

BILL ANALYSIS

Senate Research Center

H.B. 1814
By: Brimer (Harris)
Economic Development
5/13/1999
Engrossed

DIGEST

Currently, a city or town located in more than one county cannot hold its own election regarding the sale of mixed beverages in restaurants. Many areas with the ability to hold an election have chosen to prohibit mixed drinks to prevent the proliferation of bars. However, such prohibitions also apply to full-service restaurants. H.B. 1814 allows certain municipalities to hold a local optional election for the sale of mixed beverages, and clarifies existing regulations regarding authorization for certain venues to sell mixed beverages. Provides petition requirements necessary for a commissioners court to order a local option election on the issue of the legalization of the sale of mixed beverages in an establishment holding a food and beverage certificate

PURPOSE

As proposed, H.B. 1814 sets forth provisions for a local option election for the sale of mixed beverages by a food and beverage certificate holder.

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 Section 251.11, Alcoholic Beverage Code, by adding Subsection (b), to set forth requirements for a petition regarding a local option election to legalize the sale of mixed beverages in certain venues. Requires the petition to be filed by the 60th day after its issuance. Makes conforming changes.

SECTION 2. Amends Sections 251.14(b) and (c), Alcoholic Beverage Code, to set forth the required language for the ballot regarding the sale of mixed beverages, regarding establishments with or without alcoholic beverage sale limitations.

SECTION 3. Amends Section 251.15(b), Alcoholic Beverage Code, to provide that if the sale of mixed beverages by food and beverage certificate holders is legalized before a local option election on the general sales of mixed beverages, then the sale of mixed beverages in an establishment that holds a food and beverage certificate remains legalized regardless of the outcome of the election on the general sale of mixed beverages.

SECTION 4. Amends Chapter 251A, Alcoholic Beverage Code, by adding Section 251.18, as follows:

Sec. 251.18. ELECTION IN CERTAIN CITIES AND TOWNS. Limits the application of this section to apply only to an election to permit or prohibit the legal sale of mixed beverages in a municipality located in more than one county. Requires the election to be conducted by the municipality instead of the county. Clarifies references to certain entities in Subchapters B and C, Chapter 251, Alcoholic Beverage Code. Requires the municipality to pay for the election expenses.

SECTION 5. Effective date: September 1, 1999.

SECTION 6. Emergency clause.