

BILL ANALYSIS

Senate Research Center
87R24319 JAM-D

C.S.H.B. 1729
By: Harris (Nichols)
Business & Commerce
5/6/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This bill would assist with the financial recovery of businesses in the City of Elkhart as its restaurant industry has been severely impacted by the COVID-19 pandemic. H.B. 1729 seeks to ensure that the ability to sell alcohol is available to businesses throughout the city by providing for areas annexed to the city to automatically assume the city's wet status.

(Original Author's/Sponsor Statement of Intent)

C.S.H.B. 1729 amends current law relating to the sale of alcoholic beverages in areas annexed by certain municipalities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 251.72, Alcoholic Beverage Code, as follows:

Sec. 251.72. CHANGE OF STATUS. Provides that, except as provided in certain sections of the Alcoholic Beverage Code, including Section 251.727, an authorized voting unit that has exercised or is authorized to 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 is authorized to be submitted under the terms of Section 501.035 (Issues), Election Code, until that status is changed by a subsequent local option election in the same authorized voting unit.

SECTION 2. Amends Subchapter D, Chapter 251, Alcoholic Beverage Code, by adding Section 251.727, as follows:

Sec. 251.727. CHANGE OF STATUS FOR TERRITORY ANNEXED BY MUNICIPALITIES IN CERTAIN COUNTIES. (a) Provides that this section applies only to:

(1) a municipality that contains U.S. Highway 287 and State Highway 294 and is located in a county with a population of not less than 57,000 and not more than 59,000 on September 1, 2021; or

(2) a municipality that:

(A) has a municipal boundary located not more than 1.5 miles from an automobile racetrack with a seating capacity of more than 100,000;

(B) has a population of more than 1,000 and less than 3,000; and

(C) is located entirely within a county with a population of more than 650,000 that is adjacent to two counties, each of which has a population of more than 1.8 million.

(b) Provides that, notwithstanding any other law, an area annexed to a municipality to which this section applies automatically assumes the wet or dry status of that municipality on annexation.

SECTION 3. Provides that the change in law made by this Act applies to an area annexed by a municipality before, on, or after the effective date of this Act.

SECTION 4. Effective date: September 1, 2021.