

By: Shapiro

S.B. No. 1735

Substitute the following for S.B. No. 1735:

By: Miles

C.S.S.B. No. 1735

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the effect of a charter provision relating to the sale
3 of alcoholic beverages for off-premise consumption on a subsequent
4 local option election for the sale of alcoholic beverages in
5 certain home-rule municipalities.

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

7 SECTION 1. Subchapter D, Chapter 215, Local Government
8 Code, is amended by adding Section 215.076 to read as follows:

9 Sec. 215.076. CHARTER PROVISIONS AND LOCAL OPTION ELECTIONS
10 IN CERTAIN MUNICIPALITIES. (a) This section applies only to a
11 home-rule municipality with a population of less than 15,000:

12 (1) that is wholly located in a county that:

13 (A) has a population of two million or more; and

14 (B) is adjacent to a county with a population of
15 one million or more;

16 (2) in only part of which the sale of distilled spirits
17 for off-premise consumption is legal; and

18 (3) that on April 3, 1982, adopted or enacted a
19 home-rule charter or home-rule charter amendment that restricts the
20 sale of alcoholic beverages for off-premise consumption to a
21 portion of the municipality.

22 (b) A local option election for or against the sale of
23 alcoholic beverages for off-premise consumption that is held in a
24 county or in a justice precinct in which all or part of a home-rule

1 municipality described by Subsection (a) is located does not alter,
2 modify, or supersede a home-rule charter restriction of the
3 municipality described by Subsection (a) regardless of whether the
4 election was held before, on, or after the effective date of this
5 section or the charter restriction. A charter restriction
6 described by Subsection (a) is in all respects validated.

7 SECTION 2. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2007.