

1-1 By: Whitmire S.B. No. 1626
1-2 (In the Senate - Filed March 11, 2005; March 23, 2005, read
1-3 first time and referred to Committee on Business and Commerce;
1-4 April 20, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 20, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1626 By: Carona

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to petition requirements for ordering a local option
1-11 election to legalize or prohibit the sale of alcoholic beverages.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 Section 1. Subsection (a), Section 251.11, Alcoholic
1-14 Beverage Code, is amended to read as follows:

1-15 (a) The commissioners court, at its next regular session on
1-16 or after the 30th day after the date the petition is filed, shall
1-17 order a local option election to be held on the issue set out in the
1-18 petition if the petition is filed with the registrar of voters not
1-19 later than the 60th day after the date the petition is issued and
1-20 bears the actual signatures of a number of qualified voters of the
1-21 political subdivision equal to:

1-22 (1) 35 percent of the registered voters in the
1-23 subdivision who voted in the most recent gubernatorial election for
1-24 a ballot issue that permits voting for or against:

1-25 (A) "The legal sale of all alcoholic beverages
1-26 for off-premise consumption only.";

1-27 (B) "The legal sale of all alcoholic beverages,
1-28 except mixed beverages.";

1-29 (C) "The legal sale of all alcoholic beverages
1-30 including mixed beverages."; or

1-31 (D) "The legal sale of mixed beverages.";

1-32 (2) 25 percent of the registered voters in the
1-33 subdivision who voted in the most recent general election for a
1-34 ballot issue that permits voting for or against "The legal sale of
1-35 wine on the premises of a holder of a winery permit."; or

1-36 (3) 35 percent of the registered voters in the
1-37 subdivision who voted in the most recent gubernatorial election for
1-38 an election on any other ballot issue.

1-39 SECTION 2. The change in law made by this Act applies only
1-40 to a local option election for which an application for a petition
1-41 is filed on or after the effective date of this Act. A local option
1-42 election for which an application for a petition is filed before the
1-43 effective date of this Act is governed by the law in effect
1-44 immediately before that date, and that law is continued in effect
1-45 for that purpose.

1-46 SECTION 3. This Act takes effect immediately if it receives
1-47 a vote of two-thirds of all the members elected to each house, as
1-48 provided by Section 39, Article III, Texas Constitution. If this
1-49 Act does not receive the vote necessary for immediate effect, this
1-50 Act takes effect September 1, 2005.

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