

AN ACT

relating to local option elections to legalize or prohibit the sale of alcoholic beverages.

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

SECTION 1. Subsection (a), Section 251.11, 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 who voted in the most recent gubernatorial election 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

1 subdivision who voted in the most recent general election for a
2 ballot issue that permits voting for or against "The legal sale of
3 wine on the premises of a holder of a winery permit."; or

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

7 SECTION 2. Section 251.14, Alcoholic Beverage Code, is
8 amended by adding Subsection (h) to read as follows:

9 (h) Subject to Section 251.81, a wine only package store
10 permit may be issued for premises in an area in which the sale of
11 wine has been legalized by a local option election under Subsection
12 (b)(3) or (4).

13 SECTION 3. Subsection (a), Section 251.11, Alcoholic
14 Beverage Code, as amended by this Act, applies only to a local
15 option election for which an application for a petition is filed on
16 or after the effective date of this Act. A local option election
17 for which an application for a petition is filed before the
18 effective date of this Act is governed by the law in effect
19 immediately before that date, and that law is continued in effect
20 for that purpose.

21 SECTION 4. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1626 passed the Senate on April 28, 2005, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 27, 2005, by the following vote: Yeas 29, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1626 passed the House, with amendment, on May 25, 2005, by the following vote: Yeas 123, Nays 22, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor