

1-1 By: Berman (Senate Sponsor - Whitmire) H.B. No. 3305
1-2 (In the Senate - Received from the House May 12, 2003;
1-3 May 12, 2003, read first time and referred to Committee on Finance;
1-4 May 23, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 12, Nays 0; May 23, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 3305 By: Whitmire

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to certain surcharges assessed and collected by the Texas
1-11 Alcoholic Beverage Commission.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 5.50(b), Alcoholic Beverage Code, is
1-14 amended to read as follows:

1-15 (b) The commission may not increase or decrease a fee set by
1-16 this code, but if a statute is enacted creating a certificate,
1-17 permit, or license and there is no fee established, the commission
1-18 by rule may set a fee. The commission by rule shall assess and
1-19 collect annual surcharges from all holders of a certificate,
1-20 permit, or license issued by the commission in addition to any fee
1-21 set by this code. [~~The surcharges shall be set at a level so that
1-22 the anticipated total of all fees collected by the commission for a
1-23 fiscal year and all surcharges for a fiscal year are equal to the
1-24 legislative appropriation to the commission for the regulation of
1-25 alcoholic beverages.~~] In assessing a surcharge, the commission may
1-26 not overly penalize any segment of the alcoholic beverage industry
1-27 or impose an undue hardship on small businesses.

1-28 SECTION 2. This Act takes effect immediately if it receives
1-29 a vote of two-thirds of all the members elected to each house, as
1-30 provided by Section 39, Article III, Texas Constitution. If this
1-31 Act does not receive the vote necessary for immediate effect, this
1-32 Act takes effect September 1, 2003.

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