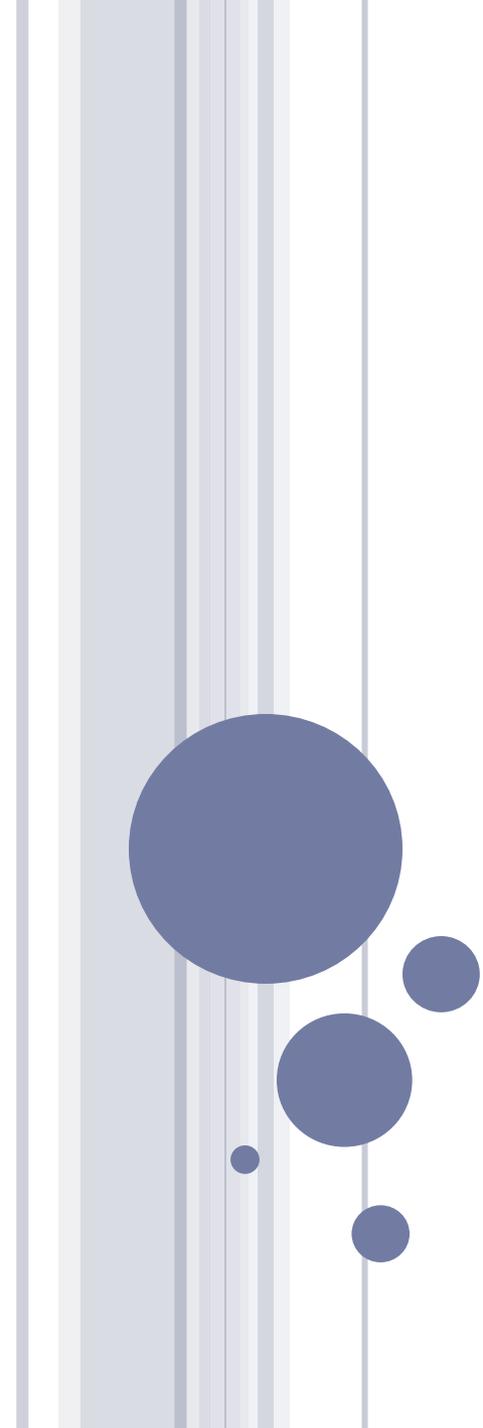


82ND LEGISLATIVE SESSION UPDATE

August 23, 2011

**TABC Administrator's
Conference**

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THE UPPER TIER

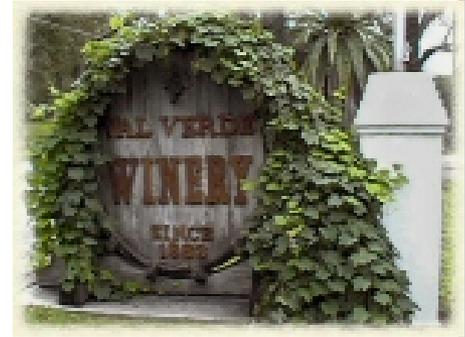
MICROBREWERIES/BREW PUBS

- HB 2582 by Murphy
 - Repeals 25% excise tax exemption on beer for manufacturers or brewpubs in Texas producing <75,000 barrels/year



Who does this impact?
Austin Beerworks, Circle, Franconia, Independence, Jester King, Karbach, Live Oak, Rahr, Real Ale, Ruba, St. Arnold's, Yellow House Canyon, plus brewpubs

WINERIES



○ HB 2012 by Thompson

- When wholesalers (W) sell wine to wineries for sale to the ultimate consumer, the W will report credit law violations to TABC.

○ SB 438 by Nelson (in effect)

- Amends winery festival permits. Limit is now 4 consecutive days at a location instead of 3. Repeals limit of 5 days within 30-day period.

○ SB 799 by Nelson (in effect)

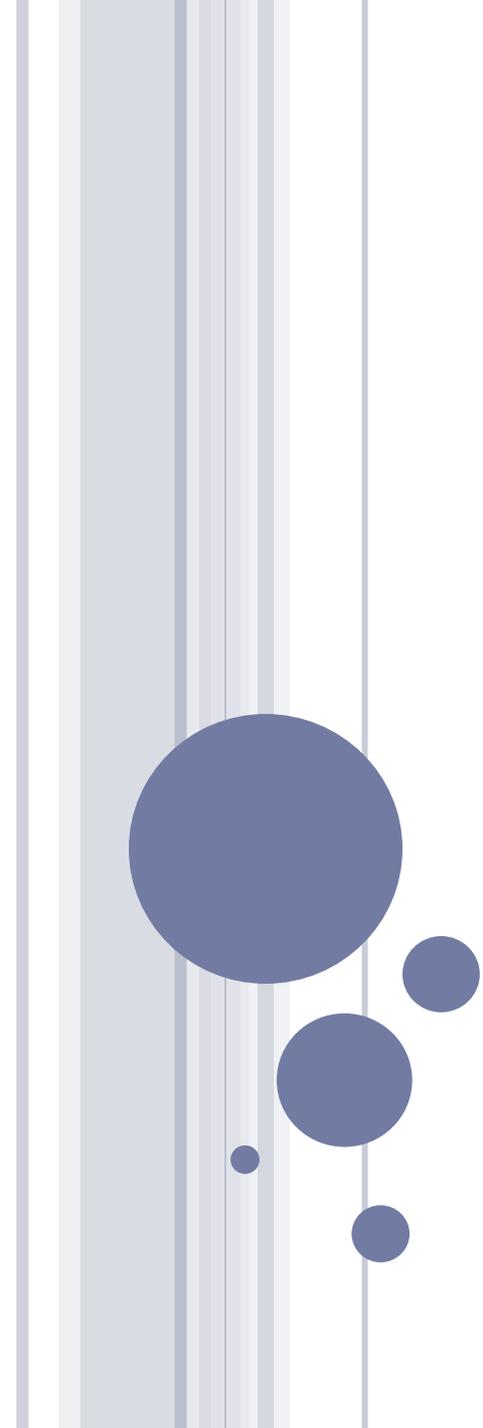
- Clarifies “First Sales.” Excise taxes are paid by wineries on wine sold to retailers.

WINE KEGS

- SB 351 by Williams (in effect)
 - Legalizes wine kegs up to 8 gal.
- SB 890 by Carona
 - Allows wholesalers to clean and maintain coil connections for wine kegs (like beer kegs).



This is not a coin-operated machine. He is a TABC certified bartender.

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THE MIDDLE TIER

WHOLESALERS



- HB 11 by Cook

- Requires all wholesalers/distributors to file reports with Comptroller showing sales to retailers.

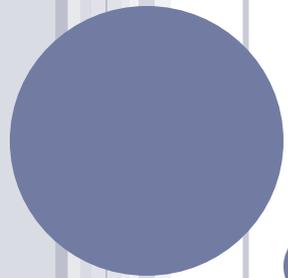
Amends Tax Code

- HB 2035 by Hamilton (in effect)

- Allows wholesaler/distributor to temporarily relocate during “period of emergency.”
- Weather, fire, earthquake, natural disaster, act of God, catastrophe.

Amends AB Code

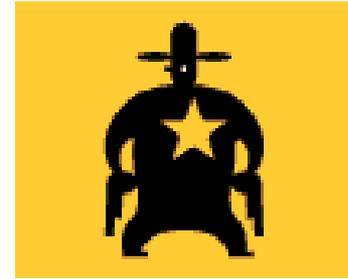




RETAILERS



LICENSING



- HB 2707 by Burnam (in effect)
 - On-premises permit refused if applicant or owner of premises previously had any type of permit canceled for shooting, stabbing, or other violent act in last three years.
 - Original or renewal shall be refused.
 - Doesn't have to be at the same location as cancellation.
 - Does not apply to restaurant with F&B without late hours.
 - Licensing staff will be doing management halts manually after cancellations.

LICENSING



- HB 1953 by Kuempel
 - Post sign 60 days before permit issued, not 60 days before application is filed.
 - At the time of application, the applicant will swear to the date sign was posted.
- HB 1956 by Thompson
 - District court judge now has 20 days to hear and decide on appeal (no longer 10 days)
 - 20 days from date appeal is filed
- HB 1959 by Thompson
 - Appeal certification issue to County Judge (wet/dry or local ordinance)



LICENSING

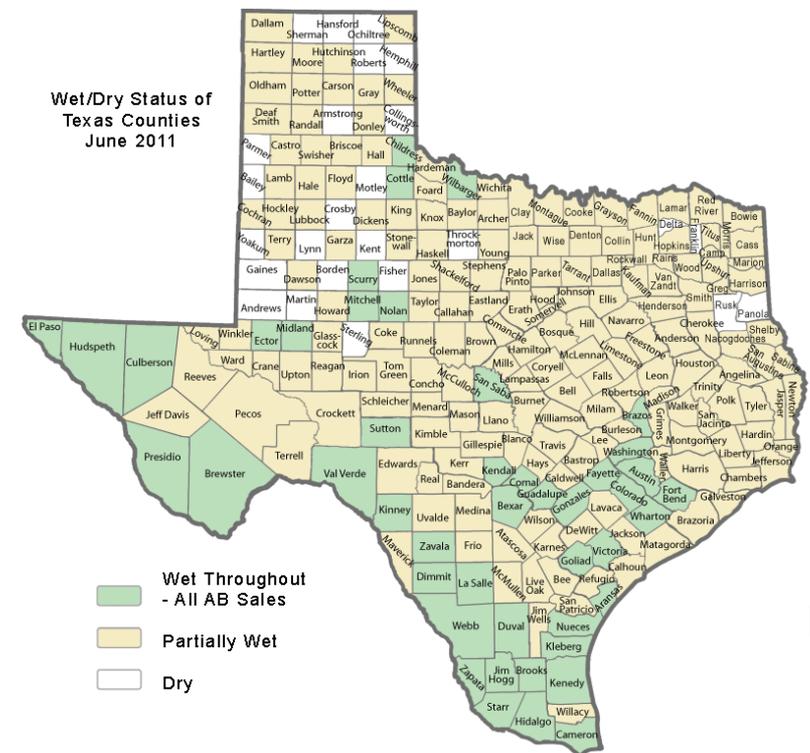
- Who remembers SB 1850 from 2005?
- HB 1469 by Hernandez-Luna
 - Exempts veteran/fraternal organizations from performance bonds.
- HB 2702 by Solomons
 - Increases population numbers in multiple statutes to maintain the status quo following 2010 Census results.



FUNDRAISING IN DRY AREA

○ HB 3329 by Keffer

- Temp private club permits for “non profits” in dry area.
- TABC shall pass rules for procedures.



GROSS RECEIPTS TAX

- HB 2033 by Hamilton (in effect)
 - For the customers' information only
 - MB or Private Club can include separate statement of gross receipts tax on customer's bill or receipt.
 - Reminder: The tax may not be paid by the customer.



SOBs (WITH OR WITHOUT ALCOHOL)

- SB 1030 by Carona (in effect)
 - Requires sign be posted for 60 days by applicant for an SOB license/permit issued by city/county for location not currently licensed, rather than not previously licensed.
 - In cities/counties that regulate SOBs by local ordinance.
 - This is just an FYI, not TABC-enforced.



ADVERTISING RAFFLES

- HB 457 by Craddick (in effect)
 - Charitable organizations may only promote or advertise raffle statewide:
 - on the organization's website
 - through a publication or solicitation including newsletter, social media or e-mail
 - only to previously-identified supporters of the organization



HUMAN TRAFFICKING

○ HB 289 by Jim Jackson

- Amends common nuisance statute to include employment harmful to a minor, SOBs employing a minor and human trafficking.

Amends Civil Practice and Remedies Code

○ HB 2014 by Thompson

- No license/permit at a location for 12 months after cancellation for prostitution or trafficking.
- No license/permit for a person anywhere for 3 years after an application expires/withdrawn/vol cancel pending a protest hearing involving trafficking.
- Suspension only, no civil penalty for trafficking offenses.

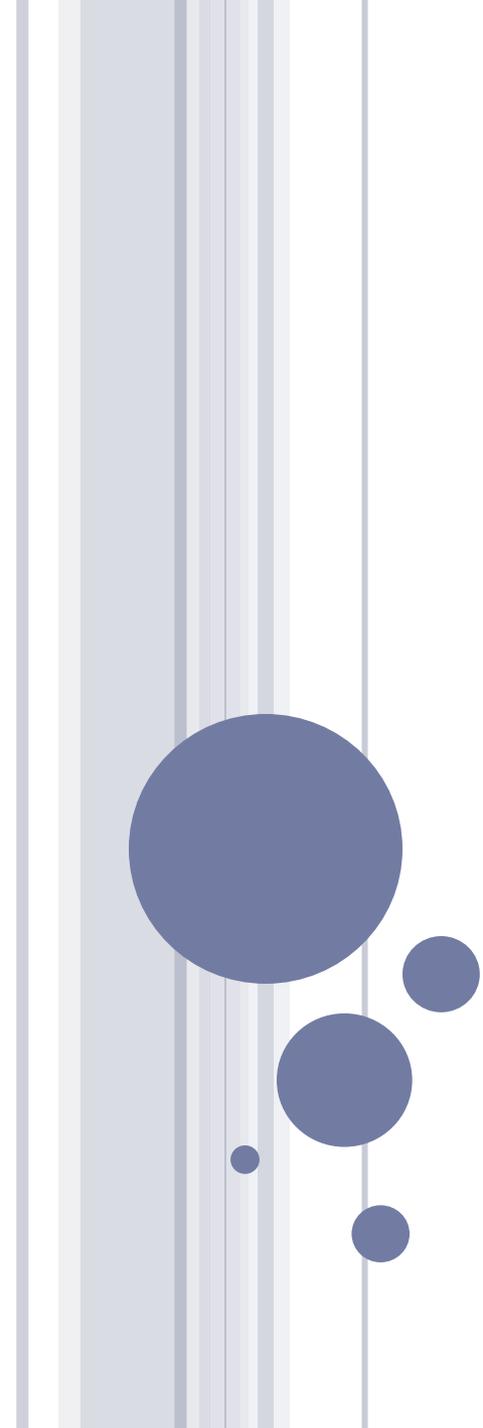
Amends AB Code



INCREASED SURCHARGES

- Effective September 1, 2011
- Will apply to applications received on or after August 25th
- Rider 12 of the TABC Section of Article V of HB1, 82nd Legislature
- New surcharges posted on TABC website under Important Notices and under Licensing.
- <http://www.tabc.state.tx.us/licensing/files/Fee-Chart-0911.pdf>

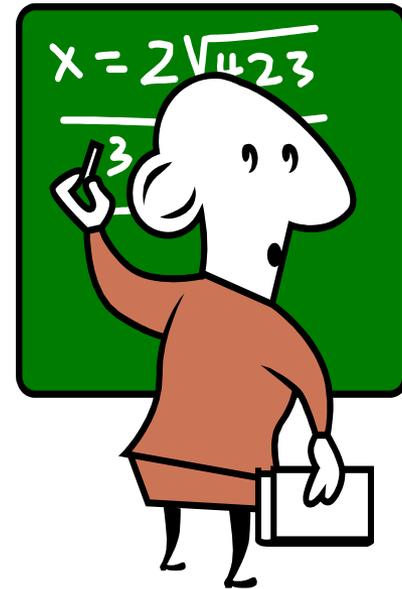
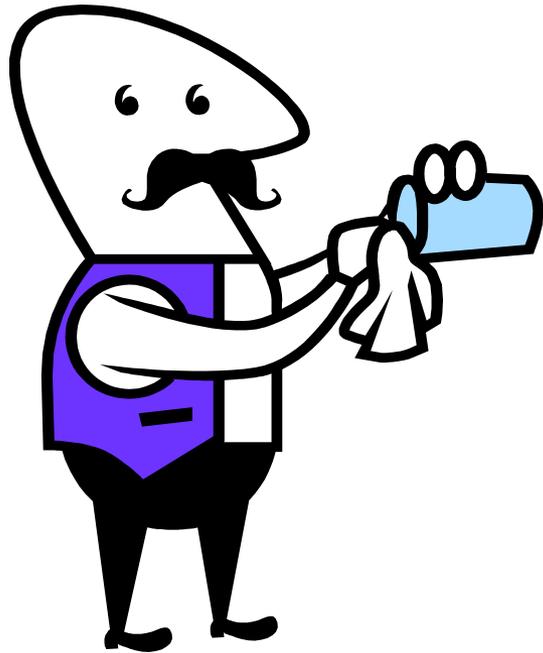


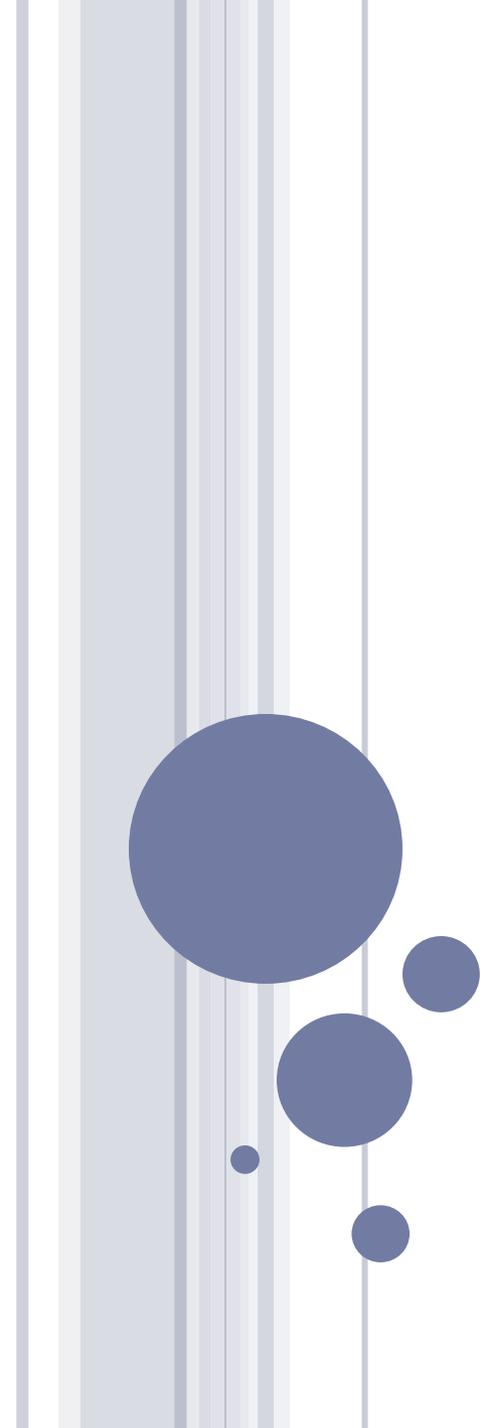
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SELLER TRAINING

SELLER TRAINING

- HB 1952 by Kuempel (in effect)
 - TABC can cancel, suspend or fine seller training schools, trainers, trainees.





LOCAL OPTION ELECTIONS

LOCAL OPTION ELECTIONS

○ HB 1401 by Laubenberg

- If a petition is filed for city election, then land annexed, then an election is held, does it impact the annexed area?
- YES, as long as number of signatures on petition meets requirements based on number of qualified voters in the “new” city and voters in annexed area were allowed to vote.

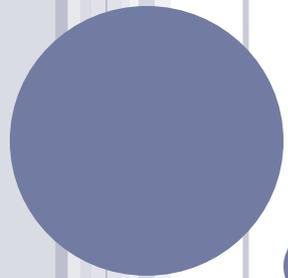


LOCAL OPTION ELECTIONS

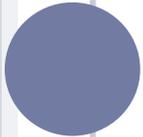
○ HB 2817 by Larry Taylor

- General clean up of Election Code.
- Verifies that JP precinct is political subdivision for purposes of Ch 501.
- Clarifies requirements for published notice of intent to file application for petition.
- Requires county to collect deposit from petitioners before issuing petition when county is not required to pay initial election-related expenses.





PORTS OF ENTRY



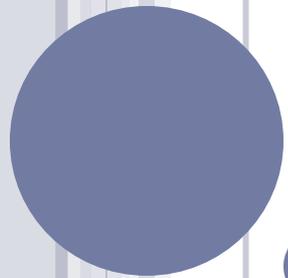
PERSONAL IMPORTATION

○ HB1936 by Gutierrez/Lucio

- Importing personal collection of beer/spirits in addition to wine
- \$3 admin fee increased from 50 cents
- Standardization

Texas Residents	Non-Residents	Everyone
1 quart distilled spirits	1 gallon of wine & distilled spirits	1 gallon of spirits
3 gallons of wine		3 gallons of wine
24 12-ounce containers of beer	24 12-ounce containers of beer	24 12-ounce containers of beer

