

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Thompson of Harris

H.B. No. 3897

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to fees levied by municipalities and counties for  
3 alcoholic beverage permits and licenses.

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

5 SECTION 1. Section 11.38, Alcoholic Beverage Code, is  
6 amended by adding Subsection (a-1) to read as follows:

7 (a-1) The fee authorized by Subsection (a) for a permit  
8 effective in statute on or after September 1, 2021, may not exceed  
9 10 percent of the fee set by rule for the permit.

10 SECTION 2. Section 61.36, Alcoholic Beverage Code, is  
11 amended by adding Subsection (a-1) to read as follows:

12 (a-1) The fee authorized by Subsection (a) for a license  
13 effective in statute on or after September 1, 2021, may not exceed  
14 10 percent of the fee set by rule for the license.

15 SECTION 3. This Act takes effect September 1, 2021.

**ADOPTED**

**MAY 22 2021**

*Lacey Spaw*  
Secretary of the Senate

By: Birdwell

H.B. No. 3897

Substitute the following for \_\_\_B. No. \_\_\_\_\_:

By: Kelly Harmon

C.S. \_\_\_B. No. \_\_\_\_\_

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to fees levied by municipalities and counties for certain  
3 alcoholic beverage licenses.

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

5 SECTION 1. Section 61.36, Alcoholic Beverage Code, is  
6 amended by adding Subsection (a-1) to read as follows:

7 (a-1) The fee authorized by Subsection (a) for a brewer's  
8 license or a brewer's self-distribution license may not exceed 50  
9 percent of the fee set by rule for the license.

10 SECTION 2. This Act takes effect September 1, 2021.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 23, 2021**

**TO:** Honorable Dade Phelan, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3897** by Thompson, Senfronia (Relating to fees levied by municipalities and counties for certain alcoholic beverage licenses.), **As Passed 2nd House**

**No fiscal implication to the State is anticipated.**

The bill would amend the Alcoholic Beverage Code to limit fees levied by municipalities and counties for a brewer's license or a brewer's self-distribution license to 50 percent of the fee set by rule for the license.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 458 Alcoholic Beverage Commission

**LBB Staff:** JMc, LBO, SZ, CMA, DPE, AF, ANE

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 21, 2021**

**TO:** Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE:** **HB3897** by Thompson, Senfronia (relating to fees levied by municipalities and counties for certain alcoholic beverage licenses.), **Committee Report 2nd House, Substituted**

**No fiscal implication to the State is anticipated.**

The bill would amend the Alcoholic Beverage Code to limit fees levied by municipalities and counties for a brewer's license or a brewer's self-distribution license to 50 percent of the fee set by rule for the license.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 458 Alcoholic Beverage Commission

**LBB Staff:** JMc, SZ, CMA, DPE, AF, ANE

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 17, 2021**

**TO:** Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3897** by Thompson, Senfronia (Relating to fees levied by municipalities and counties for alcoholic beverage permits and licenses.), **As Engrossed**

**No fiscal implication to the State is anticipated.**

The bill would amend the Alcoholic Beverage Code to limit fees levied by municipalities and counties for alcoholic beverage permits and licenses effective in statute on or after September 1, 2021, to 10 percent of the fee set by rule for the permits or licenses.

**Local Government Impact**

The fiscal implications of the bill cannot be determined at this time.

**Source Agencies:** 458 Alcoholic Beverage Commission

**LBB Staff:** JMc, SZ, DPE, CMA, AF, ANE

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**Revision 1**

**April 30, 2021**

**TO:** Honorable Senfronia Thompson, Chair, House Committee on Licensing & Administrative Procedures

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE:** **HB3897** by Thompson, Senfronia (relating to fees levied by municipalities and counties for alcoholic beverage permits and licenses.), **Committee Report 1st House, Substituted**

**No fiscal implication to the State is anticipated.**

The bill would amend the Alcoholic Beverage Code to limit fees levied by municipalities and counties for alcoholic beverage permits and licenses effective in statute on or after September 1, 2021, to 10 percent of the fee set by rule for the permits or licenses.

**Local Government Impact**

The fiscal implications of the bill cannot be determined at this time.

**Source Agencies:** 458 Alcoholic Beverage Commission

**LBB Staff:** JMc, SZ, CMA, DPE, AF, ANE

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**April 28, 2021**

**TO:** Honorable Senfronia Thompson, Chair, House Committee on Licensing & Administrative Procedures

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE:** **HB3897** by Thompson, Senfronia (relating to fees levied by municipalities and counties for alcoholic beverage permits and licenses.), **Committee Report 1st House, Substituted**

**No fiscal implication to the State is anticipated.**

The bill would amend the Alcoholic Beverage Code to limit fees levied by municipalities and counties for alcoholic beverage permits and licenses effective in statute on or after September 1, 2021, to 10 percent of the fee set by rule for the permits or licenses.

**Local Government Impact**

Bell County anticipates a revenue loss of \$75,000 in the first year, with that lost revenue figure increasing about \$2,000 each subsequent year.

Brazos County anticipates an annual revenue loss of \$66,736.

Lubbock County anticipates an annual revenue loss of \$98,108.

Nueces County anticipates an annual revenue loss of \$141,964.

**Source Agencies:** 458 Alcoholic Beverage Commission

**LBB Staff:** JMc, SZ, CMA, DPE, ANE

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**March 30, 2021**

**TO:** Honorable Senfronia Thompson, Chair, House Committee on Licensing & Administrative Procedures

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3897** by Thompson, Senfronia (Relating to fees levied by municipalities and counties for alcoholic beverage permits and licenses.), **As Introduced**

<b>No fiscal implication to the State is anticipated.</b>
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The bill would amend the Alcoholic Beverage Code to change the limit on fees levied by municipalities and counties for alcoholic beverage permits and licenses from a limit based on statute to a limit based on rule.

**Local Government Impact**

Tarrant County anticipates an annual loss of \$4,836,133 in mixed beverage tax revenue due to shifting the fee schedule for licenses and permits from levels authorized by statute to fees set by rule.

Dallas County estimates an annual revenue loss of \$500,000 due to the bill.

For Travis County, the bill would be revenue-neutral, with the county anticipating no change in revenue collections due to the bill.

Lubbock County reports that it cannot determine the impact of the bill without knowing the amount of the fees set by rule.

Burleson County reports that it cannot calculate the fiscal impact of the bill without the fee schedule set by rule. However, given the small number of permits issued in Burleson County, the bill is not expected to have a significant fiscal impact on the county.

**Source Agencies:** 458 Alcoholic Beverage Commission

**LBB Staff:** JMc, SZ, CMA, ANE