

Senate Bill 16

By: Senators Harp of the 29th, Stoner of the 6th, Balfour of the 9th, Jones of the 10th, Orrock of the 36th 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 for any period of time
6 on Sundays from 12:00 Noon until 12:00 Midnight, if approved by referendum; to provide
7 procedures; to provide for applicability; to provide for related matters; to repeal conflicting
8 laws; and for other 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)(A) As used in this subsection, the term 'Sunday sales' means package sales by
15 retailers of malt beverages and wine for any period of time on Sundays from 12:00
16 Noon until 12:00 Midnight.

17 (B) In each county or municipality in which package sales of malt beverages and wine
18 by retailers are lawful, but package sales of distilled spirits by retailers are not lawful,
19 the governing authority of the county or municipality, as appropriate, may authorize
20 Sunday sales under this subsection if such Sunday sales of malt beverages and wine are
21 approved by referendum as provided in paragraph (2) of this subsection.

22 (2) Any governing authority desiring to permit and regulate Sunday sales pursuant to
23 paragraph (1) of this subsection shall by proper resolution or ordinance call for such a
24 referendum election. Upon receipt of the resolution or ordinance, the election
25 superintendent shall issue the call for an election for the purpose of submitting the
26 question of Sunday sales pursuant under this subsection to the electors of that county or
27 municipality for approval or rejection. The election superintendent shall issue the call

28 and shall conduct the election on a date and in the manner authorized under Code Section
 29 21-2-540. The election superintendent shall cause the date and purpose of the election
 30 to be published once a week for two weeks immediately preceding the date of the election
 31 in the official organ of the county. The ballot shall have written or printed thereon the
 32 words:

33 '() YES Shall the governing authority of (name of county or municipality) be
 34 authorized to permit and regulate package sales by retailers of malt
 35 '() NO beverages and wine for any period of time on Sundays from 12:00 Noon
 36 until 12:00 Midnight?'

37 All persons desiring to vote for approval of such Sunday sales shall vote 'Yes,' and all
 38 persons desiring to vote for rejection of such Sunday sales shall vote 'No.' If more than
 39 one-half of the votes cast on the question are for approval of such Sunday sales, then the
 40 governing authority shall be authorized to permit and regulate such Sunday sales through
 41 the issuance of licenses and the passage of resolutions or ordinances. The expense of the
 42 election shall be borne by the county or municipality in which the election is held. The
 43 election superintendent shall canvass the returns, declare the result of the election, and
 44 certify the result to the Secretary of State.

45 (3) If the election held pursuant to paragraph (2) of this subsection results in the approval
 46 of Sunday sales under this subsection, the governing authority of the county or
 47 municipality shall be authorized to provide by the issuance of licenses and the passage
 48 of resolutions or ordinances all provisions concerning Sunday sales under this subsection,
 49 except where otherwise provided by state law. The governing authority shall at any time
 50 be authorized to adjust the period between 12:00 Noon and 12:00 Midnight during which
 51 such sales on Sundays may be permitted within its jurisdiction by the adoption of an
 52 appropriate resolution or ordinance.

53 (4) Following the expiration of one year after any election is held which results in the
 54 disapproval of Sunday sales, another election on this question shall be held if the
 55 governing authority, as provided in paragraph (2) of this subsection, forwards a proper
 56 resolution or ordinance to the election superintendent calling for such a referendum.

57 (5) In any county or municipality which has at any time held an election in accordance
 58 with paragraph (2) of this subsection resulting in the majority of the votes being cast in
 59 favor of Sunday sales under this subsection, the election superintendent of the county or
 60 municipality, upon receipt of a proper resolution or ordinance of the governing authority
 61 or upon receipt of a written petition signed by at least 35 percent of the registered
 62 qualified voters or the county or municipality, shall proceed to call another election for
 63 the purpose of nullifying the previous election in the same manner as prescribed in
 64 paragraph (2) of this subsection.

65 (6) Whenever Sunday sales are permitted by a county or municipality pursuant to this
 66 subsection, such sales shall be made only by licensed retailers licensed to sell by the
 67 package.

68 (7) The provisions of this subsection are in addition to and not in lieu of any other
 69 provisions of this title relative to the sale of malt beverages and wine by retailers.

70 (q)(1)(A) As used in the subsection, the term 'Sunday sales' means package sales by
 71 retailers of malt beverages, wine, and distilled spirits for any period of time on Sundays
 72 from 12:00 Noon until 12:00 Midnight.

73 (B) In each county or municipality in which package sales of malt beverages, wine, and
 74 distilled spirits by retailers are all lawful, the governing authority of the county or
 75 municipality, as appropriate, may authorize Sunday sales under this subsection if such
 76 Sunday sales are approved by referendum as provided in paragraph (2) of this
 77 subsection. Pursuant to this subsection, the governing authority in each county or
 78 municipality in which package sales of malt beverages, wine, and distilled spirits are
 79 all lawful may not seek authorization to permit and regulate package sales on Sundays
 80 of only one type of these alcoholic beverages; instead, the governing authority may
 81 only seek authorization of package sales by retailers of all three types of these alcoholic
 82 beverages.

83 (2) Any governing authority desiring to permit and regulate Sunday sales, pursuant to
 84 paragraph (1) of this subsection, shall by proper resolution or ordinance call for such a
 85 referendum election. Upon receipt of the resolution or ordinance, the election
 86 superintendent shall issue the call for an election for the purpose of submitting the
 87 question of Sunday sales to the electors of that county or municipality for approval or
 88 rejection. The election superintendent shall issue the call and shall conduct the election
 89 on a date and in the manner authorized under Code Section 21-2-540. The election
 90 superintendent shall cause the date and purpose of the election to be published once a
 91 week for two weeks immediately preceding the date of the election in the official organ
 92 of the county. The ballot shall have written or printed thereon the words:

93 ' () YES Shall the governing authority of (name of county or municipality) be
 94 authorized to permit and regulate package sales by retailers of malt
 95 () NO beverages, wine, and distilled spirits for any period of time on Sundays from
 96 12:00 Noon until 12:00 Midnight?'

97 All persons desiring to vote for approval of Sunday sales shall vote 'Yes,' and all persons
 98 desiring to vote for rejection of Sunday sales shall vote 'No.' If more than one-half of the
 99 votes cast on the question are for approval of such Sunday sales, then the governing
 100 authority shall be authorized to permit and regulate such Sunday sales through the
 101 issuance of licenses and the passage of resolutions or ordinances. The expense of the

102 election shall be borne by the county or municipality in which the election is held. The
103 election superintendent shall canvass the returns, declare the result of the election, and
104 certify the result to the Secretary of State.

105 (3) If the election held pursuant to paragraph (2) of this subsection results in the approval
106 of Sunday sales under this subsection, the governing authority of the county or
107 municipality shall be authorized to provide by the issuance of licenses and the passage
108 of resolutions or ordinances all provisions concerning Sunday sales under this subsection,
109 except where otherwise provided by state law. The governing authority shall at any time
110 be authorized to adjust the period between 12:00 Noon and 12:00 Midnight during which
111 such sales may be permitted on Sundays within its jurisdiction by the adoption of an
112 appropriate resolution or ordinance.

113 (4) Following the expiration of one year after any election is held which results in the
114 disapproval of Sunday sales, another election on this question shall be held if the
115 governing authority, as provided in paragraph (2) of this subsection, forwards a proper
116 resolution or ordinance to the election superintendent calling for such a referendum.

117 (5) In any county or municipality which has at any time held an election in accordance
118 with paragraph (2) of this subsection resulting in the majority of the votes being cast in
119 favor of Sunday sales under this subsection, the election superintendent of the county or
120 municipality, upon receipt of a proper resolution or ordinance of the governing authority
121 or upon receipt of a written petition signed by at least 35 percent of the registered
122 qualified voters of the county or municipality, shall proceed to call another election for
123 the purpose of nullifying the previous election in the same manner as prescribed in
124 paragraph (2) of this subsection.

125 (6) Whenever Sunday sales are permitted by a county or municipality pursuant to this
126 subsection, such sales shall be made only by licensed retailers licensed to sell by the
127 package.

128 (7) The provisions of this subsection are in addition to and not in lieu of any other
129 provisions of this title relative to the sale of malt beverages, wine, and distilled spirits by
130 retailers."

131 **SECTION 2.**

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