

By: Shapiro

S.B. No. 1735

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the effect of a charter provision relating to the sale  
3 of alcoholic beverages for off-premise consumption on a subsequent  
4 local option election for the sale of alcoholic beverages in  
5 certain home-rule municipalities.

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

7 SECTION 1. Subchapter D, Chapter 215, Local Government  
8 Code, is amended by adding Section 212.5076 to read as follows:

9 Sec. 212.5076. CHARTER PROVISIONS AND LOCAL OPTION  
10 ELECTIONS IN CERTAIN MUNICIPALITIES. (a) This section applies  
11 only to a home-rule municipality:

12 (1) in which the sale of alcoholic beverages for  
13 off-premise consumption has been approved at an election called and  
14 held for that purpose; and

15 (2) that, before June 11, 1987, adopted or enacted a  
16 home-rule charter or home-rule charter amendment that restricts the  
17 sale of alcoholic beverages for off-premise consumption to a  
18 portion of the municipality.

19 (b) A local option election for or against the sale of  
20 alcoholic beverages for off-premise consumption which is held or  
21 conducted either before or after the effective date of this section  
22 in a county or in a justice precinct in which a home-rule  
23 municipality or any part of a home-rule municipality is contained  
24 does not alter, modify, or supersede a home-rule charter

1 restriction of the municipality as described by Subsection (a). A  
2 charter restriction described by Subsection (a) is in all respects  
3 validated.

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