

House Bill 138

By: Representatives Williams of the 4th, Jerguson of the 22nd, Willard of the 49th, Millar of the 79th, and Kaiser of the 59th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to local
2 authorization and regulation of sales of alcoholic beverages on Sunday, so as to provide that
3 any county in which the Sunday sale of alcoholic beverages is authorized may authorize the
4 sale of alcoholic beverages in certain public stadiums, coliseums, and auditoriums; to provide
5 that in each county or municipality in which package sales of only malt beverages and wine
6 by retailers is lawful, the governing authority of the county or municipality, as appropriate,
7 may authorize package sales by a retailer of malt beverages and wine on Sundays from 12:30
8 P.M. until 11:30 P.M., if approved by referendum; to provide that in each county or
9 municipality in which package sales of malt beverages, wine, and distilled spirits by retailers
10 are all lawful, the governing authority of the county or municipality, as appropriate, may
11 authorize package sales by a retailer of malt beverages, wine, and distilled spirits on Sundays
12 from 12:30 P.M. until 11:30 P.M., if approved by referendum; to provide procedures; to
13 provide for applicability; to provide for related matters; to provide an effective date; to repeal
14 conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

17 Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to local authorization
18 and regulation of sales of alcoholic beverages on Sunday, is amended by revising subsection
19 (n) as follows:

20 "(n) A municipality or county in which the sale of alcoholic beverages on Sunday is
21 authorized by any other provision of law may by the adoption of an ordinance authorize
22 the sale of alcoholic beverages in public stadiums, coliseums, and auditoriums owned or
23 controlled by it or by a public authority and having seating capacity in excess of 2,500
24 people on Sunday between the hours of 12:30 P.M. and midnight."

25 **SECTION 2.**

26 Said Code section is further amended by adding new subsections to read as follows:

27 "(p)(1) Notwithstanding other laws, in each county or municipality in which package
 28 sales of malt beverages and wine by retailers are lawful, but package sales of distilled
 29 spirits by retailers are not lawful, the governing authority of the county or municipality,
 30 as appropriate, may authorize package sales by retailers of malt beverages and wine on
 31 Sundays from 12:30 P.M. until 11:30 P.M., if such Sunday sales of both malt beverages
 32 and wine are approved by referendum as provided in paragraph (2) of this subsection.

33 (2) Any governing authority desiring to permit and regulate package sales by retailers
 34 of both malt beverages and wine on Sundays from 12:30 P.M. until 11:30 P.M., pursuant
 35 to paragraph (1) of this subsection, shall so provide by proper resolution or ordinance.
 36 Upon receipt of the resolution or ordinance, the election superintendent shall issue the
 37 call for an election for the purpose of submitting the question of Sunday package sales
 38 by retailers of both malt beverages and wine to the electors of that county or municipality
 39 for approval or rejection. The election superintendent shall issue the call and shall
 40 conduct the election on a date and in the manner authorized under Code Section
 41 21-2-540. The election superintendent shall cause the date and purpose of the election
 42 to be published once a week for four weeks immediately preceding the date of the
 43 election in the official organ of the county. The ballot shall have written or printed
 44 thereon the words:

45 "() YES Shall the governing authority of (name of county or municipality) be
 46 authorized to permit and regulate package sales by retailers of both malt
 47 () NO beverages and wine on Sundays from 12:30 P.M. until 11:30 P.M.?"

48 All persons desiring to vote for approval of package sales by retailers of malt beverages
 49 and wine on Sundays from 12:30 P.M. until 11:30 P.M. shall vote 'Yes,' and all persons
 50 desiring to vote for rejection of package sales by retailers of malt beverages and wine on
 51 Sundays from 12:30 P.M. until 11:30 P.M. shall vote 'No.' If more than one-half of the
 52 votes cast on the question are for approval of Sunday package sales by retailers of malt
 53 beverages and wine on Sundays from 12:30 P.M. until 11:30 P.M., the resolution or
 54 ordinance approving such Sunday package sales by retailers of malt beverages and wine
 55 shall become effective upon the date so specified in that resolution or ordinance. The
 56 expense of the election shall be borne by the county or municipality in which the election
 57 is held. The election superintendent shall canvass the returns, declare the result of the
 58 election, and certify the result to the Secretary of State.

