

1 HB137
2 163705-2
3 By Representatives Shiver and McMillan (N & P)
4 RFD: Baldwin County Legislation
5 First Read: 05-MAR-15

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to the City of Bay Minette in Baldwin
14 County; authorizing elections to determine whether alcoholic
15 beverages may be sold or dispensed on Sunday for on-premises
16 consumption by properly licensed retail licensees.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. This act shall apply only to the City of
19 Bay Minette in Baldwin County.

20 Section 2. (a) The voters of the City of Bay Minette
21 may authorize the sale of alcoholic beverages within the
22 municipality on Sunday by an election pursuant to this act, in
23 the following manner:

24 (b) Within one year from the effective date of this
25 act, the governing body of the City of Bay Minette, by
26 resolution, may call an election for the municipality to
27 determine the sentiment of the voters of the municipality

1 residing within the corporate limits, as to whether or not
2 alcoholic beverages can be legally sold or distributed on
3 Sunday within the municipality for on-premises consumption by
4 properly licensed retail licensees.

5 (c) On the ballot to be used for such election, the
6 question shall be in the following form: "Do you favor the
7 legal sale and distribution of alcoholic beverages within this
8 municipality on Sunday for on-premises consumption by properly
9 licensed retail licensees? Yes ___ No ___."

10 (d) The first election and any subsequent elections
11 shall be held and the officers appointed to hold the election
12 in the manner provided by law for holding other municipal
13 elections, and the returns thereof shall be tabulated and
14 results certified as provided by law for municipal elections.
15 Any Sunday sales election shall be held as provided in this
16 act as a special election or any subsequent municipal election
17 following the date of the resolution.

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

26 (f) Only qualified voters of the municipality may
27 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 City of Bay Minette serving the general
5 public for on-premises consumption in accordance with
6 applicable laws and regulations. The municipality may enact,
7 by ordinance, such policies it deems appropriate to regulate
8 any aspect of Sunday alcoholic beverages sales.

9 (g) If a majority of the voters voting in the
10 municipal election vote "No," alcoholic beverages may not be
11 sold or dispensed in the municipality on Sunday for
12 on-premises consumption by properly licensed retail licensees
13 except as otherwise authorized by law or by subsequent
14 election which legalizes the sale and dispensing of alcoholic
15 beverages on Sunday.

16 Section 3. The provisions of this act are cumulative
17 and supplemental to the present power and authority of the
18 City of Bay Minette and are not intended to, nor shall it be
19 interpreted so as to, repeal any existing power or authority
20 of the City of Bay Minette now permitted under the general
21 laws of the state, or under any local or special act of the
22 Legislature.

23 Section 4. This act shall become effective on
24 October 1, 2015.