

Suspending limitations on conference committee  
jurisdiction, H.B. No. 4498 (Hamilton/Nichols)

By: Nichols

S.R. No. 1064

R E S O L U T I O N

BE IT RESOLVED by the Senate of the State of Texas, 81st Legislature, Regular Session, 2009, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on House Bill 4498, relating to the sale and consumption of alcoholic beverages, to consider and take action on the following matter:

Senate Rule 12.03(4) is suspended to allow the conference committee to add text on a matter not in dispute to read as follows:

SECTION 1. Chapter 28, Alcoholic Beverage Code, is amended by adding Section 28.101 to read as follows:

Sec. 28.101. PUBLIC CONSUMPTION. (a) This section applies only to a mixed beverage permit holder whose premises are located in a municipality that:

(1) has a population of less than 15,000;

(2) is located in a county with a population of less than 65,000; and

(3) contains a historic preservation district that borders a lake.

(b) Notwithstanding Section 28.10 or any other law, the holder of a mixed beverage permit whose permitted premises are located on property owned by a municipality that contains a municipally owned conference center and that borders a lake may permit a patron to leave the permitted premises, even though the patron possesses an alcoholic beverage, if:

1           (1) the beverage is in an open container and appears to  
2 be possessed for present consumption; and

3           (2) the public consumption of alcoholic beverages or  
4 possession of an open container of an alcoholic beverage is not  
5 prohibited on the municipally owned property where the permitted  
6 premises are located.

7           (c) This section does not affect the prohibition against  
8 possessing an open container in a passenger area of a motor vehicle  
9 under Section 49.031, Penal Code.

10           SECTION 2. Chapter 31, Alcoholic Beverage Code, is amended  
11 by adding Section 31.06 to read as follows:

12           Sec. 31.06. PUBLIC CONSUMPTION. (a) This section applies  
13 only to the holder of a caterer's permit operating under the permit  
14 in an area in a municipality that:

15                   (1) has a population of less than 15,000;

16                   (2) is located in a county with a population of less  
17 than 65,000; and

18                   (3) contains a historic preservation district that  
19 borders a lake.

20           (b) Notwithstanding any other law, the holder of a caterer's  
21 permit operating under the permit in an area located on property  
22 owned by a municipality that contains a municipally owned  
23 conference center and that borders a lake may permit a patron to  
24 leave the area, even though the patron possesses an alcoholic  
25 beverage, if:

26                   (1) the beverage is in an open container and appears to  
27 be possessed for present consumption; and

1           (2) the public consumption of alcoholic beverages or  
2 possession of an open container of an alcoholic beverage is not  
3 prohibited on the municipally owned property where the area is  
4 located.

5           (c) This section does not affect the prohibition against  
6 possessing an open container in a passenger area of a motor vehicle  
7 under Section 49.031, Penal Code.

8           Explanation: The added language is necessary to authorize  
9 individuals in certain areas of the state to leave the premises of a  
10 mixed beverage permit holder or the area in which a holder of a  
11 caterer's permit is operating while possessing an open container of  
12 alcohol.