

BILL ANALYSIS

S.B. 855
By: Madla
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The 77th Legislature established the Texas Wine Marketing Assistance Program within the Department of Agriculture to assist the Texas wine industry in promoting and marketing Texas wines and educating the public about the Texas wine industry. To facilitate the implementation and operation of this program, a funding mechanism was created which generates \$250,000 per year from a surcharge imposed on certain licenses and permits issued by the Texas Alcoholic Beverage Commission. However, that mechanism was only authorized for use through August 31, 2003. S.B. 855 will continue that funding mechanism on a permanent basis.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Amends Chapter 5B, Alcoholic Beverage Code, by adding Section 5.55, as follows: Sec. 5.55. FUNDING OF TEXAS WINE MARKETING ASSISTANCE PROGRAM. (a) Requires the Texas Alcoholic Beverage Commission (TABC), notwithstanding any other law, on or before October 1 of each fiscal year, to transfer from funds appropriated to TABC \$250,000 to the Texas Department of Agriculture (TDA) to be used by TDA to implement the Texas Wine Marketing Assistance Program established by Chapter 110. (b) Authorizes TABC in accordance with this subsection to recover the amount transferred under Subsection (a) by imposing a surcharge on licenses and permits, other than an agent's permit or an agent's beer license, issued or renewed by TABC each fiscal year. Requires the surcharge to be an amount equal to the amount transferred under Subsection (a) divided by the number of licenses and permits TABC anticipates issuing during that year, rounded down to the next lowest whole dollar. (c) Prohibits the governing body of an incorporated city or town or the commissioners court of a county from levying and collecting a fee under Section 11.38 or 61.36 based on a surcharge imposed under this section.

EFFECTIVE DATE

September 1, 2003.