

By: Brimer

S.B. No. 1246

A BILL TO BE ENTITLED

AN ACT

relating to local option elections in certain populous areas on the sale of mixed beverages by food and beverage establishments.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 251, Alcoholic Beverage Code, is amended by adding Section 251.011 to read as follows:

Sec. 251.011. ELECTION IN CERTAIN POPULOUS AREAS. (a) This section applies only to:

(1) a county with a population of more than 1.4 million and less than 3.4 million; and

(2) a county adjacent to a county with a population of more than 1.4 million and less than 3.4 million.

(b) If the sale of mixed beverages in restaurants is not legal in all or part of a political subdivision described by Subsection (a), an election shall be held on the issue of "The legal sale of mixed beverages in restaurants by food and beverage certificate holders only" during the first uniform election held by the political subdivision after the date on which the political subdivision becomes subject to this section.

SECTION 2. Chapter 28, Alcoholic Beverage Code, is amended by adding Section 28.19 to read as follows:

Sec. 28.19. ISSUANCE OF MIXED BEVERAGE PERMIT TO PRIVATE CLUB AFTER CERTAIN LOCAL OPTION ELECTIONS. (a) Before the second anniversary of a local option election authorizing the sale of

1 mixed beverages in restaurants in a political subdivision, the  
2 holder of a private club registration permit with a food and  
3 beverage certificate located in the political subdivision may be  
4 issued a mixed beverage permit with a food and beverage certificate  
5 at the time the private club permit is eligible for renewal if the  
6 application for the permit is approved by a vote of the private  
7 club's members.

8 (b) For a permit granted under this section, the state fee  
9 under Section 28.02 shall be computed and the local fee under  
10 Section 11.38 may be assessed as if the permit holder's original  
11 private club permit and any renewal of the private club permit were  
12 mixed beverage permits.

13 (c) The permit holder is not required to maintain an amount  
14 of security under Section 183.053, Tax Code, that exceeds the  
15 amount the permit holder would be required to maintain had the  
16 permit holder continued to hold a private club permit.

17 SECTION 3. This Act takes effect September 1, 2005.