

BILL ANALYSIS

Senate Research Center

C.S.H.B. 2816
By: Torres (Whitmire)
State Affairs
5-18-97
Committee Report (Substituted)

DIGEST

Currently, the Alcoholic Beverage Code states that all permits and licenses shall expire one year after the date of issuance, except as otherwise provided by the code. Section 6.02, Alcoholic Beverage Code, provides for the coordination and change of expiration dates for a licensee or permittee. In applying Section 6.02, a licensing period may be less than a year, but may not be more. Section 6.02 also prohibits the Alcoholic Beverage Commission from abating or refunding a license or permit fee because of a change in the expiration date. C.S.H.B. 2816 would require all secondary permits held by a primary permit holder to have the same expiration date.

PURPOSE

As proposed, C.S.H.B. 2816 outlines provisions regarding the expiration of secondary alcoholic beverage permits and licenses.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 11, Alcoholic Beverage Code by amending Section 11.09, and by adding Section 11.091, as follows:

Sec. 11.09. EXPIRATION OF PERMIT. Provides that any secondary permit, including a late hours permit or temporary permit, held by a basic or primary permit holder expires on the same date as the primary permit, and the Alcoholic Beverage Commission (commission) may not prorate or refund any part of the secondary permit fee because the application of this section results in the expiration of the secondary permit in less than one year.

Sec. 11.091. VERIFICATION OF EXPIRED PERMIT. Sets forth guidelines relating to the commission or administrator of the commission (administrator) instructing the commission's field personnel to verify the non-operation of a retail permit which has expired and has not been renewed.

SECTION 2. Amends Chapter 61, Alcoholic Beverage Code, by amending Chapter 61.03, and by adding Section 61.031, as follows:

Sec. 61.03. DURATION AND EXPIRATION OF LICENSE. Provides that any secondary license, including a late hours or temporary license, held by a basic or primary license or permit holder expires on the same date as the primary license or permit, and the commission may not prorate or refund any part of the secondary license fee because the application of this section results in the expiration of the secondary license in less than one year.

Sec. 61.031. VERIFICATION OF EXPIRED LICENSE. Sets forth guidelines relating to the commission or administrator instructing the commission's field personnel to verify the non-operation of a retail license which has expired and has not been renewed.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Chapter 11, Alcoholic Beverage Code, to add Section 11.091, relating to verification of expired permit.

SECTION 2.

Amends Chapter 61, Alcoholic Beverage Code, to add Section 61.031, relating to verification of expired permit.