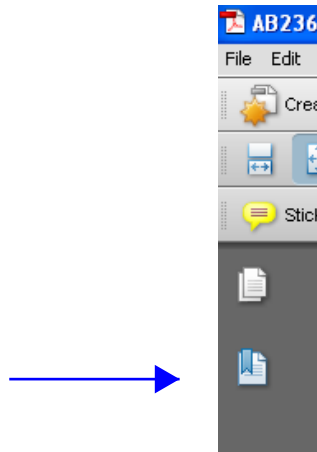


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LEGISLATIVE HISTORY REPORT AND ANALYSIS

Re: **Texas House Bill 1652 (Millsap – 1987)**
Chapter 303, Statutes of 1987

The legislative history of the above-referenced bill is documented by materials[♦] itemized in one declaration. We discuss **Texas Alcoholic Beverage Code sections 2.01, 2.02, and 2.03** below. The materials accompanying Exhibit B are itemized in this same declaration. The materials are organized as follows:

Exhibit A – Texas House Bill 1652, Chapter 303, Statutes of 1987
Exhibit B – Texas Senate Bill 871, Companion Bill

TEXAS HOUSE BILL 1652 (MILLSAP – 1987) **CHAPTER 303, STATUTES OF 1987**

As enacted in 1987, House Bill 1652 was entitled as follows:

AN ACT

Relating to the state and local regulation of the sale, use, production, and consumption of, and other commercial and noncommercial activities relating to, alcoholic beverages, to permits and licensed for sales and possession of alcoholic beverages, and to civil liability and civil and criminal penalties relating to alcoholic beverages.
([See Exhibit A, #1j](#))

The bill, as enacted into law, amended sections 6.01, 71.03, 102.81, 5.01(b), 28.04 104.01 and added sections 2.01 through 2.03 and 109.56 and 109.57 all of the Texas Alcohol and Beverage Code. (Id.) House member Mike Millsap introduced this legislation on March 11, 1987. ([See Exhibit A, #1a](#))

House Bill 1652 was assigned to the House Committee on Liquor Regulation and the Senate Committee on Economic Development where policy issues raised by the bill were considered. ([See Exhibit A, #2, #3 and #6](#)) The fiscal ramifications of the bill were considered by the Legislative Budget Board. ([See Exhibit A, #5 and](#)

[♦] For information on document numbers, research policies, request for judicial notice and more, please visit www.legintent.com and click on “Research Aids and Policies” and “Points and Authorities” at the bottom of the web page.

#8) Eight versions of House Bill 1652 were printed for the record while it was under consideration by the legislature. (See Exhibit A, #1a through #1h and #2) Following Senate amendments to House Bill 1652, the House called a Conference Committee to resolve the differences in both versions of the measure. (See Exhibit A, #2 and #10) Subsequent to legislative approval, the Governor signed the bill on June 11, 1987 and it was recorded as Chapter 303 of the Statutes of 1987. (See Exhibit A, #1j)

A summary of House Bill 1652 was provided in the Analysis of Senate Amendments dated May 30, 1987 prepared by the House Research Organization as follows:

HB 1652 would amend the Texas Alcoholic Beverage Code to permit persons to manufacture, sell, distribute or store alcoholic beverages or possess equipment for use in manufacturing alcoholic beverages if the right to do so is granted by the code and the person has first obtained the proper license or permit.
(See Exhibit A, #9, page 1)

The Conference Committee Report for House Bill provided a side-by-side comparison of the House version of the bill and the Senate version, as well as an analysis of the conference committee's decisions on each topic. (See Exhibit A, #11)

A review of the documents provided herewith should add to your understanding of the development of the language enacted in Chapter 303 of the Statutes of 1987. (See, for example, Exhibit A, #9 and #10) The *Journals* provided only procedural information. (See Exhibit A, #14 and #15)

Related Legislation: We found in our research, that there was a companion bill introduced by Senator Robert J. Glasgow in 1987, Senate Bill 871; we include the available legislative history for that measure for your review. (See generally, Exhibit B) Your understanding of the legislative intent of any legislative bill necessarily includes knowledge about other measures competing with or preceding the bill ultimately enacted, especially if you have a focus on specific language. When you compare that enacted with the unsuccessful proposals in the failed bills, you may be able to discern useful insight as to the intended meaning. (Id.)

The materials provided with this legislative history are all the printed documentation available on the consideration of House Bill 1652. There could be taped recordings of legislative discussion available for this bill as well. You expressed an interest in receiving this material quickly, so we refrained from ordering any possible tapes as they must be ordered from specific legislative offices in writing. If you have an interest in possible legislative discussion of this measure or companion measure Senate Bill 871, please let us know.

After its introduction, House Bill 1652 was printed eight separate times before it was enacted into law. (See Exhibit A, #1) A full understanding of legislative intent may be dependent upon knowing about the various proposals as introduced into the bill and then as amended throughout the bill's consideration by the

Assembly and the Senate Committees reviewing this measure. (Id.) This can be particularly helpful where your focus is on specific language; by contrasting that enacted with the prior proposals in the bill one can gain insight as to the intended meaning or the apparent controversy generated by the language of interest. (Id.)

Texas Alcoholic Beverage Code sections 2.01, 2.02, and 2.03:

New sections 2.01, 2.02, and 2.03 were first proposed to be added to the Texas Alcoholic Beverage Code in the Senate Committee substitute for House Bill 1652 on May 25, 1987. (See Exhibit A, #1e) These proposed sections were amended again in conference and the bill was subsequently enacted into law. (See Exhibit A, #1h and #1j)

The Conference Committee Report for House Bill 1652 explained the nature of the amendments made to these three sections while the bill was in conference:

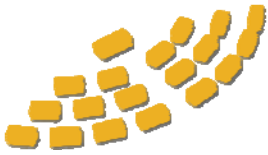
3. Senate version with amendments to (1) limit cause of action to permittees and licensees; (2) eliminates the requirement that the sale be made knowingly and willfully; (3) eliminates provisions dealing with least contributor ;(4) alters proximate cause from “the” to “a” ; and (5) makes the provisions the exclusive remedy the sales of persons 18 years or older.

(See Exhibit A, #11, page 1)

Your careful review of the documents enclosed may reveal helpful discussion on the issue before you. You should also be able to draw some conclusions based upon the assumption that the language was intended to be consistent with the overall goal of the legislation. Thus, if you are unable to find specific discussion regarding your research question, the analyses contained in the legislative bill files enclosed herewith may provide you with an arguable assessment of the goals and purpose that could be applicable to your particular situation.

Any analysis provided in this report is based upon the nature and extent of your request to us, as well as a brief review of the enclosed documents. As such, it must be considered tentative in nature. A more conclusive statement of the impact of the legislative history in your case would be dependent upon a complete understanding of all of the factual issues involved and the applicable legal principles.

We appreciate the opportunity to provide this assistance and hope that these efforts will be of value to you.



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DECLARATION OF JENNY S. LILLGE

I, Jenny S. Lillge, declare:

I am an attorney licensed to practice in California, State Bar No. 265046, and am employed by Legislative Intent Service, Inc., a company specializing in researching the history and intent of legislation.

Under my direction and the direction of other attorneys on staff, the research staff of Legislative Intent Service, Inc. undertook to locate and obtain all documents relevant to the enactment of Texas House Bill 1652 of 1987. Texas House Bill 1652 was approved by the Legislature and was enacted as Chapter 303 of the Statutes of 1987.

The following list identifies all documents obtained by the staff of Legislative Intent Service, Inc. on Texas House Bill 1652 of 1987. All listed documents have been forwarded with this Declaration except as otherwise noted in this Declaration. All documents gathered by Legislative Intent Service, Inc. and all copies forwarded with this Declaration are true and correct copies of the originals located by Legislative Intent Service, Inc. In compiling this collection, the staff of Legislative Intent Service, Inc. operated under directions to locate and obtain all available material on the bill.

EXHIBIT A – TEXAS HOUSE BILL 1652 OF 1987:

1. All versions of House Bill 1652 (Millsap-1987);
2. Bill History Report as provided in the *Legislative Information System* for the 70th Regular Session;
3. Committee Report for House Bill 1652 prepared by the House Committee on Liquor Regulation;
4. Bill analysis for House Bill 1652 prepared for the House Committee on Liquor Regulation;
5. Four Fiscal Notes for House Bill 1652 prepared by the Legislative Budget Board;
6. Senate Favorably As Substituted Committee Report prepared by the Senate Committee on Economic Development for House Bill 1652;

7. Bill analysis for House Bill 1652;
8. Two Fiscal Notes for House bill 1652 prepared by the Legislative Budget Board;
9. Analysis of Senate Amendments for House Bill 1652 prepared by the House Research Organization;
10. Conference Committee Report Form for House Bill 1652;
11. Conference Committee Report for House Bill 1652;
12. Bill Back for the enrolled version of House Bill 1652;
13. Enrolled Vote Tally for House Bill 1652;
14. Excerpt of the *House Journal* for the 70th Session for House Bill 1652;
15. Excerpt of *Senate Journal* for the 70th Session for House Bill 1652.

EXHIBIT B – TEXAS SENATE BILL 871 OF 1987:

1. All versions of Senate Bill 871 (Glasgow-1987);
2. Bill Back for the introduced version of Senate Bill 871;
3. Bill History Report as provided in the *Legislative Information System* for the 70th Regular Session;
4. Two Fiscal Notes for Senate Bill 871 prepared by the Legislative Budget Board.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 2nd day of September, 2009 at Woodland, California.



JENNY S. LILLGE

1987 MAR 19 PM 3:00
HOUSE OF REPRESENTATIVES

I certify that the attached is a true and
correct copy of H.B. 1652, which
was filed of record on MAR 11 1987
and referred to the committee on:

Liquor Regulation

Boyd Murray
Chief Clerk of the House

By: Millsap

H.B. No. 1652

A BILL TO BE ENTITLED

AN ACT

relating to the requirement that a person first obtain a license or
permit before exercising a privilege authorized by the Alcoholic
Beverage Code.

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

SECTION 1. Title 2, Alcoholic Beverage Code, is amended by
adding Chapter 6 to read as follows:

CHAPTER 6. ACTIVITIES SUBJECT TO REGULATION

Sec. 6.011. RIGHTS AND PRIVILEGES; REVOCATION. (a) A
person may manufacture, distill, brew, sell, import, export,
transport, distribute, warehouse, store, possess, possess for the
purpose of sale, bottle, rectify, blend, treat, fortify, mix, or
process alcoholic beverages or possess equipment or material
designed for or capable of use for manufacturing alcoholic
beverages, if the right or privilege of doing so is granted by this
code and the person has first obtained a license or permit of the
proper type as required by this code.

(b) A license or permit issued under this code is a purely
personal privilege and is subject to revocation if the holder is
found to have violated a provision of this code or a rule of the
commission.

SECTION 2. The importance of this legislation and the
crowded condition of the calendars in both houses create an
emergency and an imperative public necessity that the
constitutional rule requiring bills to be read on three several

____.B. No. ____

1 days in each house be suspended, and this rule is hereby suspended.



HOUSE
COMMITTEE REPORT

1987 APR 15 AM 9:41

1st Printing

By Millsap

H.B. No. 1652

A BILL TO BE ENTITLED

AN ACT

relating to the requirement that a person first obtain a license or permit before exercising a privilege authorized by the Alcoholic Beverage Code.

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

SECTION 1. Title 2, Alcoholic Beverage Code, is amended by adding Chapter 6 to read as follows:

CHAPTER 6. ACTIVITIES SUBJECT TO REGULATION

Sec. 6.011. RIGHTS AND PRIVILEGES; REVOCATION. (a) A person may manufacture, distill, brew, sell, import, export, transport, distribute, warehouse, store, possess, possess for the purpose of sale, bottle, rectify, blend, treat, fortify, mix, or process alcoholic beverages or possess equipment or material designed for or capable of use for manufacturing alcoholic beverages, if the right or privilege of doing so is granted by this code and the person has first obtained a license or permit of the proper type as required by this code.

(b) A license or permit issued under this code is a purely personal privilege and is subject to revocation if the holder is found to have violated a provision of this code or a rule of the commission.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the

H.B. No. 1652

- 1 constitutional rule requiring bills to be read on three several
- 2 days in each house be suspended, and this rule is hereby suspended.



HOUSE ENGROSSMENT

1097 APR 23 PM 11:44

HOUSE OF REPRESENTATIVES

By Millsap

H.B. No. 1652

A BILL TO BE ENTITLED

AN ACT

relating to the requirement that a person first obtain a license or permit before exercising a privilege authorized by the Alcoholic Beverage Code.

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

SECTION 1. Title 2, Alcoholic Beverage Code, is amended by adding Chapter 6 to read as follows:

CHAPTER 6. ACTIVITIES SUBJECT TO REGULATION

Sec. 6.01. RIGHTS AND PRIVILEGES; REVOCATION. (a) A person may manufacture, distill, brew, sell, import, export, transport, distribute, warehouse, store, possess, possess for the purpose of sale, bottle, rectify, blend, treat, fortify, mix, or process alcoholic beverages or possess equipment or material designed for or capable of use for manufacturing alcoholic beverages, if the right or privilege of doing so is granted by this code and the person has first obtained a license or permit of the proper type as required by this code.

(b) A license or permit issued under this code is a purely personal privilege and is subject to revocation if the holder is found to have violated a provision of this code or a rule of the commission.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the



H.B. No. 1652

- 1 constitutional rule requiring bills to be read on three several
- 2 days in each house be suspended, and this rule is hereby suspended.



1 By: Millsap (Senate Sponsor - Glasgow) H.B. No. 1652
2 (In the Senate - Received from the House April 24, 1987;
3 April 27, 1987, read first time and referred to Committee on
4 Economic Development; May 25, 1987, reported adversely, with
5 favorable Committee Substitute by the following vote: Yeas 9, Nays
6 0; May 25, 1987, sent to printer.)

7 COMMITTEE VOTE

	Yea	Nay	PNV	Absent
8 Harris	x			
9 Glasgow	x			
10 Anderson	x			
11 Armbrister	x			
12 Blake	x			
13 Green	x			
14 Henderson	x			
15 Jones				x
16 Leedom	x			
17 Montford				x
18 Sims	x			

20 COMMITTEE SUBSTITUTE FOR H.B. No. 1652

By: Glasgow

21 A BILL TO BE ENTITLED
22 AN ACT

23 relating to the requirement that a person first obtain a license or
24 permit before exercising a privilege authorized by the Alcoholic
25 Beverage Code and further defining certain activities subject to
26 regulation.

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

28 SECTION 1. Title 2, Alcoholic Beverage Code, is amended by
29 adding Chapter 6 to read as follows:

30 CHAPTER 6. ACTIVITIES SUBJECT TO REGULATION

31 Sec. 6.01. RIGHTS AND PRIVILEGES; REVOCATION. (a) A person
32 may manufacture, distill, brew, sell, import, export, transport,
33 distribute, warehouse, store, possess, possess for the purpose of
34 sale, bottle, rectify, blend, treat, fortify, mix, or process
35 alcoholic beverages or possess equipment or material designed for
36 or capable of use for manufacturing alcoholic beverages, if the
37 right or privilege of doing so is granted by this code and the
38 person has first obtained a license or permit of the proper type as
39 required by this code.

40 (b) A license or permit issued under this code is a purely
41 personal privilege and is subject to revocation if the holder is
42 found to have violated a provision of this code or a rule of the
43 commission.

44 SECTION 2. Sec. 71.03, (a) Alcoholic Beverage Code, is
45 amended to read as follows:

46 Sec. 71.03. AUTHORITY OF LICENSEE HOLDING PACKAGE STORE
47 PERMIT OR WINE ONLY PACKAGE STORE PERMIT. (a) The holder of a
48 retail dealer's off-premise license who also holds a package store
49 permit may sell beer directly to consumers by the container, but
50 not for resale and not to be opened or consumed on or near the
51 premise where sold. [Beer-in-containers-holding-32-ounces-or-less
52 may-be-sold-only-as-follows-

53 {1}--12, 24, and 32-ounce-containers-may-be-sold-only-in--the
54 following--lots--or--full--multiples--thereof--

55 {A}--6-containers-holding-12-ounces--each;

56 {B}--3-containers-holding-24-ounces--each;--or

57 {C}--3-containers-holding-32-ounces--each;--and

58 {2}--7, 8, and 16-ounce-containers-may-be-sold-only-in--lots
59 or--full--multiples--of--the--number--of--containers--in--a--retail--package
60 for--that--size--container;--for--purposes--of--1.04--(18)--of--this--code
61 including-6-packs, 8-packs, or other packages containing at least 3
62 containers which are packaged for purposes of retail sales.]

63 SECTION 3. Title 1, Alcoholic Beverage Code, is amended by
64 adding Chapter 2 to read as follows:

65 Sec. 2.01. DEFINITIONS. In this Chapter:

66 (1) "Alcoholic Beverage" has the meaning assigned by Section
67 1.04 (1) of this Code.

68 (2) "Provider" means a supplier, seller or server of an
69 alcoholic beverage and includes without limitation a person who
70 provides an alcoholic beverage without a charge as a "host" or a
71 person who sells or serves an alcoholic beverage as a holder or a

1 permit, or license, issued under the terms of this Code, authorizing
2 the sale or service of an alcoholic beverage to a consumer.

3 (3) "Provision" includes, but is not limited to, the sale or
4 service of an alcoholic beverage.

5 Sec. 2.02. CAUSES OF ACTION.

6 (a) This chapter does not affect the right of any person to
7 bring a common law cause of action against any individual whose
8 consumption of an alcoholic beverage allegedly resulted in causing
9 the person bringing the suit to suffer personal injury or property
10 damage.

11 (b) Providing, selling or serving an alcoholic beverage may
12 be made the basis of a statutory cause of action under this chapter
13 upon proof:

14 (1) that at the time the provision occurred it was clearly
15 apparent to the provider that the individual being sold, served or
16 provided with an alcoholic beverage was obviously intoxicated to
17 the extent that he presented a clear danger to himself and others
18 and that the provision was knowingly and willfully made under that
19 circumstance;

20 (2) that the provider was the last contributor to the
21 intoxication of the recipient; and that the recipient consumed no
22 alcoholic beverage subsequent to that served by the last
23 contributor; and

24 (3) that the intoxication of the recipient of the alcoholic
25 beverage was the proximate cause of the damages suffered.

26 Sec. 2.03. LIABILITY EXCLUSIVE TO THIS CHAPTER.

27 The liability of a host, seller or server of an alcoholic
28 beverage based on the intoxication of the recipient of the
29 alcoholic beverage is established exclusively by this chapter and
30 may not be predicated on any other law.

31 SECTION 4. Subchapter D, Chapter 102, Alcoholic Beverage
32 Code, is amended by adding Section 102.81 to read as follows:

33 Sec. 102.81. ALE AND MALT LIQUOR. This subchapter and
34 Subchapter C of this chapter apply to agreements concerning ale and
35 malt liquor in the same manner as they apply to agreements
36 concerning beer, and each particular class of permittee dealing
37 with ale and malt liquor is subject to those provisions that apply
38 to functionally corresponding licensees within the beer industry.

39 SECTION 5. Section 5.01(b), Alcoholic Beverage Code, is
40 amended to read as follows:

41 (b) The Texas Alcoholic Beverage Commission is subject to
42 the Texas Sunset Act (Chapter 325, Government Code). Unless
43 continued in existence as provided by that Act, the commission is
44 abolished and Subchapter A, Chapter 5, of this code expires
45 September 1, 1991.

46 SECTION 6. Section 28.04(d), Alcoholic Beverage Code is
47 amended to read as follows:

48 (d) This section does not apply to a change in corporate
49 control:

50 (1) brought about by the death of a shareholder if his
51 surviving spouse or descendants are his successors in interest; or

52 (2) brought about when legal or beneficial ownership
53 of over 50 percent of the stock of the corporation has been
54 transferred to a person who possesses the qualifications required
55 of other applicants for permits and is currently an officer of the
56 corporation and [or] has been an officer of the corporation ever
57 since the date the original permit was issued.

58 SECTION 7. Sec. 104.01, Alcoholic Beverage Code, is amended
59 to read as follows:

60 Sec. 104.01. LEWD, IMMORAL, INDECENT CONDUCT. No person
61 authorized to sell beer at retail, nor his agent, servant, or
62 employee, may engage in or permit conduct on the premises of the
63 retailer which is lewd, immoral, or offensive to public decency,
64 including, but not limited to, any of the following acts:

65 (1) the use of loud and vociferous or obscene, vulgar,
66 or indecent language, or permitting its use;

67 (2) the exposure of person or permitting a person to
68 expose his person;

69 (3) rudely displaying or permitting a person to rudely
70 display a pistol or other deadly weapon in a manner calculated to
71 disturb persons in the retail establishment;

72 (4) solicitation of any person to buy drinks for
73 consumption by the retailer or any of his employees;

74 (5) being [beeming] intoxicated on the licensed
75 premises or permitting an intoxicated person to remain on the

1 licensed premises;

2 (6) permitting lewd or vulgar entertainment or acts;

3 (7) permitting solicitations of persons for immoral or
4 sexual purposes;

5 (8) failing or refusing to comply with state or
6 municipal health or sanitary laws or ordinances; or

7 (9) possession of a narcotic or any equipment used or
8 designed for the administering of a narcotic or permitting a person
9 on the licensed premises to do so.

10 SECTION 8. Chapter 109, Alcoholic Beverage Code, is amended
11 by adding Sec. 109.56 to read as follows:

12 Sec. 109.56. CONVICTION OF OFFENSE RELATING TO
13 DISCRIMINATION; POLICY OF NON-DISCRIMINATION.

14 (a) The commission or administrator may suspend for not more
15 than 60 days or cancel an original or renewal permit if it is
16 found, after notice and hearing that:

17 (1) the permittee has been finally convicted of any
18 offense under state or federal law or a municipal ordinance
19 prohibiting the violation of an individual's civil rights or the
20 discrimination against an individual on the basis of the
21 individual's race, color, creed, sex or religion; and

22 (2) the offense was committed on the licensed premises
23 or in connection with the operation of the permittee's business.

24 (b) Except as is expressly authorized by this code, no
25 regulation, charter or ordinance promulgated by a governmental
26 entity of this state shall impose stricter standards upon premises
27 or businesses requiring a license or permit under this code than
28 are imposed upon similar premises or businesses which do not
29 require such a license or permit. It is the intent of the
30 legislature that this code shall exclusively govern the regulation
31 of alcoholic beverages in this state, and that except as permitted
32 by this code, no governmental entity of this state may discriminate
33 against a business holding a license or permit under this code.
34 This subsection shall not affect the validity of any regulation,
35 charter or ordinance which was finally enacted before the effective
36 date of this subsection which otherwise would have been valid.

37 SECTION 9. Section 3 of this Act applies to all actions
38 which are commenced on or after the effective date of this Act and
39 to all actions which are pending on the effective date of this Act
40 and in which the trial or any new trial or retrial following
41 motion, appeal, or otherwise, begins on or after the effective date
42 of this Act. In an action commenced before the effective date of
43 this Act, a trial, new trial, or retrial that is in progress on
44 that effective date is governed with respect to the subject matter
45 of Section 3 of this Act by the applicable law in effect prior to
46 that effective date, and that law is continued in effect only for
47 this purpose.

48 SECTION 10. EMERGENCY. The importance of this legislation
49 and the crowded condition of the calendars in both houses create an
50 emergency and an imperative public necessity that the
51 constitutional rule requiring bills to be read on three several
52 days in each house be suspended, and this rule is hereby suspended,
53 and that this Act take effect and be in force from and after its
54 passage, and it is so enacted.

55 * * * * *

56 Austin, Texas
57 May 25, 1987

58 Hon. William P. Hobby
59 President of the Senate

60 Sir:

61 We, your Committee on Economic Development to which was referred
62 H.B. No. 1652, have had the same under consideration, and I am
63 instructed to report it back to the Senate with the recommendation
64 that it do not pass, but that the Committee Substitute adopted in
65 lieu thereof do pass and be printed.

66 Harris, Chairman

11-1652-100-1000000

By Shogun

Substitute the following for H.B. 1652:

A BILL TO BE ENTITLED
AN ACT

ADOPTED

MAY 27 1987

Doty King
Secretary of the Senate

relating to the requirement that a person first obtain a license or permit before exercising a privilege authorized by the Alcoholic Beverage Code and further defining certain activities subject to regulation.

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

SECTION 1. Title 2, Alcoholic Beverage Code, is amended by adding Chapter 6 to read as follows:

CHAPTER 6. ACTIVITIES SUBJECT TO REGULATION

Sec. 6.01 . RIGHTS AND PRIVILEGES; REVOCATION. (a) A person may manufacture, distill, brew, sell, import, export, transport, distribute, warehouse, store, possess, possess for the purpose of sale, bottle, rectify, blend, treat, fortify, mix, or process alcoholic beverages or possess equipment or material designed for or capable of use for manufacturing alcoholic beverages, if the right or privilege of doing so is granted by this code and the person has first obtained a license or permit of the proper type as required by this code.

(b) A license or permit issued under this code is a purely personal privilege and is subject to revocation if the holder is found to have violated a provision of this code or a rule of the commission.

SECTION 2. Sec. 71.03, (a) Alcoholic Beverage Code, is amended to read as follows:

Sec. 71.03. AUTHORITY OF LICENSEE HOLDING PACKAGE STORE PERMIT OR WINE ONLY PACKAGE STORE PERMIT. (a) The holder of a retail dealer's off-premise license who also holds a package store permit may sell beer directly to consumers by the

container, but not for resale and not to be opened or consumed on or near the premise where sold. ~~{Beer in containers holding 32 ounces or less may be sold only as follows:~~

~~(1) 12, 24, and 32 ounce containers may be sold only in the following lots or full multiples thereof:~~

~~(A) 6 containers holding 12 ounces each,~~

~~(B) 3 containers holding 24 ounces each; or~~

~~(C) 3 containers holding 32 ounces each; and~~

~~(2) 7, 8, and 16 ounce containers may be sold only in lots or full multiples of the number of containers in a retail package for that size container; for purposes of 1.04 (18) of this code including 6 packs, 8 packs, or other packages containing at least 3 containers which are packaged for purposes of retail sales.}~~

SECTION 3. Title 1, Alcoholic Beverage Code, is amended by adding Chapter 2 to read as follows:

Sec. 2.01. DEFINITIONS. In this Chapter:

(1) "Alcoholic Beverage" has the meaning assigned by Section 1.04 (1) of this Code.

(2) "Provider" means a supplier, seller or server of an alcoholic beverage and includes without limitation a person who provides an alcoholic beverage without a charge as a "host" or a person who sells or serves an alcoholic beverage as a holder of a permit or license, issued under the terms of this Code, authorizing the sale or service of an alcoholic beverage to a consumer.

(3) "Provision" includes, but is not limited to, the sale or service of an alcoholic beverage.

Sec. 2.02. CAUSES OF ACTION.

(a) This chapter does not affect the right of any person to bring a common law cause of action against any individual whose consumption of an alcoholic beverage allegedly resulted in causing the person bringing the suit to suffer personal injury or property damage.



(b) Providing, selling or serving an alcoholic beverage may be made the basis of a statutory cause of action under this chapter upon proof:

(1) that at the time the provision occurred it was clearly apparent to the provider that the individual being sold, served or provided with an alcoholic beverage was obviously intoxicated to the extent that he presented a clear danger to himself and others and that the provision was knowingly and willfully made under that circumstance;

(2) that the provider was the last contributor to the intoxication of the recipient; and that the recipient consumed no alcoholic beverage subsequent to that served by the last contributor; and

(3) that the intoxication of the recipient of the alcoholic beverage was the proximate cause of the damages suffered.

Sec. 2.03. LIABILITY EXCLUSIVE TO THIS CHAPTER.

The liability of a host, seller or server of an alcoholic beverage based on the intoxication of the recipient of the alcoholic beverage is established exclusively by this chapter and may not be predicated on any other law.

SECTION 4. Subchapter D, Chapter 102, Alcoholic Beverage Code, is amended by adding Section 102.81 to read as follows:

Sec. 102.81. ALE AND MALT LIQUOR. This subchapter and Subchapter C of this chapter apply to agreements concerning ale and malt liquor in the same manner as they apply to agreements concerning beer, and each particular class of permittee dealing with ale and malt liquor is subject to those provisions that apply to functionally corresponding licensees within the beer industry.

SECTION 5. Section 5.01(b), Alcoholic Beverage Code, is amended to read as follows:



(b) The Texas Alcoholic Beverage Commission is subject to the Texas Sunset Act (Chapter 325, Government Code). Unless continued in existence as provided by that Act, the commission is abolished and Subchapter A, Chapter 5, of this code expires September 1, 1991.

SECTION 6. Section 28.04(d), Alcoholic Beverage Code is amended to read as follows:

(d) This section does not apply to a change in corporate control:

(1) brought about by the death of a shareholder if his surviving spouse or descendants are his successors in interest; or

(2) brought about when legal or beneficial ownership of over 50 percent of the stock of the corporation has been transferred to a person who possesses the qualifications required of other applicants for permits and is currently an officer of the corporation and ~~for~~ has been an officer of the corporation ever since the date the original permit was issued.

SECTION 7, Sec. 104.01, Alcoholic Beverage Code, is amended to read as follows:

Sec. 104.01. LEWD, IMMORAL, INDECENT CONDUCT. No person authorized to sell beer at retail, nor his agent, servant, or employee, may engage in or permit conduct on the premises of the retailer which is lewd, immoral, or offensive to public decency, including, but not limited to, any of the following acts:

(1) the use of loud and vociferous or obscene, vulgar, or indecent language, or permitting its use;

(2) the exposure of person or permitting a person to expose his person;

(3) rudely displaying or permitting a person to rudely display a pistol or other deadly weapon in a manner calculated to disturb persons in the retail establishment;

(4) solicitation of any person to buy drinks for consumption by the retailer or any of his employees;



(5) being ~~[becoming]~~ intoxicated on the licensed premises or permitting an intoxicated person to remain on the licensed premises;

(6) permitting lewd or vulgar entertainment or acts;

(7) permitting solicitations of persons for immoral or sexual purposes;

(8) failing or refusing to comply with state or municipal health or sanitary laws or ordinances; or

(9) possession of a narcotic or any equipment used or designed for the administering of a narcotic or permitting a person on the licensed premises to do so.

SECTION 8. Chapter 109, Alcoholic Beverage Code, is amended by adding Sec. 109.56 to read as follows:

Sec. 109.56. CONVICTION OF OFFENSE RELATING TO DISCRIMINATION; POLICY OF NON-DISCRIMINATION.

(a) The commission or administrator may suspend for not more than 60 days or cancel an original or renewal permit if it is found, after notice and hearing that:

(1) the permittee has been finally convicted of any offense under state or federal law or a municipal ordinance prohibiting the violation of an individual's civil rights or the discrimination against an individual on the basis of the individual's race, color, creed, sex or religion; and

(2) the offense was committed on the licensed premises or in connection with the operation of the permittee's business.

(b) Except as is expressly authorized by this code, no regulation, charter or ordinance promulgated by a governmental entity of this state shall impose stricter standards upon premises or businesses requiring a license or permit under this code than are imposed upon similar premises or businesses which do not require such a license or permit. It is the intent of the legislature that this code shall exclusively govern the regulation of alcoholic beverages in this state, and that except as permitted by this code, no governmental entity of this state may discriminate against a business holding a license or permit under this code. This subsection shall not affect the validity



of any regulation, charter or ordinance which was finally enacted before the effective date of this subsection which otherwise would have been valid.

SECTION 9. Section 3 of this Act applies to all actions which are commenced on or after the effective date of this Act and to all actions which are pending on the effective date of this Act and in which the trial or any new trial or retrial following motion, appeal, or otherwise, begins on or after the effective date of this Act. In an action commenced before the effective date of this Act, a trial, new trial, or retrial that is in progress on that effective date is governed with respect to the subject matter of Section 3 of this Act by the applicable law in effect prior to that effective date, and that law is continued in effect only for this purpose.

SECTION 10. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.



SENATE AMENDMENTS

2nd Printing

By Millsap

H.B. No. 1652

A BILL TO BE ENTITLED

AN ACT

relating to the requirement that a person first obtain a license or permit before exercising a privilege authorized by the Alcoholic Beverage Code.

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

SECTION 1. Title 2, Alcoholic Beverage Code, is amended by adding Chapter 6 to read as follows:

CHAPTER 6. ACTIVITIES SUBJECT TO REGULATION

Sec. 6.01. RIGHTS AND PRIVILEGES; REVOCATION. (a) A person may manufacture, distill, brew, sell, import, export, transport, distribute, warehouse, store, possess, possess for the purpose of sale, bottle, rectify, blend, treat, fortify, mix, or process alcoholic beverages or possess equipment or material designed for or capable of use for manufacturing alcoholic beverages, if the right or privilege of doing so is granted by this code and the person has first obtained a license or permit of the proper type as required by this code.

(b) A license or permit issued under this code is a purely personal privilege and is subject to revocation if the holder is found to have violated a provision of this code or a rule of the commission.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the

H.B. No. 1652

- 1 constitutional rule requiring bills to be read on three several
- 2 days in each house be suspended, and this rule is hereby suspended.



By Millsap

H.B. No. 1652

SENATE AMENDMENT NO. 1

By Glasgow

C.S.H.B. No. 1652

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the requirement that a person first obtain a license or
3 permit before exercising a privilege authorized by the Alcoholic
4 Beverage Code and further defining certain activities subject to
5 regulation.

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

7 SECTION 1. Title 2, Alcoholic Beverage Code, is amended by
8 adding Chapter 6 to read as follows:

9 CHAPTER 6. ACTIVITIES SUBJECT TO REGULATION

10 Sec. 6.01. RIGHTS AND PRIVILEGES; REVOCATION. (a) A person
11 may manufacture, distill, brew, sell, import, export, transport,
12 distribute, warehouse, store, possess, possess for the purpose of
13 sale, bottle, rectify, blend, treat, fortify, mix, or process
14 alcoholic beverages or possess equipment or material designed for
15 or capable of use for manufacturing alcoholic beverages, if the
16 right or privilege of doing so is granted by this code and the
17 person has first obtained a license or permit of the proper type as
18 required by this code.

19 (b) A license or permit issued under this code is a purely
20 personal privilege and is subject to revocation if the holder is
21 found to have violated a provision of this code or a rule of the
22 commission.

23 SECTION 2. Sec. 71.03(a), Alcoholic Beverage Code, is
24 amended to read as follows:



1 Sec. 71.03. AUTHORITY OF LICENSEE HOLDING PACKAGE STORE
2 . PERMIT OR WINE ONLY PACKAGE STORE PERMIT. (a) The holder of a
3 retail dealer's off-premise license who also holds a package store
4 permit may sell beer directly to consumers by the container, but
5 not for resale and not to be opened or consumed on or near the
6 premise where sold. ~~{Beer-in-containers-holding-32-ounces-or-less~~
7 ~~may-be-sold-only-as-follows-~~

8 ~~[(1)--12,--24,--and-32-ounce-containers-may-be-sold-only-in-the~~
9 ~~following-lots-or-full-multiples-thereof-~~

10 ~~[(A)--6-containers-holding-12-ounces-each,~~

11 ~~[(B)--3-containers-holding-24-ounces-each,-or~~

12 ~~[(C)--3-containers-holding-32-ounces-each,-and~~

13 ~~[(2)--7,--8,--and-16-ounce-containers-may-be-sold-only-in-lots~~
14 ~~or-full-multiples-of-the-number-of-containers-in-a--retail--package~~
15 ~~for--that--size--container,-for--purposes-of-1.04(18)-of-this-code~~
16 ~~including-6-packs,--8-packs,-or-other-packages-containing-at-least-3~~
17 ~~containers-which-are-packaged-for-purposes-of-retail-sales.]~~

18 SECTION 3. Title 1, Alcoholic Beverage Code, is amended by
19 adding Chapter 2 to read as follows:

20 Sec. 2.01. DEFINITIONS. In this Chapter:

21 (1) "Alcoholic Beverage" has the meaning assigned by
22 Section 1.04(1) of this Code.

23 (2) "Provider" means a supplier, seller or server of
24 an alcoholic beverage and includes without limitation a person who
25 provides an alcoholic beverage without a charge as a "host" or a
26 person who sells or serves an alcoholic beverage as a holder of a
27 permit or license, issued under the terms of this Code, authorizing

1 the sale or service of an alcoholic beverage to a consumer.

2 (3) "Provision" includes, but is not limited to, the
3 sale or service of an alcoholic beverage.

4 Sec. 2.02. CAUSES OF ACTION. (a) This chapter does not
5 affect the right of any person to bring a common law cause of
6 action against any individual whose consumption of an alcoholic
7 beverage allegedly resulted in causing the person bringing the suit
8 to suffer personal injury or property damage.

9 (b) Providing, selling or serving an alcoholic beverage may
10 be made the basis of a statutory cause of action under this chapter
11 upon proof:

12 (1) that at the time the provision occurred it was
13 clearly apparent to the provider that the individual being sold,
14 served or provided with an alcoholic beverage was obviously
15 intoxicated to the extent that he presented a clear danger to
16 himself and others and that the provision was knowingly and
17 willfully made under that circumstance;

18 (2) that the provider was the last contributor to the
19 intoxication of the recipient; and that the recipient consumed no
20 alcoholic beverage subsequent to that served by the last
21 contributor; and

22 (3) that the intoxication of the recipient of the
23 alcoholic beverage was the proximate cause of the damages suffered.

24 Sec. 2.03. LIABILITY EXCLUSIVE TO THIS CHAPTER. The
25 liability of a host, seller or server of an alcoholic beverage
26 based on the intoxication of the recipient of the alcoholic
27 beverage is established exclusively by this chapter and may not be



1 predicated on any other law.

2 SECTION 4. Subchapter D, Chapter 102, Alcoholic Beverage
3 Code, is amended by adding Section 102.81 to read as follows:

4 Sec. 102.81. ALE AND MALT LIQUOR. This subchapter and
5 Subchapter C of this chapter apply to agreements concerning ale and
6 malt liquor in the same manner as they apply to agreements
7 concerning beer, and each particular class of permittee dealing
8 with ale and malt liquor is subject to those provisions that apply
9 to functionally corresponding licensees within the beer industry.

10 SECTION 5. Section 5.01(b), Alcoholic Beverage Code, is
11 amended to read as follows:

12 (b) The Texas Alcoholic Beverage Commission is subject to
13 the Texas Sunset Act (Chapter 325, Government Code). Unless
14 continued in existence as provided by that Act, the commission is
15 abolished and Subchapter A, Chapter 5, of this code expires
16 September 1, 1991.

17 SECTION 6. Section 28.04(d), Alcoholic Beverage Code is
18 amended to read as follows:

19 (d) This section does not apply to a change in corporate
20 control:

21 (1) brought about by the death of a shareholder if his
22 surviving spouse or descendants are his successors in interest; or

23 (2) brought about when legal or beneficial ownership
24 of over 50 percent of the stock of the corporation has been
25 transferred to a person who possesses the qualifications required
26 of other applicants for permits and is currently an officer of the
27 corporation and ~~or~~ has been an officer of the corporation ever



1 since the date the original permit was issued.

2 SECTION 7. Sec. 104.01, Alcoholic Beverage Code, is amended
3 to read as follows:

4 Sec. 104.01. LEWD, IMMORAL, INDECENT CONDUCT. No person
5 authorized to sell beer at retail, nor his agent, servant, or
6 employee, may engage in or permit conduct on the premises of the
7 retailer which is lewd, immoral, or offensive to public decency,
8 including, but not limited to, any of the following acts:

9 (1) the use of loud and vociferous or obscene, vulgar,
10 or indecent language, or permitting its use;

11 (2) the exposure of person or permitting a person to
12 expose his person;

13 (3) rudely displaying or permitting a person to rudely
14 display a pistol or other deadly weapon in a manner calculated to
15 disturb persons in the retail establishment;

16 (4) solicitation of any person to buy drinks for
17 consumption by the retailer or any of his employees;

18 (5) being [~~becoming~~] intoxicated on the licensed
19 premises or permitting an intoxicated person to remain on the
20 licensed premises;

21 (6) permitting lewd or vulgar entertainment or acts;

22 (7) permitting solicitations of persons for immoral or
23 sexual purposes;

24 (8) failing or refusing to comply with state or
25 municipal health or sanitary laws or ordinances; or

26 (9) possession of a narcotic or any equipment used or
27 designed for the administering of a narcotic or permitting a person



1 on the licensed premises to do so.

2 SECTION 8. Chapter 109, Alcoholic Beverage Code, is amended
3 by adding Sec. 109.56 to read as follows:

4 Sec. 109.56. CONVICTION OF OFFENSE RELATING TO
5 DISCRIMINATION; POLICY OF NON-DISCRIMINATION. (a) The commission
6 or administrator may suspend for not more than 60 days or cancel an
7 original or renewal permit if it is found, after notice and hearing
8 that:

9 (1) the permittee has been finally convicted of any
10 offense under state or federal law or a municipal ordinance
11 prohibiting the violation of an individual's civil rights or the
12 discrimination against an individual on the basis of the
13 individual's race, color, creed, sex or religion; and

14 (2) the offense was committed on the licensed premises
15 or in connection with the operation of the permittee's business.

16 (b) Except as is expressly authorized by this code, no
17 regulation, charter or ordinance promulgated by a governmental
18 entity of this state shall impose stricter standards upon premises
19 or businesses requiring a license or permit under this code than
20 are imposed upon similar premises or businesses which do not
21 require such a license or permit. It is the intent of the
22 legislature that this code shall exclusively govern the regulation
23 of alcoholic beverages in this state, and that except as permitted
24 by this code, no governmental entity of this state may discriminate
25 against a business holding a license or permit under this code.
26 This subsection shall not affect the validity of any regulation,
27 charter or ordinance which was finally enacted before the effective



1 date of this subsection which otherwise would have been valid.

2 SECTION 9. Section 3 of this Act applies to all actions
3 which are commenced on or after the effective date of this Act and
4 to all actions which are pending on the effective date of this Act
5 and in which the trial or any new trial or retrial following
6 motion, appeal, or otherwise, begins on or after the effective date
7 of this Act. In an action commenced before the effective date of
8 this Act, a trial, new trial, or retrial that is in progress on
9 that effective date is governed with respect to the subject matter
10 of Section 3 of this Act by the applicable law in effect prior to
11 that effective date, and that law is continued in effect only for
12 this purpose.

13 SECTION 10. EMERGENCY. The importance of this legislation
14 and the crowded condition of the calendars in both houses create an
15 emergency and an imperative public necessity that the
16 constitutional rule requiring bills to be read on three several
17 days in each house be suspended, and this rule is hereby suspended,
18 and that this Act take effect and be in force from and after its
19 passage, and it is so enacted.



CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 1652

A BILL TO BE ENTITLED

AN ACT

relating to the state and local regulation of the sale, use, production, and consumption of, and other commercial and noncommercial activities relating to, alcoholic beverages, to permits and licenses for sales and possession of alcoholic beverages, and to civil liability and civil and criminal penalties relating to alcoholic beverages.

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

SECTION 1. Title 2, Alcoholic Beverage Code, is amended by adding Chapter 6 to read as follows:

CHAPTER 6. ACTIVITIES SUBJECT TO REGULATION

Sec. 6.01. RIGHTS AND PRIVILEGES; REVOCATION. (a) A person may manufacture, distill, brew, sell, import, export, transport, distribute, warehouse, store, possess, possess for the purpose of sale, bottle, rectify, blend, treat, fortify, mix, or process alcoholic beverages or possess equipment or material designed for or capable of use for manufacturing alcoholic beverages, if the right or privilege of doing so is granted by this code and the person has first obtained a license or permit of the proper type as required by this code.

(b) A license or permit issued under this code is a purely personal privilege and is subject to revocation if the holder is found to have violated a provision of this code or a rule of the commission.

1 SECTION 2. Section 71.03(a), Alcoholic Beverage Code, is
2 amended to read as follows:

3 (a) The holder of a retail dealer's off-premise license who
4 also holds a package store permit may sell beer directly to
5 consumers by the container, but not for resale and not to be opened
6 or consumed on or near the premises where sold. [Beer--in
7 containers--holding--32-ounces-or-less-may-be-sold-only-as-follows-

8 [(1)--12-, 24-, and 32-ounce-containers-may-be-sold--only
9 in-the-following-lots-or-full-multiples-thereof-

10 [(A)--6-containers-holding-12-ounces-each,

11 [(B)--3-containers-holding-24-ounces-each,-or

12 [(C)--3-containers-holding-32-ounces-each,-and

13 [(2)--7-, 8-, and 16-ounce-containers-may-be-sold-only-in

14 lots--or--full--multiples--of--the-number-of-containers-in-a-retail

15 package-for-that-size--container,-for--purposes--of--this--section

16 "retail-package" shall mean original packages as defined in Section

17 1.04(18) of this code including 6-packs, 8-packs, or other packages

18 containing at least 3 containers which are packaged for purposes of

19 retail sales.]

20 SECTION 3. Title 1, Alcoholic Beverage Code, is amended by
21 adding Chapter 2 to read as follows:

22 CHAPTER 2. CIVIL LIABILITIES FOR SERVING BEVERAGES

23 Sec. 2.01. DEFINITIONS. In this chapter:

24 (1) "Provider" means a person who sells or serves an
25 alcoholic beverage under authority of a license or permit issued
26 under the terms of this code or who otherwise sells an alcoholic
27 beverage to an individual.



1 (2) "Provision" includes, but is not limited to, the
2 sale or service of an alcoholic beverage.

3 Sec. 2.02. CAUSES OF ACTION. (a) This chapter does not
4 affect the right of any person to bring a common law cause of
5 action against any individual whose consumption of an alcoholic
6 beverage allegedly resulted in causing the person bringing the suit
7 to suffer personal injury or property damage.

8 (b) Providing, selling, or serving an alcoholic beverage may
9 be made the basis of a statutory cause of action under this chapter
10 and may be made the basis of a revocation proceeding under Section
11 6.01(b) of this code upon proof that:

12 (1) at the time the provision occurred it was apparent
13 to the provider that the individual being sold, served, or provided
14 with an alcoholic beverage was obviously intoxicated to the extent
15 that he presented a clear danger to himself and others; and

16 (2) the intoxication of the recipient of the alcoholic
17 beverage was a proximate cause of the damages suffered.

18 Sec. 2.03. STATUTORY REMEDY. The liability of providers
19 under this chapter for the actions of their customers, members, or
20 guests who are or become intoxicated is in lieu of common law or
21 other statutory law warranties and duties of providers of alcoholic
22 beverages. This chapter does not impose obligations on a provider
23 of alcoholic beverages other than those expressly stated in this
24 chapter. This chapter provides the exclusive cause of action for
25 providing an alcoholic beverage to a person 18 years of age or
26 older.

27 SECTION 4. Subchapter D, Chapter 102, Alcoholic Beverage



1 Code, is amended by adding Section 102.81 to read as follows:

2 Sec. 102.81. ALE AND MALT LIQUOR. This subchapter and
3 Subchapter C of this chapter apply to agreements concerning ale and
4 malt liquor in the same manner as they apply to agreements
5 concerning beer, and each particular class of permittee dealing
6 with ale and malt liquor is subject to those provisions that apply
7 to functionally corresponding licensees within the beer industry.

8 SECTION 5. Section 5.01(b), Alcoholic Beverage Code, is
9 amended to read as follows:

10 (b) The Texas Alcoholic Beverage Commission is subject to
11 the Texas Sunset Act (Chapter 325, Government Code). Unless
12 continued in existence as provided by that Act, the commission is
13 abolished and Subchapter A of this chapter [eode] expires
14 September 1, 1991.

15 SECTION 6. Section 28.04(d), Alcoholic Beverage Code, is
16 amended to read as follows:

17 (d) This section does not apply to a change in corporate
18 control:

19 (1) brought about by the death of a shareholder if his
20 surviving spouse or descendants are his successors in interest; or

21 (2) brought about when legal or beneficial ownership
22 of over 50 percent of the stock of the corporation has been
23 transferred to a person who possesses the qualifications required
24 of other applicants for permits and is currently an officer of the
25 corporation and [er] has been an officer of the corporation ever
26 since the date the original permit was issued.

27 SECTION 7. Section 104.01, Alcoholic Beverage Code, is



1 amended to read as follows:

2 Sec. 104.01. LEWD, IMMORAL, INDECENT CONDUCT. No person
3 authorized to sell beer at retail, nor his agent, servant, or
4 employee, may engage in or permit conduct on the premises of the
5 retailer which is lewd, immoral, or offensive to public decency,
6 including, but not limited to, any of the following acts:

7 (1) the use of loud and vociferous or obscene, vulgar,
8 or indecent language, or permitting its use;

9 (2) the exposure of person or permitting a person to
10 expose his person;

11 (3) rudely displaying or permitting a person to rudely
12 display a pistol or other deadly weapon in a manner calculated to
13 disturb persons in the retail establishment;

14 (4) solicitation of any person to buy drinks for
15 consumption by the retailer or any of his employees;

16 (5) being [beecming] intoxicated on the licensed
17 premises or permitting an intoxicated person to remain on the
18 licensed premises;

19 (6) permitting lewd or vulgar entertainment or acts;

20 (7) permitting solicitations of persons for immoral or
21 sexual purposes;

22 (8) failing or refusing to comply with state or
23 municipal health or sanitary laws or ordinances; or

24 (9) possession of a narcotic or any equipment used or
25 designed for the administering of a narcotic or permitting a person
26 on the licensed premises to do so.

27 SECTION 8. Subchapter D, Chapter 109, Alcoholic Beverage



1 Code, is amended by adding Sections 109.56 and 109.57 to read as
2 follows:

3 Sec. 109.56. CONVICTION OF OFFENSE RELATING TO
4 DISCRIMINATION; POLICY OF NONDISCRIMINATION. The commission or
5 administrator may suspend for not more than 60 days or cancel an
6 original or renewal permit if it is found, after notice and hearing
7 that:

8 (1) the permittee has been finally convicted of any
9 offense under state or federal law or a municipal ordinance
10 prohibiting the violation of an individual's civil rights or the
11 discrimination against an individual on the basis of the
12 individual's race, color, creed, sex, or religion; and

13 (2) the offense was committed on the licensed premises
14 or in connection with the operation of the permittee's business.

15 Sec. 109.57. APPLICATION OF CODE; OTHER JURISDICTIONS. (a)
16 Except as is expressly authorized by this code, a regulation,
17 charter, or ordinance promulgated by a governmental entity of this
18 state may not impose stricter standards on premises or businesses
19 required to have a license or permit under this code than are
20 imposed on similar premises or businesses that are not required to
21 have such a license or permit.

22 (b) It is the intent of the legislature that this code shall
23 exclusively govern the regulation of alcoholic beverages in this
24 state, and that except as permitted by this code, a governmental
25 entity of this state may not discriminate against a business
26 holding a license or permit under this code.

27 (c) This section does not affect the validity or invalidity



1 of a regulation, charter, or ordinance that was finally enacted
2 before the effective date of the Act adding this section to this
3 code and that is otherwise valid.

4 (d) This section does not affect the authority of a
5 governmental entity to regulate, in a manner as otherwise permitted
6 by law, the location of:

7 (1) a massage parlor, nude modeling studio, or other
8 sexually oriented business; or

9 (2) an establishment that derives 75 percent or more
10 of the establishment's gross revenue from the on-premise sale of
11 alcoholic beverages.

12 SECTION 9. Section 3 of this Act applies only to a cause of
13 action that accrues on or after the effective date of this Act. An
14 action that accrued before the effective date of this Act is
15 governed by the law in effect at the time the action accrued, and
16 that law is continued in effect only for this purpose.

17 SECTION 10. The importance of this legislation and the
18 crowded condition of the calendars in both houses create an
19 emergency and an imperative public necessity that the
20 constitutional rule requiring bills to be read on three several
21 days in each house be suspended, and this rule is hereby suspended,
22 and that this Act take effect and be in force from and after its
23 passage, and it is so enacted.



ENROLLED

H.B. No. 1652

AN ACT
relating to the state and local regulation of the sale, use,
production, and consumption of, and other commercial and
noncommercial activities relating to, alcoholic beverages, to
permits and licenses for sales and possession of alcoholic
beverages, and to civil liability and civil and criminal penalties
relating to alcoholic beverages.

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

9 SECTION 1. Title 2, Alcoholic Beverage Code, is amended by
10 adding Chapter 6 to read as follows:

11 CHAPTER 6. ACTIVITIES SUBJECT TO REGULATION

12 Sec. 6.01. RIGHTS AND PRIVILEGES; REVOCATION. (a) A person
13 may manufacture, distill, brew, sell, import, export, transport,
14 distribute, warehouse, store, possess, possess for the purpose of
15 sale, bottle, rectify, blend, treat, fortify, mix, or process
16 alcoholic beverages or possess equipment or material designed for
17 or capable of use for manufacturing alcoholic beverages, if the
18 right or privilege of doing so is granted by this code and the
19 person has first obtained a license or permit of the proper type as
20 required by this code.

21 (b) A license or permit issued under this code is a purely
22 personal privilege and is subject to revocation if the holder is
23 found to have violated a provision of this code or a rule of the
24 commission.

1 SECTION 2. Section 71.03(a), Alcoholic Beverage Code, is
2 amended to read as follows:

3 (a) The holder of a retail dealer's off-premise license who
4 also holds a package store permit may sell beer directly to
5 consumers by the container, but not for resale and not to be opened
6 or consumed on or near the premises where sold. [Beer--in
7 containers--holding--32-ounces-or-less-may-be-sold-only-as-fellows-

8 [(1)--12, 24, and 32-ounce-containers-may-be-sold--only
9 in-the-following-lots-or-full-multiples-thereof-

10 [(A)--6-containers-holding-12-ounces-each;

11 [(B)--3-containers-holding-24-ounces-each;-or

12 [(C)--3-containers-holding-32-ounces-each;-and

13 [(2)--7, 8, and 16-ounce-containers-may-be-sold-only-in
14 lots--or--full--multiples--of--the-number-of-containers-in-a-retail
15 package-for-that-size--container;-for--purposes--of--this--section
16 "retail-package" shall mean original packages as defined in Section
17 17.04(18) of this code including 6-packs, 8-packs, or other packages
18 containing at least 3 containers which are packaged for purposes of
19 retail sales.]

20 SECTION 3. Title 1, Alcoholic Beverage Code, is amended by
21 adding Chapter 2 to read as follows:

22 CHAPTER 2. CIVIL LIABILITIES FOR SERVING BEVERAGES

23 Sec. 2.01. DEFINITIONS. In this chapter:

24 (1) "Provider" means a person who sells or serves an
25 alcoholic beverage under authority of a license or permit issued
26 under the terms of this code or who otherwise sells an alcoholic
27 beverage to an individual.



1 (2) "Provision" includes, but is not limited to, the
2 sale or service of an alcoholic beverage.

3 Sec. 2.02. CAUSES OF ACTION. (a) This chapter does not
4 affect the right of any person to bring a common law cause of
5 action against any individual whose consumption of an alcoholic
6 beverage allegedly resulted in causing the person bringing the suit
7 to suffer personal injury or property damage.

8 (b) Providing, selling, or serving an alcoholic beverage may
9 be made the basis of a statutory cause of action under this chapter
10 and may be made the basis of a revocation proceeding under Section
11 6.01(b) of this code upon proof that:

12 (1) at the time the provision occurred it was apparent
13 to the provider that the individual being sold, served, or provided
14 with an alcoholic beverage was obviously intoxicated to the extent
15 that he presented a clear danger to himself and others; and

16 (2) the intoxication of the recipient of the alcoholic
17 beverage was a proximate cause of the damages suffered.

18 Sec. 2.03. STATUTORY REMEDY. The liability of providers
19 under this chapter for the actions of their customers, members, or
20 guests who are or become intoxicated is in lieu of common law or
21 other statutory law warranties and duties of providers of alcoholic
22 beverages. This chapter does not impose obligations on a provider
23 of alcoholic beverages other than those expressly stated in this
24 chapter. This chapter provides the exclusive cause of action for
25 providing an alcoholic beverage to a person 18 years of age or
26 older.

27 SECTION 4. Subchapter D, Chapter 102, Alcoholic Beverage



1 Code, is amended by adding Section 102.81 to read as follows:

2 Sec. 102.81. ALE AND MALT LIQUOR. This subchapter and
3 Subchapter C of this chapter apply to agreements concerning ale and
4 malt liquor in the same manner as they apply to agreements
5 concerning beer, and each particular class of permittee dealing
6 with ale and malt liquor is subject to those provisions that apply
7 to functionally corresponding licensees within the beer industry.

8 SECTION 5. Section 5.01(b), Alcoholic Beverage Code, is
9 amended to read as follows:

10 (b) The Texas Alcoholic Beverage Commission is subject to
11 the Texas Sunset Act (Chapter 325, Government Code). Unless
12 continued in existence as provided by that Act, the commission is
13 abolished and Subchapter A of this chapter [eede] expires
14 September 1, 1991.

15 SECTION 6. Section 28.04(d), Alcoholic Beverage Code, is
16 amended to read as follows:

17 (d) This section does not apply to a change in corporate
18 control:

19 (1) brought about by the death of a shareholder if his
20 surviving spouse or descendants are his successors in interest; or

21 (2) brought about when legal or beneficial ownership
22 of over 50 percent of the stock of the corporation has been
23 transferred to a person who possesses the qualifications required
24 of other applicants for permits and is currently an officer of the
25 corporation and [e*] has been an officer of the corporation ever
26 since the date the original permit was issued.

27 SECTION 7. Section 104.01, Alcoholic Beverage Code, is



1 amended to read as follows:

2 Sec. 104.01. LEWD, IMMORAL, INDECENT CONDUCT. No person
3 authorized to sell beer at retail, nor his agent, servant, or
4 employee, may engage in or permit conduct on the premises of the
5 retailer which is lewd, immoral, or offensive to public decency,
6 including, but not limited to, any of the following acts:

7 (1) the use of loud and vociferous or obscene, vulgar,
8 or indecent language, or permitting its use;

9 (2) the exposure of person or permitting a person to
10 expose his person;

11 (3) rudely displaying or permitting a person to rudely
12 display a pistol or other deadly weapon in a manner calculated to
13 disturb persons in the retail establishment;

14 (4) solicitation of any person to buy drinks for
15 consumption by the retailer or any of his employees;

16 (5) being [becoming] intoxicated on the licensed
17 premises or permitting an intoxicated person to remain on the
18 licensed premises;

19 (6) permitting lewd or vulgar entertainment or acts;

20 (7) permitting solicitations of persons for immoral or
21 sexual purposes;

22 (8) failing or refusing to comply with state or
23 municipal health or sanitary laws or ordinances; or

24 (9) possession of a narcotic or any equipment used or
25 designed for the administering of a narcotic or permitting a person
26 on the licensed premises to do so.

27 SECTION 8. Subchapter D, Chapter 109, Alcoholic Beverage



1 Code, is amended by adding Sections 109.56 and 109.57 to read as
2 follows:

3 Sec. 109.56. CONVICTION OF OFFENSE RELATING TO
4 DISCRIMINATION; POLICY OF NONDISCRIMINATION. The commission or
5 administrator may suspend for not more than 60 days or cancel an
6 original or renewal permit if it is found, after notice and hearing
7 that:

8 (1) the permittee has been finally convicted of any
9 offense under state or federal law or a municipal ordinance
10 prohibiting the violation of an individual's civil rights or the
11 discrimination against an individual on the basis of the
12 individual's race, color, creed, sex, or religion; and

13 (2) the offense was committed on the licensed premises
14 or in connection with the operation of the permittee's business.

15 Sec. 109.57. APPLICATION OF CODE; OTHER JURISDICTIONS. (a)
16 Except as is expressly authorized by this code, a regulation,
17 charter, or ordinance promulgated by a governmental entity of this
18 state may not impose stricter standards on premises or businesses
19 required to have a license or permit under this code than are
20 imposed on similar premises or businesses that are not required to
21 have such a license or permit.

22 (b) It is the intent of the legislature that this code shall
23 exclusively govern the regulation of alcoholic beverages in this
24 state, and that except as permitted by this code, a governmental
25 entity of this state may not discriminate against a business
26 holding a license or permit under this code.

27 (c) This section does not affect the validity or invalidity



1 of a regulation, charter, or ordinance that was finally enacted
2 before the effective date of the Act adding this section to this
3 code and that is otherwise valid.

4 (d) This section does not affect the authority of a
5 governmental entity to regulate, in a manner as otherwise permitted
6 by law, the location of:

7 (1) a massage parlor, nude modeling studio, or other
8 sexually oriented business; or

9 (2) an establishment that derives 75 percent or more
10 of the establishment's gross revenue from the on-premise sale of
11 alcoholic beverages.

12 SECTION 9. Section 3 of this Act applies only to a cause of
13 action that accrues on or after the effective date of this Act. An
14 action that accrued before the effective date of this Act is
15 governed by the law in effect at the time the action accrued, and
16 that law is continued in effect only for this purpose.

17 SECTION 10. The importance of this legislation and the
18 crowded condition of the calendars in both houses create an
19 emergency and an imperative public necessity that the
20 constitutional rule requiring bills to be read on three several
21 days in each house be suspended, and this rule is hereby suspended,
22 and that this Act take effect and be in force from and after its
23 passage, and it is so enacted.



H.B. No. 1652

President of the Senate

Speaker of the House

I certify that H.B. No. 1652 was passed by the House on April 23, 1987, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 1652 on May 30, 1987, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1652 on June 1, 1987, by the following vote: Yeas 142, Nays 1, 1 present, not voting.

Chief Clerk of the House



H.B. No. 1652

I certify that H.B. No. 1652 was passed by the Senate, with amendments, on May 27, 1987, by the following vote: Yeas 29, Nays 1; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1652 on June 1, 1987, by the following vote: Yeas 29, Nays 2.

Secretary of the Senate

APPROVED: _____

Date

Governor



CHAPTER 303

H.B. No. 1652

AN ACT

relating to the state and local regulation of the sale, use, production, and consumption of, and other commercial and noncommercial activities relating to, alcoholic beverages, to permits and licenses for sales and possession of alcoholic beverages, and to civil liability and civil and criminal penalties relating to alcoholic beverages.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Title 2, Alcoholic Beverage Code, is amended by adding Chapter 6 to read as follows:

CHAPTER 6. ACTIVITIES SUBJECT TO REGULATION

Sec. 6.01. RIGHTS AND PRIVILEGES; REVOCATION. (a) A person may manufacture, distill, brew, sell, import, export, transport, distribute, warehouse, store, possess, possess for the purpose of sale, bottle, rectify, blend, treat, fortify, mix, or process alcoholic beverages or possess equipment or material designed for or capable of use for manufacturing alcoholic beverages, if the right or privilege of doing so is granted by this code and the person has first obtained a license or permit of the proper type as required by this code.

(b) A license or permit issued under this code is a purely personal privilege and is subject to revocation if the holder is found to have violated a provision of this code or a rule of the commission.

SECTION 2. Section 71.03(a), Alcoholic Beverage Code, is amended to read as follows:

(a) The holder of a retail dealer's off-premise license who also holds a package store permit may sell beer directly to consumers by the container, but not for resale and not to be opened or consumed on or near the premises where sold. ~~[Beer in containers holding 32 ounces or less may be sold only as follows:~~

~~[(1) 12, 24, and 32-ounce containers may be sold only in the following lots or full multiples thereof:~~

~~[(A) 6 containers holding 12 ounces each;~~

~~[(B) 3 containers holding 24 ounces each; or~~

~~[(C) 3 containers holding 32 ounces each; and~~

~~[(2) 7, 8, and 16-ounce containers may be sold only in lots or full multiples of the number of containers in a retail package for that size container; for purposes of this section "retail package" shall mean original packages as defined in Section 1.04(18) of~~

1673



~~this code including 6-packs, 8-packs, or other packages containing at least 3 containers which are packaged for purposes of retail sales.]~~

SECTION 3. Title 1, Alcoholic Beverage Code, is amended by adding Chapter 2 to read as follows:

CHAPTER 2. CIVIL LIABILITIES FOR SERVING BEVERAGES

Sec. 2.01. **DEFINITIONS.** In this chapter:

(1) "Provider" means a person who sells or serves an alcoholic beverage under authority of a license or permit issued under the terms of this code or who otherwise sells an alcoholic beverage to an individual.

(2) "Provision" includes, but is not limited to, the sale or service of an alcoholic beverage.

Sec. 2.02. **CAUSES OF ACTION.** (a) This chapter does not affect the right of any person to bring a common law cause of action against any individual whose consumption of an alcoholic beverage allegedly resulted in causing the person bringing the suit to suffer personal injury or property damage.

(b) Providing, selling, or serving an alcoholic beverage may be made the basis of a statutory cause of action under this chapter and may be made the basis of a revocation proceeding under Section 6.01(b) of this code upon proof that:

(1) at the time the provision occurred it was apparent to the provider that the individual being sold, served, or provided with an alcoholic beverage was obviously intoxicated to the extent that he presented a clear danger to himself and others; and

(2) the intoxication of the recipient of the alcoholic beverage was a proximate cause of the damages suffered.

Sec. 2.03. **STATUTORY REMEDY.** The liability of providers under this chapter for the actions of their customers, members, or guests who are or become intoxicated is in lieu of common law or other statutory law warranties and duties of providers of alcoholic beverages. This chapter does not impose obligations on a provider of alcoholic beverages other than those expressly stated in this chapter. This chapter provides the exclusive cause of action for providing an alcoholic beverage to a person 18 years of age or older.

SECTION 4. Subchapter D, Chapter 102, Alcoholic Beverage Code, is amended by adding Section 102.81 to read as follows:

Sec. 102.81. **ALE AND MALT LIQUOR.** This subchapter and Subchapter C of this chapter apply to agreements concerning ale and malt liquor in the same manner as they apply to agreements concerning beer, and each particular class of permittee dealing with ale and malt liquor is subject to those provisions that apply to functionally corresponding licensees within the beer industry.

SECTION 5. Section 5.01(b), Alcoholic Beverage Code, is amended to read as follows:

(b) The Texas Alcoholic Beverage Commission is subject to the Texas Sunset Act (Chapter 325, Government Code). Unless continued in existence as provided by that Act, the commission is abolished and Subchapter A of this chapter [code] expires September 1, 1991.

SECTION 6. Section 28.04(d), Alcoholic Beverage Code, is amended to read as follows:

(d) This section does not apply to a change in corporate control:

(1) brought about by the death of a shareholder if his surviving spouse or descendants are his successors in interest; or

(2) brought about when legal or beneficial ownership of over 50 percent of the stock of the corporation has been transferred to a person who possesses the qualifications required of other applicants for permits and is *currently* an officer of the corporation and ~~[or]~~ has been an officer of the corporation *ever since the date* the original permit was issued.

SECTION 7. Section 104.01, Alcoholic Beverage Code, is amended to read as follows:



Sec. 104.01. LEWD, IMMORAL, INDECENT CONDUCT. No person authorized to sell beer at retail, nor his agent, servant, or employee, may engage in or permit conduct on the premises of the retailer which is lewd, immoral, or offensive to public decency, including, but not limited to, any of the following acts:

- (1) the use of loud and vociferous or obscene, vulgar, or indecent language, or permitting its use;
- (2) the exposure of person or permitting a person to expose his person;
- (3) rudely displaying or permitting a person to rudely display a pistol or other deadly weapon in a manner calculated to disturb persons in the retail establishment;
- (4) solicitation of any person to buy drinks for consumption by the retailer or any of his employees;
- (5) *being* [becoming] intoxicated on the licensed premises or permitting an intoxicated person to remain on the licensed premises;
- (6) permitting lewd or vulgar entertainment or acts;
- (7) permitting solicitations of persons for immoral or sexual purposes;
- (8) failing or refusing to comply with state or municipal health or sanitary laws or ordinances; or
- (9) possession of a narcotic or any equipment used or designed for the administering of a narcotic or permitting a person on the licensed premises to do so.

SECTION 8. Subchapter D, Chapter 109, Alcoholic Beverage Code, is amended by adding Sections 109.56 and 109.57 to read as follows:

Sec. 109.56. CONVICTION OF OFFENSE RELATING TO DISCRIMINATION; POLICY OF NONDISCRIMINATION. The commission or administrator may suspend for not more than 60 days or cancel an original or renewal permit if it is found, after notice and hearing that:

- (1) *the permittee has been finally convicted of any offense under state or federal law or a municipal ordinance prohibiting the violation of an individual's civil rights or the discrimination against an individual on the basis of the individual's race, color, creed, sex, or religion; and*
- (2) *the offense was committed on the licensed premises or in connection with the operation of the permittee's business.*

Sec. 109.57. APPLICATION OF CODE; OTHER JURISDICTIONS. (a) Except as is expressly authorized by this code, a regulation, charter, or ordinance promulgated by a governmental entity of this state may not impose stricter standards on premises or businesses required to have a license or permit under this code than are imposed on similar premises or businesses that are not required to have such a license or permit.

(b) It is the intent of the legislature that this code shall exclusively govern the regulation of alcoholic beverages in this state, and that except as permitted by this code, a governmental entity of this state may not discriminate against a business holding a license or permit under this code.

(c) This section does not affect the validity or invalidity of a regulation, charter, or ordinance that was finally enacted before the effective date of the Act adding this section to this code and that is otherwise valid.

(d) This section does not affect the authority of a governmental entity to regulate, in a manner as otherwise permitted by law, the location of:

- (1) *a massage parlor, nude modeling studio, or other sexually oriented business; or*
- (2) *an establishment that derives 75 percent or more of the establishment's gross revenue from the on-premise sale of alcoholic beverages.*

SECTION 9. Section 3 of this Act applies only to a cause of action that accrues on or after the effective date of this Act. An action that accrued before the effective date of this Act is governed by the law in effect at the time the action accrued, and that law is continued in effect only for this purpose.



SECTION 10. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 23, 1987, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 1652 on May 30, 1987, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1652 on June 1, 1987, by the following vote: Yeas 142, Nays 1, 1 present, not voting. Passed by the Senate, with amendments, on May 27, 1987, by the following vote: Yeas 29, Nays 1; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1652 on June 1, 1987, by the following vote: Yeas 29, Nays 2.

Approved June 11, 1987.

Effective June 11, 1987.



PLISR002

H Passed to engrossment	04/23/87	1276
H Read 3rd time	04/23/87	1294
H Passed	04/23/87	1294
H Record vote	04/23/87	1294
H Reported engrossed	04/23/87	1387
H Sent to the Senate	04/24/87	0
S House passage reported	04/24/87	767
S Read first time	04/27/87	809
S Referred to Finance	04/27/87	809
S Scheduled for public hearing on	05/05/87	0
S No action taken in committee	05/05/87	0
S Scheduled for public hearing on	05/11/87	0
S Considered in public hearing	05/11/87	0
S Testimony taken in committee	05/11/87	0
S Reported favorably with substitute	05/12/87	1090
S Rules suspended	05/27/87	1894
S Read 2nd time & passed to 3rd reading	05/27/87	1894
S Rules suspended	05/27/87	1894
S Record vote	05/27/87	1894
S Read 3rd time	05/27/87	1894
S Passed	05/27/87	1894
S Record vote	05/27/87	1894
H Returned from Senate as amended	05/27/87	3623
H House concurred in Senate amendments	05/29/87	3863
H Text of Senate amendments	05/29/87	3863
H Reported enrolled	05/29/87	4118
H Signed in the House	05/30/87	4072
S Signed in the Senate	05/31/87	2401
H Sent to the Governor	05/31/87	0
H Signed by the Governor	06/18/87	0
H Effective in 90 days-8/31/87	06/18/87	0

HB1651	AUTHOR: Polumbo	SPONSOR:	DATE	PAGE
Relating to purchase of service credit in the Teacher Retirement System of Texas by vocational teachers.				
HOUSE	COMM: Retirement and Aging			
COUNCIL DRAFT:	70R0213 GCH	COMPANION DOCUMENT:		
SUBJECT (S): Retirement Systems--Teachers				
H Filed			03/11/87	0
H Read first time			03/19/87	601
H Referred to Retirement and Aging			03/19/87	601
H Scheduled for public hearing on			04/29/87	0
H Considered in public hearing			04/29/87	0
H Testimony received in committee			04/29/87	0
H Referred to subcommittee			04/29/87	0
H Posting rule suspended			05/13/87	2177
H Considered by s/c in public hearing			05/13/87	0
H Pending in subcommittee			05/13/87	0

HB1652	AUTHOR: Millsap	SPONSOR: Glasgow	DATE	PAGE
Relating to the state and local regulation of the sale, use, production, and consumption of, and other commercial and noncommercial activities relating to, alcoholic beverages, to permits, and licenses for sales and...				
HOUSE	COMM: Liquor Regulation			
SENATE	COMM: Economic Development			
COUNCIL DRAFT:		COMPANION DOCUMENT: SB00871		
SUBJECT (S): Alcoholic Beverage Regulation				
DRAM SHOP				
REMARKS: House Conferees: Millsap-Chair, C.Evans, Cain, Hury, Patronella.				
Senate Conferees: Glasgow-Chair, McFarland, Santiesteban, Harris, Anderson.				
H Filed			03/11/87	0
H Read first time			03/19/87	602
H Referred to Liquor Regulation			03/19/87	602
H Scheduled for public hearing on			04/13/87	0
H Coauthor authorized			04/13/87	1163
H Considered in public hearing			04/13/87	0
H Reported favorably w/o amendments			04/13/87	1162
H 1st Printing sent to Local & Consent Cal.			04/15/87	0
H Placed on Consent Calendar			04/23/87	0
H Read 2nd time			04/23/87	1276



PLISR002

H Passed to engrossment	04/23/87	1276
H Read 3rd time	04/23/87	1293
H Passed	04/23/87	1293
H Reported engrossed	04/23/87	1387
H Sent to the Senate	04/24/87	0
S House passage reported	04/24/87	767
S Read first time	04/27/87	809
S Referred to Economic Development	04/27/87	809
S Scheduled for public hearing on	05/15/87	0
S Considered in public hearing	05/15/87	0
S Left as pending business in committee	05/15/87	0
S Scheduled for public hearing on	05/18/87	0
S No action taken in committee	05/18/87	0
S Considered in public hearing	05/25/87	0
S Testimony taken in committee	05/25/87	0
S Reported favorably with substitute	05/25/87	1692
S Rules suspended	05/27/87	1911
S Read 2nd time & passed to 3rd reading	05/27/87	1911
S Rules suspended	05/27/87	1912
S Record vote	05/27/87	1912
S Read 3rd time	05/27/87	1912
S Passed	05/27/87	1912
S Record vote	05/27/87	1912
H Returned from Senate as amended	05/27/87	3642
H House refuses to concur in Sen. amend.	05/30/87	4070
H Conference committee requested	05/30/87	4070
H House conferees appointed	05/30/87	4070
S H. refused to concur in S. amend.	05/30/87	2384
S Conference committee requested	05/30/87	2384
S Senate conferees appointed	05/30/87	2384
H S. granted request for conf. comm.	05/31/87	4124
H Senate conferees appointed	05/31/87	4124
H Scheduled for Conf. Committee Meeting	05/31/87	0
S Conference comm. report read & filed	06/01/87	2651
S Senate adopts conference comm. report	06/01/87	2664
S Member vote recorded in Journal	06/01/87	2664
H Rules suspended	06/01/87	0
H H. adopted conference committee report	06/01/87	4312
H Record vote	06/01/87	4312
H Senate adopted conf. comm. report	06/01/87	4318
S Vote reconsidered	06/01/87	2702
S Senate adopts conference comm. report	06/01/87	2702
S Record vote	06/01/87	2702
H Senate adopted conf. comm. report	06/01/87	0
H Reported enrolled	06/01/87	0
H Signed in the House	06/01/87	4364
S Signed in the Senate	06/02/87	2839
H Sent to the Governor	06/03/87	4365
H Signed by the Governor	06/11/87	0
H Effective immediately	06/11/87	0

HB1653 AUTHOR: Kuempel

SPONSOR: Green

DATE PAGE

Relating to alcoholic beverage distributor's license.

