12 noon. The county may enact, by ordinance, such policies it
13 deems appropriate to regulate any aspect of Sunday alcoholic
14 beverages sales.

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

21 Section 3. The provisions of this act are cumulative
22 and supplemental to the present power and authority of the
23 county and is not intended to, nor shall it be interpreted so
24 as to, repeal any existing power or authority of the county
25 now permitted under the general laws of the state, or under
26 any local or special act of the Legislature.

