

BILL ANALYSIS

C.S.S.B. 1626
By: Whitmire
Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law provides three different standards regarding the number of signatures required on a petition calling for a local option election to legalize or prohibit the sale of alcoholic beverages. The highest standard, 35 percent of registered voters in a county, city, or justice of the peace precinct, has proven overly burdensome to a number of communities wishing to hold elections to allow the sale of alcohol at package stores, especially when compared to the much lower standard for wineries and beer and wine outlets. The highest standard has proved to be nearly insurmountable in many communities that might wish to hold local option elections to allow the sale of distilled spirits for off-premise or on-premise consumption.

C.S.S.B. 1626 would change the requirement regarding the number of signatures necessary to require a local option election on a certain issues and allows a wine only package store permit to be issued where the sale of wine has been legalized.

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

SECTION 1. Amends Section 251.11(a), Alcoholic Beverage Code, provides that the signatures of 35 percent of the registered voters in the subdivision, who voted in the most recent gubernatorial election, be contained on a petition in order to require the commissioners court to order a local option election to be held for a ballot issue that permits voting for or against certain beverage sales.

SECTION 2. Amends Section 251.14, Alcoholic Beverage Code, by adding Subsection (h), authorizing a wine only package store permit to be issued for premises in an area in which the sale of wine has been legalized by a local option election under Subsection (b) (3) or (4), subject to Section 251.81.

SECTION 3. Makes application of Section 251.11 (a), Alcoholic Beverage Code, of this Act prospective.

SECTION 4. Effective date: Immediately, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.

EFFECTIVE DATE

Immediately, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.S.B. 1626 modifies the original by adding new language authorizing a wine only package store permit to be issued for premises in an area in which the sale of wine has been legalized by a local option election under Subsection (b) (3) or (4), subject to Section 251.81.

The substitute adds language providing that the application of Section 251.11 (a), Alcoholic Beverage Code, as amended by this Act, is prospective.

C.S.S.B. 1626 79(R)