

By: Dutton

H.B. No. 3176

A BILL TO BE ENTITLED

1 AN ACT

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

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

6 SECTION 1. Section 501.032(a), Election Code, as added by
7 Section 1, Chapter 975, Acts of the 79th Legislature, Regular
8 Session, 2005, is amended to read as follows:

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

16 (1) 35 percent of the registered voters in the
17 subdivision who voted in the most recent gubernatorial election for
18 a ballot issue that permits voting for or against:

19 (A) "The legal sale of all alcoholic beverages
20 for off-premise consumption only.";

21 (B) "The legal sale of all alcoholic beverages
22 except mixed beverages.";

23 (C) "The legal sale of all alcoholic beverages
24 including mixed beverages."; or

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

2 (2) 25 percent of the registered voters in the
3 political subdivision who voted in the most recent general election
4 for a ballot issue that permits voting for or against "The legal
5 sale of wine on the premises of a holder of a winery permit."; ~~[or]~~

6 (3) 35 percent of the registered voters in the
7 political subdivision who voted in the most recent gubernatorial
8 election or 50 percent of the number of signatures required on a
9 petition for statewide office under Section 142.007, whichever is
10 less, for a ballot issue that permits voting for or against "The
11 legal sale of mixed beverages in restaurants by food and beverage
12 certificate holders only."; or

13 (4) 35 percent of the registered voters in the
14 political subdivision who voted in the most recent gubernatorial
15 election for an election on any other ballot issue.

16 SECTION 2. The change in law made by this Act applies only
17 to a local option election for which an application for a petition
18 is filed on or after the effective date of this Act. A local option
19 election for which an application for a petition is filed before the
20 effective date of this Act is governed by the law in effect
21 immediately before that date, and that law is continued in effect
22 for that purpose.

23 SECTION 3. (a) In accordance with Section 311.031(c),
24 Government Code, which gives effect to a substantive amendment
25 enacted by the same legislature that codifies the amended statute,
26 the text of Section 501.032(a)(1), Election Code, as set out in
27 Section 1 of this Act, gives effect to changes made by Chapter 890,

1 Acts of the 79th Legislature, Regular Session, 2005.

2 (b) To the extent of any conflict, this Act prevails over
3 another Act of the 80th Legislature, Regular Session, 2007,
4 relating to nonsubstantive additions and corrections in enacted
5 codes.

6 SECTION 4. This Act takes effect September 1, 2007.