

By: Anchia

H.B. No. 3102

A BILL TO BE ENTITLED

AN ACT

relating to procedures governing the application for certain alcoholic beverage licenses and permits.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 61.31(b), Alcoholic Beverage Code, is amended to read as follows:

(b) The county judge shall set the application for a hearing to be held not less than 30 [~~5~~] nor more than 35 [~~40~~] days after the application is filed.

SECTION 2. Section 61.39, Alcoholic Beverage Code, is amended to read as follows:

Sec. 61.39. MAY CONTEST APPLICATION. (a) Any person may contest the facts stated in an application for a license to distribute, manufacture, or sell beer at retail, or the applicant's right to secure a license. The person may not be required to pay security for the costs which may be incurred in the contest if the case should be decided in favor of the applicant.

(b) The commission shall compile information designed to inform the public about issues relevant to the contest of a license or permit application, including information about the licensing and permitting process and references to statutes and commission rules relevant to the documentation required in connection with the contest of an application. The commission shall publish the information on the commission's Internet website and in a written

1 brochure provided to the public free of charge.

2 SECTION 3. Section 61.48, Alcoholic Beverage Code, is
3 amended to read as follows:

4 Sec. 61.48. RENEWAL APPLICATION. An application to renew a
5 license shall be filed in writing with the assessor and collector of
6 taxes of the county in which the licensed premises are located not
7 later ~~[no earlier]~~ than 30 days before the license expires ~~[but not~~
8 ~~after it expires]~~. The application shall be signed by the applicant
9 and shall contain complete information required by the commission
10 showing that the applicant is not disqualified from holding a
11 license. The application shall be accompanied by the appropriate
12 license fee plus a filing fee of \$2. The assessor and collector of
13 taxes shall deposit the \$2 filing fee in the county treasury and
14 shall account for it as a fee of office. No applicant for a renewal
15 may be required to pay any fee other than license fees and the
16 filing fee unless he is required by the commission or administrator
17 to submit to a renewal hearing before the county judge.

18 SECTION 4. On or before December 1, 2007, the Texas
19 Alcoholic Beverage Commission shall publish the information
20 required under Section 61.39, Alcoholic Beverage Code, as amended
21 by this Act.

22 SECTION 5. The change in law made by this Act applies only
23 to an application for an original alcoholic beverage license or
24 permit filed on or after the effective date of this Act or for the
25 renewal of a license or permit that expires on or after November 1,
26 2007. An application for an original license or permit filed before
27 the effective date of this Act or for the renewal of a license or

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1 permit that expires before November 1, 2007, is governed by the law
2 in effect immediately before the effective date of this Act, and
3 that law is continued in effect for that purpose.

4 SECTION 6. This Act takes effect September 1, 2007.