

BILL ANALYSIS

H.B. 2350

By: Thompson

Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law prohibits the Texas Alcoholic Beverage Commission (TABC) from issuing or transferring a permit or license to sell alcohol if the entity requesting the permit or license has an order of suspension pending or an order of suspension that has not yet expired with the commission. However, no time period is specified under Section 11.44 of the Texas Alcoholic Beverage Code.

As proposed, H.B. 2350 prohibits the TABC from issuing a license or permit to sell alcohol for any location for a period of three years if the applicant's prior application for a permit or license expired or was voluntarily surrendered before the applicant enters into a hearing held on a protest involving allegations that the applicant was involved in prostitution, a shooting, stabbing, or other violent act or an offense involving drugs. The three year period would start on the date the prior application either expired or was voluntarily surrendered.

HB 2350 would therefore solve the problem of an applicant withdrawing his application or surrendering his license or permit without any consequences before a decision has been rendered at a hearing on the protest.

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

H.B. 2350 prohibits the TABC from issuing a license or permit to sell alcohol for any location for a period of three years to an applicant who submitted a prior application that expired or was voluntarily surrendered before the applicant enters into a hearing held on a protest involving allegations that the applicant was involved in prostitution, a shooting, stabbing, or other violent act or an offense involving drugs. The three year period would start on the date the prior application expired or was voluntarily surrendered.

EFFECTIVE DATE

September 1, 2007.