

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.

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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.