

By: Sheffield of Bell

H.B. No. 2818

Substitute the following for H.B. No. 2818:

By: Smith

C.S.H.B. No. 2818

A BILL TO BE ENTITLED

AN ACT

relating to changing the wet or dry status of a justice precinct.

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

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.

SECTION 2. Section 251.80, Alcoholic Beverage Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A local option election held in a justice precinct shall be held in the territory comprising the justice precinct at the time the election is held. If a justice precinct has established [~~Whenever~~] a local option status as a result of a previous local option election [~~is once legally put into effect as the result of the vote~~] in the [~~a~~] justice precinct, such status shall remain in effect until the status is changed as the result of a subsequent

1 local option election [~~vote~~] in the [~~same territory that comprised~~
2 ~~the~~] precinct [~~when such status was established~~]. If the
3 boundaries of the justice precinct have changed since such status
4 was established, [~~the commissioners court shall, for purposes of~~] a
5 subsequent local option election will only change the local option
6 status in the territory that is part of the justice [~~, define the~~
7 ~~boundaries of the original~~] precinct on the date of the subsequent
8 local option election[~~. A local option election may be held within~~
9 ~~the territory defined by the commissioners court as constituting~~
10 ~~such original precinct~~].

11 (a-1) For purposes of a local option election, a newly
12 created justice precinct shall be considered to have not held a
13 local option election on the sale of alcoholic beverages. Any local
14 option status established in the territory comprising the new
15 justice precinct that resulted from a local option election held in
16 the territory when the territory was part of another justice
17 precinct remains in effect until that status is changed by a local
18 option election held in the new justice precinct.

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20 repealed.

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