

## **BILL ANALYSIS**

Senate Research Center

S.B. 337  
By: West  
State Affairs  
2-21-97  
As Filed

### **DIGEST**

Currently, Texas provides regulatory and professional licensing agencies with enforcement powers to encourage compliance from the businesses or professions they regulate. The current structure of the Texas Alcoholic Beverage Commission's authority to impose sanctions on a permittee or licensee allows the violator to choose between a sanction of paying a fine or suspension of a license for a set period of time. This approach has resulted in a substantial volume of permittees avoiding suspension and reducing the agency's ability to most effectively enforce the Texas Alcoholic Beverage Code and agency rules. The goal of S.B. 337 is to allow the commission to suspend a permit or license, or impose a fine against a permittee or licensee regulated by the agency.

### **PURPOSE**

As proposed, S.B. 337 outlines provisions regarding sanctions that may be imposed on the holder of an alcoholic beverage permit or license.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Texas Alcoholic Beverage Commission under SECTION 1 (Sec. 11.64(a) Alcoholic Beverage Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 11.64(a), Alcoholic Beverage Code, to require the Texas Alcoholic Beverage Commission (commission) to determine whether a licensee is authorized to pay a penalty when the commission is authorized to suspend a license under this code. Requires the commission to adopt rules addressing when suspension may be imposed without the opportunity to pay a civil penalty. Sets forth the requirements for the commission in adopting rules. Requires the commission to determine the amount of the penalty in cases in which a civil penalty is assessed. Deletes a provision regarding a licensee losing the opportunity to pay a penalty. Makes nonsubstantive changes.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Provides that the change made by this Act applies to all alcoholic beverage license or permit holders.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Emergency clause.