

SUBJECT: Revising notice by sign requirement for sexually oriented businesses

COMMITTEE: Urban Affairs — favorable, without amendment

VOTE: 6 ayes — Dutton, Callegari, P. King, Mallory Caraway, Paxton, Simpson

0 nays

3 absent — Alvarado, Gutierrez, Parker

SENATE VOTE: On final passage, April 14 — 31-0

WITNESSES: (*On House companion bill, HB 2107:*)

For — Gary Tittle, Dallas Police Department; (*Registered, but did not testify:* Shanna Igo, Texas Municipal League; Jim Jones, San Antonio Police Department)

Against — None

BACKGROUND: Under Local Government Code, sec. 243, a “sexually oriented business” means a sex parlor, nude studio, modeling studio, love parlor, adult bookstore, adult movie theater, adult video arcade, adult movie arcade, adult video store, adult motel, or other similar commercial enterprise.

A municipality or county may require that an owner or operator of a sexually oriented business periodically obtain or renew a license or permit. An applicant for a license or permit for a location not *previously* licensed or permitted must, no later than the 60th day before filing the application, prominently post an outdoor sign at the location stating that a sexually oriented business will be located on the premises and providing the name and business address of the applicant.

DIGEST: SB 1030 would require an applicant for a license or permit for a location not *currently* licensed or permitted to prominently post an outdoor sign at the location stating that a sexually oriented business was intended to be located on the premises and providing the name and business address of the applicant. As in current law, the applicant would have to post the outdoor sign no later than the 60th day before the application was filed.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2011. It would apply to an application for a license or permit filed on or after September 1, 2011.

**SUPPORTERS
SAY:**

SB 1030 would close a loophole in current law and provide citizens with more information about the locations of sexually oriented businesses in their communities. Currently, if a location was at any time previously licensed or permitted as a sexually oriented business, a current applicant would not have to post an outdoor sign at the location stating the intended use of the location as a sexually oriented business. This is problematic because if a sexually oriented business was licensed at some point and then went out of business or moved, a new sexually oriented business on the premises would not be required to post an outdoor sign alerting the public of its intended use. SB 1030 would close this loophole by requiring that any applicant for a sexually oriented business license or permit post a sign unless the location had an active license. The bill would improve transparency and ensure that all applicants were treated equally.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

The companion bill, HB 2107 by Anchia, was considered in a public hearing by the House Urban Affairs Committee on April 20 and left pending.