

By: Capriglione

H.B. No. 2735

A BILL TO BE ENTITLED

AN ACT

relating to the sale of alcoholic beverages in certain areas annexed by a municipality.

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 251.725, 251.73, and 251.80, 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 251.725 to read as follows:

Sec. 251.725. CHANGE OF STATUS FOR CERTAIN TERRITORY ANNEXED BY MUNICIPALITY. (a) This section applies only to a municipality whose local option status allows for the legal sale of beer and wine for off-premise consumption only as a result of a local option election on the applicable ballot issue held on or after January 1, 1985.

(b) The governing body of a municipality described by

1 Subsection (a) may adopt an ordinance authorizing the sale of beer
2 and wine for off-premise consumption in an area annexed by the
3 municipality after that election if at the time the ordinance is
4 adopted:

5 (1) the annexed area is not more than one percent of
6 the total area covered by the municipality;

7 (2) all of the land in the annexed area is zoned for
8 commercial use only; and

9 (3) the annexed area is not adjacent to residential,
10 church, or school property.

11 SECTION 3. The change in law made by this Act applies to an
12 area annexed or acquired by a municipality before, on, or after the
13 effective date of this Act.

14 SECTION 4. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2015.