BILL ANALYSIS

DIGEST

Currently, the Texas Alcoholic Beverage Commission's (TABC) rules regarding the use of the words "beer," "wine," and/or "liquor" in a retail licensee or permittee's establishment which sells alcohol are very specific. In addition, TABC rules require no billboards to be located within 200 feet of a bar or establishment selling alcohol, and require a festival promoter to apply for an exemption for a temporary billboard. There are concerns that these rules should be reevaluated.

This bill would allow all establishments to have one sign containing the establishment's name, regardless of whether the name contained the words "beer," "wine," or "liquor" at each entrance or side of the building. This bill also authorizes TABC to promulgate rules allowing for temporary billboards at charitable or civic events.

PURPOSE

As proposed, C.S.S.B. 484 sets forth the provisions for advertizing alcoholic beverages.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Alcoholic Beverage Commission in SECTION 1 (Section 108.53(d), Alcoholic Beverage Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 108.52, Alcoholic Beverage Code, by adding Subsection (h), as follows:

> (h) Authorizes any retail licensee or permittee whose trade name or corporate name includes one or more of the words or phrases regulated by Subsection (c) of this section to also have one sign designating the trade name or corporate name of the retail licensee's or permittee's business. Authorizes the Texas Alcoholic Beverage Commission (commission) or administrator to permit a retail licensee or permittee's business to erect and maintain one sign at each entrance or side of a building occupied by the retail licensee or permittee if the building faces more than one street or highway. Require signs erected pursuant to this subsection to comply with all local regulations concerning the erection of signs.

SECTION 2. Amends Section 108.53, Alcoholic Beverage Code, by adding Subsection (d), as follows:

> (d) Requires the commission to promulgate rules allowing for signs advertising alcoholic beverages at charitable or civic events such as fairs, rodeos, or other events of a temporary nature, notwithstanding the restrictions imposed by this section, but consistent with other provisions of this code. Provides that this subsection does not authorize, nor shall any rule of the commission authorize, a retailer of alcoholic beverages to derive, directly or indirectly, any money or consideration of any kind as a result of alcoholic beverage advertising, and require the commission's rules to reflect the intent that the charity or civic endeavor receive the proceeds, if any, from such advertising signs.

SECTION 3. Effective date: September 1, 1997.

SECTION 4.   Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 108.52, Alcoholic Beverage Code, to authorize any retail licensee or permittee whose trade name or corporate name includes one or more of the words or phrases regulated by Subsection(c) of this section to also have one sign designating the trade name or corporate name of the retail licensee's or permittee's business, rather than to authorize any retail licensee or permittee to also have one sign designating the trade name or corporate name of the retail licensee's or permittee's business. Adds a provision to proposed Subsection (h), requiring signs erected pursuant to this subsection to comply with all local regulations concerning the erection of signs.

SECTION 2.

Amends Section 108.53, Alcoholic Beverage Code, to provide that this subsection does not authorize, nor shall any rule of the commission authorize, a retailer of alcoholic beverages to derive, directly or indirectly, any money or consideration of any kind as a result of alcoholic beverage advertising, and require the commission's rules to reflect the intent that the charity or civic endeavor receive the proceeds, if any, from such advertising signs.