

## **BILL ANALYSIS**

Senate Research Center

H.B. 3437  
By: Kubiak (Cain)  
State Affairs  
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Engrossed

### **DIGEST**

Currently, the Alcoholic Beverage Code does not contain a "breach of the peace" provision applicable to private clubs although such provisions exist for application to mixed beverage permittees and beer retailers. Therefore, if a fight or injury occurs on the premises of a private club, and the club staff could have prevented the breach, the Alcoholic Beverage Commission does not have statutory authority to sanction the club. This bill amends Chapter 32 of the Alcoholic Beverage Code to include a provision on breach of the peace in accord with provisions concerning mixed beverage permits and beer retailers.

### **PURPOSE**

As proposed, H.B. 3437 sets forth provisions regarding the cancellation of or suspension of an alcoholic beverage private club registration permit.

### **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 Chapter 32, Alcoholic Beverage Code, by adding Section 32.24, as follows:

Sec. 32.24. BREACH OF PEACE. Sets forth provisions regarding the suspension or cancellation of a private club registration permit if the Alcoholic Beverage Commission (TABC) or the administrator determines a breach of peace has occurred.

SECTION 2. Amends Sections 32.17(a) and (b), Alcoholic Beverage Code, to authorize TABC or the administrator to cancel or suspend for a period of time an original or renewal private club registration permit on finding that the permittee club has sold, offered, purchased, or held title to any alcoholic beverage, rather than liquor, so as to constitute an open saloon. Redefines "open saloon." Makes a conforming change.

SECTION 3. Effective date: September 1, 1997.  
Makes application of this Act prospective.

SECTION 4. Emergency clause.