

HB262 ENGROSSED



1 HB262
2 V1GCVVL-2
3 By Representative Colvin (Constitutional Amendment)
4 RFD: Local Legislation
5 First Read: 28-Feb-24



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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



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

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

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

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

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

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



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

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

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

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

84 END PROPOSED AMENDMENT



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

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

101 Proposed by Act ____."

102 This description shall be followed by the following
103 language:

104 "Yes() No()."

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



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House of Representatives

111 Read for the first time and referred28-Feb-24
112 to the House of Representatives
113 committee on Local Legislation
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115 Read for the second time and placed21-Mar-24
116 on the calendar:
117 0 amendments
118
119 Read for the third time and passed02-Apr-24
120 as amended
121 Yeas 64
122 Nays 0
123 Abstains 37
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John Treadwell
Clerk