

By: Kuempel

H.B. No. 2994

A BILL TO BE ENTITLED

AN ACT

relating to petition requirements for ordering a local option election to legalize or prohibit the sale of alcoholic beverages.

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

SECTION 1. Section 251.11(a), Alcoholic Beverage Code, is amended to read as follows:

(a) The commissioners court, at its next regular session on or after the 30th day after the date the petition is filed, shall order a local option election to be held on the issue set out in the petition if the petition is filed with the registrar of voters not later than the 60th day after the date the petition is issued and bears the actual signatures of a number of qualified voters of the political subdivision equal to [+

~~[(1) 35 percent of the registered voters in the subdivision for a ballot issue that permits voting for or against.~~

~~[(A) "The legal sale of all alcoholic beverages for off-premise consumption only."],~~

~~[(B) "The legal sale of all alcoholic beverages, except mixed beverages."],~~

~~[(C) "The legal sale of all alcoholic beverages including mixed beverages."], or~~

~~[(D) "The legal sale of mixed beverages."],~~

~~[(2)]~~ 25 percent of the registered voters in the subdivision who voted in the most recent general election [~~for a~~

1 ~~ballot issue that permits voting for or against "The legal sale of~~  
2 ~~wine on the premises of a holder of a winery permit.", or~~

3 ~~[(3) 35 percent of the registered voters in the~~  
4 ~~subdivision who voted in the most recent gubernatorial election for~~  
5 ~~an election on any other ballot issue].~~

6           SECTION 2. The change in law made by this Act applies only  
7 to a local option election for which an application for a petition  
8 is filed on or after the effective date of this Act. A local option  
9 election for which an application for a petition is filed before the  
10 effective date of this Act is governed by the law in effect  
11 immediately before that date, and that law is continued in effect  
12 for that purpose.

13           SECTION 3. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2005.