

BILL ANALYSIS

Senate Research Center
80R5546 AJA-F

H.B. 2350
By: Thompson (Patrick)
Business & Commerce
5/7/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law prohibits the Texas Alcoholic Beverage Commission (TABC) from issuing or transferring a permit or license to sell alcohol if the entity requesting the permit or license has an order of suspension pending or an order of suspension that has not yet expired with TABC. However, no time period is specified under Section 11.44, Alcoholic Beverage Code.

H.B. 2350 prohibits TABC from issuing an alcoholic beverage license or permit to sell alcohol for any location for a period of three years if the applicant's prior application for such a permit or license expired or was voluntarily surrendered before the applicant entered into a hearing held on a protest involving allegations that the applicant was involved in prostitution, a shooting, stabbing, or other violent act, or an offense involving drugs. The three-year period would start on the date the prior application either expired or was voluntarily surrendered.

H.B. 2350 would therefore solve the problem of an applicant withdrawing his or her application or surrendering his or her license or permit without any consequences before a decision has been rendered at a hearing on the protest.

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 Section 11.44, Alcoholic Beverage Code, as follows:

Sec. 11.44. PREMISES INELIGIBLE FOR PERMIT OR LICENSE. (a) Creates this subsection from existing text.

(b) Requires the Texas Alcoholic Beverage Commission or administrator to refuse to issue for a period of three years an alcoholic beverage permit or license for any location to an applicant who submitted a prior application for such a permit or license that expired or was voluntarily surrendered before the hearing on the application was held on a protest involving allegations of prostitution, a shooting, stabbing, or other violent act, or an offense involving drugs. Provides that the three-year period commences on the date the prior application expired or was voluntarily surrendered.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.