

BILL ANALYSIS

C.S.H.B. 3897
By: Thompson, Senfronia
Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Legislation enacted during the 86th Legislative Session, effective September 1, 2021, streamlined Alcoholic Beverage Code provisions, including by renaming, eliminating, and combining several categories of permits and licenses. Accordingly, Texas Alcoholic Beverage Commission rules will be streamlined and provide for permit and license fees by rule, rather than in statute, effective on that date. These changes will affect the ability of certain local government entities to assess fees for certain alcoholic beverage permits and licenses because of discrepancies in the names of certain permits and licenses and the absence of the fees in statute. C.S.H.B. 3897 seeks to address these issues by providing for the fees that certain governing bodies are authorized to charge for alcoholic beverage permits and licenses effective in statute on or after September 1, 2021, based on the permit or license fee set by rule.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3897 amends the Alcoholic Beverage Code to cap the fees for an alcoholic beverage permit or license effective in statute on or after September 1, 2021, authorized to be levied and collected by the governing body of a city, town, or county at 10 percent of the permit or license fee set by rule.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3897 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the original authorized an applicable governing body to levy and collect 50 percent of an alcoholic beverage permit or license fee set by rule, the substitute retains the authorization in current law for the governing body to levy and collect the statutory fee as of August 31, 2021,

but caps the fee at 10 percent for a permit or license effective in statute on or after September 1, 2021.