1   HB262

2   V1GCVVL-3

3   By Representative Colvin   (Constitutional Amendment)

4   RFD: Local Legislation

5   First Read: 28-Feb-24

1 <u>Enrolled,</u> An Act,

2   To propose an amendment to the Constitution of Alabama

3 of 2022, relating to Marshall County, to provide that Marshall

4 County would be a wet county for the purposes of the laws of

5 this state relating to alcoholic beverages and would further

6 authorize the regulation of the sale of alcoholic beverages in

7 the unincorporated areas of the county.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9   Section 1. The following amendment to the Constitution

10 of Alabama of 2022, is proposed:

11   PROPOSED AMENDMENT

12   (a) Effective on the first day of the month after the

13 ratification of this amendment, based on the favorable vote to

14 ratify this amendment, Marshall County shall be a wet county

15 as otherwise provided by the laws of this state in Title 28,

16 Code of Alabama 1975, relating to alcoholic beverages.

17   (b)(1) For the purposes of this amendment, the term

18 "unincorporated area of the county" means any area of the

19 county outside of the corporate limits of an operating

20 municipality with an elected mayor and municipal council.

21   (2) a. The Marshall County Commission, by resolution of

22 the county commission, may regulate the sale of alcoholic

23 beverages on the unincorporated area of the county and may

24 require each individual or entity selling alcoholic beverages

25 in the unincorporated area of the county to have a separate

26 business license to sell alcoholic beverages. The Marshall

27 County Commission may set additional requirements for an

28 individual or entity to sell alcoholic beverages for

29 on-premises consumption in addition to the requirements of the

30 Alabama Beverage Control Board.

31   b. After the implementation of the license required by

32 this section, no individual or entity may sell alcoholic

33 beverages in the unincorporated area of the county without a

34 valid county business license. The fees for the issuance of

35 the business license shall be set by the county commission for

36 an annual license. The fee for a business license may vary

37 based on the type of license issued by the ABC Board.

38   c. The requirements for a business license for

39 on-premises consumption pursuant to this section may include

40 the following:

41   1. Inspections relating to fire safety as determined

42 necessary by the state Fire Marshal and compliance with any

43 requirements of the inspection, including maximum occupancy of

44 the premises.

45   2. Compliance with all requirements and inspections of

46 the Marshall County Health Department relating to food and

47 beverage service and septic or sewer service.

48   d. Any violations of the requirements of this section

49 may result in the denial of a license or the revocation of the

50 license. The Marshall County Commission may enforce the

51 provisions of this section by appropriate injunctive relief in

52 the Circuit Court of Marshall County.

53   (3) In addition to any taxes authorized by law, the

54 Marshall County Commission may levy additional sales and use

55 taxes, at a rate not to exceed any sales and use taxes levied

56 by any municipality in the county, on the sale of alcoholic

57 beverages in the unincorporated areas of the county. The

58 proceeds from the taxes shall be deposited in the county

59 general fund. Fifty percent of the proceeds shall be further

60 distributed to the Marshall County Board of Education.

61   (c) The provisions of this amendment shall be

62 self-executing, but the Legislature by local law may enact

63 additional provisions to implement and regulate the sale of

64 alcoholic beverages in the unincorporated area of the county,

65 including providing for misdemeanor criminal penalties for

66 violations of any local law or any regulation of the county

67 commission.

68   Upon ratification of this constitutional amendment, the

69 Code Commissioner shall number and place this amendment as

70 appropriate in the constitution omitting this instructional

71 paragraph and may make the following nonsubstantive revisions:

72 change capitalization, hierarchy, spelling, and punctuation

73 for purposes of style and uniformity; correct manifest

74 grammatical, clerical, and typographical errors; revise

75 internal or external citations and cross-references; harmonize

76 language; and translate effective dates.

77   END PROPOSED AMENDMENT

78   Section 2. An election upon the proposed amendment

79 shall be held in accordance with Sections 284, 284.01, and 285

80 of the Constitution of Alabama of 2022, and the election laws

81 of this state. The appropriate election official shall assign

82 a ballot number for the proposed constitutional amendment on

83 the election ballot and shall set forth the following

84 description of the substance or subject matter of the proposed

85 constitutional amendment:

86   "Relating to Marshall County, proposing an amendment to

87 the Constitution of Alabama of 2022, to This bill would

88 propose an amendment to the Constitution of Alabama of 2022,

89 relating to Marshall County, to provide that Marshall County

90 would be a wet county for the purposes of the laws of this

91 state relating to alcoholic beverages and would further

92 authorize the regulation of the sale of alcoholic beverages in

93 the unincorporated areas of the county.

94   Proposed by Act _____."

95   This description shall be followed by the following

96 language:

97   "Yes( ) No( )."

98   Section 3. The proposed amendment shall become valid as

99 part of the Constitution of Alabama of 2022, when approved by

100 a majority of the qualified electors voting thereon.

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106
107
108            _____
               Speaker of the House of Representatives
109
110
111
112            _____
113            President and Presiding Officer of the Senate
114
115    ,
116                    House of Representatives
117
118        I hereby certify that the within Act originated in and
119    was passed by the House 02-Apr-24, as amended.
120
121                                John Treadwell
122                                Clerk
123
124
125
126            _____
127
128    Senate      _____02-May-24_____              Passed
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