

## **BILL ANALYSIS**

S.B. 409  
By: Watson  
Licensing & Administrative Procedures  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

In light of the recent arrest and imprisonment of the owner of multiple establishments holding certain alcoholic beverage permits and licenses, interested parties have raised concerns regarding the lack of discretion for the Texas Alcoholic Beverage Commission to issue a new license or permit covering the otherwise licensed or permitted premises if an administrative action against the permit or license holder is pending and the holder has been finally evicted from the premises. The parties contend that without such discretion similar situations may hamper economic activity, impose financial hardship on property owners and investors in new businesses, and result in the loss of tax revenue to state and local governments. The goal of S.B. 409 is to amend current law relating to the issuance of an alcoholic beverage permit or license covering certain premises where a previous permit or license holder has been evicted.

### **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**

S.B. 409 amends the Alcoholic Beverage Code to authorize the Texas Alcoholic Beverage Commission to issue an original permit or license covering an otherwise permitted or licensed premises that is subject to a pending or unexpired suspension order or against which a cancellation or suspension action has been initiated if the holder of the permit or license that is subject to the pending or unexpired suspension order or against which the cancellation or suspension action has been initiated has been evicted from the premises under a final, nonappealable court judgment and all other conditions for the issuance of the new permit or license covering the premises are met by the applicant.

### **EFFECTIVE DATE**

September 1, 2013.