

1 HB73
2 164728-3
3 By Representative Martin
4 RFD: Economic Development and Tourism
5 First Read: 03-MAR-15

1 municipality. Said petition for municipal option election
2 shall contain the following: "It is petitioned that a
3 municipal option election be held to permit the legal sale and
4 distribution of alcoholic beverages within this municipality."
5 On the ballot to be used for such municipal option election,
6 the question shall be in the following form: "Do you favor the
7 legal sale and distribution of alcoholic beverages within this
8 municipality? Yes _____ No _____." Each subsequent municipal
9 option election must follow the petition process as provided
10 in this subsection with a new petition.

11 "(c) Said municipal option election shall be held
12 and the officers appointed to hold same in the manner provided
13 by law for holding other municipal elections and the returns
14 thereof tabulated and the results certified as provided by law
15 for such municipal elections. Said municipal option election
16 shall be held at the time of the primary, general,
17 county-wide, or municipal election next succeeding the date of
18 the filing of said petition, provided, however, said election
19 shall not be held within less than 30 days from the date of
20 the filing of said petition. Notice of said municipal option
21 election shall be given by the governing body of the
22 municipality by publication at least three weeks before the
23 date of election, in a newspaper in the municipality, or, if
24 there be none, in a newspaper in the county, or, if there be
25 neither, by posting such notice at the town or city hall,
26 apprising the voters of the municipality that a municipal
27 option election shall be held to determine whether such

1 municipality shall be wet or dry under this article. The cost
2 of said municipal option election, including the cost of
3 notice by publication, shall be paid out of the general fund
4 of the municipality.

5 "(d) Only qualified voters shall vote in said
6 municipal option election. If a majority of the voters in said
7 municipal option election vote "yes," said municipality shall
8 be wet, and alcoholic beverages can be legally sold,
9 distributed and consumed within the corporate limits of said
10 municipality, and all of the provisions of this title,
11 relating to alcoholic beverages in wet counties, including
12 Chapters 3, 3A, 6, and 7, shall be immediately put into
13 operation with respect to and effective within the corporate
14 limits of said municipality. Said municipality shall remain
15 wet until said municipality shall be in subsequent municipal
16 option election held under this article changed to a dry
17 municipality, notwithstanding the results of any subsequent
18 county election or special method referendum. All other laws
19 to the contrary notwithstanding, the electors residing within
20 the corporate limits of any such municipality that has become
21 wet pursuant to a municipal option election held under this
22 article shall not be entitled to vote in any subsequent county
23 election or special method referendum held to determine if the
24 county in which such municipality is located shall become wet.
25 The question of whether such county shall become wet shall be
26 decided by the electors of such county residing outside the

1 corporate limits of such wet municipality as otherwise
2 provided by law.

3 "(e) If a majority of the voters voting in said
4 municipal option election vote "no," said municipality shall
5 be a dry municipality under the terms of this article until
6 the county shall by subsequent election or special referendum,
7 vote wet, or the municipality shall by a subsequent municipal
8 option election held under this article, vote wet.

9 "(f) Said municipal option election in said
10 municipality may be held at the time of any primary, general,
11 county-wide, or municipal election as determined by the county
12 commission or the municipal governing body, as applicable,
13 provided a period of not less than 720 days must elapse
14 between the dates of such municipal option elections; provided
15 further, that a county wet-dry election or special method
16 referendum may be held at any time without regard to the lapse
17 of time between the dates of any county option elections.

18 "§28-2A-3.

19 "It is hereby declared the intention and the purpose
20 of this article to permit an election by the citizens of
21 certain municipalities to determine the wet or dry status of
22 such municipalities with regard to the sale, distribution and
23 consumption of alcoholic beverages within the corporate limits
24 of such municipalities; and further that such election shall
25 be provided only in those municipalities which can provide
26 safeguards for the protection of the public welfare, health,
27 peace, and morals of the people. In the furtherance of the

1 protection of the public welfare, health, peace, and morals,
2 the Legislature has determined that a population
3 classification should be established to provide this method of
4 municipal option election only in those municipalities with a
5 population of ~~1,000-500~~ 1,000 or more people within a county,
6 ~~excluding Clay, Randolph, and Blount Counties,~~ it being the
7 judgment of the Legislature that municipalities with a lesser
8 population would be unable to support and maintain such
9 protection where such municipality is located in a dry county,
10 whereas a municipality of ~~1,000-500~~ 1,000 or more population
11 would have the resources and ability to support and maintain
12 such safeguards."

13 Section 2. This act shall become effective
14 immediately following its passage and approval by the
15 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Economic Devel-
opment and Tourism..... 03-MAR-15

Read for the second time and placed
on the calendar 1 amendment 05-MAR-15

Read for the third time and passed
as amended..... 10-MAR-15

Yeas 90, Nays 3, Abstains 0

Jeff Woodard
Clerk