

House Bill 1280 (AS PASSED HOUSE AND SENATE)

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 Chapter 8 of Title
5 50 of the Official Code of Georgia Annotated, relating to the Department of Community
6 Affairs, so as to provide for additional assistance by the Department of Community Affairs
7 relating to regional economic assistance projects; to provide for certain adjacent facilities to
8 satisfy certain designation criteria; to move the provisions relating to the sales of certain
9 alcoholic beverages by regional economic assistance projects to Title 3 of the Official Code
10 of Georgia Annotated; to provide for related matters; to repeal conflicting laws; and for other
11 purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

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

16 "CHAPTER 13

17 3-13-1.

18 As used in this chapter, the term:

19 (1) 'Alcoholic beverages for consumption on premises' shall mean malt beverages, wine,
20 or distilled spirits by the drink for consumption on the premises only.

21 (2) 'Licensee' shall mean the developer, owner, or operator of the REAP or the
22 developer, owner, or operator of or any certified project or facility located in a REAP to
23 whom a state retail consumption dealer license is issued.

1 (3) 'Regional Economic Assistance Project' or 'REAP' shall have the same meaning as
2 in Code Section 50-8-190 and shall specifically include any certified project or facility
3 located in a REAP.

4 3-13-2.

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

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

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

30 (d) A state license issued pursuant to this chapter shall entitle the licensee the right to sell
31 alcoholic beverages for consumption on premises anywhere within the REAP.

32 3-13-3.

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

1 3-13-4.
 2 The commissioner may promulgate such reasonable rules and regulations as are necessary
 3 and appropriate to regulate the issuance of state retail consumption dealer licenses to
 4 developers, owners, or operators of a REAP and the developers, owners, or operators of
 5 any certified project or facility located in a REAP and to enforce the provisions of this
 6 chapter."

7 SECTION 2.

8 Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to the Department
 9 of Community Affairs, is amended by revising subsection (b) of Code Section 50-8-7,
 10 relating to the planning and technical assistance activities and information gathering and
 11 distributing, by adding a new paragraph (2.1) to read as follows:

12 "(2.1) The department may assist any local government or local authority owning or
 13 operating a facility for convention and trade show purposes or any other similar or related
 14 purposes in identifying and promoting regional economic assistance projects within their
 15 respective jurisdictions, and such facility, if the subject of a reciprocal use agreement, shall
 16 be an adjacent facility satisfying the criteria of paragraph (1) of subsection (c) of Code
 17 Section 50-8-191."

18 SECTION 3.

19 Said chapter is further amended by revising Code Section 50-8-193, relating to
 20 encouragement of state agencies to give certified projects priority in licensing and processing
 21 grants and authorization for sale of alcoholic beverages, as follows:

22 "50-8-193.

23 (a) The Department of Community Affairs shall certify that a project has received a
 24 certificate of compliance as a REAP to the Department of Natural Resources; the
 25 Department of Economic Development; the Department of Transportation; the Department
 26 of Revenue; the Department of Labor; the Georgia Environmental Facilities Authority; and
 27 any other state department, agency, or instrumentality which requests such certification.
 28 All state agencies, departments, and instrumentalities are encouraged to give priority in
 29 their permitting and licensing and in the processing of grants and loans to local
 30 governments for projects which have received a certification.

31 ~~(b) Where authorized by local ordinance or resolution, a certified project or facility located~~
 32 ~~in a certified project shall be authorized to make sales of malt beverages, wine, or distilled~~
 33 ~~spirits by the drink for consumption on the premises only, upon obtaining a license from~~
 34 ~~the appropriate local authority and the state revenue commissioner. Where all of such sales~~
 35 ~~at all times authorized in any other jurisdiction are not authorized by local ordinance or~~

~~1 resolution, a certification of compliance as a REAP shall authorize the state revenue
2 commissioner to issue a state license for the sale of malt beverages, wine, or distilled spirits
3 by the drink for consumption on the premises only which are not authorized by local
4 ordinance or resolution to the developer, owner, or operator of a certified project or facility
5 located in a certified project, upon the payment of taxes and fees and, except as provided
6 in this article, compliance with the provisions of Title 3 and Department of Revenue
7 regulations; provided, however, that notwithstanding any contrary provision of Title 3,
8 such a licensee shall not be required to obtain a license from the local government until
9 such time as such sales are authorized by local ordinance or resolution. Further, such a
10 license for the sale of malt beverages, wine, or distilled spirits by the drink for consumption
11 on the premises only may only be issued to such a developer, owner, or operator of a
12 certified project or facility located in a certified project which is located wholly or partially
13 in a municipal corporation or county in which the sale of malt beverages, wine, or distilled
14 spirits by the drink for consumption on the premises only for which such license is sought
15 is not otherwise authorized by local ordinance or resolution. Any license issued to a
16 certified project or facility located in a certified project shall include the right to sell at all
17 times otherwise authorized in any other jurisdiction in this state malt beverages, wine, or
18 distilled spirits for consumption on the premises only.~~

~~19 (c) The local government or governments encompassing the facility or facilities for which
20 a state license for the sale of malt beverages, wine, or distilled spirits by the drink for
21 consumption on the premises only is issued pursuant to this Code section, with or without
22 the issuance of a local license, is authorized to levy and collect any local taxes on such
23 alcoholic beverages as are otherwise authorized by law."~~

SECTION 4.

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