

BILL ANALYSIS

H.B. 2035
By: Raymond
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerned parties have chronicled the history of certain statutes regarding the regulation of the location of certain alcohol-related businesses based on the amount of alcohol sold by those businesses. The parties assert that those laws are inconsistent regarding a governmental entity's authority to regulate the location of those businesses, and they believe those inconsistencies affect the ability of certain individual jurisdictions to reasonably regulate those locations. They further emphasize that, in some jurisdictions that are of interest to the parties, alcohol-related businesses that derive 50 percent or more of the establishment's gross revenue from the on-premises sale of alcoholic beverages should be subject to reasonable restrictions that require them to be located a certain distance away from a school or church. H.B. 2035 seeks to clarify these matters in an attempt to meet the regulatory needs of individual jurisdictions of interest to these parties.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

H.B. 2035 amends the Alcoholic Beverage Code to specify that the prohibition against a regulation, charter, or ordinance promulgated by a governmental entity of the state imposing stricter standards on premises or businesses required to have a license or permit under the Alcoholic Beverage Code than are imposed on similar premises or businesses that are not required to have such a license or permit does not affect the authority of a governmental entity to regulate, in a manner as otherwise permitted by law, the location of an establishment that derives 50 percent or more of the establishment's gross revenue from the on-premises sale of alcoholic beverages and that is located in a municipality or county any portion of which is located not more than 50 miles from an international border.

EFFECTIVE DATE

September 1, 2015.