

House Bill 352

By: Representatives Williams of the 4th, Dickson of the 6th, Willard of the 49th, Jerguson of the 22nd, Kaiser of the 59th, 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 only malt beverages and wine
4 by retailers is lawful, the governing authority of the county or municipality, as appropriate,
5 may authorize package sales by a retailer of malt beverages and wine on Sundays from 12:30
6 P.M. until 7:00 P.M., if approved by referendum; to provide that in each county or
7 municipality in which package sales of malt beverages, wine, and distilled spirits by retailers
8 are all lawful, the governing authority of the county or municipality, as appropriate, may
9 authorize package sales by a retailer of malt beverages, wine, and distilled spirits on Sundays
10 from 12:30 P.M. until 7:00 P.M., if approved by referendum; to provide procedures; to
11 provide for applicability; to provide for related matters; to repeal conflicting laws; and for
12 other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

15 Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to the local
16 authorization and regulation of sales of alcoholic beverages on Sunday, is amended by
17 adding new subsections to read as follows:

18 "(p)(1) Notwithstanding other laws, in each county or municipality in which package
19 sales of malt beverages and wine by retailers is lawful, but package sales of distilled
20 spirits by retailers is not lawful, the governing authority of the county or municipality, as
21 appropriate, may authorize package sales by retailers of malt beverages and wine on
22 Sundays from 12:30 P.M. until 7:00 P.M., if such Sunday sales of both malt beverages
23 and wine are approved by referendum as provided in paragraph (2) of this subsection.
24 (2) Any governing authority desiring to permit and regulate package sales by retailers
25 of both malt beverages and wine on Sunday from 12:30 P.M. until 7:00 P.M., pursuant
26 to paragraph (1) of this subsection, shall so provide by proper resolution or ordinance.

27 Upon receipt of the resolution or ordinance, the election superintendent shall issue the
 28 call for an election for the purpose of submitting the question of Sunday package sales
 29 by retailers of both malt beverages and wine to the electors of that county or municipality
 30 for approval or rejection. The election superintendent shall issue the call and shall
 31 conduct the election on a date and in the manner authorized under Code Section
 32 21-2-540. The election superintendent shall cause the date and purpose of the election
 33 to be published once a week for four weeks immediately preceding the date of the
 34 election in the official organ of the county. The ballot shall have written or printed
 35 thereon the words:

36 ' () YES Shall the governing authority of (name of county or municipality) be
 37 authorized to permit and regulate package sales by retailers of both malt
 38 () NO beverages and wine on Sundays from 12:30 P.M. until 7:00 P.M.?'

39 All persons desiring to vote for approval of package sales by retailers of malt beverages
 40 and wine on Sundays from 12:30 P.M. until 7:00 P.M. shall vote 'Yes,' and all persons
 41 desiring to vote for rejection of package sales by retailers of malt beverages and wine on
 42 Sundays from 12:30 P.M. until 7:00 P.M. shall vote 'No.' If more than one-half of the
 43 votes cast on the question are for approval of Sunday package sales by retailers of malt
 44 beverages and wine on Sundays from 12:30 P.M. until 7:00 P.M., the resolution or
 45 ordinance approving such Sunday package sales by retailers of malt beverages and wine
 46 shall become effective upon the date so specified in that resolution or ordinance. The
 47 expense of the election shall be borne by the county or municipality in which the election
 48 is held. The election superintendent shall canvass the returns, declare the result of the
 49 election, and certify the result to the Secretary of State.

50 (3) Whenever package sales of malt beverages and wine on Sundays from 12:30 P.M.
 51 until 7:00 P.M. are authorized by a county or municipality pursuant to this subsection,
 52 Sunday package sales by retailers of malt beverages and wine may be made only by
 53 licensed retailers, licensed to sell by the package.

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

57 (q)(1) Notwithstanding other laws, in each county or municipality in which package
 58 sales of malt beverages, wine, and distilled spirits by retailers are all lawful, the
 59 governing authority of the county or municipality, as appropriate, may authorize package
 60 sales by retailers of malt beverages, wine, and distilled spirits on Sundays from 12:30
 61 P.M. until 7:00 P.M., if such Sunday sales of malt beverages, wine, and distilled spirits
 62 are approved by referendum as provided in paragraph (2) of this subsection. Pursuant to
 63 this subsection, the governing authority may not seek authorization for Sunday sales of

64 only one type of alcoholic beverage, instead the governing authority must seek
 65 authorization of packages sales by retailers of all alcoholic beverages, including malt
 66 beverages, wine, and distilled spirits.

67 (2) Any governing authority desiring to permit and regulate package sales by retailers
 68 of malt beverages, wine, and distilled spirits on Sunday from 12:30 P.M. until 7:00 P.M.,
 69 pursuant to paragraph (1) of this subsection, shall so provide by proper resolution or
 70 ordinance. Upon receipt of the resolution or ordinance, the election superintendent shall
 71 issue the call for an election for the purpose of submitting the question of Sunday
 72 package sales by retailers of malt beverages, wine, and distilled spirits to the electors of
 73 that county or municipality for approval or rejection. The election superintendent shall
 74 issue the call and shall conduct the election on a date and in the manner authorized under
 75 Code Section 21-2-540. The election superintendent shall cause the date and purpose of
 76 the election to be published once a week for four weeks immediately preceding the date
 77 of the election in the official organ of the county. The ballot shall have written or printed
 78 thereon the words:

79 '() YES Shall the governing authority of (name of county or municipality) be
 80 authorized to permit and regulate package sales by retailers of malt
 81 () NO beverages, wine, and distilled spirits on Sundays from 12:30 P.M. until 7:00
 82 P.M.?'

83 All persons desiring to vote for approval of package sales by retailers of malt beverages,
 84 wine, and distilled spirits on Sundays from 12:30 P.M. until 7:00 P.M. shall vote 'Yes,'
 85 and all persons desiring to vote for rejection of package sales by retailers of malt
 86 beverages, wine, and distilled spirits on Sundays from 12:30 P.M. until 7:00 P.M. shall
 87 vote 'No.' If more than one-half of the votes cast on the question are for approval of
 88 Sunday package sales by retailers of malt beverages, wine, and distilled spirits on
 89 Sundays from 12:30 P.M. until 7:00 P.M., the resolution or ordinance approving such
 90 Sunday package sales by retailers of malt beverages, wine, and distilled spirits shall
 91 become effective upon the date so specified in that resolution or ordinance. The expense
 92 of the election shall be borne by the county or municipality in which the election is held.
 93 The election superintendent shall canvass the returns, declare the result of the election,
 94 and certify the result to the Secretary of State.

95 (3) Whenever package sales of malt beverages, wine, and distilled spirits on Sundays
 96 from 12:30 P.M. until 7:00 P.M. are authorized by a county or municipality pursuant to
 97 this subsection, Sunday package sales by retailers of malt beverages, wine, and distilled
 98 spirits may be made only by licensed retailers, licensed to sell by the package.

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

101

SECTION 2.

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