

The House Committee on Regulated Industries offers the following substitute to HB 69:

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 between
6 the hours of 12:30 P.M. and 12:00 Midnight, if approved by referendum; to provide that in
7 each county or municipality in which package sales of malt beverages, wine, and distilled
8 spirits by retailers are all lawful, the governing authority of the county or municipality, as
9 appropriate, may authorize package sales by a retailer of malt beverages, wine, and distilled
10 spirits on Sundays between the hours of 12:30 P.M. and 12:00 Midnight, if approved by
11 referendum; to provide procedures; to provide for applicability; to provide for related
12 matters; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **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 are lawful, but package sales of distilled
20 spirits by retailers are not lawful, the governing authority of the county or municipality,
21 as appropriate, may authorize package sales by retailers of malt beverages and wine on
22 Sundays between the hours of 12:30 P.M. and 12:00 Midnight, if such Sunday sales of
23 both malt beverages and wine are approved by referendum as provided in paragraph (2)
24 of this subsection.

25 (2) Any governing authority desiring to permit and regulate package sales by retailers
26 of both malt beverages and wine on Sundays between the hours of 12:30 P.M. and 12:00

27 Midnight, pursuant to paragraph (1) of this subsection, shall so provide by proper
 28 resolution or ordinance specifying the hours during such period when such package sales
 29 may occur. Upon receipt of the resolution or ordinance, the election superintendent shall
 30 issue the call for an election for the purpose of submitting the question of Sunday
 31 package sales by retailers of both malt beverages and wine to the electors of that county
 32 or municipality for approval or rejection. The election superintendent shall issue the call
 33 and shall conduct the election on a date and in the manner authorized under Code Section
 34 21-2-540. The election superintendent shall cause the date and purpose of the election
 35 to be published once a week for four weeks immediately preceding the date of the
 36 election in the official organ of the county. The ballot shall have written or printed
 37 thereon the words:

38 '() YES Shall the governing authority of (name of county or municipality) be
 39 authorized to permit and regulate package sales by retailers of both malt
 40 () NO beverages and wine on Sundays between the hours of 12:30 P.M. and 12:00
Midnight?'

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

53 (3) Whenever package sales of malt beverages and wine on Sundays between the hours
 54 of 12:30 P.M. and 12:00 Midnight are authorized by a county or municipality pursuant
 55 to this subsection, Sunday package sales by retailers of malt beverages and wine may be
 56 made only by licensed retailers that are licensed to sell by the package.

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

60 (q)(1) Notwithstanding other laws, in each county or municipality in which package
 61 sales of malt beverages, wine, and distilled spirits by retailers are all lawful, the
 62 governing authority of the county or municipality, as appropriate, may authorize package

63 sales by retailers of malt beverages, wine, and distilled spirits on Sundays between the
 64 hours of 12:30 P.M. and 12:00 Midnight, if such Sunday sales of malt beverages, wine,
 65 and distilled spirits are approved by referendum as provided in paragraph (2) of this
 66 subsection. If the governing authority seeks authorization for Sunday sales of alcoholic
 67 beverages pursuant to this subsection, the governing authority shall seek authorization of
 68 package sales by retailers of all alcoholic beverages, including malt beverages, wine, and
 69 distilled spirits, and not of only one type of alcoholic beverage.

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

83 ' () YES Shall the governing authority of (name of county or municipality) be
 84 authorized to permit and regulate package sales by retailers of malt
 85 () NO beverages, wine, and distilled spirits on Sundays between the hours of 12:30
 86 P.M. and 12:00 Midnight?'

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

100 (3) Whenever package sales of malt beverages, wine, and distilled spirits on Sundays
101 between the hours of 12:30 P.M. and 12:00 Midnight are authorized by a county or
102 municipality pursuant to this subsection, Sunday package sales by retailers of malt
103 beverages, wine, and distilled spirits may be made only by licensed retailers that are
104 licensed to sell by the package.

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

107 **SECTION 2.**

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