

## **BILL ANALYSIS**

Senate Research Center  
80R2810 MCK-D

H.B. 1248  
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Business & Commerce  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under current law, the Texas Alcohol Beverage Commission (TABC) does not allow passenger vessels of a certain size that are eligible for a beer and wine permit to obtain a mixed beverage permit. The existing regulations were intended to allow foreign flag cruise ships and gambling vessels in Texas waters to offer mixed beverages. Inadvertently, United States flag vessels of smaller sizes, by not being mentioned, were excluded and therefore disadvantaged.

H.B. 1248 authorizes a mixed beverage permit to be issued for a regularly scheduled excursion boat under certain circumstances. The bill further clarifies that the permit for an excursion boat is inoperative in a dry area.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 28.13, Alcoholic Beverage Code, by adding Subsections (a-1) and (f) and amending Subsections (d) and (e), as follows:

(a-1) Authorizes the issuance of a mixed beverage permit for a regularly scheduled excursion boat that is licensed by the United States Coast Guard to carry passengers on the navigable waters of the state if certain conditions are met related to the condition of the boat, the location of the home port, and the boat owner's or operator's permit status.

(d) Makes conforming changes.

(e) Provides that the provisions of Section 109.53 (Citizenship of Permittee; Control of Premises; Subterfuge Ownership; Etc.) that relate to residency requirements and compliance with Texas laws of incorporation do not apply to the holders of a mixed beverage permit under Subsection (a), rather than this section, and do apply to the holder of a mixed beverage permit under Subsection (a-1).

(f) Provides that a permit for an excursion boat issued under Subsection (a-1) is inoperative in a dry area.

SECTION 2. Effective date: September 1, 2007.