

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 7, 2017

TO: Honorable John Kuempel, Chair, House Committee on Licensing & Administrative Procedures

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2101 by Frullo (Relating to the issuance of a food and beverage certificate to holders of certain alcoholic beverage permits and licenses.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Alcoholic Beverage Code to allow the Texas Alcoholic Beverage Commission to issue a food and beverage certificate to certain permit holders if the commission finds that the total receipts from the sale of alcoholic beverages for the premises are 50 percent or less of the total receipts for the premises. The bill would also prohibit the issuance of a food and beverage certificate for a premises on which a sexually oriented businesses is operated.

The bill would also eliminate the commission's ability to impose a fine on the holder of a wine and beer retailer's permit or a retail dealer's on-premise license for not operating as a food service establishment.

The bill would also allow the holder of a mixed beverage permit or a private club registration permit who is denied the renewal of a food and beverage certificate to request reconsideration of the renewal by the commission not later than the 30th day after the date the commission denies the renewal.

The Comptroller of Public Accounts reports that although the bill's provisions could result in reduced revenue collections from fines, the amounts in the aggregate are not expected to be substantial. It is assumed the administrative costs to implement the provisions of the bill could be absorbed within existing resources.

The bill would take effect September 1, 2017.

Local Government Impact

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

Source Agencies: 304 Comptroller of Public Accounts, 458 Alcoholic Beverage Commission

LBB Staff: UP, CL, AI, FR