

1-1 By: Ellis S.B. No. 1238
1-2 (In the Senate - Filed March 6, 2007; March 14, 2007, read
1-3 first time and referred to Committee on Business and Commerce;
1-4 April 26, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 0; April 26, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1238 By: Watson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to local regulation of the distance requirements for the
1-11 sale and consumption of alcoholic beverages near certain homeless
1-12 shelters.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter C, Chapter 109, Alcoholic Beverage
1-15 Code, is amended by adding Section 109.36 to read as follows:

1-16 Sec. 109.36. CONSUMPTION OF ALCOHOLIC BEVERAGES NEAR
1-17 HOMELESS SHELTER. (a) In this section:

1-18 (1) "Central business district" means a compact and
1-19 contiguous geographical area of a municipality used for commercial
1-20 purposes that has historically been the primary location in the
1-21 municipality where business has been transacted.

1-22 (2) "Homeless shelter" means a supervised publicly or
1-23 privately operated shelter or other facility that is designed to
1-24 provide temporary living accommodations to individuals who lack a
1-25 fixed regular and adequate residence.

1-26 (3) "Open container" has the meaning assigned by
1-27 Section 109.35.

1-28 (b) The commissioners court of a county may enact
1-29 regulations applicable in areas in the county outside an
1-30 incorporated city or town, and the governing board of an
1-31 incorporated city or town may enact regulations applicable in the
1-32 city or town, prohibiting the possession of an open container or the
1-33 consumption of an alcoholic beverage on a public street, public
1-34 alley, or public sidewalk within 1,000 feet of the property line of
1-35 a homeless shelter that is not located in a central business
1-36 district.

1-37 (c) If the commissioners court of a county or the governing
1-38 board of an incorporated city or town enacts a prohibition under
1-39 Subsection (b), the commissioners court or the governing board may
1-40 enact regulations allowing special temporary events for which
1-41 Subsection (b) may be suspended.

1-42 SECTION 2. This Act takes effect September 1, 2007.

1-43 * * * * *