

House Bill 493 (COMMITTEE SUBSTITUTE)

By: Representatives Drenner of the 57th, Dean of the 49th, Moraitakis of the 42nd, Post 4, Benfield of the 56th, Post 1, Broome of the 141st, Post 2, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to the
2 regulation of alcoholic beverages generally, so as to authorize the governing authority of a
3 county or municipality to permit the sale of alcoholic beverages for consumption on the
4 premises no later than 4:30 A.M. each day and beginning at 12:30 P.M. on Sundays; to
5 provide that such authorization shall be by resolution or ordinance approved in a referendum;
6 to provide for other matters relative thereto; to repeal conflicting laws; and for other
7 purposes.

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

9 **SECTION 1.**

10 Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to the regulation of
11 alcoholic beverages generally, is amended by inserting immediately following Code Section
12 3-3-7 a new Code Section 3-3-7.1 to read as follows:

13 "3-3-7.1.

14 (a) Notwithstanding any other provisions of law, in all counties or municipalities in which
15 the sale of alcoholic beverages is lawful for consumption on the premises, the governing
16 authority of the county or municipality may, by resolution or ordinance conditioned on
17 approval in a referendum, authorize the sale of alcoholic beverages for consumption on the
18 premises no later than 4:30 A.M. each day and beginning at 12:30 P.M. on Sundays in any
19 licensed establishment.

20 (b) Any governing authority desiring to permit and regulate alcoholic beverage sales
21 pursuant to this Code section, but only after a referendum election, shall so provide by
22 proper resolution or ordinance conditioned on approval in a referendum. Not less than ten
23 nor more than 60 days after the date of approval of such resolution or ordinance, it shall be
24 the duty of the election superintendent of the county or municipality to issue the call for an
25 election for the purpose of submitting the question of such alcoholic beverage sales to the
26 electors of the county or municipality for approval or rejection. The superintendent shall

1 set the date of the election for a day not less than 30 nor more than 60 days after the date
 2 of the issuance of the call. The superintendent shall cause the date and purpose of the
 3 election to be published in the official organ of the county once a week for two weeks
 4 immediately preceding the date thereof. The ballot shall have written or printed thereon
 5 the words:

6 '() YES Shall the governing authority of (name of county or municipality) be
 7 authorized to permit and regulate the sale of alcoholic beverages for
 8 () NO consumption on the premises no later than 4:30 A.M. each day and
 9 beginning at 12:30 P.M. on Sundays?'

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

18 (c) Notwithstanding this Code section or any other provision of law, all county or
 19 municipal resolutions or ordinances enacted prior to July 1, 2003, pursuant to the
 20 authorizations granted by subsections (a) through (o) of Code Section 3-3-7 are declared
 21 to be valid and shall remain in full force and effect unless affirmatively repealed by the
 22 governing authority of the county or municipality.

23 (d) The provisions of this Code section are in addition to or cumulative of and not in lieu
 24 of any other provisions of this title granting certain authority to a county or municipality
 25 relative to the sale of alcoholic beverages for consumption on the premises."

26

SECTION 2.

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