

BILL ANALYSIS

Senate Research Center
84R15632 AJA-F

H.B. 2296
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Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties note that governing bodies of municipalities regularly adopt local ordinances that are in the best interests of the municipalities' residents. However, the parties have raised concerns over a current statutory requirement that a municipality petition for the adoption of an order by the Texas Alcoholic Beverage Commission prohibiting the possession of an open container or the public consumption of alcoholic beverages in the municipality's central business district. H.B. 2296 seeks to address this concern.

H.B. 2296 amends current law relating to regulation by a municipality of the possession of an open container or the public consumption of alcoholic beverages.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 109.35, Alcoholic Beverage Code, by amending Subsections (a), (b), and (c) and adding Subsection (c-1), as follows:

(a) Authorizes the governing body, if the governing body of a municipality determines that the possession of an open container or the public consumption of alcoholic beverages in the central business district of the municipality is a risk to the health and safety of the citizens of the municipality, to by charter or ordinance prohibit, rather than to petition for the adoption of an order by the Texas Alcoholic Beverage Commission (TABC) that prohibits, the possession of an open container or the public consumption of alcoholic beverages in that central business district.

(b) Requires a municipality, if a municipality prohibits the possession of an open container or the public consumption of alcoholic beverages in the central business district of the city, to adopt a map, plat, or diagram showing the central business district that is covered by the prohibition.

Deletes existing text requiring TABC, if a municipality submits a petition for an order of TABC to prohibit the possession of an open container or the public consumption of alcoholic beverages in the central business district of the city and attaches to the petition a map, plat, or diagram showing the central business district that is to be covered by the prohibition, to approve and issue the order without further consideration unless TABC finds that the map, plat, or diagram improperly identifies the central business district.

(c) Prohibits the municipality's charter or ordinance, rather than TABC's order, from prohibiting the possession of an open container or the consumption of alcoholic beverages in motor vehicles, buildings not owned or controlled by the municipality, residential structures, or licensed premises located in the area of prohibition.

(c-1) Provides that, in accordance with Section 1.06 (Code Exclusively Governs), this section does not authorize municipal regulation of the possession of an open container or

the public consumption of alcoholic beverages except as expressly provided by this section.

SECTION 2. Effective date: September 1, 2015.