

By: Macias

H.B. No. 1516

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to possession of an open container of alcoholic beverages  
3 in certain areas near a navigable stream.

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

5 SECTION 1. Section 109.35, Alcoholic Beverage Code, is  
6 amended by adding Subsections (b-1) and (b-2) to read as follows:

7 (b-1) If the governing body of a municipality with a  
8 population of less than 100,000 determines that the possession of  
9 an open container of alcoholic beverages on any public right-of-way  
10 or public easement in the municipality that is not more than 500  
11 feet from a navigable stream is a risk to the health and safety of  
12 the residents of the municipality or persons using the navigable  
13 stream, the governing body may petition for the adoption of an order  
14 by the commission that prohibits the possession of an open  
15 container of alcoholic beverages on any public right-of-way or  
16 public easement in the municipality that is not more than 500 feet  
17 from the navigable stream.

18 (b-2) If a municipality submits a petition for an order of  
19 the commission to prohibit the possession of an open container of  
20 alcoholic beverages on any public right-of-way or public easement  
21 in the municipality that is not more than 500 feet from a navigable  
22 stream and attaches to the petition a map, plat, or diagram showing  
23 the public rights-of-way and public easements in the municipality  
24 that are to be covered by the prohibition, the commission shall

1 approve and issue the order without further consideration unless  
2 the commission finds that the map, plat, or diagram improperly  
3 identifies the public rights-of-way or public easements in the  
4 municipality that are not more than 500 feet from the navigable  
5 stream.

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