

By: Thompson of Harris

H.B. No. 1443

A BILL TO BE ENTITLED

AN ACT

relating to the certification of an area's wet or dry status for the purpose of an alcoholic beverage permit or license.

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

SECTION 1. Sections 11.37(a), (b), and (d), Alcoholic Beverage Code, are amended to read as follows:

(a) Not later than the 30th day after the date a prospective applicant for a permit issued by the commission requests certification, the [The] county clerk of the county in which the request [~~an application for a permit~~] is made shall certify whether the location or address given in the request [~~application~~] is in a wet area and whether the sale of alcoholic beverages for which the permit is sought is prohibited by any valid order of the commissioners court.

(b) Not later than the 30th day after the date a prospective applicant for a permit issued by the commission requests certification, the [The] city secretary or clerk of the city in which the request [~~an application for a permit~~] is made shall certify whether the location or address given in the request [~~application~~] is in a wet area and whether the sale of alcoholic beverages for which the permit is sought is prohibited by charter or ordinance.

(d) Notwithstanding any other provision of this code, if the county clerk, city secretary, or city clerk certifies that the

1 location or address given in the request [~~application~~] is not in a  
2 wet area or refuses to issue the certification required by this  
3 section, the prospective applicant is entitled to a hearing before  
4 the county judge to contest the certification or refusal to  
5 certify. The prospective applicant must submit a written request  
6 to the county judge for a hearing under this subsection. The  
7 county judge shall conduct a hearing required by this subsection  
8 not later than the 30th day after the date the county judge receives  
9 the written request.

10 SECTION 2. Sections 61.37(a), (b), and (d), Alcoholic  
11 Beverage Code, are amended to read as follows:

12 (a) Not later than the 30th day after the date a prospective  
13 applicant for a license issued by the commission requests  
14 certification, the [~~The~~] county clerk of the county in which the  
15 request [~~an application for a license~~] is made shall certify  
16 whether the location or address given in the request [~~application~~]  
17 is in a wet area and whether the sale of alcoholic beverages for  
18 which the license is sought is prohibited by any valid order of the  
19 commissioners court.

20 (b) Not later than the 30th day after the date a prospective  
21 applicant for a license issued by the commission requests  
22 certification, the [~~The~~] city secretary or clerk of the city in  
23 which the request [~~an application for a license~~] is made shall  
24 certify whether the location or address given in the request  
25 [~~application~~] is in a wet area and whether the sale of alcoholic  
26 beverages for which the license is sought is prohibited by charter  
27 or ordinance.

1           (d) Notwithstanding any other provision of this code, if the  
2 county clerk, city secretary, or city clerk certifies that the  
3 location or address given in the request [~~application~~] is not in a  
4 wet area or refuses to issue the certification required by this  
5 section, the prospective applicant is entitled to a hearing before  
6 the county judge to contest the certification or refusal to  
7 certify. The prospective applicant must submit a written request  
8 to the county judge for a hearing under this subsection. The county  
9 judge shall conduct a hearing required by this subsection not later  
10 than the 30th day after the date the county judge receives the  
11 written request.

12           SECTION 3. Sections 11.37 and 61.37, Alcoholic Beverage  
13 Code, as amended by this Act, apply only to an application for a  
14 permit or license received on or after the effective date of this  
15 Act. An application for a permit or license received before the  
16 effective date of this Act is governed by the law in effect  
17 immediately before the effective date of this Act, and that law is  
18 continued in effect for that purpose.

19           SECTION 4. This Act takes effect September 1, 2019.