

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 2, 2005

TO: Honorable Kino Flores, Chair, House Committee on Licensing & Administrative Procedures

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB3196 by Denny (relating to certain temporary wine and beer retailer's permits.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Alcoholic Beverage Code as it relates to certain temporary wine and beer retailer's permits.

The bill would allow the Texas Alcoholic Beverage Commission (TABC) to issue a temporary wine and beer retailer's permit to the holder of a mixed beverage permit covering premises located in a facility with a seating capacity of more than 150,000 that is open to the public for use in areas of the facility not otherwise covered by a license or permit during a motor vehicle racing event sponsored by a professional motor racing association. The bill would allow the TABC to issue a temporary wine and beer permit for a period of five days and would provide TABC with the ability to extend the permit for one additional day to accommodate events postponed due to an act of nature. The bill would prohibit TABC from issuing more than four temporary wine and beer retailer's permits to a mixed beverage permit holder in a calendar year. The bill would also restrict the temporary wine and beer retailer's permit holder from selling 1) alcoholic beverages in factory-sealed containers, 2) more than two drinks to a single customer at a time, 3) alcoholic beverages at more than 50 percent of the food and beverage concession stands open at any one time, and 4) alcoholic beverages after 75 percent of the feature race is complete and one hour before the scheduled completion of the last spectator event on days other than the feature race day.

The bill would take effect immediately if it receives a vote of two-thirds of all the members elected to each house. If the bill does not receive the necessary vote, the bill would take effect September 1, 2005.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 458 Alcoholic Beverage Commission

LBB Staff: JOB, JRO, VDS, SJ, LM