

By: Farrar

H.B. No. 276

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the number of wine and beer retailer's permits that may
3 be issued in certain zip code areas.

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

5 SECTION 1. Chapter 25, Alcoholic Beverage Code, is amended
6 by adding Section 25.07 to read as follows:

7 Sec. 25.07. LIMITATION ON ISSUANCE OF PERMITS IN CERTAIN
8 MUNICIPALITIES. (a) In this section, "residential area" has the
9 meaning assigned by Section 244.001, Local Government Code.

10 (b) This section applies only to a municipality:

11 (1) with a population of 1.5 million or more; and

12 (2) that has not adopted a comprehensive zoning
13 ordinance under Subchapter A, Chapter 211, Local Government Code.

14 (c) The governing body of the municipality may adopt
15 regulations limiting the number of wine and beer retailers that may
16 operate in a zip code area located wholly or partly within the
17 municipality if the zip code area consists primarily of real
18 property in residential areas. A regulation adopted under this
19 subsection for a zip code area only partly located in the
20 municipality applies only to the area located in the municipality.

21 (d) A regulation adopted under this section may prescribe a
22 limit for a zip code area that is fewer than the number of wine and
23 beer retailers operating in the zip code area at the time the
24 regulation is adopted, but a regulation adopted under this section

1 does not affect the authority of a person who holds a wine and beer
2 retailer's permit at the time the regulation is adopted to continue
3 to operate under that permit or to renew that permit.

4 (e) The county judge shall deny an application for an
5 original application for a wine and beer retailer's permit if, at
6 the time the application is filed, the number of wine and beer
7 retailers operating in the zip code area for the premises for which
8 the permit is sought equals or exceeds the number of wine and beer
9 retailers allowed in that zip code area by a regulation adopted
10 under this section.

11 SECTION 2. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2005.