

By: Miller of Comal

H.B. No. 2882

A BILL TO BE ENTITLED

AN ACT

relating to the payment by certain alcoholic beverage permit or license holders of certain fees and taxes.

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

SECTION 1. Section 11.38, Alcoholic Beverage Code, is amended by amending Subsections (a), (b), and (c), and adding Subsection (b-1) to read as follows:

(a) The governing body of a city or town may levy ~~and collect~~ a fee not to exceed one-half the state fee for each permit issued for premises located within the city or town. The commissioners court of a county may levy ~~and collect~~ a fee equal to one-half of the state fee for each permit issued for premises located within the county. Those authorities may not levy or collect any other fee or tax from the permittee except general ad valorem taxes, the hotel occupancy tax levied under Chapter 351, Tax Code, and the local sales and use tax levied under Chapter 321, Tax Code.

(b) The commission or administrator shall ~~may~~ cancel or deny a permit if it finds that the permittee has not paid a fee levied under this section. A permittee who sells an alcoholic beverage without first having paid a fee levied under this section commits a misdemeanor punishable by a fine of not less than \$10 nor more than \$200.

(b-1) The commission by rule shall establish a method under

1 which the commission:

2 (1) collects a local fee levied under Subsection (a)
3 from each permit holder required to pay the fee; and

4 (2) remits the fee to the political subdivision that
5 levied the fee.

6 (c) Nothing in this code shall be construed as a grant to any
7 political subdivision of the authority to regulate permittees
8 except by levying [~~collecting~~] the fees authorized in this section
9 and exercising those powers granted to political subdivisions by
10 other provisions of this code.

11 SECTION 2. Section 61.36, Alcoholic Beverage Code, is
12 amended by amending Subsections (a), (b), and (c), and adding
13 Subsection (b-1) to read as follows:

14 (a) The governing body of an incorporated city or town may
15 levy [~~and collect~~] a fee not to exceed one-half of the state fee for
16 each license, except a temporary or agent's beer license, issued
17 for premises located within the city or town. The commissioners
18 court of a county may levy [~~and collect~~] a fee equal to one-half the
19 state fee for each license, except a temporary or agent's beer
20 license, issued for premises located within the county. Those
21 authorities may not levy or collect any other fee or tax from the
22 licensee except general ad valorem taxes, the hotel occupancy tax
23 levied under Chapter 351, Tax Code, and the local sales and use tax
24 levied under Chapter 321, Tax Code.

25 (b) The commission or administrator shall [~~may~~] cancel or
26 deny a license if it finds the licensee has not paid a fee levied
27 under this section. A licensee who sells an alcoholic beverage

1 without first having paid a fee levied under this section commits a
2 misdemeanor punishable by a fine of not less than \$10 nor more than
3 \$200.

4 (b-1) The commission by rule shall establish a method under
5 which the commission:

6 (1) collects a local fee levied under Subsection (a)
7 from each license holder required to pay the fee; and

8 (2) remits the fee to the political subdivision that
9 levied the fee.

10 (c) Nothing in this code shall be construed as a grant to any
11 political subdivision of the authority to regulate licensees except
12 by levying [~~collecting~~] the fees authorized in this section and
13 exercising those powers granted to political subdivisions by other
14 provisions of this code.

15 SECTION 3. This Act takes effect September 1, 2015.