

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 13, 2009**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1161** by Geren (Relating to local regulation of distance requirements for the sale and consumption of alcoholic beverages near certain establishments. ), **Committee Report 2nd House, Substituted**

<b>No fiscal implication to the State is anticipated.</b>
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The bill would amend the Alcoholic Beverage Code regarding distances required between locations where alcoholic beverages are sold and consumed and certain establishments. A county commissioners court would be authorized to enact regulations applicable in areas in the county outside an incorporated city or town, and the governing board of an incorporated city or town would be authorized to enact regulations applicable in the city or town prohibiting the possession of an open container or consumption of an alcoholic beverage within 1,000 feet of certain establishments. In so doing, the county, city, or town would be authorized to allow special temporary events for which the prohibition would otherwise apply. Certain requirements would be established in a city or town with a population of less than 9,000.

The bill would amend the Education Code to remove the population requirement so that the board of trustees of any school district would be authorized to petition the county commissioners court or the governing board of an incorporated city or town in which the district is located to adopt a 1,000-foot zone under Section 109.33, Alcoholic Beverage Code.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 458 Alcoholic Beverage Commission

**LBB Staff:** JOB, DB, JRO