

## **BILL ANALYSIS**

Senate Research Center

H.B. 1806  
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Business & Commerce  
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Engrossed

### **DIGEST AND PURPOSE**

Currently, an application for a permit or license for liquor sales submitted to the Texas Alcoholic Beverage Commission (TABC) must fulfill certain notification standards. For instance, the applicant must post a sign on the premises noting the pending request to the TABC for a liquor permit or license. However, a new request posting may go unnoticed if the property has not been used for a long period of time or if there is no pedestrian traffic where the sign is posted. H.B. 1806 requires a person who applies for a permit or license with the TABC to give written notice of the application to the surrounding residential properties within 300 feet of the property line of the premises for which a license or permit is sought.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 11B, Alcoholic Beverage Code, by adding Section 11.393, to read as follows:

Sec. 11.393. NOTICE BY MAIL. (a) Provides that except as provided by Subsection (b), a person who submits an original application for a private club registration permit or a permit authorizing the on-premises consumption of alcoholic beverages is required to give written notice of the application to each residential address and established neighborhood association located within 300 feet of any property line of the premises for which the permit is sought.

(b) Provides that the notice required by Subsection (a) does not apply to an application that contains an application for a food and beverage certificate.

(c) Requires the notice required by this section to meet certain conditions.

(d) Requires the applicant to submit with an application for a permit described by Subsection (a) a list of each residential address provided notice under this section.

(e) Requires the notice to be provided on a form prescribed by the Texa Alcoholic Beverage Commission and to contain information.

SECTION 2. Amends Section 61.32(c), Alcoholic Beverage Code, to authorize the county judge, in the case of an application to sell beer at retail, to give due consideration to any recommendations made by representatives of the commission, the state senator who represents the area in question, the state representative who represents the area in question, the county commissioner who represents the area in question or the sheriff or county or district attorney of the county where the license is sought, or the mayor, city council member or commissioner who represents the area in question, or chief of police of the incorporated city where the applicant seeks to conduct business.

SECTION 3. Amends Chapter 61B, Alcoholic Beverage Code, by adding Section 61.382, as follows:

Sec. 61.382. NOTICE BY MAIL. (a) Requires a person who submits an original application for a license authorizing the on-premises sale of beer, except as provided by Subsection (b), to give written notice of the application to each residential address and established neighborhood association located within 300 feet of any property line of the premises for which the license is sought.

(b) Provides that the notice required by Subsection (a) does not apply to an application that contains an application for a food and beverage certificate.

(c) Requires the notice required by this section to meet certain conditions.

(d) Requires the applicant to submit with an application for a permit described by Subsection (a) a list of each residential address provided notice under this section.

(e) Requires the notice to be provided on a form prescribed by the Texas Alcoholic Beverage Commission and to contain information

SECTION 4. (a) Effective date: September 1, 2001.

(b) Requires the Texas Alcoholic Beverage Commission to prescribe the form for the notice required by Sections 11.393 and 61.382, Alcoholic Beverage Code, as added by this Act, on or before December 1, 2001.

(c) Provides that an applicant for a permit or license under the Alcoholic Beverage Code is not required to comply with Section 11.393 or 61.382, Alcoholic Beverage Code, as added by this Act, until January 1, 2002.