Senate Bill 17

By: Senators Unterman of the 45th, Miller of the 49th, Ginn of the 47th, Mullis of the 53rd, Beach of the 21st and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

To amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, so as to provide that governing authorities of counties and municipalities may authorize sales of alcoholic beverages for consumption on the premises during certain times on Sundays subject to the passage of a referendum; to provide procedures; to change the time on Sundays during which farm wineries may sell certain wine for consumption on the premises; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is amended in Code Section 3-3-7, relating to local authorization and regulation of sales of alcoholic beverages on Sunday, by revising subsection (j) and adding a new subsection to read as follows:

"(j)(1) Notwithstanding any other provisions of law, on and after the effective date of this Act, in all counties or municipalities in which the sale of alcoholic beverages is lawful for consumption on the premises, the governing authority of the county or municipality may, by resolution or ordinance conditioned on approval in a referendum, authorize the sale of alcoholic beverages for consumption on the premises on Sundays from 12:30 P.M. until 12:00 Midnight in any licensed establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served and in any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging.

(2) Any governing authority desiring to permit and regulate Sunday sales pursuant to this subsection, but only after a referendum election, shall so provide by proper resolution or ordinance conditioned on a referendum. Not less than ten nor more than 60 days after the
date of approval of such resolution or ordinance, it shall be the duty of the election
superintendent of the county or municipality to issue the call for an election for the
purpose of submitting the question of Sunday sales to the electors of the county or
municipality for approval or rejection. The superintendent shall set the date of the
election for a day not less than 30 nor more than 60 days after the date of the issuance of
the call. The superintendent shall cause the date and purpose of the election to be
published in the official organ of the county once a week for two weeks immediately
preceding the date thereof. The ballot shall have written or printed thereon the words:

'( ) YES Shall the governing authority of (name of municipality or county) be
authorized to permit and regulate Sunday sales of distilled spirits or

( ) NO alcoholic beverages for beverage purposes by the drink?'

All persons desiring to vote for approval of Sunday sales shall vote 'Yes,' and those
persons desiring to vote for rejection of Sunday sales shall vote 'No.' If more than
one-half of the votes cast on the question are for approval of Sunday sales, the governing
authority may by appropriate resolution or ordinance permit and regulate Sunday sales
by licensees. Otherwise, such Sunday sales shall not be permitted. The expense of the
election shall be borne by the county or municipality in which the election is held. It
shall be the duty of the superintendent to hold and conduct the election. It shall be his or
her further duty to certify the result thereof to the Secretary of State.

(3) Notwithstanding this subsection or any other provision of law, all county or
municipal resolutions or ordinances enacted prior to April 6, 1984, pursuant to the
authorizations granted by subsections (a) through (i) of this Code section are declared to
be valid and shall remain in full force and effect unless affirmatively repealed by the
governing authority of the county or municipality.

'(j.1)(1) Notwithstanding any other provisions of law, all counties or municipalities in
which the governing authority prior to the effective date of this Act has been authorized
pursuant to a referendum to permit the sale of alcoholic beverages for consumption on
the premises on Sundays from 12:30 P.M. until 12:00 Midnight in any licensed
establishment which derives at least 50 percent of its total annual gross sales from the
sale of prepared meals or food in all of the combined retail outlets of the individual
establishment where food is served and in any licensed establishment which derives at
least 50 percent of its total annual gross income from the rental of rooms for overnight
lodging may, by resolution or ordinance conditioned on approval in a referendum,
authorize the sale of alcoholic beverages for consumption on the premises of any such
establishments on Sundays for an additional hour and a half during the time period of
11:00 A.M. until 12:30 P.M.
Any governing authority desiring to permit and regulate Sunday sales pursuant to this
subsection shall so provide by proper resolution or ordinance conditioned on approval in
a referendum election. Not less than ten nor more than 60 days after the date of approval
of such resolution or ordinance, it shall be the duty of the election superintendent of the
county or municipality to issue the call for an election for the purpose of submitting the
question of Sunday sales to the electors of the county or municipality for approval or
rejection. The superintendent shall set the date of the election for a day not less than 30
nor more than 60 days after the date of the issuance of the call. The superintendent shall
cause the date and purpose of the election to be published in the official organ of the
county once a week for two weeks immediately preceding the date thereof. The ballot
shall have written or printed thereon the words:

'( ) YES   Shall the governing authority of (name of municipality or county) be
authorized to permit and regulate Sunday sales of distilled spirits or
alcoholic beverages for beverage purposes by the drink from 11:00
A.M. to 12:30 P.M.?'

( ) NO

All persons desiring to vote for approval of such Sunday sales shall vote 'Yes,' and those
persons desiring to vote for rejection of such Sunday sales shall vote 'No.' If more than
one-half of the votes cast on the question are for approval of such Sunday sales, the
governing authority may by appropriate resolution or ordinance permit and regulate such
Sunday sales by licensees. Otherwise, such Sunday sales shall not be permitted. The
expense of the election shall be borne by the county or municipality in which the election
is held. It shall be the duty of the superintendent to hold and conduct the election. It
shall be his or her further duty to certify the result thereof to the Secretary of State.

Notwithstanding this subsection or any other provision of law, all county or
municipal resolutions or ordinances enacted prior to April 6, 1984, pursuant to the
authorizations granted by subsections (a) through (i) of this Code section are declared to
be valid and shall remain in full force and effect unless affirmatively repealed by the
governing authority of the county or municipality."
may be, for consumption on the premises or in closed packages for consumption off the
premises shall be authorized to sell its wine and the wine of any other Georgia farm winery
licensee on Sundays from 12:30 P.M. until 12:00 Midnight in the tasting room or other
licensed farm winery facility, to the same extent as its county or municipal license would
otherwise permit; provided, however, that if such sales of wine on Sundays are lawful at
a time earlier than 12:30 P.M. within the county or municipality in which the licensed
premises of the Georgia farm winery is located, the Georgia farm winery shall be
authorized to sell its wine and the wine of any other Georgia farm winery licensee
beginning at such earlier time. Nothing in this Code section shall be construed so as to
authorize a farm winery to sell wine as provided in this Code section on any other premises
which are not actually located on the property where such farm wine is produced, except
in special entertainment districts designated by the local governing authority of the county
or municipality, as applicable.”

SECTION 3.
This Act shall become effective upon its approval by the Governor or upon its becoming law
without such approval.

SECTION 4.
All laws and parts of laws in conflict with this Act are repealed.