

BILL ANALYSIS

C.S.H.B. 3331
By: Pierson
Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Constitution authorizes a political subdivision to determine whether alcohol may be sold in the community through a local option alcoholic beverage election, which is required to be established by a county, municipality, or a justice of the peace precinct.

These elections were formerly held within the boundaries of the political subdivision, but in 1989, the law changed and generally obstructed beverage elections for justice of the peace precincts. As a result, current law requires any beverage election in a justice of the peace precinct to be held within the boundaries of such a precinct as it existed before 1989.

The ability of such a precinct to hold a beverage election is dependant on accurate maps, and the precincts in a given county may have changed in number or been redistricted many times. In some cases, the most recent election for a region was held over a century ago and the precinct boundaries cannot be established. Current law authorizes citizens outside such a precinct to be asked to vote on the wet or dry status of a neighboring precinct, which dilutes the voting preference of the precinct that actually holds the election. A change is needed to remove the obstruction of the right of citizens to vote on whether to legalize the sale of alcoholic beverages in the community.

C.S.H.B. 3331 requires, with a certain exception, a local option election to be held within the boundaries of the authorized voting unit as the boundaries exist on the date of the election.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3331 amends the Alcoholic Beverage Code to require a local option election on the sale of alcoholic beverages, held by an authorized voting unit that previously held such an election, to be held within the boundaries of the authorized voting unit as they exist on the date of the election and makes the result of the election effective within those boundaries. The bill specifies that this provision does not apply to a local option election in a justice precinct in a county containing only one such precinct. The bill establishes that, for purposes of a local option election, provisions relating to the requirement that a commissioner's court define the original boundaries of a justice precinct that has changed its boundaries since the establishment of the precinct's local option status apply only to a precinct that is in a county containing only one justice precinct.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3331 adds provisions not in the original requiring a local option election on the sale of alcoholic beverages, held by an authorized voting unit that previously held such an election, to be held within the boundaries of the authorized voting unit as they exist on the date of the election and makes the result of the election effective within those boundaries. The substitute adds a provision not in the original specifying that this provision does not apply to a local option election in a justice precinct in a county containing only one justice precinct.

C.S.H.B. 3331 differs from the original by establishing that provisions relating to the requirement that a commissioner's court defines the original boundaries of a justice precinct that has changed its boundaries since the establishment of the precinct's local option status apply only to a precinct that is in a county containing only one precinct, whereas the original requires a local option election held in a justice precinct to be held in the territory comprising the justice precinct at the time the election is held and removes language that requires a commissioners court, for purposes of a local option election and if the boundaries of the justice precinct have changed since local option status was established, to define the boundaries of the original precinct and that authorizes a local option election to be held within the territory defined by the commissioners court as constituting such original precinct.

C.S.H.B. 3331 removes provisions in the original requiring a newly created justice precinct, for the purposes of a local option election, to be considered to have not held a local option election on the sale of alcoholic beverages and specifying that any local option status established in the territory comprising the new justice precinct that resulted from a local option election held in the territory when the territory was part of another justice precinct remains in effect until the status is changed by a local option election held in the new justice precinct.