

By: Lozano

H.B. No. 3228

A BILL TO BE ENTITLED

AN ACT

relating to a local option election on the sale of alcoholic beverages in certain areas of a municipality.

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

SECTION 1. Subchapter D, Chapter 251, Alcoholic Beverage Code, is amended by adding Section 251.742 to read as follows:

Sec. 251.742. MUNICIPAL ALCOHOLIC BEVERAGE ZONE. (a) In this section, "commercial area" means a contiguous area:

(1) in which 75 percent or more of the land area, excluding street rights-of-way, is devoted to or restricted to any combination of retail, restaurant, entertainment, office, government, or business uses; and

(2) that includes at least 20 commercial establishments.

(b) This section applies only to a municipality that:

(1) has a population of 15,000 or more; and

(2) is located in two counties one of which:

(A) has a population of 340,000 or more; and

(B) borders the Gulf of Mexico.

(c) The governing body of a municipality by resolution may propose a zone within a commercial area of the municipality to be designated as a zone in which the legal sale of one or more prohibited types or classifications of alcoholic beverages may be considered in a local option election under this section. The

1 resolution must describe the boundaries of the proposed zone.

2 (d) The governing body of the municipality shall order an  
3 election on the issue and prepare the ballot for the election that  
4 describes the boundaries of the proposed zone and permits voting  
5 for or against one of the ballot issues prescribed by Section  
6 501.035, Election Code, with respect to the proposed zone.

7 (e) The qualified voters of a municipality may petition the  
8 governing body of the municipality, in the manner prescribed by  
9 Chapter 501, Election Code, to order an election to alter the status  
10 of the sale of any type or classification of alcoholic beverages  
11 that has been legalized in a zone by an election conducted under  
12 this section.

13 (f) An election conducted under this section shall be  
14 conducted within the entire boundaries of the municipality in which  
15 an alcoholic beverage zone is proposed as those boundaries exist on  
16 the date of the election. The results of the election affect only  
17 the wet or dry status of the area within the boundaries of the zone.

18 (g) The provisions for conducting a local option election  
19 under Chapter 501, Election Code, apply to an election conducted  
20 under this section to the extent those provisions do not conflict  
21 with this section.

22 (h) The results of an election conducted under this section  
23 do not affect the legal sale of one or more types or classifications  
24 of alcoholic beverages that are permitted in the zone because of the  
25 zone's inclusion in a political subdivision.

26 SECTION 2. This Act takes effect September 1, 2021.