

BILL ANALYSIS

C.S.H.B. 610
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that reducing local regulations on license holders may minimize burdens on small businesses and assist in their success. C.S.H.B. 610 seeks to address this issue by providing for a judicial remedy to license holders if a local regulation is more stringent than regulations imposed by the state or would result in an adverse economic impact on the license holder.

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

C.S.H.B. 610 amends the Occupations Code to authorize a license holder to bring an action to enjoin the enforcement of a local law that regulates the occupation or license holder's business activity in a manner more stringent than state law or that would result in an adverse economic impact on the license holder. The bill does the following:

- requires the license holder to show by a preponderance of the evidence such stringent regulation or adverse impact;
- authorizes the license holder to provide evidence regarding the adverse economic impact of similar local laws in other jurisdictions inside or outside Texas;
- requires the license holder to bring the action in a district court in Travis County or in a county that includes any territory of the municipality that adopted the local law;
- places on the defending municipality the burden of establishing that the local law does not conflict with state law and is necessary and narrowly tailored to protect against actual and specific harm to the public's health or safety;
- authorizes the court to grant any prohibitory or mandatory relief warranted by the facts; and
- requires the court to award court costs and reasonable and necessary attorney's fees to be paid by the municipality to a license holder that prevails in the action.

The bill sets out the purposes of its provisions.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 610 differs from the original in minor or nonsubstantive ways to make technical corrections.