

House Bill 4498
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

SENATE VERSION

CONFERENCE

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

(c)The resolution ordering the election must 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)An election ordered by the governing body of a municipality under this section shall be conducted by the

House Bill 4498
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

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.

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."

Same as House version.

House Bill 4498
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION	CONFERENCE
(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." (9) "The legal sale of mixed beverages in restaurants by food and beverage certificate holders only." (10) "The legal sale of wine on the premises of a holder of a winery permit."		
SECTION 2. Sections 501.035(d), (e), and (f), Election Code, are repealed.	Same as House version.	
SECTION 3. This Act takes effect September 1, 2009.	Same as House version.	