

BILL ANALYSIS

Senate Research Center
81R17167 AJA-F

H.B. 4498
By: Hamilton (Nichols)
Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Local option elections ensure that citizens of a jurisdiction have the right to authorize or prohibit the sale, provision, or service of alcoholic beverages in the jurisdiction. Currently, a political subdivision cannot vote to prohibit a previously legalized classification of alcoholic beverage unless the sale of all classifications is legal in that political subdivision.

H.B. 4498 amends current law relating to ballot issues for a local option election to prohibit the sale of alcoholic beverages.

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 Section 501.035(c), Election Code, to require that the ballot for a prohibitory election, in an area where the sale of any type or classification of alcoholic beverages has been legalized, rather than in an area where the sale of all alcoholic beverages including mixed beverages has been legalized, be prepared to permit voting for or against the one of certain issues that applies.

SECTION 2. Repealer: Sections 501.035(d) (relating to the ballot for a prohibitory election), (e) (relating to an area where the sale of beverages containing alcohol not in excess of 17 percent by volume has been legalized, and those of higher alcoholic content are prohibited), and (f) (relating to an area where the sale of beer containing alcohol not exceeding four percent by weight has been legalized, and all other alcoholic beverages are prohibited), Election Code.

SECTION 3. Effective date: September 1, 2009.