

BILL ANALYSIS

C.S.H.B. 4498
By: Hamilton
Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Local option elections ensure that citizens of a jurisdiction have the right to authorize or prohibit the sale, provision, or service of alcoholic beverages in the jurisdiction. Currently, a political subdivision cannot vote to prohibit a previously legalized classification of alcoholic beverage unless the sale of all classifications is legal in that political subdivision.

C.S.H.B. 4498 authorizes a jurisdiction to hold a local option election to prohibit the sale of any classification of alcoholic beverages that previously has been legalized in that area.

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. 4498 amends the Election Code provision that prescribes the ballot issues that may appear on the ballot for a local option election on the sale of alcoholic beverages in an area where the sale of all alcoholic beverages, including mixed beverages, has been legalized to instead prescribe those ballot issues for such an election in an area where the sale of any type or classification of alcoholic beverages has been legalized.

C.S.H.B. 4498 repeals Section 501.035(d), (e), and (f), Election Code, which prescribe ballot issues for local option elections in an area where the sale of all alcoholic beverages except mixed beverages, the sale of beverages containing alcohol not in excess of 17 percent by volume, or the sale of beer containing alcohol not exceeding four percent by weight has been legalized.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 4498 removes a provision in the original that, for a local option election on the sale of alcoholic beverages in an area where any type of alcoholic beverage sale is prohibited, adds to the list of issues authorized to appear on the ballot to include voting for or against "The legal sale of beer and wine or mixed beverages in restaurants by food and beverage certificate holder only."

C.S.H.B. 4498 amends a provision not in the original to apply ballot issues for a local option election on the sale of alcoholic beverages in an area where the sale of any type or classification of alcoholic beverages has been legalized, rather than where the sale of all types has been legalized, as in current law.

C.S.H.B. 4498 repeals provisions not repealed in the original relating to ballot issues for local option elections on the sale of alcoholic beverages in areas where the sale of specified types of alcoholic beverages has been legalized.