

1 SB259
2 163499-2
3 By Senators McClendon and Williams (N & P)
4 RFD: Local Legislation
5 First Read: 17-MAR-15

1 SB259

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4 With Notice and Proof

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6 ENROLLED, An Act,

7 Relating to St. Clair County; authorizing separate
8 elections within municipalities within the county and within
9 the unincorporated area of the county to determine whether
10 alcoholic beverages may be sold or distributed on Sunday by
11 properly licensed retail licensees serving the general public;
12 and to further provide for Sunday sales of alcoholic beverages
13 in territory located in municipalities located partially in
14 St. Clair County.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. This act shall apply only within St.
17 Clair County.

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

22 The governing body of the municipality, by
23 resolution, may call an election for the municipality to
24 determine the sentiment of the voters of the municipality
25 residing within the corporate limits, as to whether alcoholic

1 beverages may be legally sold or distributed on Sunday within
2 the municipality.

3 (b) On the ballot to be used for the election, the
4 question shall be in the following form: "Do you favor the
5 legal sale and distribution of alcoholic beverages within this
6 municipality on Sundays as further provided for and regulated
7 by ordinance of the municipal governing body? Yes ___ No ___."

8 (c) The first election and any subsequent elections
9 shall be held and the officers appointed to hold the election
10 in the manner provided by law for holding other municipal
11 elections, and the returns thereof tabulated and results
12 certified as provided by law for municipal elections. Any
13 Sunday sales election shall be held as provided in this act as
14 a special election or any subsequent municipal election not
15 less than 30 days following the date of the resolution.

16 (d) Notice of the election shall be given by the
17 governing body of the municipality by publication or by
18 posting the notice at the town or city hall apprising the
19 voters of the municipality, at least three weeks before the
20 date of the election, that an election shall be held to
21 determine whether alcoholic beverages may be sold in the
22 municipality on Sunday. The cost of the election shall be paid
23 out of the general fund of the municipality.

24 (e) Only qualified voters of the municipality may
25 vote in the election. If a majority of the voters voting in

1 the municipal election vote "Yes," alcoholic beverages may be
2 legally sold or dispensed within the corporate limits of the
3 municipality on Sunday by licensees of the Alcoholic Beverage
4 Control Board and the municipality serving the general public
5 in accordance with applicable laws and regulations and as
6 further provided for and regulated by ordinance of the
7 municipal governing body. The municipality may enact, by
8 ordinance, any policies it deems appropriate to regulate any
9 aspect of Sunday alcoholic beverages sales within the
10 municipality.

11 (f) If a majority of the voters voting in the
12 municipal election vote "No," alcoholic beverages may not be
13 sold or dispensed in the municipality on Sunday after the hour
14 of 2:00 A.M., except as otherwise authorized by law or by
15 subsequent election which legalizes the sale and dispensing of
16 alcoholic beverages on Sunday. A subsequent election shall not
17 be held within 12 months following an election under this
18 section.

19 Section 3. (a) The voters in the unincorporated area
20 of the county may authorize the sale of alcoholic beverages
21 within the unincorporated area of the county on Sunday by an
22 election pursuant to this act, in the following manner:

23 The county commission, by resolution, may call an
24 election to determine the sentiment of the voters residing
25 outside the corporate limits of any municipalities within the

1 county, as to whether alcoholic beverages may be legally sold
2 or distributed on Sunday in the unincorporated area of the
3 county as further provided for and regulated by ordinance of
4 the county commission.

5 (b) On the ballot to be used for the election, the
6 question shall be in the following form: "Do you favor the
7 legal sale and distribution of alcoholic beverages outside the
8 corporate limits of any municipalities within the county on
9 Sunday as further provided for and regulated by ordinance of
10 the county commission? Yes ___ No ___."

11 (c) The first election and any subsequent elections
12 shall be held and the officers appointed to hold the election
13 in the manner provided by law for holding other county
14 elections, and the returns thereof tabulated and results
15 certified as provided by law for county elections. Any Sunday
16 sales election shall be held as provided in this act as a
17 special election or at any subsequent countywide election not
18 less than 30 days following the date of the resolution.

19 (d) Notice of the election shall be given by the
20 judge of probate by publication or by posting the notice at
21 the courthouse apprising the voters of the unincorporated area
22 of the county, at least three weeks before the date of the
23 election, that an election shall be held to determine whether
24 alcoholic beverages may be sold in the unincorporated area of

1 the county on Sunday. The cost of the election shall be paid
2 out of the general fund of the county.

3 (e) Only qualified voters of the unincorporated area
4 of the county may vote in the election. If a majority of the
5 voters voting in the election vote "Yes," alcoholic beverages
6 can be legally sold or dispensed outside the corporate limits
7 of any municipalities in the county on Sunday by licensees of
8 the Alcoholic Beverage Control Board and the county serving
9 the general public in accordance with applicable laws and
10 regulations and as further provided for and regulated by the
11 county commission. The county commission may enact, by
12 ordinance, any policies it deems appropriate to regulate any
13 aspect of Sunday alcoholic beverages sales in the
14 unincorporated area of the county.

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 area 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. A subsequent
21 election shall not be held within 12 months following an
22 election under this section.

23 Section 4. The provisions of this act are cumulative
24 and supplemental to the present power and authority of any
25 municipality or the county and is not intended to, nor shall

1 it be interpreted so as to, repeal any existing power or
2 authority of any municipality or the county now permitted
3 under the general laws of the state, or under any local or
4 special act of the Legislature.

5 Section 5. Notwithstanding any other provisions of
6 law or of this act, in any territory located in a municipality
7 which is partially located in St. Clair County and which
8 municipality is principally located in an adjoining county,
9 the sale of alcoholic beverages in the part of the
10 municipality located in St. Clair County shall be authorized
11 or permitted only to the same extent as authorized or
12 permitted in the part of the municipality principally located
13 in the adjoining county.

14 Section 6. This act shall become effective
15 immediately following its passage and approval by the
16 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB259

Senate 19-MAR-15

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris
Secretary

House of Representatives
Passed: 14-APR-15

By: Senator McClendon