

## **BILL ANALYSIS**

H.B. 3228  
By: Lozano  
Licensing & Administrative Procedures  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The City of Portland seeks to attract residents and visitors for the purpose of revitalizing a commercial area of the city. Working with local businesses, the city is calling for legislation that allows, with the consent of voters, alcohol sales at art galleries and similar businesses that do not sell food or beverages and are located within the commercial area. H.B. 3228 seeks to allow the city to implement this idea by providing for a local option election on the sale of alcoholic beverages in a designated commercial area.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 3228 amends the Alcoholic Beverage Code to provide for a local option election on the sale of alcoholic beverages in a municipality with a population of 15,000 or more that is located in two counties, one of which has a population of 340,000 or more and borders the Gulf of Mexico. The bill authorizes the governing body of such a municipality to propose by resolution a designated zone within a commercial area, as defined by the bill, in which the legal sale of one or more prohibited types or classifications of alcoholic beverages may be considered in a local option election. The bill sets out the following requirements regarding the election:

- the governing body is required to order the election and prepare the ballot;
- the ballot must describe the boundaries of the proposed zone and permit voting for or against one of the ballot issues with respect to the proposed zone; and
- the election must be conducted within the entire boundaries of the municipality in which the zone is proposed as those boundaries exist on the date of the election.

The bill limits the effect of election results to only the wet or dry status of the area within the zone's boundaries and establishes that the results do not affect the legal sale of alcoholic beverages that are permitted because of the zone's inclusion in a political subdivision. The bill authorizes the qualified voters of a municipality to petition the municipality's governing body to order an election to alter the status of the sale of any type or classification of alcoholic beverages that has been legalized in a zone by a local option election. The bill makes statutory provisions relating to local option elections on the sale of alcoholic beverages applicable to an election under the bill's provisions to the extent those provisions do not conflict with the bill's provisions.

**EFFECTIVE DATE**

September 1, 2021.