

By: Fraser

S.B. No. 1034

A BILL TO BE ENTITLED

AN ACT

1
2 relating to allowing the governing bodies of certain municipalities
3 to order a local option election relating to the sale of alcoholic
4 beverages.

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

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

8 Sec. 501.021. ELECTION TO BE HELD BY PETITION.

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

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

13 (1) with a population of at least 114,000 and not more
14 than 123,000;

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

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

21 (b) After holding a public hearing, the governing body of a
22 municipality described by Subsection (a) may, by resolution, order
23 a local option election to be held in the annexed territory
24 described by Subsection (a)(3) on the ballot issue the passage of

1 which would legalize the sale of the same types and classifications
2 of alcoholic beverages the sale of which was legalized by the
3 results of the local option election described by 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.