59 (3) Whenever package sales of malt beverages and wine on Sundays from 12:30 P.M.
 60 until 11:30 P.M. are authorized by a county or municipality pursuant to this subsection,

61 Sunday package sales by retailers of malt beverages and wine may be made only by
 62 licensed retailers, licensed to sell by the package.

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

66 (q)(1) Notwithstanding other laws, in each county or municipality in which package
 67 sales of malt beverages, wine, and distilled spirits by retailers are all lawful, the
 68 governing authority of the county or municipality, as appropriate, may authorize package
 69 sales by retailers of malt beverages, wine, and distilled spirits on Sundays from 12:30
 70 P.M. until 11:30 P.M., if such Sunday sales of malt beverages, wine, and distilled spirits
 71 are approved by referendum as provided in paragraph (2) of this subsection. Pursuant to
 72 this subsection, the governing authority may not seek authorization for Sunday sales of
 73 only one type of alcoholic beverage, instead the governing authority must seek
 74 authorization of package sales by retailers of all alcoholic beverages, including malt
 75 beverages, wine, and distilled spirits.

76 (2) Any governing authority desiring to permit and regulate package sales by retailers
 77 of malt beverages, wine, and distilled spirits on Sundays from 12:30 P.M. until
 78 11:30 P.M., pursuant to paragraph (1) of this subsection, shall so provide by proper
 79 resolution or ordinance. Upon receipt of the resolution or ordinance, the election
 80 superintendent shall issue the call for an election for the purpose of submitting the
 81 question of Sunday package sales by retailers of malt beverages, wine, and distilled
 82 spirits to the electors of that county or municipality for approval or rejection. The
 83 election superintendent shall issue the call and shall conduct the election on a date and
 84 in the manner authorized under Code Section 21-2-540. The election superintendent shall
 85 cause the date and purpose of the election to be published once a week for four weeks
 86 immediately preceding the date of the election in the official organ of the county. The
 87 ballot shall have written or printed thereon the words:

88 "() YES Shall the governing authority of (name of county or municipality) be
 89 authorized to permit and regulate package sales by retailers of malt
 90 () NO beverages, wine, and distilled spirits on Sundays from 12:30 P.M. until
 91 11:30 P.M.?"

92 All persons desiring to vote for approval of package sales by retailers of malt beverages,
 93 wine, and distilled spirits on Sundays from 12:30 P.M. until 11:30 P.M. shall vote 'Yes,'
 94 and all persons desiring to vote for rejection of package sales by retailers of malt
 95 beverages, wine, and distilled spirits on Sundays from 12:30 P.M. until 11:30 P.M. shall
 96 vote 'No.' If more than one-half of the votes cast on the question are for approval of
 97 Sunday package sales by retailers of malt beverages, wine, and distilled spirits on

98 Sundays from 12:30 P.M. until 11:30 P.M., the resolution or ordinance approving such
99 Sunday package sales by retailers of malt beverages, wine, and distilled spirits shall
100 become effective upon the date so specified in that resolution or ordinance. The expense
101 of the election shall be borne by the county or municipality in which the election is held.
102 The election superintendent shall canvass the returns, declare the result of the election,
103 and certify the result to the Secretary of State.
104 (3) Whenever package sales of malt beverages, wine, and distilled spirits on Sundays
105 from 12:30 P.M. until 11:30 P.M. are authorized by a county or municipality pursuant to
106 this subsection, Sunday package sales by retailers of malt beverages, wine, and distilled
107 spirits may be made only by licensed retailers, licensed to sell by the package.
108 (4) The provisions of this subsection are in addition to or cumulative of and not in lieu
109 of any other provisions of this title relative to the sale of alcoholic beverages by retailers."

110 **SECTION 3.**

111 This Act shall become effective upon its approval by the Governor or upon its becoming law
112 without such approval.

113 **SECTION 4.**

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