

## **BILL ANALYSIS**

C.S.H.B. 1563  
By: Flynn  
Licensing & Administrative Procedures  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Local option elections, including local option elections for the sale of alcoholic beverages, are costly to political subdivisions, and such elections can be held as little as one year apart. Interested parties have expressed concern that voting year after year on the same subject with the same outcome is unnecessary and a poor use of taxpayer money. C.S.H.B. 1563 seeks to reduce the frequency and subsequent cost of such elections by prohibiting a local option election on a particular issue from being held in certain counties, or in a political subdivision in such a county, before the third anniversary of the most recent local option election on that issue in the county or political subdivision, as applicable.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1563 amends the Election Code, in provisions relating to local option elections on the sale of alcoholic beverages, to prohibit a local option election on a particular issue from being held in a county with a population of at least 52,000 but not more than 53,000, or in a political subdivision in such a county, before the third anniversary of the most recent local option election on that issue in the county or political subdivision, as applicable.

C.S.H.B. 1563, as an exception to that prohibition, authorizes a municipality to hold a local option election on a particular issue after the first anniversary of the most recent local option election on that issue in that municipality if the municipality permits the sale of one or more types or classifications of alcoholic beverage in the municipality as a result of a local option election held in the municipality and, after the local option election is held, annexes territory in which the sale of one or more of those types or classifications of alcoholic beverage is not legal. The bill requires the municipality to pay the expense of such an election. The bill makes a conforming change.

### **EFFECTIVE DATE**

September 1, 2011.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 1563 differs from the original, in a provision of law relating to local option elections on the sale of alcoholic beverages, by retaining the statutory prohibition against a local option election on a particular issue being held in a political subdivision until after the first anniversary of the most recent local option election on that issue in that political subdivision, whereas the original changes the statutory prohibition from the first to the third anniversary of the most recent such election.

C.S.H.B. 1563 omits a provision included in the original making a conforming change relating to the change to the third anniversary in a provision of law requiring a county to pay the expense of certain local option elections.

C.S.H.B. 1563 contains a provision not included in the original prohibiting a local option election on a particular issue relating to the sale of alcoholic beverages from being held in certain counties or a political subdivision in such a county before the third anniversary of the most recent local option election on that issue in the county or political subdivision, as applicable, and providing an exception for a municipality in such a county to hold a local option election after the first anniversary of the last such election under certain conditions. The substitute contains a conforming change not included in the original.