

BILL ANALYSIS

Senate Research Center

H.B. 2745
By: Haggerty (Whitmire)
State Affairs
5-13-97
Engrossed

DIGEST

Recently, Section 11.015 was added to the Alcoholic Beverage Code requiring administrative hearings to be held in the county in which the premises is located. This usually works to the benefit of the permittee; however, it can cause a hardship as there is no flexibility. Current law requires hearings in an area in which facilities or court reporters are not readily available, and the expenses for the state to affect necessary arrangements are greater than normal. H.B. 2745 would allow flexibility in the location of an administrative hearing from only the county of the licensed premises to the neighboring county, the nearest State Office of Administrative Hearings or any location mutually agreeable by both parties.

PURPOSE

As proposed, H.B. 2745 outlines provisions regarding the location of certain hearings affecting the status of alcoholic beverage permits.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 11.015, Alcoholic Beverage Code, to provide that notwithstanding any other provision of this code, except for a hearing required to be conducted by a county judge, a hearing related to the issuance, renewal, cancellation, or suspension of a permit under this subtitle may be conducted in, rather than only in, the county in which the premises is located, at the nearest permanent hearing office of the State Office of Administrative Hearings, or at any location agreed to by the parties.

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

SECTION 3. Emergency clause.