

AN ACT

relating to allowing the governing bodies of certain municipalities to order a local option election relating to the sale of alcoholic beverages.

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

SECTION 1. The heading to Section 501.021, Election Code, is amended to read as follows:

Sec. 501.021. ELECTION TO BE HELD BY PETITION.

SECTION 2. Subchapter B, Chapter 501, Election Code, is amended by adding Section 501.0211 to read as follows:

Sec. 501.0211. ELECTION CALLED BY GOVERNING BODY OF MUNICIPALITY. (a) This section applies only to a municipality:

(1) with a population of at least 112,000 located in a county with a population of not more than 135,000;

(2) in which the sale of one or more types or classifications of alcoholic beverage is legal in the municipality as a result of a local option election held in the municipality; and

(3) that, after the election is held, annexes territory in which the sale of one or more of those types or classifications of alcoholic beverage is not legal.

(b) After holding a public hearing, the governing body of a municipality described by Subsection (a) may, by resolution, 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

1 and classifications of alcoholic beverages the sale of which was
2 legalized by the results of the local option election described by
3 Subsection (a).

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

8 (d) An election ordered by the governing body of a
9 municipality under this section shall be conducted by the
10 municipality instead of the county. For the purposes of an election
11 conducted under this section, a reference in this code:

12 (1) to the county is considered to refer to the
13 municipality;

14 (2) to the commissioners court is considered to refer
15 to the governing body of the municipality;

16 (3) to the county clerk or registrar of voters is
17 considered to refer to the secretary of the municipality or, if the
18 municipality does not have a secretary, to the person performing
19 the functions of a secretary of the municipality; and

20 (4) to the county judge is considered to refer to the
21 mayor of the municipality or, if the municipality does not have a
22 mayor, to the presiding officer of the governing body of the
23 municipality.

24 (e) The municipality shall pay the expense of the election.

25 (f) This section expires September 1, 2015.

26 SECTION 3. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1034 passed the Senate on April 9, 2009, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 29, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1034 passed the House, with amendment, on May 26, 2009, by the following vote: Yeas 141, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor