

1-1 By: Thompson of Harris (Senate Sponsor - Hall) H.B. No. 1443
 1-2 (In the Senate - Received from the House April 29, 2019;
 1-3 April 29, 2019, read first time and referred to Committee on
 1-4 Business & Commerce; May 6, 2019, reported favorably by the
 1-5 following vote: Yeas 8, Nays 0; May 6, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15			X	
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the certification of an area's wet or dry status for the
 1-20 purpose of an alcoholic beverage permit or license.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Sections 11.37(a), (b), and (d), Alcoholic
 1-23 Beverage Code, are amended to read as follows:

1-24 (a) Not later than the 30th day after the date a prospective
 1-25 applicant for a permit issued by the commission requests
 1-26 certification, the [The] county clerk of the county in which the
 1-27 request [an application for a permit] is made shall certify whether
 1-28 the location or address given in the request [application] is in a
 1-29 wet area and whether the sale of alcoholic beverages for which the
 1-30 permit is sought is prohibited by any valid order of the
 1-31 commissioners court.

1-32 (b) Not later than the 30th day after the date a prospective
 1-33 applicant for a permit issued by the commission requests
 1-34 certification, the [The] city secretary or clerk of the city in
 1-35 which the request [an application for a permit] is made shall
 1-36 certify whether the location or address given in the request
 1-37 [application] is in a wet area and whether the sale of alcoholic
 1-38 beverages for which the permit is sought is prohibited by charter or
 1-39 ordinance.

1-40 (d) Notwithstanding any other provision of this code, if the
 1-41 county clerk, city secretary, or city clerk certifies that the
 1-42 location or address given in the request [application] is not in a
 1-43 wet area or refuses to issue the certification required by this
 1-44 section, the prospective applicant is entitled to a hearing before
 1-45 the county judge to contest the certification or refusal to
 1-46 certify. The prospective applicant must submit a written request
 1-47 to the county judge for a hearing under this subsection. The
 1-48 county judge shall conduct a hearing required by this subsection
 1-49 not later than the 30th day after the date the county judge receives
 1-50 the written request.

1-51 SECTION 2. Sections 61.37(a), (b), and (d), Alcoholic
 1-52 Beverage Code, are amended to read as follows:

1-53 (a) Not later than the 30th day after the date a prospective
 1-54 applicant for a license issued by the commission requests
 1-55 certification, the [The] county clerk of the county in which the
 1-56 request [an application for a license] is made shall certify
 1-57 whether the location or address given in the request [application]
 1-58 is in a wet area and whether the sale of alcoholic beverages for
 1-59 which the license is sought is prohibited by any valid order of the
 1-60 commissioners court.

1-61 (b) Not later than the 30th day after the date a prospective

2-1 applicant for a license issued by the commission requests
2-2 certification, the ~~[The]~~ city secretary or clerk of the city in
2-3 which the request ~~[an application for a license]~~ is made shall
2-4 certify whether the location or address given in the request
2-5 ~~[application]~~ is in a wet area and whether the sale of alcoholic
2-6 beverages for which the license is sought is prohibited by charter
2-7 or ordinance.

2-8 (d) Notwithstanding any other provision of this code, if the
2-9 county clerk, city secretary, or city clerk certifies that the
2-10 location or address given in the request ~~[application]~~ is not in a
2-11 wet area or refuses to issue the certification required by this
2-12 section, the prospective applicant is entitled to a hearing before
2-13 the county judge to contest the certification or refusal to
2-14 certify. The prospective applicant must submit a written request
2-15 to the county judge for a hearing under this subsection. The county
2-16 judge shall conduct a hearing required by this subsection not later
2-17 than the 30th day after the date the county judge receives the
2-18 written request.

2-19 SECTION 3. Sections 11.37 and 61.37, Alcoholic Beverage
2-20 Code, as amended by this Act, apply only to an application for a
2-21 permit or license received on or after the effective date of this
2-22 Act. An application for a permit or license received before the
2-23 effective date of this Act is governed by the law in effect
2-24 immediately before the effective date of this Act, and that law is
2-25 continued in effect for that purpose.

2-26 SECTION 4. This Act takes effect September 1, 2019.

2-27 * * * * *