

BILL ANALYSIS

Senate Research Center

H.B. 3598
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Criminal Justice
5/13/1999
Committee Report (Amended)

DIGEST

When notifications for proposed business establishments or development projects are posted in a timely manner, a neighborhood organization can contest and raise concerns regarding the proposal before construction of the proposed business establishments or development projects begin. However, Texas law does not presently provide for a uniform procedure for notifying local authorities and residents of proposals for new land use. The current notification process has sometimes been ineffective and some communities do not discover the existence of new development projects or businesses until projects are well underway. This bill would amend the current notification process for proposed business establishments in communities.

PURPOSE

As proposed, H.B. 3598 amends the current notification process for proposed business establishments in communities.

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 11.391, Alcoholic Beverage Code, as follows:

Sec. 11.391. NOTICE BY SIGN. (a) Requires an applicant for a permit issued under this code, rather than an applicant for a mixed beverage permit or a private club registration permit, for a location not previously licensed for the on-premises consumption to prominently post an outdoor sign at the location stating certain information, not later than the 60th day before the date the application is filed, rather than on the dates notice is required to be published under Section 11.39 of this code.

(b) Requires the sign be at least 24 by 36 inches in size and to be written in certain size lettering, rather than in a manner and size the administrator considers adequate.

(c) Provides that this section does not apply to an applicant for a permit issued under specified chapters in this code. Deletes text prohibiting an application from being deleted for failure to post notice and requiring an applicant to comply with this section within a certain time period.

SECTION 2. Amends Section 61.381, Alcoholic Beverage Code, as follows:

Sec. 61.381. NOTICE BY SIGN. (a) Requires an applicant for a permit issued under this code, rather than a wine and beer retailer's permit or a retail dealer's on-premise license, for a location not previously licensed for the on-premises consumption to prominently post an outdoor sign at the location stating certain information, not later than the 60th day before the date the application is filed, rather than on the dates notice is required to be published under Section 11.39 of this code.

(b) Makes conforming changes.

(c) Provides that this section does not apply to an applicant for a license issued under specified chapters of this code. Makes conforming changes.

SECTION 3. Amends Chapter 243, Local Government Code, by adding Section 243.0075, as follows:

Sec. 243.0075. NOTICE BY SIGN. (a) Requires an applicant for a license or permit issued under Section 243.007 for a location not previously licensed or permitted to prominently post an outdoor sign at the location stating certain information, not later than the 60th day before the date the application is filed.

(b) Requires a person who intends to operate a sexually oriented business in the jurisdiction of a municipality or county that does not require the owner or operator of a sexually oriented business to obtain a license or permit to prominently post an outdoor sign at the location stating that a sexually oriented business is intended to be located on the premises and providing certain information by a certain date.

(c) Requires the sign be at least 24 by 36 inches in size and be written in certain size lettering. Authorizes the municipality or county in which the sexually oriented business is to be located to require the sign to be both in English and a language other than English if it is likely that a substantial number of the residents of the area speak a language other than English as their familiar language.

SECTION 4. Amends Section 244.002, Local Government Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Makes conforming and nonsubstantive changes.

(d) Requires an entity described by Subsection (a) to prominently post an outdoor sign at the proposed location of the correctional or rehabilitation facility stating that such a facility is intended to be located on the premises and providing certain information on the entity. Requires the sign be at least 24 by 36 inches in size and be written in certain size lettering. Authorizes the municipality or county in which the correctional or rehabilitation facility is to be located to require the sign to be both in English and a language other than English if it is likely that a substantial number of the residents of the area speak a language other than English as their familiar language.

SECTION 5. Amends Section 244.005, Local Government Code, to make conforming changes.

SECTION 6. (a) Provides that the changes in law made by this Act apply only to certain applicants for licenses or permits issued under the Alcoholic Beverage Code, for licenses or permits for a sexually oriented business, or for certain people who propose to construct correctional or rehabilitation facilities.

(b)-(d) Makes application of this Act prospective.

SECTION 7. Effective date: September 1, 1999.

SECTION 8. Emergency clause.