

BILL ANALYSIS

Senate Research Center
87R22249 MCF-F

H.B. 3897
By: Thompson, Senfronia (Birdwell)
Business & Commerce
5/17/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Legislation enacted during the 86th Legislative Session, effective September 1, 2021, streamlined Alcoholic Beverage Code provisions, including by renaming, eliminating, and combining several categories of permits and licenses. Accordingly, Texas Alcoholic Beverage Commission rules will be streamlined and provide for permit and license fees by rule, rather than in statute, effective on that date. These changes will affect the ability of certain local government entities to assess fees for certain alcoholic beverage permits and licenses because of discrepancies in the names of certain permits and licenses and the absence of the fees in statute.

H.B. 3897 seeks to address these issues by providing for the fees that certain governing bodies are authorized to charge for alcoholic beverage permits and licenses effective in statute on or after September 1, 2021, based on the permit or license fee set by rule.

H.B. 3897 amends current law relating to fees levied by municipalities and counties for alcoholic beverage permits and licenses.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 11.38, Alcoholic Beverage Code, by adding Subsection (a-1), as follows:

(a-1) Prohibits the fee authorized by Subsection (a) (relating to authorizing the governing body of an incorporated city or town to levy and collect a fee for each license issued for premises located within the city or town) for a permit effective in statute on or after September 1, 2021, from exceeding 10 percent of the fee set by rule for the permit.

SECTION 2. Amends Section 61.36, Alcoholic Beverage Code, by adding Subsection (a-1), as follows:

(a-1) Prohibits the fee authorized by Subsection (a) (relating to authorizing the governing body of a city or town to levy and collect a fee for each permit issued for premises located within the city or town) for a license effective in statute on or after September 1, 2021, from exceeding 10 percent of the fee set by rule for the license.

SECTION 3. Effective date: September 1, 2021.