

Senate Bill 138

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. Nothing in this subsection shall prohibit the governing authority
20 of the county or municipality in which the package sales of malt beverages, wine, and
21 distilled spirits are all lawful from seeking authorization using the method provided for
22 in this subsection to permit and regulate package sales by retailers of only malt beverages
23 and wine on Sundays beginning at 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.

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

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

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

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

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

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SECTION 2.

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