SECTION 1. Subsection (b), Section 106.03, Alcoholic Beverage Code, is amended to read as follows:

(b) A person who sells a minor an alcoholic beverage does not commit an offense if the minor falsely represents himself to be 21 years old or older by displaying an apparently valid proof of identification that contains a physical description and photograph consistent with the minor’s appearance, purports to establish that the minor is 21 years of age or older, and was issued by a governmental agency for the purpose of inducing the person to sell him an alcoholic beverage.

The proof of identification may include a driver’s license or identification card issued by the Department of Public Safety, a passport, or a military identification card.

SECTION 2. The defenses added by this Act to Subsection (b), Section 160.03, Alcoholic Beverage Code, are available to a person regardless of when the offense was committed but only for trials commencing on or after the effective date of this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Passed the Senate on April 30, 2009: Yeas 31, Nays 0; passed the House on May 26, 2009: Yeas 147, Nays 0, one present not voting.

Approved June 19, 2009.


CHAPTER 489

S.B. No. 707

AN ACT
relating to requiring a sexually oriented business to maintain certain photographic identification records; providing a criminal penalty.

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

SECTION 1. Subchapter B, Chapter 51, Labor Code, is amended by adding Section 51.016 to read as follows:

Sec. 51.016. SEXUALLY ORIENTED BUSINESSES. (a) In this section, “sexually oriented business” has the meaning assigned by Section 243.002, Local Government Code.

(b) A sexually oriented business may not employ an individual younger than 18 years of age.

(c) A sexually oriented business shall maintain at the business a record that contains a copy of a valid proof of identification of each employee or independent contractor working at the premises of the business.

(d) A proof of identification satisfies the requirements of Subsection (c) if the identification:

(1) contains a physical description and photograph consistent with the person’s appearance;

(2) contains the date of birth of the person; and

(3) was issued by a governmental agency.

(e) The form of identification under Subsection (c) may include:

(1) a driver’s license issued by this state or another state;

(2) a passport; or

(3) an identification card issued by this or another state or the federal government.
An sexually oriented business shall maintain a record under this section for at least two years after the date the employee or independent contractor ends employment with or a contractual obligation to the business.

(g) The requirements of Subsections (c) and (f) do not apply with regard to an independent contractor who contracts with a sexually oriented business solely to perform repair, maintenance, or construction services at the business.

(h) The commission, the attorney general, or a local law enforcement agency may inspect a record maintained under this section if there is good reason to believe that an individual younger than 18 years of age is employed or has been employed by the sexually oriented business within the two years preceding the date of the inspection.

(i) A person commits an offense if the person:
(1) fails to maintain a record as required by this section; or
(2) knowingly or intentionally hinders an inspection authorized under Subsection (h).

SECTION 2. This Act takes effect September 1, 2009.

Passed the Senate on April 9, 2009: Yeas 31, Nays 0; passed the House on May 26, 2009: Yeas 144, Nays 0, one present not voting.

Approved June 19, 2009.

Effective September 1, 2009.

CHAPTER 490

S.B. No. 748

AN ACT relating to the powers and duties of the Fort Bend County Municipal Utility District No. 161; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8338 to read as follows:

CHAPTER 8338. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 161

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8338.001. DEFINITION. In this chapter, “district” means the Fort Bend County Municipal Utility District No. 161.

Sec. 8338.002. NATURE AND PURPOSES OF DISTRICT. (a) The district is a municipal utility district created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

(b) The district is essential to accomplish the purposes of Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, or improvement of macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.

[Sections 8338.003–8338.050 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES

Sec. 8338.051. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes described by Section 8338.002.

Sec. 8338.052. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters