

## **BILL ANALYSIS**

Senate Research Center  
86R7520 JAM-D

H.B. 1443  
By: Thompson, Senfronia (Hall)  
Business & Commerce  
5/1/2019  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 1443 amends current law relating to the certification of an area's wet or dry status for the purpose of an alcoholic beverage permit or license.

### **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 Sections 11.37(a), (b), and (d), Alcoholic Beverage Code, as follows:

(a) Makes a nonsubstantive change. Requires the county clerk of the county in which the request is made, not later than the 30th day after the date a prospective applicant for a permit issued by the Texas Alcoholic Beverage Commission (TABC) requests certification, to certify whether the location or address given in the request is in a wet area and whether the sale of alcoholic beverages for which the permit is sought is prohibited by any valid order of the commissioners court, rather than requiring the county clerk of the county in which an application for a permit is made to certify whether the location or address given in the application is in a wet area and whether the sale of alcoholic beverages for which the permit is sought is prohibited by any valid order of the commissioners court.

(b) Makes a nonsubstantive change. Requires the city secretary or clerk of the city in which the request is made, not later than the 30th day after the date a prospective applicant for a permit issued by TABC requests certification, to certify whether the location or address given in the request is in a wet area and whether the sale of alcoholic beverages for which the permit is sought is prohibited by charter or ordinance, rather than requiring the city secretary or clerk of the city in which an application for a permit is made to certify whether the location or address given in the application is in a wet area and whether the sale of alcoholic beverages for which the permit is sought is prohibited by charter or ordinance.

(d) Provides that, notwithstanding any other provision of this code, if the county clerk, city secretary, or city clerk certifies that the location or address given in the request, rather than the application, is not in a wet area or refuses to issue the certification required by this section (Certification of Wet or Dry Status), the prospective applicant, rather than the applicant, is entitled to a hearing before the county judge to contest the certification or refusal to certify. Requires the prospective applicant, rather than the applicant, to submit a written request to the county judge for a hearing under this subsection.

SECTION 2. Amends Sections 61.37(a), (b), and (d), Alcoholic Beverage Code, as follows:

(a) Makes a nonsubstantive change. Requires the county clerk of the county in which the request is made, not later than the 30th day after the date a prospective applicant for a license issued by TABC requests certification, to certify whether the location or address

given in the request is in a wet area and whether the sale of alcoholic beverages for which the license is sought is prohibited by any valid order of the commissioners court, rather than requiring the county clerk of the county in which an application for a license is made to certify whether the location or address given in the application is in a wet area and whether the sale of alcoholic beverages for which the license is sought is prohibited by any valid order of the commissioners court.

(b) Makes a nonsubstantive change. Requires the city secretary or clerk of the city in which the request is made, not later than the 30th day after the date a prospective applicant for a license issued by TABC requests certification, to certify whether the location or address given in the request is in a wet area and whether the sale of alcoholic beverages for which the license is sought is prohibited by charter or ordinance, rather than requiring the city secretary or clerk of the city in which an application for a license is made to certify whether the location or address given in the application is in a wet area and whether the sale of alcoholic beverages for which the license is sought is prohibited by charter or ordinance.

(d) Provides that, notwithstanding any other provision of this code, if the county clerk, city secretary, or city clerk certifies that the location or address given in the request, rather than the application, is not in a wet area or refuses to issue the certification required by this section (Certification of Wet or Dry Status), the prospective applicant, rather than the applicant, is entitled to a hearing before the county judge to contest the certification or refusal to certify. Requires the prospective applicant, rather than the applicant, to submit a written request to the county judge for a hearing under this subsection.

SECTION 3. Makes application of Sections 11.37 and 61.37, Alcoholic Beverage Code, as amended by this Act, prospective.

SECTION 4. Effective date: September 1, 2019.