

BILL ANALYSIS

H.B. 1248
By: Taylor
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, 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 intended to allow foreign flag cruise ships and gambling vessels in Texas waters to offer mixed beverages. Inadvertently, U.S. flag vessels of smaller sizes, by not being mentioned, were excluded and therefore disadvantaged.

HB 1248 clarifies that the TABC provisional Code includes that a mixed beverage permit may be issued for a regularly scheduled excursion boat under certain circumstances. It further clarifies that the permit for an excursion boat is inoperative in a dry area.

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

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

Subsection (a-1) is added to clarify that a mixed beverage permit may be issued for a regularly scheduled excursion boat that is licensed by the United States Coast Guard to carry passengers in navigable waters of the state if the boat: carries at least 45 passengers; weighs at least 35 gross tons; and is at least 55 feet long; the home port of the boat is in an area where the sale of mixed beverages is legal; and the owner or operator of the boat is the sole permit holder for the boat.

Subsection (d) clarifies that Subsection (a-1) (2) does not apply to this Subsection.

Subsection (e) is amended to clarify that the residency requirements under Section 109.53 do not apply to the holders of a mixed beverage permit under Subsection (a); and do apply to the holder of a mixed beverage permit under Subsection (a-1).

Subsection (f) is added to clarify that a permit is inoperative in a dry area.

SECTION 2. Effective date: September 1, 2007.

EFFECTIVE DATE

September 1, 2007.