Amends AB Code

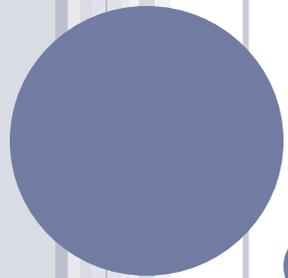


FYI ONLY



FYI ONLY

- **SB 323 by Carona** Amends Business Organization Code
 - Applies to members of LLC same protection against responsibility for company debts & other obligations that shareholders currently have as to corporate obligations.
- **SB 1732 by Van de Putte (in effect)**
 - Authorizes three state military bases to contract out post exchanges that can obtain wine/beer off-premises permit.
- **SB 1179 by Nelson (in effect)**
 - Eliminates certain reports by state agencies.
- **SB 1303 by West**
 - Non-substantive changes / correction. Sec 48.03



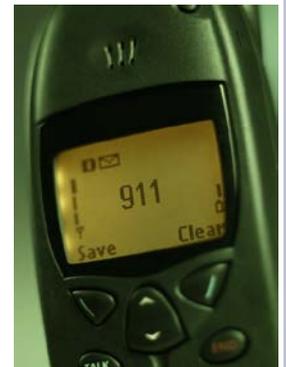
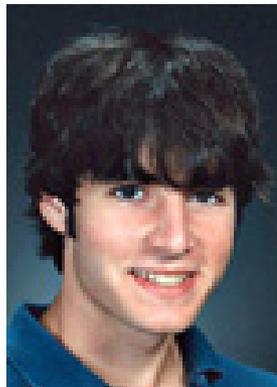
THE DARK SIDE

911 LIFELINE LEGISLATION

- SB 1331 by Watson / HB 3474 by Gallego
 - Limited immunity for minors who call for help because a person may have alcohol poisoning.
 - No citation for minors for possessing or consuming.
 - Enhances penalty for providing alcohol to a minor where there is binge drinking or coerced drinking.
 - Community Service and Alcohol Awareness Course



Amends AB Code



DWI STATISTICS

- SB 364 by Ogden

- Requires DPS to collect info about DWI arrests and prosecutions in Texas and report annually to the Legislature.



Amends Penal Code



ABDALLAH KHADER LAW

○ HB 1199 by Gallego

- Creates enhanced penalty for DWI with BAC of .15 or over. Class A misdemeanor. (1 year in jail instead of 6 months)
- Creates enhanced penalty for intox assault if it causes traumatic brain injury resulting in persistent vegetative state (2nd degree felony) (20 years in jail instead of 10)



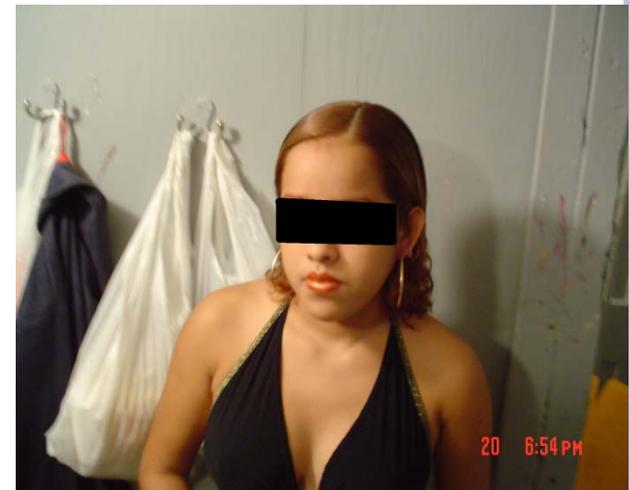
Amends Penal Code

Abdallah Khader

HUMAN TRAFFICKING LAWS

- HB 1994 - 1st offender prostitution prevention program.
- HB 2015 - Designates prostitution by youth as CINS instead of delinquent conduct so more services are available.
- HB 2329 - Protects victims.
- HB 3000 - 1st degree felony for continuous human trafficking
- SB 24 - Penalties for human traffickers / protections for victims.

Amends Penal Code



TRAFFICKING STUDIES

- HB 1930 - Adds DSHS to HT Task Force and assigns task force with studying association of SOBs and human trafficking.
- HCR 68 - Creates joint interim committee to study human trafficking.



IMPLEMENTATION



- Update Website
- Update Alcoholic Beverage Code
- Update Peace Officer's Guide
- Update Licensing Publications
- Propose and Adopt Rule Changes
- Develop Policies and Procedures
- Train Employees



MAYBE NEXT TIME...

- January-June 2012 – Strategic Planning
- November 2012 – Pre-filing of Bills for 83rd Legislative Session
- January 2013 – 83rd Session Begins





QUESTIONS?

QUESTIONS@TABC.STATE.TX.US

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