

House Bill 2818
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

No equivalent provision.

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

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

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

(2) either:

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

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

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

No equivalent provision.

SECTION 2. Chapter 69, Alcoholic Beverage Code, is amended by adding Section 69.17 to read as follows:

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

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

(2) either:

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

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

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

No equivalent provision.

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

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

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

(2) either:

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

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

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

SECTION 1. Section 251.72, Alcoholic Beverage Code, is amended to read as follows:

Sec. 251.72. CHANGE OF STATUS. Except as provided in Sections ~~[Section]~~ 251.73 and 251.80 ~~[of this code]~~, an

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authorized voting unit that has exercised or may exercise the right of local option retains the status adopted, whether absolute prohibition or legalization of the sale of alcoholic beverages of one or more of the various types and alcoholic contents on which an issue may be submitted under the terms of Section 501.035, Election Code, until that status is changed by a subsequent local option election in the same authorized voting unit.

SECTION 2. Section 251.80, Alcoholic Beverage Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A local option election held in a justice precinct shall be held in the territory comprising the justice precinct at the time the election is held. If a justice precinct has established ~~[Whenever]~~ a local option status as a result of a previous local option election ~~[is once legally put into effect as the result of the vote]~~ in the [a] justice precinct, such status shall remain in effect until the status is changed as the result of a subsequent local option election ~~[vote]~~ in the ~~[same territory that comprised the]~~ precinct ~~[when such status was established]~~. If the boundaries of the justice precinct have changed since such status was established, ~~[the commissioners court shall, for purposes of]~~ a subsequent local option election will only change the local option status in the territory that is part of the justice ~~[, define the boundaries of the original]~~ precinct on the date of the subsequent local option election~~[. A local option election may be held within the territory defined by the commissioners court as constituting such original precinct].~~

(a-1) For purposes of a local option election, a newly created justice precinct shall be considered to have not held a local option election on the sale of alcoholic beverages. Any local

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option status established in the territory comprising the new justice precinct that resulted from a local option election held in the territory when the territory was part of another justice precinct remains in effect until that status is changed by a local option election held in the new justice precinct.

SECTION 3. Section 251.80(c), Alcoholic Beverage Code, is repealed.

No equivalent provision.

SECTION 4. This Act takes effect September 1, 2013.

No equivalent provision.

No equivalent provision.

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SECTION 6. Same as House version.

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

SECTION 8. Same as House version.

SECTION __. Section 11.05, Alcoholic Beverage Code, is amended to read as follows:

Sec. 11.05. UNAUTHORIZED USE OF PERMIT. A [No] permittee may not consent to or allow the use or display of the permittee's [his] permit by a person other than the person to whom the permit was issued. [FA1]

SECTION __. Section 11.46, Alcoholic Beverage Code, is amended by adding Subsection (d) to read as follows:

(d) The commission or administrator shall refuse to issue an original permit to a person convicted of an offense under Section 101.76 for a period of 10 years from the date of the conviction. [FA1]

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No equivalent provision.

SECTION __. Section 11.61, Alcoholic Beverage Code, is amended by adding Subsection (d-1) to read as follows:
(d-1) Notwithstanding Section 11.64, the commission or administrator shall cancel an original or renewal permit if it is found, after notice and hearing, that the permittee was convicted of an offense under Section 101.76. [FA1]

No equivalent provision.

SECTION __. Subchapter A, Chapter 61, Alcoholic Beverage Code, is amended by adding Section 61.16 to read as follows:
Sec. 61.16. UNAUTHORIZED USE OF LICENSE. A licensee may not consent to or allow the use or display of the licensee's license by a person other than the person to whom the license was issued. [FA1]

No equivalent provision.

SECTION __. Section 61.42, Alcoholic Beverage Code, is amended by adding Subsection (d) to read as follows:
(d) The county judge, commission, or administrator shall refuse to approve or issue a license to a person convicted of an offense under Section 101.76 for a period of 10 years from the date of the conviction. [FA1]

No equivalent provision.

SECTION __. Subchapter C, Chapter 61, Alcoholic Beverage Code, is amended by adding Section 61.713 to read as follows:
Sec. 61.713. CANCELLATION FOR IMPROPER DISPLAY OR USE OF LICENSE. Notwithstanding Section 61.76 or 61.761, the commission or administrator shall cancel an original or renewal license if it is found, after notice and hearing, that the licensee was convicted of an offense under Section 101.76. [FA1]

No equivalent provision.

SECTION __. Subchapter D, Chapter 101, Alcoholic

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Beverage Code, is amended by adding Section 101.76 to read as follows:

Sec. 101.76. UNLAWFUL DISPLAY OR USE OF PERMIT OR LICENSE. (a) A person commits an offense if the person allows another person to display or use a permit or license issued by the commission in any manner not allowed by law.

(b) A person commits an offense if the person displays or uses a permit or license issued by the commission to another person in any manner not allowed by law.

(c) An offense under this section is a Class A misdemeanor.

[FA1]