

By: Farrar

H.B. No. 274

A BILL TO BE ENTITLED

AN ACT

relating to the notice of certain applications for a wine and beer retailer's permit.

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

SECTION 1. Chapter 25, Alcoholic Beverage Code, is amended by adding Section 25.055 to read as follows:

Sec. 25.055. PREMISES IN RESIDENTIAL AREA: ADDITIONAL NOTICE REQUIREMENTS. (a) In addition to any other notice required by this code, and notwithstanding Section 11.393(b), a person who submits an application for an original or renewal wine and beer retailer's permit for premises located in a residential area, as that term is defined by Section 244.001, Local Government Code, shall give notice of the application to:

(1) all tenants and owners of real property located less than 300 feet from any point on the property line of the premises, as measured in a straight line;

(2) the sheriff of the county in which the premises are located;

(3) the chief of police, mayor, and members of the governing body of the incorporated city in which the premises are located; and

(4) the state senator and state representative representing the district in which the premises are located.

(b) Notice required by Subsection (a) must be:

1           (1) delivered by mail at the applicant's expense;

2           (2) provided in English and a language other than  
3 English if it is likely that a substantial number of residents in  
4 the area speak a language other than English as their familiar  
5 language; and

6           (3) provided on or before:

7                 (A) the fifth day after the date on which the  
8 applicant files the application, if the application is an original  
9 application; or

10                (B) the 30th day before the expiration date of a  
11 permit for which the applicant files a renewal application.

12           (c) The notice must be provided on a form prescribed by the  
13 commission and must contain:

14                 (1) the type of permit and type of business for which  
15 the applicant has applied;

16                 (2) the exact location of the place of business for  
17 which the permit is sought;

18                 (3) the name of each owner of the business or, if the  
19 business is operated under an assumed name, the trade name and the  
20 name of each owner;

21                 (4) if the applicant is a corporation, the name and  
22 title of each officer of the corporation; and

23                 (5) a description of the procedure for protesting the  
24 application.

25           (d) In addition to any other notice required by this code,  
26 the commission, administrator, or county judge, as appropriate,  
27 shall give notice of all hearings concerning an original or renewal

1 application for a wine and beer retailer's permit to each person  
2 entitled to notice under Subsection (a). Notwithstanding Section  
3 11.40, if hearings concerning the application are held by the  
4 commission or administrator, the commission or administrator shall  
5 also give notice under this subsection to the county judge of the  
6 county in which the premises for which the permit is sought are  
7 located.

8 SECTION 2. (a) Except as provided by Subsection (b), the  
9 change in law made by Section 25.055, Alcoholic Beverage Code, as  
10 added by this Act, applies only to an original or renewal  
11 application for a wine and beer retailer's permit that is filed on  
12 or after the effective date of this Act. An original or renewal  
13 application for a wine and beer retailer's permit that is filed  
14 before the effective date of this Act is governed by the law in  
15 effect immediately before that date, and that law is continued in  
16 effect for that purpose.

17 (b) The change in law made by Section 25.055(d), Alcoholic  
18 Beverage Code, as added by this Act, applies only to a hearing  
19 concerning an application for a wine and beer retailer's permit  
20 that occurs on or after November 1, 2005. A hearing held before  
21 November 1, 2005, is governed by the law in effect immediately  
22 before the effective date of this Act, and that law is continued in  
23 effect for that purpose.

24 SECTION 3. This Act takes effect September 1, 2005.