87R5224 MCF-D

By:  Miles S.B. No. 561

A BILL TO BE ENTITLED

AN ACT

relating to notice of and standing to protest certain alcoholic beverage permit and license applications.

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

SECTION 1.  Section 11.393(a), Alcoholic Beverage Code, is amended to read as follows:

(a)  Except as provided by Subsection (b), a person who submits an original application for a private club registration permit or a permit authorizing the retail sale of alcoholic beverages for on-premises consumption shall give written notice of the application to each residential address and established neighborhood association located within 1,000 [~~300~~] feet of any property line of the premises for which the permit is sought.

SECTION 2.  (a) Section 11.431(a), Alcoholic Beverage Code, as effective until September 1, 2021, is amended to read as follows:

(a)  A member of the public may protest an application for:

(1)  an original mixed beverage permit, private club registration permit, or wine and beer retailer's permit if a sexually oriented business is to be operated on the premises to be covered by the permit;

(2)  any renewal of a mixed beverage permit, private club registration permit, or wine and beer retailer's permit if a sexually oriented business is to be operated on the premises to be covered by the permit and a petition is presented to the commission requesting a hearing which is signed by 50 percent of the residents who reside within 1,000 [~~300~~] feet of any property line of the affected premises;

(3)  a private club registration permit or a permit authorizing the retail sale of alcoholic beverages for on-premises consumption if the person resides within 1,000 [~~300~~] feet of any property line of the premises for which the permit is sought; and

(4)  a mixed beverage permit or a wine and beer retailer's permit in a municipality with a population of 1,500,000 or more if:

(A)  any point of the property line of the premise is less than 1,000 [~~300~~] feet from the nearest point on a property line of a residence, church, school, hospital, day-care facility, or social service facility, as measured in a straight line; and

(B)  75 percent or more of the permittee's actual or anticipated gross revenue is from the sale of alcoholic beverages.

(b)  Section 11.431(a), Alcoholic Beverage Code, as effective September 1, 2021, is amended to read as follows:

(a)  A member of the public may protest an application for:

(1)  an original mixed beverage permit, private club registration permit, or wine and malt beverage retailer's permit if a sexually oriented business is to be operated on the premises to be covered by the permit;

(2)  any renewal of a mixed beverage permit, private club registration permit, or wine and malt beverage retailer's permit if a sexually oriented business is to be operated on the premises to be covered by the permit and a petition is presented to the commission requesting a hearing which is signed by 50 percent of the residents who reside within 1,000 [~~300~~] feet of any property line of the affected premises;

(3)  a private club registration permit or a permit authorizing the retail sale of alcoholic beverages for on-premises consumption if the person resides within 1,000 [~~300~~] feet of any property line of the premises for which the permit is sought; and

(4)  a mixed beverage permit or a wine and malt beverage retailer's permit in a municipality with a population of 1,500,000 or more if:

(A)  any point of the property line of the premise is less than 1,000 [~~300~~] feet from the nearest point on a property line of a residence, church, school, hospital, day-care facility, or social service facility, as measured in a straight line; and

(B)  75 percent or more of the permittee's actual or anticipated gross revenue is from the sale of alcoholic beverages.

SECTION 3.  (a) Section 11.52(a), Alcoholic Beverage Code, as effective until September 1, 2021, is amended to read as follows:

(a)  In a municipality with a population of 1,500,000 or more, an applicant for an original or renewal mixed beverage permit or wine and beer retailer's permit shall provide the notice required by Subsection (b) if:

(1)  any point of the property line of the premise is less than 1,000 [~~300~~] feet from the nearest point on a property line of a residence, church, school, hospital, day-care facility, or social service facility, as measured in a straight line; and

(2)  75 percent or more of the permittee's actual or anticipated gross revenue is from the sale of alcoholic beverages.

(b)  Section 11.52(a), Alcoholic Beverage Code, as effective September 1, 2021, is amended to read as follows:

(a)  In a municipality with a population of 1,500,000 or more, an applicant for an original or renewal mixed beverage permit or wine and malt beverage retailer's permit shall provide the notice required by Subsection (b) if:

(1)  any point of the property line of the premise is less than 1,000 [~~300~~] feet from the nearest point on a property line of a residence, church, school, hospital, day-care facility, or social service facility, as measured in a straight line; and

(2)  75 percent or more of the permittee's actual or anticipated gross revenue is from the sale of alcoholic beverages.

SECTION 4.  Section 61.313(a), Alcoholic Beverage Code, is amended to read as follows:

(a)  A member of the public may protest an application for:

(1)  an original retail dealer's on-premise license if a sexually oriented business is to be operated on the premises to be covered by the license;

(2)  any renewal of a retail dealer's on-premise license if a sexually oriented business is to be operated on the premises to be covered by the license and a petition is presented to the commission that is signed by 50 percent of the residents who reside within 1,000 [~~300~~] feet of any property line of the affected premises; or

(3)  a license authorizing the retail sale of malt beverages for on-premises consumption if the person resides within 1,000 [~~300~~] feet of any property line of the premises for which the license is sought.

SECTION 5.  (a) Section 61.382(a), Alcoholic Beverage Code, as effective until September 1, 2021, is amended to read as follows:

(a)  Except as provided by Subsection (b), a person who submits an original application for a license authorizing the retail sale of beer for on-premises consumption shall give written notice of the application to each residential address and established neighborhood association located within 1,000 [~~300~~] feet of any property line of the premises for which the license is sought.

(b)  Section 61.382(a), Alcoholic Beverage Code, as effective September 1, 2021, is amended to read as follows:

(a)  Except as provided by Subsection (b), a person who submits an original application for a license authorizing the retail sale of malt beverages for on-premises consumption shall give written notice of the application to each residential address and established neighborhood association located within 1,000 [~~300~~] feet of any property line of the premises for which the license is sought.

SECTION 6.  The changes in law made by this Act apply to an application for an alcoholic beverage permit or license filed on or after the effective date of this Act or pending on the effective date of this Act.

SECTION 7.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.