

The Senate Veterans and Consumer Affairs Committee offered the following substitute to HB 1433:

ADOPTED

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to local
2 authorization and regulation of sales of alcoholic beverages on Sunday, so as to authorize
3 counties and municipalities in which the sale of alcoholic beverages is lawful for
4 consumption on the premises to permit and regulate the Sunday sale of malt beverages and
5 wine for consumption on the premises in certain licensed establishments if approved by
6 referendum; to provide for the ballot question; to provide for the validity of certain
7 resolutions or ordinances enacted pursuant to authorizations granted by other subsections of
8 such Code section; to provide for hours of sale in certain facilities; to provide that the
9 provisions of this Act are cumulative; to repeal conflicting laws; and for other purposes.

10 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

11 **SECTION 1.**

12 Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to local authorization
13 and regulation of sales of alcoholic beverages on Sunday, is amended by inserting a new
14 subsection to be designated subsection (p) to read as follows:

15 "(p)(1) Notwithstanding any other provisions of law, in all counties or municipalities in
16 which the sale of alcoholic beverages is lawful for consumption on the premises, the
17 governing authority of the county or municipality may, by resolution or ordinance
18 conditioned on approval in a referendum, authorize the sale of malt beverages and wine
19 for consumption on the premises on Sundays from 12:30 P.M. until 12:00 Midnight in
20 any licensed establishment which derives at least 50 percent of its total annual gross sales
21 from the sale of prepared meals or food in all of the combined retail outlets of the
22 individual establishment where food is served and in any licensed establishment which
23 derives at least 50 percent of its total annual gross income from the rental of rooms for
24 overnight lodging.

25 (2) Any governing authority desiring to permit and regulate Sunday sales pursuant to this
26 subsection, but only after a referendum election, shall so provide by proper resolution or
27 ordinance conditioned on a referendum. Not less than ten nor more than 60 days after the

1 date of approval of such resolution or ordinance, it shall be the duty of the election
 2 superintendent of the county or municipality to issue the call for an election for the
 3 purpose of submitting the question of Sunday sales to the electors of the county or
 4 municipality for approval or rejection. The superintendent shall set the date of the
 5 election for a day not less than 30 nor more than 60 days after the date of the issuance of
 6 the call. The superintendent shall cause the date and purpose of the election to be
 7 published in the official organ of the county once a week for two weeks immediately
 8 preceding the date thereof. The ballot shall have written or printed thereon the words:

9 "() YES Shall the governing authority of (name of municipality or county) be
 10 authorized to permit and regulate Sunday sales of malt beverages and
 11 () NO wine for beverage purposes by the drink?"

12 All persons desiring to vote for approval of Sunday sales shall vote "Yes," and those
 13 persons desiring to vote for rejection of Sunday sales shall vote "No." If more than
 14 one-half of the votes cast on the question are for approval of Sunday sales, the governing
 15 authority may by appropriate resolution or ordinance permit and regulate Sunday sales
 16 by licensees. Otherwise, such Sunday sales shall not be permitted. The expense of the
 17 election shall be borne by the county or municipality in which the election is held. It shall
 18 be the duty of the superintendent to hold and conduct the election. It shall be his or her
 19 further duty to certify the result thereof to the Secretary of State.

20 (3) Notwithstanding this subsection or any other provision of law, all county or
 21 municipal resolutions or ordinances enacted prior to the effective date of this Code
 22 section pursuant to the authorizations granted by subsections (a) through (i) of this Code
 23 section are declared to be valid and shall remain in full force and effect unless
 24 affirmatively repealed by the governing authority of the county or municipality.

25 (4) In any municipality in which the sale of alcohol on Sunday is legal, such sale may
 26 begin at 9:00 A.M. in contiguous properties upon which is located a festival marketplace
 27 and entertainment project which is financed in whole or in part by public funds and which
 28 contains a minimum of 200,000 square feet of gross leasable space for retail sales and
 29 entertainment purposes and which is located in the central business district of any such
 30 municipality if more than 50 percent of such contiguous properties are owned or
 31 controlled by a governmental entity.

32 (5) The provisions of this subsection are in addition to or cumulative of and not in lieu
 33 of any other provisions of this title granting certain authority to a county or municipality
 34 relative to the sale of alcoholic beverages for consumption on the premises."

35 SECTION 2.

- 1 All laws and parts of laws in conflict with this Act are repealed.