CHAPTER 761

S.B. No. 895

AN ACT
relating to access to records of a nonprofit organization supporting the Cancer Prevention and Research Institute of Texas under the public information law.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 102.262, Health and Safety Code, is amended by adding Subsection (c) to read as follows:

(c) The records of a nonprofit organization established to provide support to the institute are public information subject to Chapter 552, Government Code.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed the Senate on April 16, 2013: Yeas 29, Nays 0; passed the House on May 20, 2013: Yeas 146, Nays 0, one present not voting.

Approved June 14, 2013.

Effective June 14, 2013.

CHAPTER 762

S.B. No. 1033

AN ACT
relating to the registration and use of marks, including trademarks and service marks.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 16.002, Business & Commerce Code, is amended to read as follows:

Sec. 16.002. INAPPLICABILITY OF CHAPTER. (a) This chapter does not apply to the registration or use of a livestock brand or other indicia of ownership of goods that do not qualify as a mark.

(b) Except as provided by this subsection, a trade name is not registrable under this chapter. If a trade name is also a service mark or trademark, the trade name is registrable as a service mark or trademark.

SECTION 2. Subsection (c), Section 16.003, Business & Commerce Code, is amended to read as follows:

(c) Use of a [A] mark made merely to reserve a right in the mark is not considered to be a bona fide [in] use of a mark for purposes of [in] this chapter [state in connection with goods or services].

SECTION 3. Subsection (b), Section 16.059, Business & Commerce Code, is amended to read as follows:

(b) The registration of a mark under this chapter may be renewed for an additional five-year term by filing a renewal application in the manner prescribed by the secretary of state and paying a renewal fee not earlier [later] than the 180th day before the date the registration expires.

SECTION 4. The change in law made by this Act to Subsection (b), Section 16.059, Business & Commerce Code, applies only to a renewal application filed on or after the effective date of this Act. A renewal application filed before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

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SECTION 5. This Act takes effect September 1, 2013.

Passed the Senate on April 4, 2013: Yeas 31, Nays 0; passed the House on May 17, 2013: Yeas 134, Nays 0, two present not voting.

Approved June 14, 2013.

Effective September 1, 2013.

CHAPTER 763

S.B. No. 1035

AN ACT
relating to alcoholic beverage license applications and fees.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 61.09, Alcoholic Beverage Code, is amended to read as follows:

Sec. 61.09. CHANGE OF LOCATION. If a licensee desires to change the licensee's [his] place of business, the licensee [he] may do so by applying to the commission [county judge] on a form prescribed by the commission and obtaining the commission's [his] consent. The application may be subject to protest and hearing in the same way as an application for an original license. In the case of a required protest hearing, the [The] county judge may deny the application for any cause for which an original license application may be denied. No additional license fee for the unexpired term of the license shall be required in the case of an application for a change of location.

SECTION 2. Subsections (a), (b), and (c), Section 61.31, Alcoholic Beverage Code, are amended to read as follows:

(a) A person may file an application for a license to manufacture, distribute, store, or sell beer with the commission on forms prescribed by the commission. On receipt of an application, the commission or administrator shall determine whether a protest has been filed against the application. If a protest against the application has been filed, the commission or administrator shall investigate the protest. If the commission or administrator finds that no reasonable grounds exist for the protest, or if no protest has been filed, the commission or administrator shall issue a license if the commission or administrator finds that all facts stated in the application are true and no legal ground to refuse a license exists. If the commission or administrator finds that reasonable grounds exist for the protest, the commission or administrator shall reject the protested application and require the applicant to file the application with the county judge of the county in which the applicant desires to conduct business and submit to a hearing [in terms of or variation with the county judge of the county in which he desires to conduct business. He shall file the application in duplicate].

(b) The county judge shall set a protested [the] application for a hearing to be held not less than 5 nor more than 10 days after the date the county judge receives the protested application [filed].

(c) Each applicant for an original license, other than a branch or temporary license, shall pay a hearing fee of $25 ($5) to the county clerk at the time of the hearing. The county clerk shall deposit the fee in the county treasury. The applicant is liable for no other fee except the annual license fee prescribed by this code.

SECTION 3. The heading to Section 61.32, Alcoholic Beverage Code, is amended to read as follows:

Sec. 61.32. PROTEST HEARING BY COUNTY JUDGE.

SECTION 4. Subsection (b), Section 61.32, Alcoholic Beverage Code, is amended to read as follows:

(b) If the county judge enters an order favorable to the applicant, the applicant shall present a copy of the order to the commission [assessor and collector of taxes of the county] 1933.