

SUBJECT: Recodification of statutes in Election and Alcoholic Beverage codes

COMMITTEE: Elections — favorable, without amendment

VOTE: 7 ayes — Denny, Bohac, Anchia, Anderson, Hughes, J. Jones, T. Smith
0 nays

WITNESSES: For — None
Against — None
On — Ann McGeehan, Texas Secretary of State-Elections

BACKGROUND: In Texas, all areas of the state are considered “dry,” unless there has been a local-option liquor election held in a county, city, or justice precinct that has declared the area “wet.” Also, elections can be held in wet areas of the state to prohibit the sale of liquor. An exception exists for wineries, which are permitted to operate and sell wine in both wet and dry areas. The statutes relating to local option elections are contained in Alcoholic Beverage Code, ch. 251.

DIGEST: HB 1799 would move provisions governing local-option elections on the sale of alcoholic beverages from the Alcoholic Beverage Code to the Election Code. The bill would repeal the sections of Alcoholic Beverage Code, ch. 251 that were transferred to the Election Code.

The bill would make other technical and nonsubstantive revisions.

The bill would take effect September 1, 2005.

SUPPORTERS SAY: HB 1799 would recodify some of the laws that govern alcohol-related local-option elections. This proposal is based upon recommendations to improve the system that came out of testimony from Elections Committee interim hearings. For example, when the Texas Alcoholic Beverage Commission (TABC) receives a question about the administration of the elections-related section of the Alcoholic Beverage Code, TABC staffers end up redirecting questions to the Elections Division of the Office of the

Secretary of State. Moving election provisions that relate to alcoholic beverages to the Election Code would save time staff at both agencies.

OPPONENTS
SAY:

No apparent opposition.