

BILL ANALYSIS

Senate Research Center

H.B. 1008
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Business & Commerce
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Engrossed

DIGEST AND PURPOSE

Current law does not require that notification of an application for a permit or license or renewal of a permit or license submitted to the Texas Alcoholic Beverage Commission be given to legislators who represent the district in which the premise is located. Legislators may be requested by their constituents to become involved in opposing or supporting a permit or a license application made under the Alcoholic Beverage Code. To ensure that legislators remain informed of pending permit and license applications and renewals within their districts, notice should be provided by the applicant to the legislators who represent the district in which the premise is located. H.B. 1008 requires that a person who submits an application for a permit or renewal of a permit or license under the Alcoholic Beverage Code deliver by mail, at the applicant's expense, notification to the legislators who represent the district in which the premise is located.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 11, Alcoholic Beverage Code, by adding Section 11.401, as follows:

Sec. 11.401. NOTICE TO MEMBER OF LEGISLATURE. (a) Requires a person who submits an application for a permit or renewal of a permit authorizing the retail sale or service of alcoholic beverages for on-premises consumption, except as provided by Subsection (d), to provide written notice of the application to the state senator and the state representative who represent the district in which the premises is located. Requires the notice required by this section to be delivered by mail at the applicant's expense.

(b) Requires the notice to be provided on a form prescribed by the Texas Alcoholic Beverage Commission (TABC) and to contain certain information.

(c) Requires the notice required by this section to be provided not later than the fifth day after the date an original application is filed or the 31st day before the expiration date of a permit for which a renewal application will be filed.

(d) Provides that this section does not apply to a fraternal or veterans organization or an application that contains an application for a food and beverage certificate.

SECTION 2. Amends Section 11.392, Alcoholic Beverage Code, by adding Subsection (a-1) to require the notice to be provided on a form prescribed by the commission and to contain certain information.

SECTION 3. Amends Subchapter B, Chapter 61, Alcoholic Beverage Code, by adding Section 61.383, as follows:

Sec. 61.383. NOTICE TO MEMBER OF LEGISLATURE. (a) Requires a person who

submits an application for a license or renewal of a license authorizing the retail sale or service of alcoholic beverages for on-premises consumption, except as provided by Subsection (d), to provide written notice of the application to the state senator and the state representative who represent the district in which the premises is located. Requires the notice required by this section to be delivered by mail at the applicant's expense.

(b) Requires the notice to be provided on a form prescribed by TABC and to contain certain information.

(c) Requires the notice required by this section to be provided not later than the fifth day after the date an original application is filed or the 31st day before the expiration date of a license for which a renewal application will be filed.

(d) Provides that this section does not apply to a fraternal or veterans organization or an application that contains an application for a food and beverage certificate.

SECTION 4. Effective date: September 1, 2003.

Makes application of this Act prospective.