HB262

V1GCVVL-2

By Representative Colvin (Constitutional Amendment)

RFD: Local Legislation

First Read: 28-Feb-24

A BILL

TO BE ENTITLED

AN ACT

To propose an amendment to the Constitution of Alabama of 2022, relating to Marshall County, to provide that Marshall County would be a wet county for the purposes of the laws of this state relating to alcoholic beverages and would further authorize the regulation of the sale of alcoholic beverages in the unincorporated areas of the county.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 2022, is proposed:

PROPOSED AMENDMENT

(a) Effective on the first day of the month after the ratification of this amendment, based on the favorable vote to ratify this amendment, Marshall County shall be a wet county as otherwise provided by the laws of this state in Title 28, Code of Alabama 1975, relating to alcoholic beverages.

(b)(1) For the purposes of this amendment, the term "unincorporated area of the county" means any area of the county outside of the corporate limits of an operating municipality with an elected mayor and municipal council.

(2) a. The Marshall County Commission, by resolution of

the county commission, may regulate the sale of alcoholic beverages on the unincorporated area of the county and may require each individual or entity selling alcoholic beverages in the unincorporated area of the county to have a separate business license to sell alcoholic beverages. The Marshall County Commission may set additional requirements for an individual or entity to sell alcoholic beverages for on-premises consumption in addition to the requirements of the Alabama Beverage Control Board.

b. After the implementation of the license required by this section, no individual or entity may sell alcoholic beverages in the unincorporated area of the county without a valid county business license. The fees for the issuance of the business license shall be set by the county commission for an annual license. The fee for a business license may vary based on the type of license issued by the ABC Board.

c. The requirements for a business license for on-premises consumption pursuant to this section may include the following:

1. Inspections relating to fire safety as determined necessary by the state Fire Marshal and compliance with any requirements of the inspection, including maximum occupancy of the premises.

2. Compliance with all requirements and inspections of the Marshall County Health Department relating to food and beverage service and septic or sewer service.

d. Any violations of the requirements of this section may result in the denial of a license or the revocation of the

license. The Marshall County Commission may enforce the provisions of this section by appropriate injunctive relief in the Circuit Court of Marshall County.

(3) In addition to any taxes authorized by law, the Marshall County Commission may levy additional sales and use taxes, at a rate not to exceed any sales and use taxes levied by any municipality in the county, on the sale of alcoholic beverages in the unincorporated areas of the county. The proceeds from the taxes shall be deposited in the county general fund. Fifty percent of the proceeds shall be further distributed to the Marshall County Board of Education.

(c) The provisions of this amendment shall be self-executing, but the Legislature by local law may enact additional provisions to implement and regulate the sale of alcoholic beverages in the unincorporated area of the county, including providing for misdemeanor criminal penalties for violations of any local law or any regulation of the county commission.

Upon ratification of this constitutional amendment, the Code Commissioner shall number and place this amendment as appropriate in the constitution omitting this instructional paragraph and may make the following nonsubstantive revisions: change capitalization, hierarchy, spelling, and punctuation for purposes of style and uniformity; correct manifest grammatical, clerical, and typographical errors; revise internal or external citations and cross-references; harmonize language; and translate effective dates.

END PROPOSED AMENDMENT

Section 2. An election upon the proposed amendment shall be held in accordance with Sections 284, 284.01, and 285 of the Constitution of Alabama of 2022, and the election laws of this state. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

"Relating to Marshall County, proposing an amendment to the Constitution of Alabama of 2022, to This bill would propose an amendment to the Constitution of Alabama of 2022, relating to Marshall County, to provide that Marshall County would be a wet county for the purposes of the laws of this state relating to alcoholic beverages and would further authorize the regulation of the sale of alcoholic beverages in the unincorporated areas of the county.

Proposed by Act ____."

This description shall be followed by the following language:

"Yes( ) No( )."

Section 3. The proposed amendment shall become valid as part of the Constitution of Alabama of 2022, when approved by a majority of the qualified electors voting thereon.

House of Representatives

Read for the first time and referred 28-Feb-24
to the House of Representatives
committee on Local Legislation

Read for the second time and placed 21-Mar-24
on the calendar:
0 amendments

Read for the third time and passed 02-Apr-24
as amended
Yeas 64
Nays 0
Abstains 37

John Treadwell
Clerk