

BILL ANALYSIS

H.B. 1799
By: Denny
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, a sizable portion of Texas election law exists outside of the Election Code. During the interim period between the 78th and 79th legislative sessions, the Elections Committee reviewed those statutes relating to election law that are not in the Election Code and held hearings relating to moving these statutes. During these interim hearings, testimony revealed that it would be advantageous to move provisions relating to local option liquor elections from the Alcoholic Beverage Code into the Election Code. Although the Texas Alcoholic Beverage Commission regulates alcohol, this agency does not have expert knowledge regarding the administration of elections and redirects most, if not all, questions regarding local option liquor elections to the Elections Division of the Secretary of State. As a result of this study, the Elections Committee recommended that these provisions be recodified into the Election Code to ease the burden on the agencies and on the local election officials responsible for administering the local option elections. House Bill 1799 transfers laws governing the holding of local option elections regarding alcoholic beverages from the Alcoholic Beverage Code to the Election Code and makes nonsubstantive revisions.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 1799 amends the Election and Alcoholic Beverage Codes by repealing provisions in the Alcoholic Beverage Code relating to local option elections for the sale of alcoholic beverages and adding those provisions to the Election Code.

The bill adds provisions to the Alcoholic Beverage Code clarifying that provisions relating to local option liquor elections that refer to the

- county,
- commissioners court,
- county clerk or county voter registrar, or
- county judge,

are considered to refer to the city or town or applicable governing body or officer of the city or town.

EFFECTIVE DATE

September 1, 2005.