

1-1 By: Zaffirini S.B. No. 1216
1-2 (In the Senate - Filed March 9, 2021; March 18, 2021, read
1-3 first time and referred to Committee on Business & Commerce;
1-4 March 31, 2021, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; March 31, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to a local option election on the sale of alcoholic
1-20 beverages in certain areas of a municipality.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter D, Chapter 251, Alcoholic Beverage
1-23 Code, is amended by adding Section 251.742 to read as follows:

1-24 Sec. 251.742. MUNICIPAL ALCOHOLIC BEVERAGE ZONE. (a) In
1-25 this section, "commercial area" means a contiguous area:

1-26 (1) in which 75 percent or more of the land area,
1-27 excluding street rights-of-way, is devoted to or restricted to any
1-28 combination of retail, restaurant, entertainment, office,
1-29 government, or business uses; and

1-30 (2) that includes at least 20 commercial
1-31 establishments.

1-32 (b) This section applies only to a municipality that:

1-33 (1) has a population of 15,000 or more; and

1-34 (2) is located in two counties one of which:

1-35 (A) has a population of 340,000 or more; and

1-36 (B) borders the Gulf of Mexico.

1-37 (c) The governing body of a municipality by resolution may
1-38 propose a zone within a commercial area of the municipality to be
1-39 designated as a zone in which the legal sale of one or more
1-40 prohibited types or classifications of alcoholic beverages may be
1-41 considered in a local option election under this section. The
1-42 resolution must describe the boundaries of the proposed zone.

1-43 (d) The governing body of the municipality shall order an
1-44 election on the issue and prepare the ballot for the election that
1-45 describes the boundaries of the proposed zone and permits voting
1-46 for or against one of the ballot issues prescribed by Section
1-47 501.035, Election Code, with respect to the proposed zone.

1-48 (e) The qualified voters of a municipality may petition the
1-49 governing body of the municipality, in the manner prescribed by
1-50 Chapter 501, Election Code, to order an election to alter the status
1-51 of the sale of any type or classification of alcoholic beverages
1-52 that has been legalized in a zone by an election conducted under
1-53 this section.

1-54 (f) An election conducted under this section shall be
1-55 conducted within the entire boundaries of the municipality in which
1-56 an alcoholic beverage zone is proposed as those boundaries exist on
1-57 the date of the election. The results of the election affect only
1-58 the wet or dry status of the area within the boundaries of the zone.

1-59 (g) The provisions for conducting a local option election
1-60 under Chapter 501, Election Code, apply to an election conducted
1-61 under this section to the extent those provisions do not conflict

2-1 with this section.

2-2 (h) The results of an election conducted under this section
2-3 do not affect the legal sale of one or more types or classifications
2-4 of alcoholic beverages that are permitted in the zone because of the
2-5 zone's inclusion in a political subdivision.

2-6 SECTION 2. This Act takes effect September 1, 2021.

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