

House Bill 1280 (COMMITTEE SUBSTITUTE)

By: Representatives Stephens of the 164th, Bearden of the 68th, Shaw of the 176th, Roberts of the 154th, and May of the 111th

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages,
2 so as to provide for state licensing of regional economic assistance projects to sell certain
3 alcoholic beverages; to provide requirements and conditions of such license; to provide for
4 powers, duties, and authority of the state revenue commissioner; to amend Article 8 of
5 Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to encouragement
6 of state agencies to give certified projects priority in licensing and processing grants and
7 authorization for sale of alcoholic beverages, so as to move the provisions relating to the
8 sales of certain alcoholic beverages by regional economic assistance projects to Title 3 of
9 the Official Code of Georgia Annotated; to provide for related matters; to repeal conflicting
10 laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is
14 amended by adding a new chapter to read as follows:

15 **"CHAPTER 13**

16 3-13-1.

17 As used in this chapter, the term:

- 18 (1) 'Alcoholic beverages for consumption on premises' shall mean malt beverages, wine,
19 or distilled spirits by the drink for consumption on the premises only.
- 20 (2) 'Licensee' shall mean the developer, owner, or operator of the REAP or the
21 developer, owner, or operator of any certified project or facility located in a REAP to
22 whom a state retail consumption dealer license is issued.
- 23 (3) 'Regional Economic Assistance Project' or 'REAP' shall have the same meaning as
24 in Code Section 50-8-190 and shall specifically include any certified project or facility
25 located in a REAP.

1 3-13-2.

2 (a) A REAP shall be authorized to sell alcoholic beverages for consumption on premises
3 on days and at times authorized in any jurisdiction within this state for the sale of alcoholic
4 beverages, upon obtaining state license from the commissioner for the sale of alcoholic
5 beverages.

6 (b) Prior to the issuance of a state license, the applicant shall obtain a license for the sale
7 of alcoholic beverages from the local governing authority of any county or municipal
8 corporation in which the REAP of developer, owner, or operator to be issued a state license
9 is wholly or partially located; provided, however, that if said local governing authority is
10 not authorized by ordinance or resolution to issue licenses for the sale of alcoholic
11 beverages for consumption on premises, then no local license shall be required. If the local
12 governing authority authorizes the issuance of licenses for the sale of alcoholic beverages
13 for consumption on premises by resolution or ordinance after a state license has been
14 issued or renewed, the licensee shall have 60 days after such an ordinance or resolution is
15 passed to obtain the local license. If the applicant or licensee fails to obtain such local
16 license, the applicant shall be denied a state license or the state license shall be subject to
17 suspension or revocation by the commissioner.

18 (c) A state license issued pursuant to this chapter shall entitle the licensee the right to sell
19 alcoholic beverages for consumption on premises on days and at times authorized in any
20 jurisdiction within this state for the sale of alcoholic beverages, regardless of what local
21 ordinance or regulations may be in effect in any jurisdiction in which the REAP is wholly
22 or partially located. The sale of alcoholic beverages for consumption on premises by a
23 licensee on days and at times authorized by subsection (a) of this Code section which differ
24 from those days and times permitted under a licensee's local license shall not constitute
25 lawful grounds for the denial, revocation, suspension, or nonrenewal of said local license
26 by the local governing authority.

27 3-13-3.

28 A local government shall be authorized to levy and collect any local taxes on any sale of
29 alcoholic beverages made within its jurisdiction by a licensee as are otherwise authorized
30 by law.

31 3-13-4.

32 The commissioner may promulgate such reasonable rules and regulations as are necessary
33 and appropriate to regulate the issuance of state retail consumption dealer licenses to
34 developers, owners, or operators of a REAP and the developers, owners, or operators of

1 any certified project or facility located in a REAP and to enforce the provisions of this
2 chapter."

3 **SECTION 2.**

4 Article 8 of Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to
5 regional economic assistance projects, is amended by revising Code Section 50-8-193,
6 relating to encouragement of state agencies to give certified projects priority in licensing and
7 processing grants and authorization for sale of alcoholic beverages, as follows:

8 "50-8-193.

9 (a) The Department of Community Affairs shall certify that a project has received a
10 certificate of compliance as a REAP to the Department of Natural Resources; the
11 Department of Economic Development; the Department of Transportation; the Department
12 of Revenue; the Department of Labor; the Georgia Environmental Facilities Authority; and
13 any other state department, agency, or instrumentality which requests such certification.

14 All state agencies, departments, and instrumentalities are encouraged to give priority in
15 their permitting and licensing and in the processing of grants and loans to local
16 governments for projects which have received a certification.

17 (b) ~~Where authorized by local ordinance or resolution, a certified project or facility located
in a certified project shall be authorized to make sales of malt beverages, wine, or distilled
spirits by the drink for consumption on the premises only, upon obtaining a license from
the appropriate local authority and the state revenue commissioner. Where all of such sales
at all times authorized in any other jurisdiction are not authorized by local ordinance or
resolution, a certification of compliance as a REAP shall authorize the state revenue
commissioner to issue a state license for the sale of malt beverages, wine, or distilled spirits
by the drink for consumption on the premises only which are not authorized by local
ordinance or resolution to the developer, owner, or operator of a certified project or facility
located in a certified project, upon the payment of taxes and fees and, except as provided
in this article, compliance with the provisions of Title 3 and Department of Revenue
regulations; provided, however, that notwithstanding any contrary provision of Title 3,
such a licensee shall not be required to obtain a license from the local government until
such time as such sales are authorized by local ordinance or resolution. Further, such a
license for the sale of malt beverages, wine, or distilled spirits by the drink for consumption
on the premises only may only be issued to such a developer, owner, or operator of a
certified project or facility located in a certified project which is located wholly or partially
in a municipal corporation or county in which the sale of malt beverages, wine, or distilled
spirits by the drink for consumption on the premises only for which such license is sought
is not otherwise authorized by local ordinance or resolution. Any license issued to a~~

1 certified project or facility located in a certified project shall include the right to sell at all
2 times otherwise authorized in any other jurisdiction in this state malt beverages, wine, or
3 distilled spirits for consumption on the premises only.

4 (c) The local government or governments encompassing the facility or facilities for which
5 a state license for the sale of malt beverages, wine, or distilled spirits by the drink for
6 consumption on the premises only is issued pursuant to this Code section, with or without
7 the issuance of a local license, is authorized to levy and collect any local taxes on such
8 alcoholic beverages as are otherwise authorized by law."

9 **SECTION 3.**

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