

BILL ANALYSIS

Senate Research Center

S.B. 1034
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Business & Commerce
8/4/2009
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law relating to local option elections for the sale of alcoholic beverages primarily focuses on the initial election to determine whether or not an area wants to allow the sale of alcoholic beverages. The law provides a cumbersome, time-consuming, and costly procedure for citizens and municipalities that seek to allow newly annexed areas to hold subsequent local option elections on the sale of alcohol.

Subsequent annexation of new land into municipalities often leaves small pockets of areas that are not afforded the same rights and options available to the majority of citizens within the municipal limits as it relates to the sale of alcoholic beverages. The administrative burdens under the law often create an inequitable situation for citizens of the municipality whereby one area is afforded certain rights and residents in another part of the municipality are denied those same rights.

S.B. 1034 authorizes a municipality with a population of a certain size to hold a local option election to legalize the sale of one or more types or classifications of alcoholic beverages in newly annexed areas for certain municipalities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 501.201, Election Code, to read as follows:

Sec. 501.021. ELECTION TO BE HELD BY PETITION.

SECTION 2. Amends Subchapter B, Chapter 501, Election Code, by adding Section 501.0211, as follows:

Sec. 501.0211. ELECTION CALLED BY GOVERNING BODY OF MUNICIPALITY.

(a) Provides that this section applies only to a municipality with a population of at least 112,000 located in a county with a population of not more than 135,000; in which the sale of one or more types or classifications of alcoholic beverage is legal in the municipality as the result of a local option election held in the municipality; and that, after the election is held, annexes territory in which the sale of one or more of those types or classifications of alcoholic beverages is not legal.

(b) Authorizes the governing body of a municipality described by Subsection (a), after holding a public hearing, by resolution, to order a local option election to be held in the municipality on the ballot issue the passage of which would legalize the sale of the same types and classifications of alcoholic beverages the sale of which was legalized by the results of the local option election described by Subsection (a).

(c) Requires that the resolution ordering the election state in its heading and text that the local option election to be held is for the purpose of legalizing the sale of the alcoholic beverages and set out the ballot issue to be voted on in the election.

(d) Requires that an election ordered by the governing body of a municipality under this section be conducted by the municipality instead of the county. Provides that for the purposes of an election conducted under this section, a reference in this code to the county is considered to refer to the municipality; to the commissioners court is considered to refer to the governing body of the municipality; to the county clerk or registrar of voters is considered to refer to the secretary of the municipality or, if the municipality does not have a secretary, to the person performing the functions of a secretary of the municipality; and to the county judge is considered to refer to the mayor of the municipality or, if the municipality does not have a mayor, to the presiding officer of the governing body of the municipality.

(e) Requires that the municipality pay the expense of the election.

(f) Provides that this section expires September 1, 2015.

SECTION 3. Effective date: September 1, 2009.