

BILL ANALYSIS

Senate Research Center

H.B. 1222
By: Truitt (Harris)
Intergovernmental Relations
4/19/2001
Engrossed

DIGEST AND PURPOSE

Currently, cities located in more than one county are not able to hold local option elections. Certain cities, such as Southlake and Westlake, wish to hold such elections but cannot because they stretch across two counties. As proposed, H.B. 1222 enables incorporated cities or towns located in more than one county designated wet for the sale of beer and mixed beverages to petition for and hold a local option election for the sale of wine for off-premise consumption.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 251A, Alcoholic Beverage Code, by adding Section 251.19, as follows:

Sec. 251.19. ELECTION IN CERTAIN CITIES AND TOWNS. Provides that this section applies only to certain elections. Requires the ballot in an election under this section to be prepared to permit voting for or against "The legal sale of wine for off-premise consumption only." Requires an election under this section to be conducted by the city or town instead of the county. Sets forth guidelines regarding references in this code for purposes of an election conducted under this section. Requires the city or town to pay the expense of the election. 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.

SECTION 2. Amends Section 24.01, Alcoholic Beverage Code, as follows:

Sec. 24.01. Authorizes the holder of a wine only package store permit whose premises is located in a wet area permitting the legal sale of wine for off-premises consumption only as determined by an election held under Section 251.19 to only purchase, sell, or possess vinous liquor on those licensed premises. Provides that the qualifications for a wine only package store permit whose premises is in a wet area permitting the legal sale of wine for off-premises consumption only as determined by an election held under Section 251.19 are the same as the qualifications for a permit issued under Chapter 26 of this code, including the citizenship requirements prescribed by Section 6.03.

SECTION 3. Effective date: September 1, 2001.