

House Bill 717

By: Representatives Lindsey of the 54th and Wilkinson of the 52nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 35 of Title 36 of the Official Code of Georgia Annotated, "The Municipal
2 Home Rule Act of 1965," so as to change provisions relating to the amendment of
3 ordinances, resolutions, and regulations by petition and election; to provide that in the case
4 of an amendment that has as its purpose the fixing of the hours of sale of alcoholic beverages
5 for consumption on the premises in less than all of the territory of the municipal corporation,
6 only the electors residing in the area in question shall be eligible to sign the petition or vote
7 in the election; to provide for conditions, limitations, and other related matters; to provide
8 for the manner of changing hours of sale so established; to repeal conflicting laws; and for
9 other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**SECTION 1.**

12 Chapter 35 of Title 36 of the Official Code of Georgia Annotated, "The Municipal Home
13 Rule Act of 1965," is amended in Code Section 36-35-3, relating to home rule adoption,
14 amendment, and repeal of charters, ordinances, resolutions, and regulations, by adding at its
15 end a new subsection (d) to read as follows:

16 "(d) An amendment to the ordinances, resolutions, or regulations of the governing
17 authority that has as its purpose the fixing of the hours of sale of alcoholic beverages for
18 consumption on the premises may be carried out in the general manner provided in
19 paragraph (2) of subsection (b) of this Code section. However, with respect to a proposed
20 amendment which proposes to so fix hours of sale in less than all of the territory of the
21 municipal corporation:

22 (1) The percentage of voters required to sign the petition shall be determined according
23 to the number of registered voters who reside in the area in which the proposed hours of
24 sale will apply, so that if the population of such area is:

25 (A) Five thousand or less, the signatures of at least 25 percent of the electors residing
26 in the area shall be required;

1 (B) Five thousand but not more than 100,000, the signatures of at least 20 percent of
2 the electors residing in the area shall be required; and

3 (C) More than 100,000, the signatures of at least 15 percent of the electors residing in
4 the area shall be required; and

5 (2) Only the registered voters residing in the area in which the proposed hours of sale
6 will apply shall be eligible to sign the petition and vote in the election for the approval
7 or rejection of the amendment.

8 No amendment may be proposed or enacted under the procedure specified in this
9 subsection unless the area in which the proposed hours of sale will apply contains at least
10 10 percent of the population of the municipal corporation. The petition shall clearly and
11 distinctly describe the area in which hours of sale are to be established, and such area must
12 consist only of one or more whole municipal voting precincts, with no municipal voting
13 precinct being divided. Any hours of sale established by the procedure specified in this
14 subsection may be changed only through the procedure specified in this subsection or the
15 procedure specified in paragraph (2) of subsection (b) of this Code section."

16 **SECTION 2.**

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