

By: Deshotel

H.B. No. 2744

A BILL TO BE ENTITLED

AN ACT

1
2 relating to allowing the governing body of a city or town to order a
3 local option election relating to the sale of alcoholic beverages.

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

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

7 Sec. 251.01. ELECTION TO BE HELD BY PETITION.

8 SECTION 2. Subchapter A, Chapter 251, Alcoholic Beverage
9 Code, is amended by adding Section 251.011 to read as follows:

10 Sec. 251.011. ELECTION CALLED BY GOVERNING BODY OF CITY OR
11 TOWN. (a) The governing body of a city or town may, by resolution,
12 order a local option election to be held in the city or town on any
13 alcoholic beverage issue under this chapter.

14 (b) The resolution ordering the election must state in its
15 heading and text whether the local option election to be held is for
16 the purpose of prohibiting or legalizing the sale of the alcoholic
17 beverages and set out the ballot issue to be voted on in the
18 election.

19 (c) An election ordered by the governing body of a city or
20 town shall be conducted by the city or town instead of the county.
21 For the purposes of an election conducted under this section, a
22 reference in this code:

23 (1) to the county is considered to refer to the city or
24 town;

1 (2) to the commissioners court is considered to refer
2 to the governing body of the city or town;

3 (3) to the county clerk or registrar of voters is
4 considered to refer to the secretary of the city or town or, if the
5 city or town does not have a secretary, to the person performing the
6 functions of a secretary of the city or town; and

7 (4) to the county judge is considered to refer to the
8 mayor of the city or town or, if the city or town does not have a
9 mayor, to the presiding officer of the governing body of the city or
10 town.

11 (d) The city or town shall pay the expense of the election.

12 SECTION 3. This Act takes effect September 1, 2005.