

1-1 By: Shapiro S.B. No. 1735
1-2 (In the Senate - Filed March 9, 2007; March 21, 2007, read
1-3 first time and referred to Committee on Business and Commerce;
1-4 April 11, 2007, reported favorably by the following vote: Yeas 8,
1-5 Nays 0; April 11, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the effect of a charter provision relating to the sale
1-9 of alcoholic beverages for off-premise consumption on a subsequent
1-10 local option election for the sale of alcoholic beverages in
1-11 certain home-rule municipalities.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-13 SECTION 1. Subchapter D, Chapter 215, Local Government
1-14 Code, is amended by adding Section 215.076 to read as follows:

1-15 Sec. 215.076. CHARTER PROVISIONS AND LOCAL OPTION ELECTIONS
1-16 IN CERTAIN MUNICIPALITIES. (a) This section applies only to a
1-17 home-rule municipality:

1-18 (1) in which the sale of alcoholic beverages for
1-19 off-premise consumption has been approved at an election called and
1-20 held for that purpose; and

1-21 (2) that, before June 11, 1987, adopted or enacted a
1-22 home-rule charter or home-rule charter amendment that restricts the
1-23 sale of alcoholic beverages for off-premise consumption to a
1-24 portion of the municipality.

1-25 (b) A local option election for or against the sale of
1-26 alcoholic beverages for off-premise consumption which is held or
1-27 conducted either before or after the effective date of this section
1-28 in a county or in a justice precinct in which a home-rule
1-29 municipality or any part of a home-rule municipality is contained
1-30 does not alter, modify, or supersede a home-rule charter
1-31 restriction of the municipality as described by Subsection (a). A
1-32 charter restriction described by Subsection (a) is in all respects
1-33 validated.

1-34 SECTION 2. This Act takes effect immediately if it receives
1-35 a vote of two-thirds of all the members elected to each house, as
1-36 provided by Section 39, Article III, Texas Constitution. If this
1-37 Act does not receive the vote necessary for immediate effect, this
1-38 Act takes effect September 1, 2007.

1-39 * * * * *