

By: Farrar

H.B. No. 272

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the location of wine and beer retailer near certain
3 institutions.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 11.393(a), Alcoholic Beverage Code, is
6 amended to read as follows:

7 (a) Except as provided by Subsection (b), a person who
8 submits an original application for a private club registration
9 permit or a permit authorizing the retail sale of alcoholic
10 beverages for on-premises consumption shall give written notice of
11 the application to each residential address and established
12 neighborhood association any point on the property line of which is
13 less than ~~[located within]~~ 300 feet from ~~[of]~~ any point on the
14 property line of the premises for which the permit is sought, as
15 measured in a straight line.

16 SECTION 2. Section 11.43(c), Alcoholic Beverage Code, is
17 amended to read as follows:

18 (c) A hearing shall be held on any renewal application of a
19 mixed beverage permit, private club registration permit, wine and
20 beer retailer's permit, or retail dealer's on-premise license if a
21 sexually oriented business is to be operated on the premises to be
22 covered by the permit or license and a petition is presented to the
23 commission requesting a hearing which is signed by 50 percent of the
24 residents who reside on property any point on the property line of

1 which is less than [~~within~~] 300 feet from [~~of~~] any point on the
2 property line of the affected premises, as measured in a straight
3 line.

4 SECTION 3. Section 61.382(a), Alcoholic Beverage Code, is
5 amended to read as follows:

6 (a) Except as provided by Subsection (b), a person who
7 submits an original application for a license authorizing the
8 retail sale of beer for on-premises consumption shall give written
9 notice of the application to each residential address and
10 established neighborhood association any point on the property line
11 of which is less than [~~located within~~] 300 feet from [~~of~~] any point
12 on the property line of the premises for which the license is
13 sought, as measured in a straight line.

14 SECTION 4. Section 109.33, Alcoholic Beverage Code, is
15 amended by amending Subsection (b) and adding Subsection (b-1) to
16 read as follows:

17 (b) Except as provided by Subsection (b-1), the [~~The~~]
18 measurement of the distance between the place of business where
19 alcoholic beverages are sold and the church or public hospital
20 shall be along the property lines of the street fronts and from
21 front door to front door, and in direct line across intersections.
22 Except as provided by Subsection (b-1), the [~~The~~] measurement of the
23 distance between the place of business where alcoholic beverages
24 are sold and the public or private school shall be:

25 (1) in a direct line from the property line of the
26 public or private school to the property line of the place of
27 business, and in a direct line across intersections; or

1 (2) if the permit or license holder is located on or
2 above the fifth story of a multistory building, in a direct line
3 from the property line of the public or private school to the
4 property line of the place of business, in a direct line across
5 intersections, and vertically up the building at the property line
6 to the base of the floor on which the permit or license holder is
7 located.

8 (b-1) This subsection applies only to regulations enacted
9 by a municipality with a population of 1.5 million or more that has
10 not adopted a comprehensive zoning ordinance under Subchapter A,
11 Chapter 211, Local Government Code. Except as provided by this
12 subsection, for the purposes of this section, the distance between
13 a particular property and a premises for which a wine and beer
14 retailer's permit is held or sought is the distance between the
15 point on the property line of the particular property and the point
16 on the property line of the permitted or potentially permitted
17 premises that are nearest each other, as measured in a straight
18 line. For the purposes of a regulation enacted under Subsection
19 (a), the distance between a particular property and a premises for
20 which a wine and beer retailer's permit is originally granted
21 before September 1, 2005, is determined by the law in effect at the
22 time the original permit was granted.

23 SECTION 5. (a) The changes in law made by this Act to
24 Sections 11.393, 61.382, and 109.33, Alcoholic Beverage Code, apply
25 only to an application for an original wine and beer retailer's
26 permit that is filed on or after the effective date of this Act.

27 (b) An application for an original wine and beer retailer's

1 permit that is filed before the effective date of this Act is
2 governed by the law in effect immediately before that date, and that
3 law is continued in effect for that purpose.

4 SECTION 6. (a) The change in law made by this Act to Section
5 11.43, Alcoholic Beverage Code, applies only to a petition for a
6 hearing filed on or after the effective date of this Act.

7 (b) A petition filed before the effective date of this Act
8 is governed by the law in effect immediately before that date, and
9 that law is continued in effect for that purpose.

10 SECTION 7. This Act takes effect September 1, 2005.