

1-1 By: Brimer S.B. No. 1246
1-2 (In the Senate - Filed March 9, 2005; March 21, 2005, read
1-3 first time and referred to Committee on Business and Commerce;
1-4 April 20, 2005, reported favorably by the following vote: Yeas 7,
1-5 Nays 0; April 20, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to local option elections in certain populous areas on the
1-9 sale of mixed beverages by food and beverage establishments.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Chapter 251, Alcoholic Beverage Code, is amended
1-12 by adding Section 251.011 to read as follows:

1-13 Sec. 251.011. ELECTION IN CERTAIN POPULOUS AREAS.

1-14 (a) This section applies only to:

1-15 (1) a county with a population of more than 1.4 million
1-16 and less than 3.4 million; and

1-17 (2) a county adjacent to a county with a population of
1-18 more than 1.4 million and less than 3.4 million.

1-19 (b) If the sale of mixed beverages in restaurants is not
1-20 legal in all or part of a political subdivision described by
1-21 Subsection (a), an election shall be held on the issue of "The legal
1-22 sale of mixed beverages in restaurants by food and beverage
1-23 certificate holders only" during the first uniform election held by
1-24 the political subdivision after the date on which the political
1-25 subdivision becomes subject to this section.

1-26 SECTION 2. Chapter 28, Alcoholic Beverage Code, is amended
1-27 by adding Section 28.19 to read as follows:

1-28 Sec. 28.19. ISSUANCE OF MIXED BEVERAGE PERMIT TO PRIVATE
1-29 CLUB AFTER CERTAIN LOCAL OPTION ELECTIONS. (a) Before the second
1-30 anniversary of a local option election authorizing the sale of
1-31 mixed beverages in restaurants in a political subdivision, the
1-32 holder of a private club registration permit with a food and
1-33 beverage certificate located in the political subdivision may be
1-34 issued a mixed beverage permit with a food and beverage certificate
1-35 at the time the private club permit is eligible for renewal if the
1-36 application for the permit is approved by a vote of the private
1-37 club's members.

1-38 (b) For a permit granted under this section, the state fee
1-39 under Section 28.02 shall be computed and the local fee under
1-40 Section 11.38 may be assessed as if the permit holder's original
1-41 private club permit and any renewal of the private club permit were
1-42 mixed beverage permits.

1-43 (c) The permit holder is not required to maintain an amount
1-44 of security under Section 183.053, Tax Code, that exceeds the
1-45 amount the permit holder would be required to maintain had the
1-46 permit holder continued to hold a private club permit.

1-47 SECTION 3. This Act takes effect September 1, 2005.

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