

By: Geren

H.B. No. 1161

Substitute the following for H.B. No. 1161:

By: Thompson

C.S.H.B. No. 1161

A BILL TO BE ENTITLED

1 AN ACT

2 relating to local regulation of distance requirements for
3 businesses selling alcoholic beverages near certain
4 establishments.

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

6 SECTION 1. Section 109.33(c), Alcoholic Beverage Code, is
7 amended to read as follows:

8 (c) Every applicant for an original alcoholic beverage
9 license or permit for a location with a door by which the public may
10 enter the place of business of the applicant that is within 1,000
11 feet of [~~the nearest property line of~~] a public or private school[~~,
12 measured along street lines and directly across intersections,~~]
13 must give written notice of the application to officials of the
14 public or private school before filing the application with the
15 commission. A copy of the notice must be submitted to the
16 commission with the application. This subsection does not apply to
17 a permit or license covering a premise where minors are prohibited
18 from entering the premises under Section 109.53.

19 SECTION 2. Subchapter C, Chapter 109, Alcoholic Beverage
20 Code, is amended by adding Section 109.332 to read as follows:

21 Sec. 109.332. MEASUREMENT OF DISTANCE. For purposes of any
22 distance requirement imposed by this code, distance shall be
23 measured:

24 (1) from the property line of the place of business

1 where alcoholic beverages are sold to the nearest property line of
2 the property in relation to which a distance requirement is imposed
3 along the property lines of the street fronts and in a direct line
4 across intersections; or

5 (2) if the permit or license holder is located on or
6 above the fifth story of a multistory building, from the property
7 line of the property in relation to which a distance requirement is
8 imposed to the nearest property line of the place of business where
9 alcoholic beverages are sold along the property lines of the street
10 fronts, in a direct line across intersections, and vertically up
11 the building at the property line to the base of the floor on which
12 the permit or license holder is located.

13 SECTION 3. Section 109.59(b), Alcoholic Beverage Code, is
14 amended to read as follows:

15 (b) On the sale or transfer of the premises or the business
16 on the premises in which a new original license or permit is
17 required for the premises, the premises shall be deemed to satisfy
18 any distance requirements as if the issuance of the new original
19 permit or license were a renewal of a previously held permit or
20 license if the new permit or license is of the same type as the
21 previously held permit or license.

22 SECTION 4. Section 38.007(b), Education Code, is amended to
23 read as follows:

24 (b) The board of trustees of a school district shall attempt
25 to provide a safe alcohol-free environment to students coming to or
26 going from school. The board of trustees may cooperate with local
27 law enforcement officials and the Texas Alcoholic Beverage

1 Commission in attempting to provide this environment and in
2 enforcing Sections 101.75, 109.33, and 109.59, Alcoholic Beverage
3 Code. Additionally, the board [~~if a majority of the area of a~~
4 ~~district is located in a municipality with a population of 900,000~~
5 ~~or more,~~] may petition the commissioners court of the county in
6 which the district is located or the governing board of an
7 incorporated city or town in which the district is located to adopt
8 a 1,000-foot zone under Section 109.33, Alcoholic Beverage Code.

9 SECTION 5. Sections 109.33(b) and (d) and 109.59(c),
10 Alcoholic Beverage Code, are repealed.

11 SECTION 6. 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, 2009.