

BILL ANALYSIS

Senate Research Center

S.B. 1735
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Business & Commerce
6/6/2007
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently a local option election for the sale of alcoholic beverages can be called and held in either a county, a justice precinct, or a municipality. In 1976, the Town of Addison held a local option election at which the voters approved the sale of alcohol for off-premise and on-premise consumption. In 1982, the town conducted a charter amendment election, at which the voters approved an amendment to the charter which limits the sale of alcoholic beverages for off-premise consumption to a particular area of Addison. Therefore, the status of the sale of alcoholic beverages in Addison since 1982 has been that, with proper approval, alcohol for on-premise consumption can be sold in a restaurant where a restaurant is an allowed use, but alcohol for off-premise consumption can be sold only in the area designated in the town charter.

S.B. 1735 clarifies that Addison's home-rule charter continues to control within the limits of the municipality, if a local option election is held in a justice precinct in which Addison is located.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 215, Local Government Code, by adding Section 215.076, as follows:

Sec. 215.076. CHARTER PROVISIONS AND LOCAL OPTION ELECTIONS IN CERTAIN MUNICIPALITIES. (a) Provides that this section applies only to a home-rule municipality with a population of less than 15,000 that is wholly located in a county that has a population of two million or more and is adjacent to a county of a certain size, in only part of which the sale of distilled spirits for off-premise consumption is legal, and that on April 3, 1982, adopted or enacted a home-rule charter or home-rule charter amendment that restricts the sale of alcoholic beverages for off-premise consumption to a portion of the municipality.

(b) Provides that a local option election for or against the sale of alcoholic beverages for off-premise consumption that is held in a county or in a justice precinct in which all or part of a home-rule municipality is located does not alter, modify, or supersede a home-rule charter restriction of the municipality regardless of whether the election was held before, on, or after the effective date of this section or the charter restriction. Provides that a charter restriction described by Subsection (a) is in all respects validated.

SECTION 2. Effective date: upon passage or September 1, 2007.