

1-1 By: Smith (Senate Sponsor - Seliger) H.B. No. 2296
 1-2 (In the Senate - Received from the House April 20, 2015;
 1-3 May 4, 2015, read first time and referred to Committee on Business
 1-4 and Commerce; May 15, 2015, reported favorably by the following
 1-5 vote: Yeas 8, Nays 0; May 15, 2015, 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 regulation by a municipality of the possession of an
 1-20 open container or the public consumption of alcoholic beverages.

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

1-22 SECTION 1. Section 109.35, Alcoholic Beverage Code, is
 1-23 amended by amending Subsections (a), (b), and (c) and adding
 1-24 Subsection (c-1) to read as follows:

1-25 (a) If the governing body of a municipality determines that
 1-26 the possession of an open container or the public consumption of
 1-27 alcoholic beverages in the central business district of the
 1-28 municipality is a risk to the health and safety of the citizens of
 1-29 the municipality, the governing body may by charter or ordinance
 1-30 prohibit [~~petition for the adoption of an order by the commission~~
 1-31 ~~that prohibits~~] the possession of an open container or the public
 1-32 consumption of alcoholic beverages in that central business
 1-33 district.

1-34 (b) If a municipality prohibits [~~submits a petition for an~~
 1-35 ~~order of the commission to prohibit~~] the possession of an open
 1-36 container or the public consumption of alcoholic beverages in the
 1-37 central business district of the city, the municipality must adopt
 1-38 [~~and attaches to the petition~~] a map, plat, or diagram showing the
 1-39 central business district that is [~~to be~~] covered by the
 1-40 prohibition[, ~~the commission shall approve and issue the order~~
 1-41 ~~without further consideration unless the commission finds that the~~
 1-42 ~~map, plat, or diagram improperly identifies the central business~~
 1-43 ~~district~~].

1-44 (c) The municipality's charter or ordinance [~~commission's~~
 1-45 ~~order~~] may not prohibit the possession of an open container or the
 1-46 consumption of alcoholic beverages in motor vehicles, buildings not
 1-47 owned or controlled by the municipality, residential structures, or
 1-48 licensed premises located in the area of prohibition.

1-49 (c-1) In accordance with Section 1.06, this section does not
 1-50 authorize municipal regulation of the possession of an open
 1-51 container or the public consumption of alcoholic beverages except
 1-52 as expressly provided by this section.

1-53 SECTION 2. This Act takes effect September 1, 2015.

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