

By: Ellis

H.B. No. 2621

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to local option elections to allow the legalization or  
3 prohibition of alcoholic beverages in certain special districts.

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

5 SECTION 1. Section 251.01, Alcoholic Beverage Code, is  
6 amended to read as follows:

7 Sec. 251.01. ELECTION TO BE HELD. (a) On proper petition  
8 by the required number of voters of a county, or of a justice  
9 precinct or incorporated city or town in the county, the  
10 commissioners court shall order a local option election in the  
11 political subdivision to determine whether or not the sale of  
12 alcoholic beverages of one or more of the various types and  
13 alcoholic contents shall be prohibited or legalized in the county,  
14 justice precinct, or incorporated city or town.

15 (b) On proper petition by the required number of voters of  
16 an improvement district described by Subsection (c), the  
17 commissioners court shall order a local option election in the  
18 improvement district to determine whether or not the sale of mixed  
19 beverages in restaurants by a food and beverage certificate holder  
20 shall be prohibited or legalized in the improvement district.

21 (c) An election under this chapter may be held in an  
22 improvement district that is a political subdivision that has the  
23 powers of:

24 (1) a municipal management district under Subchapter

1 E, Chapter 375, Local Government Code;

2 (2) an industrial development corporation organized  
3 under the Development Corporation Act of 1979 (Article 5190.6,  
4 Vernon's Texas Civil Statutes); and

5 (3) a home-rule municipality with a population of more  
6 than 100,000 under Chapter 380, Local Government Code, and  
7 Subchapter A, Chapter 1509, Government Code.

8 SECTION 2. Section 251.03, Alcoholic Beverage Code, is  
9 amended to read as follows:

10 Sec. 251.03. APPLICATION FOR PETITION. If 10 or more  
11 qualified voters of any county, justice precinct, improvement  
12 district, or incorporated city or town file a written application,  
13 the county clerk of the county shall issue to the applicants a  
14 petition to be circulated among the qualified voters of that  
15 political subdivision for the signatures of those qualified voters  
16 in the area who desire that a local option election be called in  
17 that area for the purpose of determining whether the sale of  
18 alcoholic beverages of one or more of the various types and  
19 alcoholic contents shall be prohibited or legalized in the  
20 political subdivision.

21 SECTION 3. Section 251.09(a), Alcoholic Beverage Code, is  
22 amended to read as follows:

23 (a) The county clerk shall supply as many copies of the  
24 petition as may be required by the applicants but not to exceed more  
25 than one page of the petition for every 10 registered voters in the  
26 county, justice precinct, improvement district, or incorporated  
27 city or town. Each copy shall bear the date, number, and seal on

1 each page as required on the original petition.

2 SECTION 4. Section 251.10(a), Alcoholic Beverage Code, is  
3 amended to read as follows:

4 (a) The registrar of voters of the county shall check the  
5 names of the signers of petitions and the voting precincts in which  
6 they reside to determine whether the signers of the petition were  
7 qualified voters of the county, justice precinct, improvement  
8 district, or incorporated city or town at the time the petition was  
9 issued. The registrar shall certify to the commissioners court the  
10 number of qualified voters signing the petition.

11 SECTION 5. Section 251.32, Alcoholic Beverage Code, is  
12 amended to read as follows:

13 Sec. 251.32. NOTICE OF ELECTION. The county clerk shall  
14 post or cause to be posted at least one copy of the election order in  
15 each precinct of the county, justice precinct, improvement  
16 district, or incorporated city or town affected. The notice shall  
17 be posted at least six days prior to election day.

18 SECTION 6. Section 251.34(a), Alcoholic Beverage Code, is  
19 amended to read as follows:

20 (a) The election shall be held at a voting place in each  
21 regular county election precinct as established by the  
22 commissioners court inside the affected territory if the election  
23 is for the entire county or for a justice precinct or improvement  
24 district.

25 SECTION 7. Section 251.40(a), Alcoholic Beverage Code, is  
26 amended to read as follows:

27 (a) Subject to the limitations set forth in Subsections (b)

1 and (c) [~~of this section~~], the county shall pay the expense of  
2 holding a local option election authorized by this code in the  
3 county, justice precinct, improvement district, or incorporated  
4 city or town in that county, provided, however, that if an election  
5 is to be held only within the corporate limits of a city or town  
6 located wholly within the county and not elsewhere, the county may  
7 require the incorporated city or town to reimburse the county for  
8 all or part of the expenses of holding the local option election.

9 SECTION 8. Section 251.41(b), Alcoholic Beverage Code, is  
10 amended to read as follows:

11 (b) The deposit must be in the form of a cashier's check in  
12 the total amount of 25 cents per voter listed on the current list of  
13 registered voters residing in the county, justice precinct,  
14 improvement district, or incorporated city or town where the  
15 election is to be held.

16 SECTION 9. Section 251.73, Alcoholic Beverage Code, is  
17 amended to read as follows:

18 Sec. 251.73. PREVAILING STATUS: RESOLUTION OF CONFLICTS.  
19 To insure that each voter has the maximum possible control over the  
20 status of the sale of alcoholic beverages in the area where he  
21 resides:

22 (1) the status that resulted from or is the result of a  
23 duly called election for an incorporated city or town prevails  
24 against the status that resulted from or is the result of a duly  
25 called election in a justice precinct or county in which the  
26 incorporated city or town, or any part of it is contained; [~~and~~]

27 (2) the status that resulted or is the result of a duly

1 called election for a justice precinct prevails against the status  
2 that resulted from or is the result of a duly called election in an  
3 incorporated city or town in which the justice precinct is wholly  
4 contained or in a county in which the justice precinct is located;  
5 and

6 (3) the status that results from a duly called  
7 election in an improvement district prevails against the status  
8 that resulted from or is the result of a duly called election in any  
9 other political subdivision.

10 SECTION 10. This Act takes effect on the date on which the  
11 constitutional amendment proposed by the 78th Legislature, Regular  
12 Session, 2003, to allow a local option election to legalize or  
13 prohibit the sale of mixed beverages in certain special districts  
14 takes effect. If that amendment is not approved by the voters, this  
15 Act has no effect.