

1 HB72
2 165056-1
3 By Representative Martin
4 RFD: Economic Development and Tourism
5 First Read: 03-MAR-15

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8 SYNOPSIS: Chapter 2A of Title 28, Code of Alabama
9 1975, commencing with Section 28-2A-1, provides for
10 municipal elections involving whether a
11 municipality allows or prohibits the sale of
12 alcoholic beverages (municipal option elections).
13 Act 2009-546 of the 2009 Regular Session amended
14 Chapter 2A to alter the population thresholds for
15 holding such elections, except in Clay, Randolph,
16 and Blount Counties. Over 30 municipalities have
17 held municipal option elections pursuant to Act
18 2009-546. The Alabama Supreme Court, in the case of
19 Bynum v. City of Oneonta, recently declared Act
20 2009-546 unconstitutional.

21 This bill would ratify and confirm any
22 election held pursuant to Section 28-2A-1 as
23 amended by Act 2009-546 in which the voters in a
24 municipality with a population of 1,000 or more
25 voted to allow for the sale, distribution, and
26 consumption of alcoholic beverages within the
27 municipality.

1 This bill would also ratify and confirm any
2 taxes or licenses levied and collected pursuant to
3 a municipal option election conducted in accordance
4 with Act 2009-546, and any administrative or
5 regulatory actions taken.

6
7 A BILL

8 TO BE ENTITLED

9 AN ACT

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11 To ratify and confirm municipal option elections and
12 any related taxes and licenses levied and collected pursuant
13 to a municipal option election held pursuant to Section
14 28-2A-1, Code of Alabama 1975, as amended by Act 2009-546 of
15 the 2009 Regular Session (Acts 2009, p. 1446).

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. (a) Each municipality with a population
18 of 1,000 or more which held an election pursuant to Section
19 28-2A-1, Code of Alabama 1975, as amended by Act 2009-546, of
20 the 2009 Regular Session (Acts 2009, p. 1446), in which the
21 majority of the voters voting in the municipal option election
22 voted to allow the sale, distribution, and consumption of
23 alcoholic beverages within the municipality are hereby
24 declared wet and may continue the sale, distribution, and
25 consumption of such beverages.

26 (b) Municipalities to which this act applies shall
27 remain wet unless and until the municipality, in any

1 subsequent municipal option election held pursuant to Chapter
2 2A of Title 28, Code of Alabama 1975, elects to change to a
3 dry municipality, notwithstanding the result of any subsequent
4 county election or special method referendum.

5 (c) Any taxes or licenses levied and collected
6 pursuant to a municipal option election conducted in
7 accordance with Section 28-2A-1, Code of Alabama 1975, as
8 amended by Act 2009-546, and any administrative or regulatory
9 actions taken, are hereby ratified and confirmed.

10 Section 2. The provisions of this act are severable.
11 If any part of this act is declared invalid or
12 unconstitutional, that declaration shall not affect the part
13 which remains.

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