

## **BILL ANALYSIS**

Senate Research Center

S.B. 888  
By: Harris  
State Affairs  
4-9-97  
Committee Report (Amended)

### **DIGEST**

Currently, certain elections relating to the sale of alcoholic beverages in a city or town located in more than one county may be conducted differently than elections held in a city which is wholly in one county. This bill attempts to eradicate any inconsistencies that exist with regard to certain local option elections of the sale of alcoholic beverages in order to make election procedures more uniform.

### **PURPOSE**

As proposed, S.B. 888 sets forth the procedure for an election to permit or prohibit the legal sale of all alcoholic beverages in certain incorporated cities and towns.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 251, Alcoholic Beverage Code, by adding Section 251.18, as follows:

Sec. 251.18. ELECTION IN CERTAIN CITIES AND TOWNS. Provides that this section applies only to an election to permit or prohibit the legal sale of all alcoholic beverages including mixed beverages in certain incorporated cities or towns. Requires an election to which this section applies to be conducted by the city or town instead of the county. Redesignates certain references contained in Subchapters A, B, and C of this chapter. Requires the city or town to pay the expense of the election. Establishes the number of signatures required for a petition under this section. Authorizes an action to contest the election under Section 251.55 to be brought in the district court of any county in which the city or town is located. Authorizes the Alcoholic Beverage Commission (commission) to only issue a permit or license for on-premise consumption under certain chapters to a person that the commission believes will be eligible for a food and beverage certificate after the person begins selling alcoholic beverages. Requires a person to apply to the commission for a food and beverage certificate by a certain date. Requires the commission to revoke a person's permit or license under certain conditions.

SECTION 2. Emergency clause.  
Effective date: upon passage.

### **SUMMARY OF COMMITTEE CHANGES**

Amendment 1.

Page 1, lines 10-11, strike "located in more than one county, at least one county of which has a population" and replace with "which does not permit liquor sales on the effective date of this section and which is located in two or more counties, of which at least one county has a population of one million or more and is adjacent to another county with a population."

Amendment 2.

Page 2, lines 5-9, strike proposed Subsection (d) and replace with new Subsection (d), as follows:

(d) Notwithstanding Section 251.11(1), the number of signatures required for a petition under this section is 35% of the number of registered voters of the city or town, except that Section 277.0024, Election Code, shall apply to the determination of the number of qualified voters.