

# TEXAS SESSION LAWS 1991

## GENERAL AND SPECIAL

### Seventy-Second Legislature, Second Called Session

#### CHAPTER 1

#### S.B. No. 3

#### AN ACT

relating to the amended or supplemental designation of and to local restrictions on the premises on which alcoholic beverages may be sold.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subchapter B, Chapter 11, Alcoholic Beverage Code, is amended by adding Section 11.493 to read as follows:

*Sec. 11.493. SUPPLEMENTAL OR AMENDED DESIGNATION OF PREMISES. (a) Subject to the limitations imposed by Section 11.49 of this code on designating a portion of a building or premises where alcoholic beverages may be sold or served, a licensee or permittee may submit an amended or supplemental designation at the time of renewal of the license or permit or at any other time, provided the license or permit is not under suspension at the time the amended or supplemental designation is submitted.*

*(b) If the amended or supplemental designation is submitted with an application for renewal, there is no charge for processing the document. If the amended or supplemental designation is submitted at any other time, the commission may charge a fee for processing the document.*

SECTION 2. Subchapter B, Chapter 11, Alcoholic Beverage Code, is amended by adding Section 11.494 to read as follows:

*Sec. 11.494. SUPPLEMENTAL DESIGNATION OF CERTAIN AREAS AUTHORIZED. The holder of a mixed beverage permit or private club permit covering premises located in or adjacent to an area described in Section 251.74(b)(1) of this code may submit an amended or supplemental designation of premises to the administrator enlarging or altering the premises covered by the permit where alcoholic beverages may be sold to include any structures located in that area. The premises as described in the amended or supplemental designation as submitted is the licensed premises of the mixed beverage permittee or private club permittee for all purposes, notwithstanding Section 109.57(c) of this code or any other provision of this code or law of this state to the contrary. A city charter, zoning ordinance, or regulation does not alter, limit, or affect in any way the permittee's sale of alcoholic beverages on those premises.*

SECTION 3. Subsection (c), Section 109.57, Alcoholic Beverage Code, is amended to read as follows:

*(c) Neither this section nor Section 1.06 of this code affects the validity or invalidity of a zoning regulation that was formally enacted before June 11, 1987, and that is otherwise valid, or any amendment to such a regulation enacted after June 11, 1987, if the amendment lessens the restrictions on the licensee or permittee or does not impose additional restrictions on the licensee or permittee. For purposes of this subsection, "zoning regulation" means any charter provision, rule, regulation, or other enactment governing the location and use of buildings, other structures, and*

*land* [~~This section does not affect the validity or invalidity of a regulation, charter, or ordinance that was finally enacted before the effective date of the Act adding this section to this code and that is otherwise valid.~~]

SECTION 4. No provision of this Act shall be deemed severable, and if any provision, section, paragraph, phrase, or portion thereof is declared invalid, unenforceable, illegal, or unconstitutional, this Act in its entirety shall be declared likewise illegal, invalid, unenforceable, or unconstitutional.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on August 20, 1991: Yeas 31, Nays 0; passed the House on August 22, 1991: Yeas 121, Nays 6, one present not voting.

Approved August 23, 1991.

Effective August 23, 1991