

## **BILL ANALYSIS**

Senate Research Center

H.B. 1899  
By: Hochberg (Gallegos)  
State Affairs  
4-29-97  
Engrossed

### **DIGEST**

Currently, people who attempt to participate in alcoholic beverage licensing or permitting hearings may not have their concerns addressed at the hearings. People attending these hearings may not have legal representation and may be intimidated by attorneys representing alcoholic beverage companies. This bill provides the opportunity for citizens' concerns to be heard and considered in a hearing for alcoholic beverage licensing or permitting.

### **PURPOSE**

As proposed, H.B. 1899 provides the opportunity for citizens' concerns to be heard and considered in a hearing for alcoholic beverage licensing or permitting.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Texas Alcoholic Beverage Commission in SECTION 1 (Sections 5.435(a) and (c), Alcoholic Beverage Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 5B, Alcoholic Beverage Code, by adding Section 5.435, as follows:

Sec. 5.435. PUBLIC PARTICIPATION IN LICENSING OR PERMITTING HEARINGS. Requires the Texas Alcoholic Beverage Commission (commission) or the party conducting a hearing under this code relating to an application for an alcoholic beverage license or permit, or other disciplinary action against the holder of an alcoholic beverage license or permit to adopt rules that provide the public with a reasonable opportunity to appear before the commission or the party conducting the hearing and to speak on any issue related to the hearing. Requires the commission or the party conducting the hearing to consider the public testimony in making a decision on the hearing. Provides that this section does not prohibit the commission or the party conducting the hearing from adopting rules relating to certain matters of the hearing.

SECTION 2. Effective date: September 1, 1997.  
Makes application of this Act prospective.

SECTION 3. Emergency clause.