

BILL ANALYSIS

C.S.H.B. 3138
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Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law mobile food vending units are not required to display written permission from property owners in regards to their ability to operate on a particular piece of property.

The proposed complete committee substitute for House Bill No. 3138 requires mobile food vending units in counties whose population is in excess of 3.3 million to display, at all times, written permission from a property owner that shows the granted permission.

RULEMAKING AUTHORITY

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

SUMMARY ANALYSIS

The proposed committee substitute for House Bill No. 3138 requires that individuals operating mobile food vending units in counties whose population is at least 3.3 million to obtain written permission from property owners that they are allowed to operate on that property.

The mobile food vending unit must display this written permission prominently and at all times.

EFFECTIVE DATE

This Act would take effect immediately if it were to receive at least a two-thirds majority vote of approval from the members of each house of the legislature.

If it were to receive a lesser margin, then this Act would take effect on September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

SECTION 1 of the committee substitute amends Section 437.009, Health and Safety Code, to include a requirement to hold and display written authorization as outlined in Section 437.021 of that code. This provision does not appear in the original bill.

SECTION 2 of the substitute adds the requirement not contained in the original bill that the written authorization called for in the proposed new Section 437.021 be notarized.