CHAPTER 1045

H.B. No. 4498

AN ACT relating to the sale and consumption of alcoholic beverages.

Be it enacted by the Legislature of the State of Texas:

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

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

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

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

Sec. 31.06. PUBLIC CONSUMPTION. (a) This section applies only to the holder of a caterer's permit operating under the permit in an area 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 any other law, the holder of a caterer's permit operating under the permit in an area 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 area, even though the patron possesses an alcoholic beverage, if:

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

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

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

SECTION 3. Section 501.035(c), Election Code, is amended to read as follows:

(c) In an area where the sale of any type or classification of [all] alcoholic beverages [including mixed beverages] has been legalized, the ballot for a prohibitory election shall be prepared to permit voting for or against the one of the following issues that applies:

(1) “The legal sale of beer for off-premise consumption only.”

(2) “The legal sale of beer.”

(3) “The legal sale of beer and wine for off-premise consumption only.”

(4) “The legal sale of beer and wine.”

2678
(5) "The legal sale of all alcoholic beverages for off-premise consumption only."
(6) "The legal sale of all alcoholic beverages except mixed beverages."
(7) "The legal sale of all alcoholic beverages including mixed beverages."
(8) "The legal sale of mixed beverages."
(9) "The legal sale of mixed beverages in restaurants by food and beverage certificate holders only."
(10) "The legal sale of wine on the premises of a holder of a winery permit."

SECTION 4. Sections 501.035(d), (e), and (f), Election Code, are repealed.

SECTION 5. This Act takes effect September 1, 2009.

Passed by the House on April 22, 2009: Yeas 149, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 4498 on May 23, 2009, and requested the appointment of a conference committee to consider the differences between the two houses; the House adopted the conference committee report on H.B. No. 4498 on May 30, 2009: Yeas 145, Nays 0, 1 present, not voting; passed by the Senate, with amendments, on May 19, 2009: Yeas 30, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; the Senate adopted the conference committee report on H.B. No. 4498 on May 31, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.
Effective September 1, 2009.

CHAPTER 1046

H.B. No. 4501

AN ACT
relating to an intercollegiate athletics fee at Texas Southern University.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter E, Chapter 54, Education Code, is amended by adding Section 54.5223 to read as follows:

Sec. 54.5223. INTERCOLLEGIATE ATHLETICS FEE: TEXAS SOUTHERN UNIVERSITY. (a) The board of regents of Texas Southern University may impose an intercollegiate athletics fee on each student enrolled at Texas Southern University in an amount not to exceed $10 per semester credit hour.
(b) The amount of the fee imposed on a student in a semester or session may not exceed the amount of the fee imposed on a student enrolled in 15 semester credit hours during the same semester or session.
(c) The fee may not be imposed unless approved by a majority vote of the students of the university participating in a general student election held for that purpose.
(d) The amount of the fee per semester credit hour may be increased from one academic year to the next only if approved by a majority vote of the students of the university participating in a general student election held for that purpose.
(e) A fee imposed under this section may be used to develop and maintain an intercollegiate athletics program at the university.
(f) A fee imposed under this section is in addition to any other fee authorized by law and may not be considered in determining the maximum amount of student services fees that may be imposed under Section 54.503.
(g) The fee may not be charged after the fifth academic year in which the fee is first charged unless, before the end of that academic year, the university has issued bonds payable in whole or in part from the fee, in which event the fee may not be charged after the academic