

By: Corte

H.B. No. 1016

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a fee on sales of alcoholic beverages in certain
3 municipalities to fund fire and emergency services and related
4 educational activities.

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

6 SECTION 1. Subtitle A, Title 9, Health and Safety Code, is
7 amended by adding Chapter 767 to read as follows:

8 CHAPTER 767. FUNDING FOR EMERGENCY SERVICES AND ALCOHOL

9 AWARENESS EDUCATION IN CERTAIN MUNICIPALITIES

10 Sec. 767.001. APPLICABILITY OF CHAPTER. This chapter
11 applies only to a municipality with a population of more than one
12 million.

13 Sec. 767.002. FEE AUTHORIZED. (a) Until January 1, 2015, a
14 municipality to which this chapter applies may, by ordinance,
15 impose a fee of 10 cents on each individual serving of an alcoholic
16 beverage, including a beverage sealed in an
17 individual-serving-size container, sold to an ultimate consumer
18 within the municipality. The municipality may not impose a fee
19 under this section on the sale of an alcoholic beverage in a sealed
20 container containing more than one individual serving of an
21 alcoholic beverage.

22 (b) The Texas Alcoholic Beverage Commission may, by rule,
23 establish what is an individual serving for the purposes of this
24 section.

1 Sec. 767.003. COLLECTION. The municipality may require a
2 person licensed or permitted under the Alcoholic Beverage Code to
3 sell alcoholic beverages for consumption on or off the licensed or
4 permitted premises to collect the fee. A person required to collect
5 the fee shall report and send the fee to the municipality as
6 provided by the municipality.

7 Sec. 767.004. USE OF FEES FOR FIRE AND EMERGENCY SERVICES
8 AND ALCOHOL AWARENESS EDUCATION. A municipality that collects fees
9 under this chapter shall dedicate the fees to be used by the
10 municipality's fire and emergency medical services department to:

11 (1) provide additional equipment, staffing, and
12 training of personnel; and

13 (2) implement an alcohol awareness program in the
14 public schools in the municipality.

15 Sec. 767.005. REPORTING REQUIREMENT. (a) A municipality
16 that collects a fee under this chapter shall monitor the impact the
17 collection of the fee has on the municipality, including the impact
18 of:

19 (1) the additional funding provided to and implemented
20 by the fire and emergency medical services department; and

21 (2) the department's alcohol awareness program.

22 (b) On or before February 1 following each year in which the
23 fee is collected, the municipality shall report to the legislature:

24 (1) the amount of increased funding available to the
25 fire and emergency medical services department from the collected
26 fees during the previous year;

27 (2) whether during the previous year:

1 (A) the consumption of alcoholic beverages in the
2 municipality was reduced and whether the reduction can be
3 attributed to the collection of the fee;

4 (B) there was an increase in responsible behavior
5 among minors in the municipality that can be attributed to the
6 education program; and

7 (C) there has been a reduction in the number of
8 emergency responses to alcohol-related incidents; and

9 (3) the impact of the program on community involvement
10 and public relations with the fire and emergency services
11 department during the previous year.

12 Sec. 767.006. EXPIRATION. This chapter expires September
13 1, 2015.

14 SECTION 2. This Act takes effect September 1, 2009.