

House Bill 138

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

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.