

BILL ANALYSIS

Senate Research Center

H.B. 3436
By: Kubiak (Whitmire)
State Affairs
5-13-97
Engrossed

DIGEST

Currently, permittees and licensees under the Alcoholic Beverage Code are not required to report a breach of the peace to the Texas Alcoholic Beverage Commission (TABC). TABC generally finds out about such occurrences via the local police department or sheriff's office. H.B. 3436 requires permittees and licensees to report any breach of the peace to TABC. TABC would then be able to determine if the disturbance was within the establishment's control.

PURPOSE

As proposed, H.B. 3436 establishes provisions regarding reports required by certain retailers of alcoholic beverages.

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 Section 11.61(b), Alcoholic Beverage Code, to authorize the Texas Alcoholic Beverage Commission (TABC) or the administrator to suspend for not more than 60 days or cancel an original or renewal permit if it is found, after notice and hearing, that the permittee failed to promptly report to TABC a breach of the peace occurring on the permittee's licensed premises.

SECTION 2. Amends Section 61.71(a), Alcoholic Beverage Code, to authorize TABC or the administrator to suspend for not more than 60 days or cancel an original or renewal retail dealer's on- or off-premise license if it is found, after notice and hearing, that the licensee failed to promptly report to TABC a breach of the peace occurring on the licensee's licensed premises.

SECTION 3. Provides that the change in law made by this Act applies to the holder of an alcoholic beverage permit or retail dealer's on- or off-permit license, including a holder of a food and beverage certificate issued by TABC.

SECTION 4. Effective date: September 1, 1997.

SECTION 5. Emergency clause.