

By: Denny

H.B. No. 1500

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to a local option election for the sale of alcoholic  
3 beverages in cities or towns located in more than one county.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 251.18, Alcoholic Beverage Code, is  
6 amended to read as follows:

7 Sec. 251.18. ELECTION IN CERTAIN CITIES AND TOWNS. (a) This  
8 section applies only to an election to permit or prohibit the legal  
9 sale of alcoholic beverages[+

10 ~~[(1) mixed beverages by a food and beverage~~  
11 ~~certificate holder]~~ in an incorporated city or town that is located  
12 in more than one county[~~;~~ ~~or~~

13 ~~[(2) beer and wine in an incorporated city or town that~~  
14 ~~does not permit beer and wine sales on September 1, 2001, and is~~  
15 ~~located in:~~

16 ~~[(A) two counties:~~

17 ~~[(i) that each have a population of at least~~  
18 ~~250,000 but not more than one million; and~~

19 ~~[(ii) one of which contains a city or town~~  
20 ~~with a population of 125,000 or more; or~~

21 ~~[(B) three counties:~~

22 ~~[(i) that each have a population of not more~~  
23 ~~than 300,000; and~~

24 ~~[(ii) one of which contains a city or town~~

1 ~~with a population of 20,000 or more].~~

2 (b) An election to which this section applies shall be  
3 conducted by the city or town instead of the county. For the  
4 purposes of an election conducted under ~~[of]~~ this section, a  
5 reference in this code ~~[in this subchapter and Subchapters B and C]:~~

6 (1) ~~[a reference]~~ to the county is considered to refer  
7 to the city or town;

8 (2) ~~[a reference]~~ to the commissioners court is  
9 considered to refer to the governing body of the city or town;

10 (3) ~~[a reference]~~ to the county clerk or registrar of  
11 voters is considered to refer to the secretary of the city or town  
12 or, if the city or town does not have a secretary, to the person  
13 performing the functions of a secretary of the city or town; and

14 (4) ~~[a reference]~~ to the county judge is considered to  
15 refer to the mayor of the city or town or, if the city or town does  
16 not have a mayor, to the presiding officer of the governing body of  
17 the city or town.

18 (c) The city or town shall pay the expense of the election.

19 (d) An action to contest the election under Section 251.55  
20 may be brought in the district court of any county in which the city  
21 or town is located.

22 SECTION 2. Section 251.19, Alcoholic Beverage Code, is  
23 repealed.

24 SECTION 3. This Act takes effect September 1, 2003.