

1 HB627
2 130354-2
3 By Representative Harper (N & P)
4 RFD: Tuscaloosa County Legislation
5 First Read: 24-MAY-11

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Tuscaloosa County; authorizing elections
14 to determine whether alcoholic beverages may be sold or
15 dispensed on Sunday by properly licensed retail licensees
16 serving the general public in the areas of the county that are
17 outside the city limits of the Cities of Tuscaloosa and
18 Northport.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. This act shall apply only in portions of
21 Tuscaloosa County.

22 Section 2. (a) The voters of Tuscaloosa County that
23 reside outside the city limits of Tuscaloosa and Northport may
24 authorize the sale of alcoholic beverages on Sunday in the
25 areas of the county that are outside the city limits of the
26 Cities of Tuscaloosa and Northport by an election pursuant to
27 this act in the following manner:

1 Within 30 days from the effective date of this act,
2 the Tuscaloosa County Commission, by resolution, may call an
3 election for the residents of the county that reside outside
4 of the Cities of Tuscaloosa and Northport to determine the
5 sentiment of the voters of the county as to whether or not
6 alcoholic beverages can be legally sold or distributed on
7 Sunday within the areas of the county that are outside the
8 city limits of the Cities of Tuscaloosa and Northport.

9 (b) On the ballot to be used for such election, the
10 question shall be in the following form: "Do you favor the
11 legal sale and dispensing of alcoholic beverages in the areas
12 of the county that are outside the city limits of the Cities
13 of Tuscaloosa and Northport on Sunday between 12:00 P.M.,
14 noon, and 9:30 P.M., and on those Sundays on which occurs New
15 Year's Eve (December 31), after 12:00 P.M., noon? Yes ___ No
16 ___."

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

25 (d) Notice of the election shall be given by the
26 governing body of the Tuscaloosa County Commission by
27 publication or by posting the notice at the county courthouse

1 apprising the voters of the county, at least three weeks
2 before the date of the election, that an election shall be
3 held to determine whether alcoholic beverages may be sold on
4 Sunday in the areas of the county that are outside the city
5 limits of the Cities of Tuscaloosa and Northport. The cost of
6 the election shall be paid out of the general fund of the
7 county.

8 (e) Only qualified voters of the county that reside
9 outside of the Cities of Tuscaloosa and Northport may vote in
10 the election. If a majority of the voters voting in the
11 election vote "Yes," alcoholic beverages can be legally sold
12 or dispensed on Sunday in the areas of the county that are
13 outside the city limits of the Cities of Tuscaloosa and
14 Northport by licensees of the Alcoholic Beverage Control Board
15 and the county serving the general public in accordance with
16 applicable laws and regulations between the hours of 12:00
17 P.M., noon, and 9:30 P.M. Except as authorized by law or
18 during such hours, it shall be unlawful for any licensed
19 vendor to sell, dispense, or permit the consumption of
20 alcoholic beverages on Sunday. Provided, that on those Sundays
21 on which occurs New Year's Eve, December 31, alcoholic
22 beverages may be sold or dispensed by such licensees pursuant
23 to applicable laws and regulations any time after 12:00 P.M.,
24 noon. The county may enact, by ordinance, such policies it
25 deems appropriate to regulate any aspect of Sunday alcoholic
26 beverages sales.

1 (f) If a majority of the voters that resides outside
2 the Cities of Tuscaloosa and Northport voting in the election
3 vote "No," alcoholic beverages may not be sold or dispensed on
4 Sunday in the areas of the county that are outside the city
5 limits of the Cities of Tuscaloosa and Northport, except as
6 otherwise authorized by law or by subsequent election which
7 legalizes the sale and dispensing of alcoholic beverages on
8 Sunday.

9 Section 3. The provisions of this act are not
10 intended to, nor shall this act be interpreted so as to affect
11 or have any impact upon current or future rights or policies
12 of the Cities of Tuscaloosa or Northport regarding the legal
13 sale or distribution of alcoholic beverages within the city
14 limits of the Cities of Tuscaloosa or Northport.

15 Section 4. The provisions of this act are cumulative
16 and supplemental to the present power and authority of the
17 county and are not intended to, nor shall this act be
18 interpreted so as to, repeal any existing power or authority
19 of the county now permitted under the general laws of the
20 state, or under any local or special act of the Legislature.

21 Section 5. This act shall become effective
22 immediately following its passage and approval by the
23 Governor, or its otherwise becoming law.