

AN ACT

relating to the effect of a charter provision relating to the sale of alcoholic beverages for off-premise consumption on a subsequent local option election for the sale of alcoholic beverages in certain home-rule municipalities.

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

SECTION 1. Subchapter D, Chapter 215, Local Government Code, is amended by adding Section 215.076 to read as follows:

Sec. 215.076. CHARTER PROVISIONS AND LOCAL OPTION ELECTIONS IN CERTAIN MUNICIPALITIES. (a) This section applies only to a home-rule municipality with a population of less than 15,000:

(1) that is wholly located in a county that:

(A) has a population of two million or more; and

(B) is adjacent to a county with a population of one million or more;

(2) in only part of which the sale of distilled spirits for off-premise consumption is legal; and

(3) 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) 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

1 municipality described by Subsection (a) is located does not alter,
2 modify, or supersede a home-rule charter restriction of the
3 municipality described by Subsection (a) regardless of whether the
4 election was held before, on, or after the effective date of this
5 section or the charter restriction. A charter restriction
6 described by Subsection (a) is in all respects validated.

7 SECTION 2. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1735 passed the Senate on April 19, 2007, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 21, 2007, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1735 passed the House, with amendment, on May 17, 2007, by the following vote: Yeas 143, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor