

BILL ANALYSIS

Senate Research Center
80R5547 AJA-F

H.B. 2348
By: Thompson (Ellis)
Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas law prohibits a person within the fourth degree of consanguinity or affinity of a permit holder or licensee whose license was canceled from applying for a license or permit in connection with an establishment at the same location as the establishment whose license or permit was canceled for a period of two years from the date of cancellation.

H.B. 2348 increases the period by one additional year to three years from the date of cancellation in which a person can apply for a license or permit in connection with the establishment at the same location. This bill provides greater protection for the public in the instance in which a license or permit that has been previously canceled is transferred between family members.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 11.13(c), Alcoholic Beverage Code, to prohibit, notwithstanding any other provision of this code, a person who is within the fourth degree by consanguinity or affinity of a licensee or permittee, as determined under Chapter 573 (Degrees of Relationship; Nepotism Prohibitions), Government Code, whose alcoholic beverage license or permit was canceled under Section 11.61 (Cancellation or Suspension of Permit) or Section 61.71 (Grounds for Cancellation or Suspension; Retail Dealer), for a period of three, rather than two, years from the date of the cancellation, from applying for an alcoholic beverage license or permit in connection with an establishment at the same location as the establishment whose alcoholic beverage license or permit was canceled.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2007.