

Senators Harp of the 29th, Stoner of the 6th and Orrock of the 36th offered the following amendment:

1 *Amend the Senate Regulated Industries and Utilities Committee substitute to HB 115 (LC 36*
 2 *1438S) by inserting after "municipalities;" on line 5 the following:* to authorize and provide
 3 procedures for certain local governing authorities to permit certain package sales of alcoholic
 4 beverages for a period of time on Sundays, if approved by referendum;

5 *By inserting between lines 36 and 37 the following:*

6 **SECTION 2A.**

7 Said title is further amended by adding a new subsection to Code Section 3-3-7, relating to
 8 the local authorization and regulation of sales of alcoholic beverages on Sunday, to read as
 9 follows:

10 "(p)(1)(A) As used in this subsection, the term 'Sunday sales' means package sales by:

11 (i) Retailers of malt beverages and wine for any period of time on Sundays from
 12 12:00 Noon until 12:00 Midnight; or

13 (ii) Retailers of malt beverages, wine, and distilled spirits for any period of time on
 14 Sundays from 12:00 Noon until 12:00 Midnight.

15 (2)(A)(i) In each county or municipality in which package sales of malt beverages
 16 and wine by retailers are lawful, but package sales of distilled spirits by retailers are
 17 not lawful, the governing authority of the county or municipality, as appropriate, may
 18 be authorized to permit Sunday sales as defined in division (1)(A)(i) of this subsection
 19 if such Sunday sales of malt beverages and wine are approved by referendum as
 20 provided in division (ii) of this subparagraph.

21 (ii) Any governing authority desiring to permit and regulate Sunday sales pursuant
 22 to division (i) of this subparagraph shall by proper resolution or ordinance call for a
 23 referendum election. Upon receipt of the resolution or ordinance, the election
 24 superintendent shall issue the call for an election for the purpose of submitting the
 25 question of Sunday sales pursuant to this subsection to the electors of that county or
 26 municipality for approval or rejection. The election superintendent shall issue the call
 27 and shall conduct the election on a date and in the manner authorized under Code
 28 Section 21-2-540. The election superintendent shall cause the date and purpose of the
 29 election to be published once a week for two weeks immediately preceding the date
 30 of the election in the official organ of the county. The ballot shall have written or
 31 printed thereon the words:

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

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

44 (B)(i) In each county or municipality in which package sales of malt beverages, wine,
 45 and distilled spirits by retailers are all lawful, the governing authority of the county
 46 or municipality, as appropriate, may be authorized to permit Sunday sales as defined
 47 in division (1)(A)(ii) of this subsection if such Sunday sales are approved by
 48 referendum as provided in division (ii) of this subparagraph. Pursuant to this
 49 subsection, the governing authority in each county or municipality in which package
 50 sales of malt beverages, wine, and distilled spirits are all lawful may not seek
 51 authorization to permit and regulate package sales on Sundays of only one type of
 52 these alcoholic beverages; instead, the governing authority may only seek
 53 authorization of package sales by retailers of all three types of these alcoholic
 54 beverages.

55 (ii) Any governing authority desiring to permit and regulate Sunday sales, pursuant
 56 to division (i) of this subparagraph, shall by proper resolution or ordinance call for
 57 a referendum election. Upon receipt of the resolution or ordinance, the election
 58 superintendent shall issue the call for an election for the purpose of submitting the
 59 question of Sunday sales to the electors of that county or municipality for approval
 60 or rejection. The election superintendent shall issue the call and shall conduct the
 61 election on a date and in the manner authorized under Code Section 21-2-540. The
 62 election superintendent shall cause the date and purpose of the election to be
 63 published once a week for two weeks immediately preceding the date of the election
 64 in the official organ of the county. The ballot shall have written or printed thereon the
 65 words:

66 ' () YES Shall the governing authority of (name of county or municipality) be
 67 authorized to permit and regulate package sales by retailers of malt
 68 () NO beverages, wine, and distilled spirits for any period of time on Sundays from
 69 12:00 Noon until 12:00 Midnight?'

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

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

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

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

98 (6) Whenever Sunday sales are permitted by a county or municipality pursuant to this
 99 subsection, such sales shall be made only by licensed retailers licensed to sell by the
 100 package. The provisions of this subsection are in addition to and not in lieu of any other
 101 provisions of this title relative to the sale of malt beverages, wine, and distilled spirits by
 102 retailers."