

BILL ANALYSIS

S.B. 1030
By: Carona
Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Section 243.0075 (Notice By Sign), Local Government Code, states that a person applying for a sexually oriented business license shall post intent to apply for such a license "for a location not previously licensed or permitted," not later than the 60th day before the date the application is filed, stating that a sexually oriented business is intended to be located on the premise and providing the name and business address of the applicant.

Because current statute specifies signage must be posted "for a location not previously licensed or permitted," a location that has at any time held a license for sexually oriented business is not required to post. This could include a vacant building, or a building which at the time houses a non-sexually oriented business. The result is that some sexually oriented businesses are not required to post a sign stating an intent to open at a particular location.

S.B.1030 requires that any applicant for a sexually oriented business license or permit post the sign required under Section 243.0075(a) (relating to conditions when a sexually oriented business must post a sign), Local Government Code, unless the location is an active license holder. This change increases transparency in the licensing process and ensures that all applicants are treated alike. S.B.1030 additionally ensures that the public will be made aware of the plans of a sexually oriented business to locate in an area.

S.B.1030 amends current law relating to notice by sign requirement for sexually oriented businesses.

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

SECTION 1. Amends Section 243.0075(a), Local Government Code, as follows:

- (a) Requires an applicant for a license or permit issued under Section 243.007 (Licenses or Permits) for a location not currently licensed or permitted, rather than not previously licensed or permitted, not later than the 60th day before the date the application is filed, to prominently post an outdoor sign at the location stating that a sexually oriented business is intended to be located on the premises and providing the name and business address of the applicant.

SECTION 2. Provides that the change in law made by this Act applies only to an application for a license or permit filed on or after September 1, 2011.

SECTION 3. Effective date: upon passage or September 1, 2011.

EFFECTIVE DATE

September 1, 2011.