

1-1 By: Sheffield of Bell (Senate Sponsor - Carona) H.B. No. 2818
 1-2 (In the Senate - Received from the House May 9, 2013;
 1-3 May 10, 2013, read first time and referred to Committee on Business
 1-4 and Commerce; May 17, 2013, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
 1-6 May 17, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17			X	

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 2818 By: Carona

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to certain local option elections and the permits and
 1-22 licenses that can be issued in areas that approved the sale of
 1-23 certain alcoholic beverages in a local option election.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Chapter 25, Alcoholic Beverage Code, is amended
 1-26 by adding Section 25.14 to read as follows:

1-27 Sec. 25.14. ISSUANCE OF PERMIT AUTHORIZED FOR CERTAIN
 1-28 AREAS. (a) Notwithstanding any other provision of this code, a
 1-29 permit under this chapter may be issued for a premises in an area in
 1-30 which the voters have approved the following alcoholic beverage
 1-31 ballot issues in a local option election:

1-32 (1) "The legal sale of beer and wine for off-premise
 1-33 consumption only."; and

1-34 (2) either:

1-35 (A) "The legal sale of mixed beverages."; or

1-36 (B) "The legal sale of mixed beverages in
 1-37 restaurants by food and beverage certificate holders only."

1-38 (b) A premises that qualifies for a permit under this
 1-39 chapter because it is located in an area that approved the ballot
 1-40 issue described by Subsection (a)(2)(B) may be issued a permit
 1-41 under this chapter only if the premises is issued a food and
 1-42 beverage certificate.

1-43 SECTION 2. Chapter 69, Alcoholic Beverage Code, is amended
 1-44 by adding Section 69.17 to read as follows:

1-45 Sec. 69.17. ISSUANCE OF LICENSE AUTHORIZED FOR CERTAIN
 1-46 AREAS. (a) Notwithstanding any other provision of this code, a
 1-47 license under this chapter may be issued for a premises in an area
 1-48 in which the voters have approved the following alcoholic beverage
 1-49 ballot issues in a local option election:

1-50 (1) "The legal sale of beer and wine for off-premise
 1-51 consumption only."; and

1-52 (2) either:

1-53 (A) "The legal sale of mixed beverages."; or

1-54 (B) "The legal sale of mixed beverages in
 1-55 restaurants by food and beverage certificate holders only."

1-56 (b) A premises that qualifies for a license under this
 1-57 chapter because it is located in an area that approved the ballot
 1-58 issue described by Subsection (a)(2)(B) may be issued a license
 1-59 under this chapter only if the premises is issued a food and
 1-60 beverage certificate.

2-1 SECTION 3. Chapter 70, Alcoholic Beverage Code, is amended
2-2 by adding Section 70.04 to read as follows:

2-3 Sec. 70.04. ISSUANCE OF LICENSE AUTHORIZED FOR CERTAIN
2-4 AREAS. (a) Notwithstanding any other provision of this code, a
2-5 license under this chapter may be issued for a premises in an area
2-6 in which the voters have approved the following alcoholic beverage
2-7 ballot issues in a local option election:

2-8 (1) "The legal sale of beer and wine for off-premise
2-9 consumption only."; and

2-10 (2) either:
2-11 (A) "The legal sale of mixed beverages."; or
2-12 (B) "The legal sale of mixed beverages in
2-13 restaurants by food and beverage certificate holders only."

2-14 (b) A premises that qualifies for a license under this
2-15 chapter because it is located in an area that approved the ballot
2-16 issue described by Subsection (a)(2)(B) may be issued a license
2-17 under this chapter only if the premises is issued a food and
2-18 beverage certificate.

2-19 SECTION 4. Section 251.72, Alcoholic Beverage Code, is
2-20 amended to read as follows:

2-21 Sec. 251.72. CHANGE OF STATUS. Except as provided in
2-22 Sections [~~Section~~] 251.73 and 251.80 [~~of this code~~], an authorized
2-23 voting unit that has exercised or may exercise the right of local
2-24 option retains the status adopted, whether absolute prohibition or
2-25 legalization of the sale of alcoholic beverages of one or more of
2-26 the various types and alcoholic contents on which an issue may be
2-27 submitted under the terms of Section 501.035, Election Code, until
2-28 that status is changed by a subsequent local option election in the
2-29 same authorized voting unit.

2-30 SECTION 5. Section 251.80, Alcoholic Beverage Code, is
2-31 amended by amending Subsection (a) and adding Subsection (a-1) to
2-32 read as follows:

2-33 (a) A local option election held in a justice precinct shall
2-34 be held in the territory comprising the justice precinct at the time
2-35 the election is held. If a justice precinct has established
2-36 [~~Whenever~~] a local option status as a result of a previous local
2-37 option election [~~is once legally put into effect as the result of~~
2-38 ~~the vote~~] in the [~~a~~] justice precinct, such status shall remain in
2-39 effect until the status is changed as the result of a subsequent
2-40 local option election [~~vote~~] in the [~~same territory that comprised~~
2-41 ~~the~~] precinct [~~when such status was established~~]. If the
2-42 boundaries of the justice precinct have changed since such status
2-43 was established, [~~the commissioners court shall, for purposes of~~] a
2-44 subsequent local option election will only change the local option
2-45 status in the territory that is part of the justice [~~, define the~~
2-46 ~~boundaries of the original~~] precinct on the date of the subsequent
2-47 local option election[~~. A local option election may be held within~~
2-48 ~~the territory defined by the commissioners court as constituting~~
2-49 ~~such original precinct~~].

2-50 (a-1) For purposes of a local option election, a newly
2-51 created justice precinct shall be considered to have not held a
2-52 local option election on the sale of alcoholic beverages. Any local
2-53 option status established in the territory comprising the new
2-54 justice precinct that resulted from a local option election held in
2-55 the territory when the territory was part of another justice
2-56 precinct remains in effect until that status is changed by a local
2-57 option election held in the new justice precinct.

2-58 SECTION 6. Section 251.80(c), Alcoholic Beverage Code, is
2-59 repealed.

2-60 SECTION 7. Sections 25.14, 69.17, and 70.04, Alcoholic
2-61 Beverage Code, as added by this Act, apply to a permit or license
2-62 issued on or after the effective date of this Act regardless of when
2-63 the local option election approving the sale of mixed beverages was
2-64 held.

2-65 SECTION 8. This Act takes effect September 1, 2013.

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