

BILL ANALYSIS

C.S.H.B. 2818
By: Sheffield, Ralph
Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Local option elections may be held in counties, cities, or justice of the peace precincts to determine the types of alcohol sales allowed in those jurisdictions. Interested parties note that problems arise when local option elections are called in justice precincts whose boundaries no longer exist. Current law requires a local option election to change the status of a justice precinct to be held within the same boundaries that existed when the original election was held. Because justice precincts are regularly redistricted, counties must attempt to reconstruct old justice precinct lines and adapt voting precincts to jurisdictional boundaries that can be decades old to accommodate such an election. C.S.H.B. 2818 seeks to address these problems by providing for local option elections to be held within the current boundaries of justice precincts and clarifying the status of a newly created precinct.

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. 2818 amends the Alcoholic Beverage Code to require a local option election on the sale of alcoholic beverages held in a justice precinct to be held in the territory comprising the justice precinct at the time of the election and to clarify the conditions under which the local option status may change based on a change to the boundaries of the justice precinct. The bill removes a provision requiring the commissioners court to define the boundaries of the original precinct for the purposes of a local option election if the boundaries of a justice precinct changed since the wet or dry status was established and repeals a provision applying Election Code provisions relating to county payment of local option election expenses to elections held within the original boundaries of a changed justice precinct.

C.S.H.B. 2818 requires a newly created precinct, for the purposes of a local option election, to be considered to have not held a local option election on the sale of alcoholic beverages and specifies that any local option status established in the territory comprising the new justice precinct that resulted from a local option election held in the territory when the territory was part of another justice precinct remains in effect until that status is changed by a local option election held in the new justice precinct.

C.S.H.B. 2818 repeals Section 251.80(c), Alcoholic Beverage Code.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2818 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 251.72, Alcoholic Beverage Code, is amended to read as follows:

Sec. 251.72. CHANGE OF STATUS. Except as provided in Sections 251.721, ~~[Section] 251.73, and 251.80 [of this code]~~, an authorized voting unit that has exercised or may exercise the right of local option retains the status adopted, whether absolute prohibition or legalization of the sale of alcoholic beverages of one or more of the various types and alcoholic contents on which an issue may be submitted under the terms of Section 501.035, Election Code, until that status is changed by a subsequent local option election in the same authorized voting unit.

SECTION 2. Subchapter D, Chapter 251, Alcoholic Beverage Code, is amended by adding Section 251.721 to read as follows:

Sec. 251.721. AREA ANNEXED BY CITY OR TOWN. An area annexed by an incorporated city or town assumes the wet or dry status of the incorporated city or town annexing the area.

SECTION 3. Section 251.80, Alcoholic Beverage Code, is amended by amending Subsection (a) and adding Subsection (a-1).

No equivalent provision.

SECTION 4. This Act takes effect September 1, 2013.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 251.72, Alcoholic Beverage Code, is amended to read as follows:

Sec. 251.72. CHANGE OF STATUS. Except as provided in Sections ~~[Section]~~ 251.73 and 251.80 ~~[of this code]~~, an authorized voting unit that has exercised or may exercise the right of local option retains the status adopted, whether absolute prohibition or legalization of the sale of alcoholic beverages of one or more of the various types and alcoholic contents on which an issue may be submitted under the terms of Section 501.035, Election Code, until that status is changed by a subsequent local option election in the same authorized voting unit.

No equivalent provision.

SECTION 2. Substantially the same as introduced version.

SECTION 3. Section 251.80(c), Alcoholic Beverage Code, is repealed.

SECTION 4. Same as introduced version.