

## **BILL ANALYSIS**

Senate Research Center

S.B. 1145  
By: Staples  
Intergovernmental Relations  
4/11/2001  
Committee Report (Amended)

### **DIGEST AND PURPOSE**

S.B. 1145 permits the designation of commercial districts within certain cities wherein the legal sale of one or more prohibited types of classifications of alcoholic beverages may be authorized upon the affirmative vote of the qualified voters of the entire municipality. Under current law, cities are only authorized to hold such elections with results applicable to the entire city or to a specific justice of the peace precinct.

### **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 251D, Alcoholic Beverage Code, by adding Section 251.742, as follows:

Sec. 251.742. MUNICIPAL ALCOHOLIC BEVERAGE ZONE. (a) Defines “commercial area.”

(b) Provides that this section only applies to certain municipalities.

(c) Authorizes the governing body of a municipality by resolution to propose a zone within a commercial area of the municipality to be designated as a zone in which the legal sale of one or more prohibited types or classifications of alcoholic beverages may be considered in a local option election under this section. Sets forth guidelines for the resolution.

(d) Prohibits an alcoholic beverage zone proposed under Subsection (c) from including an area that is incorporated in an existing alcoholic beverage zone or that was incorporated in a proposed zone for which a local option election was conducted during the two-year period preceding the date of the resolution proposing the zone.

(e) Requires the commissioners court to order an election on the issue unless the commissioners court determines that the proposed zone does not conform to the requirements of this section.

(f) Authorizes the qualified voters of a municipality to petition the commissioners court of the county in which the municipality is located, in the manner prescribed by this chapter, 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 an election conducted under this section.

(g) Sets forth guidelines for conducting an election under this section. Provides that the

results of the election affect only the wet or dry status of the area within the boundaries of the zone.

(h) Provides that the provisions for conducting a local option election under this chapter apply to an election conducted under this section to the extent those provisions do not conflict with this section.

(i) Requires a municipality to bear the cost of an election held in the municipality under this section.

(j) Provides that the results of an election conducted under this section do not affect the legal sale of one or more types or classifications of alcoholic beverages that are permitted in the zone because of the zone's inclusion in a political subdivision.

SECTION 2. Effective date: September 1, 2001.

### **SUMMARY OF COMMITTEE CHANGES**

Differs from original in SECTION 1 by changing the language in Subsection (a)(2), Section 251.742, Alcoholic Beverage Code, in the definition of "commercial area" from "20 commercial establishments" to "five commercial establishments." Differs in Subsection (b) by eliminating the proposed Subsection (b) and replacing it with language providing this section applies only to a municipality that has a population of 2,500 or more and is located in a county that has a population of more than 75,000 and in all or part of which the sale of all alcoholic beverages has been legalized.