

Senate Bill 137

By: Senators Harp of the 29th, Stoner of the 6th, Adelman of the 42nd, Bulloch of the 11th, Fort of the 39th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to the  
2 local authorization and regulation of sales of alcoholic beverages on Sunday, so as to provide  
3 that in each county or municipality in which package sales of certain alcoholic beverages by  
4 retailers are lawful, the governing authority of the county or municipality, as appropriate,  
5 may authorize package sales by a retailer of such alcoholic beverages on Sundays beginning  
6 at 12:00 Noon, if approved by referendum; to provide procedures; to provide for  
7 applicability; to provide for related matters; to repeal conflicting laws; and for other  
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to the local  
12 authorization and regulation of sales of alcoholic beverages on Sunday, is amended by  
13 adding new subsections to read as follows:

14 "(p)(1) Notwithstanding any other provision of law, in each county or municipality in  
15 which package sales of malt beverages and wine by retailers are lawful, the governing  
16 authority of the county or municipality, as appropriate, may authorize package sales by  
17 retailers of malt beverages and wine on Sundays beginning at 12:00 Noon, if such Sunday  
18 sales of malt beverages and wine are approved by referendum as provided in paragraph  
19 (2) of this subsection. Any governing authority of a county or municipality in which the  
20 package sales of malt beverages, wine, and distilled spirits are all lawful may not seek  
21 authorization using the method provided for in this subsection to permit and regulate  
22 package sales by retailers of only malt beverages and wine on Sundays beginning at  
23 12:00 Noon.

24 (2) Any governing authority desiring to permit and regulate package sales by retailers  
25 of malt beverages and wine on Sunday beginning at 12:00 Noon, pursuant to paragraph  
26 (1) of this subsection, shall so provide by proper resolution or ordinance. Upon receipt

1 of the resolution or ordinance, the election superintendent shall issue the call for an  
 2 election for the purpose of submitting the question of Sunday package sales by retailers  
 3 of both malt beverages and wine to the electors of that county or municipality for  
 4 approval or rejection. The election superintendent shall issue the call and shall conduct  
 5 the election on a date and in the manner authorized under Code Section 21-2-540. The  
 6 election superintendent shall cause the date and purpose of the election to be published  
 7 once a week for two weeks immediately preceding the date of the election in the official  
 8 organ of the county. The ballot shall have written or printed thereon the words:

9 '( ) YES Shall the governing authority of (name of county or municipality) be  
 10 authorized to permit and regulate package sales by retailers of malt  
 11 ( ) NO beverages and wine on Sundays beginning at 12:00 Noon?'

12 All persons desiring to vote for approval of package sales by retailers of malt beverages  
 13 and wine on Sundays beginning at 12:00 Noon shall vote 'Yes,' and all persons desiring  
 14 to vote for rejection of package sales by retailers of malt beverages and wine on Sundays  
 15 beginning at 12:00 Noon shall vote 'No.' If more than one-half of the votes cast on the  
 16 question are for approval of Sunday package sales by retailers of malt beverages and wine  
 17 on Sundays beginning at 12:00 Noon, the resolution or ordinance approving such Sunday  
 18 package sales by retailers of malt beverages and wine shall become effective upon the  
 19 date so specified in that resolution or ordinance. The expense of the election shall be  
 20 borne by the county or municipality in which the election is held. The election  
 21 superintendent shall canvass the returns, declare the result of the election, and certify the  
 22 result to the Secretary of State.

23 (3) Whenever package sales of malt beverages and wine on Sundays beginning at 12:00  
 24 Noon are authorized by a county or municipality pursuant to this subsection, Sunday  
 25 package sales by retailers of malt beverages and wine beginning at 12:00 Noon may be  
 26 made only by licensed retailers, licensed to sell by the package.

27 (4) The provisions of this subsection are in addition to or cumulative of and not in lieu  
 28 of any other provisions of this title relative to the sale of malt beverages and wine by  
 29 retailers.

30 (q)(1) Notwithstanding any other provision of law, in each county or municipality in  
 31 which package sales of malt beverages, wine, and distilled spirits by retailers are all  
 32 lawful, the governing authority of the county or municipality, as appropriate, may  
 33 authorize package sales by retailers of malt beverages, wine, and distilled spirits on  
 34 Sundays beginning at 12:00 Noon, if such Sunday sales of malt beverages, wine, and  
 35 distilled spirits are approved by referendum as provided in paragraph (2) of this  
 36 subsection. Pursuant to this subsection, the governing authority in each county or  
 37 municipality in which package sales of malt beverages, wine, and distilled spirits are all

1 lawful may not seek authorization for Sunday sales beginning at 12:00 Noon of only one  
 2 type of these alcoholic beverages; instead the governing authority must seek authorization  
 3 of package sales by retailers of all three types of alcoholic beverages.

4 (2) Any governing authority desiring to permit and regulate package sales by retailers  
 5 of malt beverages, wine, and distilled spirits on Sunday beginning at 12:00 Noon,  
 6 pursuant to paragraph (1) of this subsection, shall so provide by proper resolution or  
 7 ordinance. Upon receipt of the resolution or ordinance, the election superintendent shall  
 8 issue the call for an election for the purpose of submitting the question of Sunday  
 9 package sales by retailers of malt beverages, wine, and distilled spirits to the electors of  
 10 that county or municipality for approval or rejection. The election superintendent shall  
 11 issue the call and shall conduct the election on a date and in the manner authorized under  
 12 Code Section 21-2-540. The election superintendent shall cause the date and purpose of  
 13 the election to be published once a week for two weeks immediately preceding the date  
 14 of the election in the official organ of the county. The ballot shall have written or printed  
 15 thereon the words:

16 '( ) YES Shall the governing authority of (name of county or municipality) be  
 17 authorized to permit and regulate package sales by retailers of malt  
 18 ( ) NO beverages, wine, and distilled spirits on Sundays beginning at 12:00 Noon?'

19 All persons desiring to vote for approval of package sales by retailers of malt beverages,  
 20 wine, and distilled spirits on Sundays beginning at 12:00 Noon shall vote 'Yes,' and all  
 21 persons desiring to vote for rejection of package sales by retailers of malt beverages,  
 22 wine, and distilled spirits on Sundays beginning at 12:00 Noon shall vote 'No.' If more  
 23 than one-half of the votes cast on the question are for approval of Sunday package sales  
 24 by retailers of malt beverages, wine, and distilled spirits on Sundays beginning at 12:00  
 25 Noon, the resolution or ordinance approving such Sunday package sales by retailers of  
 26 malt beverages, wine, and distilled spirits beginning at 12:00 Noon shall become effective  
 27 upon the date so specified in that resolution or ordinance. The expense of the election  
 28 shall be borne by the county or municipality in which the election is held. The election  
 29 superintendent shall canvass the returns, declare the result of the election, and certify the  
 30 result to the Secretary of State.

31 (3) Whenever package sales of malt beverages, wine, and distilled spirits on Sundays  
 32 beginning at 12:00 Noon are authorized by a county or municipality pursuant to this  
 33 subsection, Sunday package sales by retailers of malt beverages, wine, and distilled  
 34 spirits beginning at 12:00 Noon may be made only by licensed retailers, licensed to sell  
 35 by the package.

1 (4) The provisions of this subsection are in addition to or cumulative of and not in lieu  
2 of any other provisions of this title relative to the sale of alcoholic beverages by retailers.”

3 **SECTION 2.**

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