

SENATE AMENDMENTS

2nd Printing

By: Hamilton

H.B. No. 4498

A BILL TO BE ENTITLED

AN ACT

relating to ballot issues for a local option election to prohibit the sale of alcoholic beverages.

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

SECTION 1. Section 501.035(c), Election Code, is amended to read as follows:

(c) In an area where the sale of any type or classification of ~~all~~ alcoholic beverages ~~[including mixed beverages]~~ has been legalized, the ballot for a prohibitory election shall be prepared to permit voting for or against the one of the following issues that applies:

(1) "The legal sale of beer for off-premise consumption only."

(2) "The legal sale of beer."

(3) "The legal sale of beer and wine for off-premise consumption only."

(4) "The legal sale of beer and wine."

(5) "The legal sale of all alcoholic beverages for off-premise consumption only."

(6) "The legal sale of all alcoholic beverages except mixed beverages."

(7) "The legal sale of all alcoholic beverages including mixed beverages."

(8) "The legal sale of mixed beverages."

1 (9) "The legal sale of mixed beverages in restaurants
2 by food and beverage certificate holders only."

3 (10) "The legal sale of wine on the premises of a
4 holder of a winery permit."

5 SECTION 2. Sections 501.035(d), (e), and (f), Election
6 Code, are repealed.

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

ADOPTED

FLOOR AMENDMENT NO. 1

MAY 19 2009 BY:

FRASER

Patricia Law
Secretary of the Senate

1 Amend H.B. 4498 (Senate Committee Printing) by inserting a
2 new SECTION 1 as follows and renumbering existing SECTIONS
3 accordingly:

4 SECTION 1. Subchapter B, Chapter 501, Election Code, is
5 amended by adding Section 501.0211 to read as follows:

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

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

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

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

17 (b) After holding a public hearing, the governing body of
18 a municipality described by Subsection (a) may, by resolution,
19 order a local option election to be held in the municipality on
20 the ballot issue the passage of which would legalize the sale of
21 the same types and classifications of alcoholic beverages the
22 sale of which was legalized by the results of the local option
23 election described by Subsection (a).

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

29 (d) An election ordered by the governing body of a

municipality under this section shall be conducted by the
municipality instead of the county. For the purposes of an
election conducted under this section, a reference in this code:

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

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

(3) 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

(4) 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) The municipality shall pay the expense of the
election.

(f) This section expires September 1, 2015.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 20, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4498 by Hamilton (Relating to ballot issues for a local option election to prohibit the sale of alcoholic beverages.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would add Section 501.0211 to the Election Code regarding a local option election in a certain municipality. The new section would expire on September 1, 2015.

The bill would amend Section 501.035, Election Code, to allow areas where the sale of any type or classification of alcoholic beverages is permitted, to permit voting for or against certain types of alcoholic beverage sales. The bill would also repeal Sections 501.035 (d), (e), and (f), of the Elections Code, which relates to the ballot for a prohibitory election in certain areas.

The bill would take effect September 1, 2009.

Based on analysis by the Texas Alcoholic Beverage Commission, no significant fiscal implication to the state is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 458 Alcoholic Beverage Commission

LBB Staff: JOB, TP, DB, JRO, GG, ESi

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 4, 2009

TO: Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4498 by Hamilton (Relating to ballot issues for a local option election to prohibit the sale of alcoholic beverages.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code, Section 501.035 to allow areas where the sale of any type or classification of alcoholic beverages is permitted, to permit voting for or against certain types of alcoholic beverage sales. The bill would also repeal Sections 501.035 (d), (e), and (f), of the Elections Code. The bill would take effect September 1, 2009. The Texas Alcoholic Beverage Commission (TABC) anticipates no significant fiscal impact to their agency.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 458 Alcoholic Beverage Commission

LBB Staff: JOB, JRO, GG, ESi

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 14, 2009

TO: Honorable Edmund Kuempel, Chair, House Committee on Licensing & Administrative Procedures

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4498 by Hamilton (relating to ballot issues for a local option election to prohibit the sale of alcoholic beverages.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code, Section 501.035 to allow areas where the sale of any type or classification of alcoholic beverages is permitted, to permit voting for or against certain types of alcoholic beverage sales. The bill would also repeal Sections 501.035 (d), (e), and (f), of the Elections Code. The bill would take effect September 1, 2009. The Texas Alcoholic Beverage Commission (TABC) anticipates no significant fiscal impact to their agency.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 458 Alcoholic Beverage Commission

LBB Staff: JOB, JRO, GG, ESi

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 7, 2009

TO: Honorable Edmund Kuempel, Chair, House Committee on Licensing & Administrative Procedures

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4498 by Hamilton (Relating to the issues upon which a local option election may be called.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code, Section 501.035 to allow local election issues related to alcoholic beverages to include a ballot for the legal sale of beer and wine or mixed beverages in restaurants with food and beverage certificates only. The bill would take effect September 1, 2009.

This analysis assumes the implementation of the bill's provisions could be absorbed with the Texas Alcoholic Beverage Commission's (TABC) current appropriations.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 458 Alcoholic Beverage Commission

LBB Staff: JOB, JRO, DB, ESi