

CHAPTER 1298

H.B. No. 2818

1 AN ACT

2 relating to certain local option elections and the permits and
3 licenses that can be issued in areas that approved the sale of
4 certain alcoholic beverages in a local option election.

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

6 SECTION 1. Chapter 25, Alcoholic Beverage Code, is amended
7 by adding Section 25.14 to read as follows:

8 Sec. 25.14. ISSUANCE OF PERMIT AUTHORIZED FOR CERTAIN
9 AREAS. (a) Notwithstanding any other provision of this code, a
10 permit under this chapter may be issued for a premises in an area in
11 which the voters have approved the following alcoholic beverage
12 ballot issues in a local option election:

13 (1) "The legal sale of beer and wine for off-premise
14 consumption only."; and

15 (2) either:

16 (A) "The legal sale of mixed beverages."; or

17 (B) "The legal sale of mixed beverages in
18 restaurants by food and beverage certificate holders only."

19 (b) A premises that qualifies for a permit under this
20 chapter because it is located in an area that approved the ballot
21 issue described by Subsection (a)(2)(B) may be issued a permit
22 under this chapter only if the premises is issued a food and
23 beverage certificate.

24 SECTION 2. Chapter 69, Alcoholic Beverage Code, is amended

1 by adding Section 69.17 to read as follows:

2 Sec. 69.17. ISSUANCE OF LICENSE AUTHORIZED FOR CERTAIN
3 AREAS. (a) Notwithstanding any other provision of this code, a
4 license under this chapter may be issued for a premises in an area
5 in which the voters have approved the following alcoholic beverage
6 ballot issues in a local option election:

7 (1) "The legal sale of beer and wine for off-premise
8 consumption only."; and

9 (2) either:

10 (A) "The legal sale of mixed beverages."; or

11 (B) "The legal sale of mixed beverages in
12 restaurants by food and beverage certificate holders only."

13 (b) A premises that qualifies for a license under this
14 chapter because it is located in an area that approved the ballot
15 issue described by Subsection (a)(2)(B) may be issued a license
16 under this chapter only if the premises is issued a food and
17 beverage certificate.

18 SECTION 3. Chapter 70, Alcoholic Beverage Code, is amended
19 by adding Section 70.04 to read as follows:

20 Sec. 70.04. ISSUANCE OF LICENSE AUTHORIZED FOR CERTAIN
21 AREAS. (a) Notwithstanding any other provision of this code, a
22 license under this chapter may be issued for a premises in an area
23 in which the voters have approved the following alcoholic beverage
24 ballot issues in a local option election:

25 (1) "The legal sale of beer and wine for off-premise
26 consumption only."; and

27 (2) either:

1 (A) "The legal sale of mixed beverages."; or

2 (B) "The legal sale of mixed beverages in
3 restaurants by food and beverage certificate holders only."

4 (b) A premises that qualifies for a license under this
5 chapter because it is located in an area that approved the ballot
6 issue described by Subsection (a)(2)(B) may be issued a license
7 under this chapter only if the premises is issued a food and
8 beverage certificate.

9 SECTION 4. Section 251.72, Alcoholic Beverage Code, is
10 amended to read as follows:

11 Sec. 251.72. CHANGE OF STATUS. Except as provided in
12 Sections [Section] 251.73 and 251.80 [of this code], an authorized
13 voting unit that has exercised or may exercise the right of local
14 option retains the status adopted, whether absolute prohibition or
15 legalization of the sale of alcoholic beverages of one or more of
16 the various types and alcoholic contents on which an issue may be
17 submitted under the terms of Section 501.035, Election Code, until
18 that status is changed by a subsequent local option election in the
19 same authorized voting unit.

20 SECTION 5. Section 251.80, Alcoholic Beverage Code, is
21 amended by amending Subsection (a) and adding Subsection (a-1) to
22 read as follows:

23 (a) A local option election held in a justice precinct shall
24 be held in the territory comprising the justice precinct at the time
25 the election is held. If a justice precinct has established
26 [Whenever] a local option status as a result of a previous local
27 option election [is once legally put into effect as the result of

1 ~~the vote~~] in the [a] justice precinct, such status shall remain in
2 effect until the status is changed as the result of a subsequent
3 local option election [vote] in the [~~same territory that comprised~~
4 ~~the~~] precinct [~~when such status was established~~]. If the
5 boundaries of the justice precinct have changed since such status
6 was established, [~~the commissioners court shall, for purposes of~~] a
7 subsequent local option election will only change the local option
8 status in the territory that is part of the justice [~~, define the~~
9 ~~boundaries of the original~~] precinct on the date of the subsequent
10 local option election [~~. A local option election may be held within~~
11 ~~the territory defined by the commissioners court as constituting~~
12 ~~such original precinct~~].

13 (a-1) For purposes of a local option election, a newly
14 created justice precinct shall be considered to have not held a
15 local option election on the sale of alcoholic beverages. Any local
16 option status established in the territory comprising the new
17 justice precinct that resulted from a local option election held in
18 the territory when the territory was part of another justice
19 precinct remains in effect until that status is changed by a local
20 option election held in the new justice precinct.

21 SECTION 6. Section 251.80(c), Alcoholic Beverage Code, is
22 repealed.

23 SECTION 7. Sections 25.14, 69.17, and 70.04, Alcoholic
24 Beverage Code, as added by this Act, apply to a permit or license
25 issued on or after the effective date of this Act regardless of when
26 the local option election approving the sale of mixed beverages was
27 held.

H.B. No. 2818

1 SECTION 8. This Act takes effect September 1, 2013.

David Newkum

President of the Senate

Joe Straus

Speaker of the House

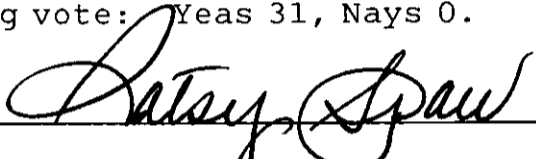
I certify that H.B. No. 2818 was passed by the House on May 8, 2013, by the following vote: Yeas 147, Nays 0, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 2818 on May 23, 2013, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2818 on May 26, 2013, by the following vote: Yeas 141, Nays 0, 3 present, not voting.

Robert Haney

Chief Clerk of the House

H.B. No. 2818


I certify that H.B. No. 2818 was passed by the Senate, with amendments, on May 21, 2013, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2818 on May 26, 2013, by the following vote: Yeas 31, Nays 0.


Secretary of the Senate

APPROVED: 14 JUNE '13
Date


Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10pm O'CLOCK
JUN 14 2013


Secretary of State