HOUSE COMM: Liquor Regulation

SENATE COMM: Economic Development

COUNCIL DRAFT:

COMPANION DOCUMENT:

SUBJECT (S): Alcoholic Beverage Regulation

H Filed	03/11/87	0
H Read first time	03/19/87	602
H Referred to Liquor Regulation	03/19/87	602
H Scheduled for public hearing on	04/13/87	0
H Considered in public hearing	04/13/87	0
H Reported favorably w/o amendments	04/13/87	1162
H 1st Printing sent to Local & Consent Cal.	04/15/87	0
H Placed on Consent Calendar	04/23/87	0
H Read 2nd time	04/23/87	1276
H Passed to engrossment	04/23/87	1276
H Read 3rd time	04/23/87	1293
H Passed	04/23/87	1293
H Reported engrossed	04/23/87	1387
H Sent to the Senate	04/24/87	0



COMMITTEE REPORT

The Honorable Glb Lewis
Speaker of the House of Representatives

April 13, 1987
(date)

Sir:

We, your COMMITTEE ON LIQUOR REGULATION,

to whom was referred H.B. 1652 have had the same under consideration and beg to report
(measure)
back with the recommendation that it

☒ do pass, without amendment.
☐ do pass, with amendment(s).
☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. ☒ yes ☐ no An actuarial analysis was requested. ☐ yes ☒ no

An author's fiscal statement was requested. ☐ yes ☒ no

The Committee recommends that this measure be placed on the ~~Agenda~~ (Consent) Calendar.

This measure ☐ proposes new law. ☒ amends existing law.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Wilson, Ch.				X
Thompson, G., V.C.	X			
Moreno, A., C.B.O.	X			
Barton				X
Cuellar, H.	X			
Patronella	X			
Repp	X			
Watson	X			
Willis				X

Total

6 aye
0 nay
0 present, not voting
3 absent

CHAIRMAN

COMMITTEE COORDINATOR

BILL ANALYSIS

COMMITTEE ON LIQUOR REGULATION

H.B. 1652 by Millsap, et al.

Background Information:

Under current law Sections 11.01 and 61.01 of the Alcoholic Beverage Code govern the authorization of persons to perform certain acts if they are the holder of either a permit or license of the proper type. Section 11.01 is exclusive to permits (liquor) and Section 61.01 deals exclusively with licenses (beer).

One of the major goals of the Texas Alcoholic Beverage Commission is the regulation of every person and premise where alcoholic beverages are available (for the purpose of sale). State law requires that they be subject to state regulation and scrutiny. H.B. 1652 draws language from both Sections 11.01 and 61.01 and makes applicable common language for beer and liquor - all alcoholic beverages.

Purpose:

To combine language to regulate both beer and liquor, and to define who may exercise privileges under the Texas Alcoholic Beverage Code.

Section by Section Analysis:

Section 1. Amends Title 2, Alcoholic Beverage Code,
by adding Chapter 6.

Section 6.011(a) Explains rights and privileges
of a person who has first obtained a license or
permit of the proper type.
(b) Revocation if holder violates code.

Section 2. Emergency Clause.

Rulemaking Authority:

It is the opinion of the committee that this bill does not delegate any new rulemaking authority to any state agency, officer, department, or institution.

Summary of Committee Action

H.B. 1652 was considered in public hearing on April 13, 1987. No one testified in favor of or against the bill. The motion to report the bill favorably and that it be placed on the Consent Calendar passed by a vote of (6) ayes, (0) nays, (0) PNV, (3) absent.



LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 26, 1987

TO: Honorable Ron Wilson, Chair
Committee on Liquor Regulation
House of Representatives
Austin, Texas

In Re: House Bill No. 1652
By: Millsap

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 1652 (relating to the requirement that a person first obtain a license or permit before exercising a privilege authorized by the Alcoholic Beverage Code) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: Alcoholic Beverage Commission;
LBB Staff: JO, HES, JWH, JG, MC



LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 26, 1987

TO: Honorable Ron Wilson, Chair
Committee on Liquor Regulation
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In Re: House Bill No. 1652
By: Millsap

FROM: Jim Oliver, Director

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Source: Alcoholic Beverage Commission;
LBB Staff: JO, HES, JWH, JG, MC

LIS - 5b



LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 26, 1987

TO: Honorable Ron Wilson, Chair
Committee on Liquor Regulation
House of Representatives
Austin, Texas

In Re: House Bill No. 1652
By: Millsap

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 1652 (relating to the requirement that a person first obtain a license or permit before exercising a privilege authorized by the Alcoholic Beverage Code) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: Alcoholic Beverage Commission;
LBB Staff: JO, HES, JWH, JG, MC

LEGISLATIVE INTENT SERVICE, INC. (530) 666-1917



LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 26, 1987

TO: Honorable Ron Wilson, Chair
Committee on Liquor Regulation
House of Representatives
Austin, Texas

In Re: House Bill No. 1652
By: Millsap

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 1652 (relating to the requirement that a person first obtain a license or permit before exercising a privilege authorized by the Alcoholic Beverage Code) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: Alcoholic Beverage Commission;
LBB Staff: JO, HES, JWH, JG, MC

LEGISLATIVE INTENT SERVICE, INC. (530) 666-1917



SENATE FAVORABLY AS SUBSTITUTED COMMITTEE REPORT

Lt. Governor William P. Hobby
President of the Senate

May 25, 1987
(date)/(time)

Sir:

We, your Committee on ECONOMIC DEVELOPMENT to which was referred
HB 1652 by millisap have on 5/25, 1987, had the same
(measure) (sponsor) (hearing date)

under consideration and I am instructed to report it back with the recommendation (s) that it

- ☒ do pass as substituted, and be printed
☒ the caption remained the same as original measure
☐ the caption changed with adoption of the substitute
☐ do pass as substituted, and be ordered not printed
☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☒ yes ☐ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

Senate Sponsor of House Measure 61 as given

The measure was reported from Committee by the following vote:

	YEA	NAY	PNV	ABSENT
Harris, Chairman	<input checked="" type="checkbox"/>			
Glasgow, Vice Chairman	<input checked="" type="checkbox"/>			
Anderson	<input checked="" type="checkbox"/>			
Armbrister	<input checked="" type="checkbox"/>			
Blake	<input checked="" type="checkbox"/>			
Green	<input checked="" type="checkbox"/>			
Henderson	<input checked="" type="checkbox"/>			
Jones	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Leedom	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Montford	<input checked="" type="checkbox"/>			
Sims	<input checked="" type="checkbox"/>			
TOTAL VOTES	<u>9</u>	<u>—</u>	<u>—</u>	<u>2</u>

Carol Wilts
COMMITTEE CLERK

Harris
CHAIRMAN

Paper clip the original and one copy of this form along with TWO copies of the Committee Substitute to the original bill and retain one copy for Reporting Committee file.

BILL ANALYSIS

By: Millsap

H.B. 1652

BACKGROUND:

One of the major goals of the Texas Alcoholic Beverage Commission is to regulate every person and premises where alcoholic beverages are available. Section 1.04, Alcoholic Beverage Code, defines "alcoholic beverage" as alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes. H.B. 1652 draws language from Sections 11.01 and 61.01, Alcoholic Beverage Code, and makes common language applicable to all alcoholic beverages.

PURPOSE:

As proposed, H.B. 1652 allows a person to manufacture, sell, distribute, and store alcoholic beverages and related equipment, if the right is granted by the Alcoholic Beverage Code and the person has obtained the appropriate permit.

RULEMAKING AUTHORITY:

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS:

SECTION 1. Amends the Alcoholic Beverage Code by adding Chapter 6 as follows:

Sec. 6.01. (a) Allows a person to manufacture, sell, import, export, transport, store, possess, blend, or process alcoholic beverages or to possess equipment capable of manufacturing alcoholic beverages, if the right or privilege of doing so is granted by the Alcoholic Beverage Code (code) and the person has first obtained the appropriate license or permit. (b) Provides that a license or permit issued under the code is a personal privilege and subject to revocation if the holder violates a provision of the code or a rule of the commission.

SECTION 2. Emergency clause.
Effective date. 90 days after adjournment.



LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 29, 1987

TO: Honorable O. H. "Ike" Harris, Chairman
Committee on Economic Development
Senate Chamber
Austin, Texas

In Re: House Bill No. 1652,
as engrossed
By: Millsap

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 1652, as engrossed (relating to the requirement that a person first obtain a license or permit before exercising a privilege authorized by the Alcoholic Beverage Code) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: Alcoholic Beverage Commission;
LBB Staff: JO, HES, JWH, JG, LV

LEGISLATIVE INTENT SERVICE, INC. (530) 666-1917



LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 26, 1987

TO: Honorable O. H. "Ike" Harris, Chairman
Committee on Economic Development
Senate Chamber
Austin, Texas

In Re: Senate Committee
Substitute for
House Bill No. 1652

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Committee Substitute for House Bill No. 1652 (relating to the requirement that a person first obtain a license or permit before exercising a privilege authorized by the Alcoholic Beverage Code and further defining certain activities subject to regulation) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: Alcoholic Beverage Commission;
LBB Staff: JO, HES, JWH, JG, BL



LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 29, 1987

TO: Honorable O. H. "Ike" Harris, Chairman
Committee on Economic Development
Senate Chamber
Austin, Texas

In Re: House Bill No. 1652,
as engrossed
By: Millsap

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 1652, as engrossed (relating to the requirement that a person first obtain a license or permit before exercising a privilege authorized by the Alcoholic Beverage Code) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: Alcoholic Beverage Commission;
LBB Staff: JO, HES, JWH, JG, LV

LEGISLATIVE INTENT SERVICE, INC. (530) 666-1917



HOUSE
RESEARCH

ORGANIZATION analysis of Senate amendments

5/30/87

HB 1652
Millsap

SUBJECT: Liability of providers of alcoholic beverages

DIGEST: HB 1652 would amend the Texas Alcoholic Beverage Code to permit persons to manufacture, sell, distribute or store alcoholic beverages or possess equipment for use in manufacturing alcoholic beverages if the right to do so is granted by the code and the person has first obtained the proper license or permit.

HOUSE
FLOOR
ACTION: On April 23, the House passed HB 1652 on third reading on the Local and Consent Calendar by a vote of 138 yeas, 0 nays, 1 present, not voting.

SENATE
COMMITTEE
ACTION: On May 25, HB 1652 was reported favorably with a substitute from the Senate Economic Development Committee.

SENATE
FLOOR
ACTION: The Senate passed HB 1652 with an amendment by Sen. Glasgow on May 27. The amendment would provide the basis for a statutory cause of cause of action against the provider of alcoholic beverages for damages resulting from the intoxication of the recipient of those alcoholic beverages. The definition of provider would include so-called "social hosts," who serve the beverages without charge.

COMPARISON OF
HOUSE/SENATE
VERSIONS: The Senate amendment would create a statutory cause of action against the provider, seller or server of alcoholic beverages resulting from the intoxication of the recipient of those alcoholic beverages. The party suing the provider, seller or server would have to prove three elements: First, that at the time the alcohol was provided, it was clearly apparent to the provider that the person being provided with the alcohol was obviously intoxicated and that the provision was knowingly and willfully made; second, that the provider was the last contributor to the intoxication of the recipient and that the recipient consumed no alcohol after being served by the last provider; and third, that the damages suffered were proximately caused by the intoxication of the recipient.

"Provider" would be defined to mean a supplier, seller or server of an alcoholic beverage, which includes a person who provides an alcoholic beverage without

HB 1652
Analysis of Senate amendments
page 2

charge as a "host" or a person who sells or serves an alcoholic beverage as a holder of a Texas Alcoholic Beverage Commission permit or license authorizing the sale or service of an alcoholic beverage to a consumer. "Provision" would include, but not be limited to, the sale or service of an alcoholic beverage.



CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 30, 1987

Date

Honorable William P. Hobby
President of the Senate

Honorable Gibson D. "Gib" Lewis
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on House Bill 1652 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Bob Glasgow
Bob Glasgow

Bob McFarland
Bob McFarland

Tati Santiesteban

O. H. Harris

Richard Anderson
On the part of the Senate

Mike Millsap
Mike Millsap

Charles Evans
Charles Evans

David Cain
David Cain

James Hury
James Hury

David Patronella
On the part of the House

Paper clip one of these forms to each of the following:
the original and two copies to the house of origin
three copies to the other house

LEGISLATIVE INTENT SERVICE, INC. (530) 666-1917



CONFERENCE COMMITTEE REPORT

House Bill 1652
Senate

House		Senate	Conference Committee Decision
Defines rights and privileges of a permittee or licensee, requires a permit or license to exercise same and provides for revocation of permit or license.	1.	No change.	1. House version.
Senate amendment not in House version.	2.	Removes restrictions on package size for beer sold by package store.	2. Senate version adopted.
Senate amendment not in House version.	3.	Creates a statutory cause of action against any person selling, serving or providing alcohol to an intoxicated person and provides a standard of proof.	3. Senate version with amendments to (1) limit cause of action to permittees and licensees; (2) eliminates the requirement that the sale be made knowingly and willfully; (3) eliminates provisions dealing with last contributor; (4) alters proximate cause from "the" to "a" ; and (5) makes the provisions the exclusive remedy the sales of persons 18 years or older.
Senate amendment not in House version.	4.	Brings ale and malt liquor under territory limits and code provisions governing relationship between manufacturers and distributors which currently apply to beer.	4. Senate version adopted.
Senate amendment not in House version.	5.	Provides that if the Commission is "sunsetting" in 1991, the Commission will be abolished but the code which governs taxes, age requirements, local option provisions, etc. would remain intact.	5. Senate version adopted.
Senate amendment not in House version.	6.	Clarifies the code to conform to current practice of the agency which requires a permittee to obtain a new permit if a majority ownership change occurs except in limited circumstances.	6. Senate version adopted.
Senate amendment not in House version.	7.	Makes clear the prohibition in the code prohibiting an intoxicated person to remain on the premises.	7. Senate version adopted.

LEGISLATIVE INTENT SERIES (530) 666-1917

House	Senate	Conference Committee Decision
8. Senate amendment not in House version.	8. Prohibits discrimination by a permittee as to the civil rights of any person. Prohibits any agency or governmental entity from discrimination by imposing a stricter standard to a business with a license or permit than a similar business without a license or permit.	8. Senate version adopted with amendments providing (1) that nothing therein restricts a governmental entity's right to regulate the location of massage parlors, nude modeling studios or sexually-oriented businesses or the location of establishments which derive 75% or more of their gross revenue from on-premise sales of alcoholic beverages and (2) that this section shall not validate an otherwise invalid regulation ordinance or charter.
9. Senate amendment not in House version.	9. Provides an effective date for Section 3 of the bill which creates a statutory cause of action against a person who sells or serves to an obviously intoxicated person.	9. Senate version with amendment to insure that the effective date does not affect any accrued causes of action.



H. B. No. 1652

By Millsap

A BILL TO BE ENTITLED
AN ACT

relating to the requirement that a person first obtain a license
or permit before exercising a privilege authorized by the Alcoholic
Beverage Code.

MAR 11 1987

1. Filed with the Chief Clerk.

MAR 19 1987

2. Read first time and Referred to Committee on Liquor Regulation

APR 13 1987

3. Reported favorably 9:35 pm and sent to Printer at APR 13 1987

APR 15 1987

4. Printed and distributed at 9:41 am

APR 15 1987

5. Sent to Committee on Calendars at 4c 12:14 pm

APR 23 1987

6. Read second time (amended); passed to third reading (twice) by Non-Record Vote
(Record Vote of yeas, nays, and present, not voting).

7. Motion to reconsider and table the vote by which H.B. was ordered
engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of yeas,
 nays, and present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed
to suspend) by a four-fifths vote of yeas, nays, and
present, not voting.

APR 23 1987

9. Read third time (amended); finally passed (twice) by Non-Record Vote
(Record Vote of yeas, nays, and present, not voting).

10. Caption ordered amended to conform to body of bill.

APR 23 1987

12. Ordered Engrossed at 1:24 pm

APR 23 1987

13. Engrossed.

APR 23 1987

14. Returned to Chief Clerk at 11:44 pm

APR 24 1987

15. Sent to Senate.

APR 24 1987

16. Received from the House

APR 27 1987

17. Read, referred to Committee on ECONOMIC DEVELOPMENT

18. Reported favorably

MAY 25 1987

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read
first time.

20. Ordered not printed.

MAY 27 1987

21. Regular order of business suspended by unanimous
consent
(yeas, nays)

Betty Murray
Chief Clerk of the House

22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

MAY 27 1987 23. Read second time _____ passed to third reading by: a viva voce vote yeas, _____ nays.)

24. Caption ordered amended to conform to body of bill.

MAY 27 1987 25. Senate and Constitutional 3-Day Rules suspended by vote of 28 yeas, 2 nays to place bill on third reading and final passage.

MAY 27 1987

26. Read third time and passed by 29 yeas, 6 nays.)

OTHER ACTION:

OTHER ACTION:

Secretary of the Senate

5-27-87

27. Returned to the House.

MAY 27 1987

MAY 30 1987

28. Received from the Senate (with amendments) (as substituted)

29. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record) (Vote) (Record Vote of _____ yeas, _____ nays, _____ present, _____ not voting).

30. Conference Committee Ordered.

JUN 1 1987

31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record Vote of 142 yeas, 1 nays, and 1 present, not voting).

JUN 1 1987

32. Ordered Enrolled at 7:02 pm

HOUSE OF REPRESENTATIVES
1987 APR 23 PM 11:44

SENATE CLERK
1987 APR 15 AM 9:41

President of the Senate

Speaker of the House

I certify that H.B. No. 1652 was passed by the House on

April 23, 1987, by the following vote: la non-record

Yeas (3), Nays (4)

that the House refused to concur in Senate amendments to H.B. No. 1652 on May 30, 1987, and requested the

appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference

committee report on H.B. No. 1652 on May June 1, 1987, by

the following vote: Yeas 142, Nays 1; 1 present, not voting.

Chief Clerk of the House

**** Preparation: 'A;CT42;

I certify that H.B. No. 1652 was passed by the Senate, with

amendments, on May 27, 1987, by the following

vote: Yeas 29, Nays 1.

at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses;

and that the Senate adopted the conference committee report on

H.B. No. 1652 on June 1, 1987, by the following vote:

Yeas 29, Nays 2.

Secretary of the Senate

APPROVED:

Date

Governor

**** Preparation: 'A;CT43

JOURNAL
OF THE
House of Representatives
OF THE
REGULAR SESSION
OF THE
Seventieth Legislature
OF THE
STATE OF TEXAS
BEGUN AND HELD AT
THE CITY OF AUSTIN
JANUARY 13, 1987



By Millsap, et al.:

HB 1652, A bill to be entitled An Act relating to the requirement that a person first obtain a license or permit before exercising a privilege authorized by Alcoholic Beverage Code.

To Committee on Liquor Regulation.

By Kuempel:

HB 1653, A bill to be entitled An Act relating to the maintenance of records at certain locations by the holder of a branch distributor's license.

To Committee on Liquor Regulation.

By Madla:

HB 1654, A bill to be entitled An Act relating to controlled substance emergency medication kits.

To Committee on Public Health.

By Laney:

HB 1655, A bill to be entitled An Act relating to the product transportation, treatment, storage, and distribution of water by certain public utilities.

To Committee on Natural Resources.

By McKinney:

HB 1656, A bill to be entitled An Act relating to the use of certain funds deposited to the credit of the game, fish, and water safety fund.

To Committee on Appropriations.

By A. Hill:

HB 1657, A bill to be entitled An Act relating to the financing through compensation to victims of crime fund of certain administrative costs incurred by political subdivisions in implementing the crime victims' compensation program.

To Committee on Business and Commerce.

By Hammond:

HB 1658, A bill to be entitled An Act relating to the election of the board of trustees of certain independent school districts.

To Committee on Public Education.

By Hammond:

HB 1659, A bill to be entitled An Act relating to the certification to teach persons who are not graduates of teacher education programs.

To Committee on Public Education.

By Hammond:

HB 1660, A bill to be entitled An Act relating to election of members of State Board of Education and trustees of junior colleges, community colleges, school districts, and county school boards.

To Committee on Elections.

By Hammond:

HB 1661, A bill to be entitled An Act relating to the minimum monthly salary for certain school district personnel.

To Committee on Public Education.

By Hammond:

HB 1662, A bill to be entitled An Act relating to minimum lot size requirements for real property to be subdivided into lots, tracts or parcels.

To Committee on State Affairs.



Elections, Subcommittee on **HB 543, HB 545, HB 551, HB 1028, HB 1143**, on adjournment of the Elections Committee meeting today, Room 104, Reagan Building, to consider all stated bills.

Elections, Subcommittee on **HB 1412**, 8:30 a.m. today, Desk 79, to consider **HB 1412**.

Financial Institutions, Subcommittee on **HB 1488**, on adjournment today, Desk 138, to consider **HB 1488**.

Financial Institutions, on adjournment today, to consider subcommittee reports.

Liquor Regulation, on adjournment today, Desk 66, to consider **HB 1963** and **HB 2262**.

Public Education, Subcommittee on Career Ladder and Teacher Appraisal, 8 a.m., April 21, Room 106, Reagan Building.

Public Health, Subcommittee on **HB 956**, on adjournment today, Desk 60, to consider **HB 956**.

Public Health, on adjournment today, Desk 60.

State Affairs, Subcommittee on Insurance Reform, 10 a.m. today, speakers committee room.

Transportation, Subcommittee on **HB 463**, on adjournment today, Desk 22, to consider **HB 463**.

Ways and Means, Subcommittee on Mass Transit, on adjournment today, Desk 2, to consider **HB 2438**.

Ways and Means, Subcommittee on Property Tax, on adjournment today, Desk 70, to consider **HB 1867**.

Natural Resources, Subcommittee on Groundwater, 4 p.m. or on adjournment of full committee, Room 109, Reagan Building, to consider **HB 1451**.

State Affairs, on adjournment today, Desk 34.

ADJOURNMENT

Representative Watson moved that the house adjourn until 10 a.m., April 21.

The motion prevailed without objection.

The house accordingly, at 12:50 p.m., adjourned until 10 a.m., April 21.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees on bills, as follows:

Agriculture and Livestock - **HB 746**

Business and Commerce - **HB 78**

Financial Institutions - **HB 2024**

Higher Education - **HB 15, HB 1379, SB 24**

Liquor Regulation - **HB 1652, HB 1653**



ENGROSSED

April 15 - HB 217, HB 258, HB 657, HB 771, HB 784, HB 791, HB 828, HB 954, HB 1071, HB 1092, HB 1125, HB 1133, HB 1148, HB 1195, HB 1208, HB 1251, HB 1263, HB 1349, HB 1610, HB 1630, HB 1732, HB 1774, HB 1977, HB 1978, HB 2136, HCR 32, HCR 36, HCR 99, HB 23, HB 151, HB 680, HB 681, HB 682, HB 683, HB 684, HB 685, HB 687, HB 1407

ENROLLED

April 15 - HB 317, HCR 3, HCR 20, HCR 54, HCR 159, HCR 143

**RECOMMENDATION OF THE TEXAS WATER COMMISSION
FILED WITH SPEAKER**

The following recommendation of the Texas Water Commission was filed with the speaker:

April 15 - HB 1709

**BILLS TRANSMITTED TO GOVERNOR
UNDER ARTICLE XVI, SECTION 59**

The following house bills were transmitted by the chief clerk to the governor:

April 14 - HB 2542

April 15 - HB 2544

COAUTHORS AUTHORIZED

The following members were granted permission by the authors to sign bills as coauthors:

HB 56 - Hollowell, D. Hudson

HB 410 - Lucio

HB 1066 - Shine

HB 1652 - Patronella

HB 2115 - Horn, Hammond

HB 2279 - Roberts

HB 2538 - Lucio



SECTION 9. Section 21.079, Natural Resources Code, is amended to read as follows:

Sec. 21.079. LAND IN MORE THAN ONE ZONE. If a tract of land to be defined by a single description extends from one zone into another of the coordinate [~~co-ordinate~~] zones, the positions of all points on its boundaries may be referred to by either of the zones, the zone which is used being specifically named in the description.

SECTION 10. This Act takes effect September 1, 1987.

SECTION 11. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

HB 1636, A bill to be entitled An Act relating to the amount of per diem paid to members of certain state boards and commissions.

HB 1642, A bill to be entitled An Act relating to the Texas School for the Blind; changing the name of the Texas School for the Blind to the Texas School for the Blind and Visually Impaired.

HB 1650, A bill to be entitled An Act relating to the effect of certain property appraisal appeals on the amount of state funding that a school district receives for public education.

HB 1652, A bill to be entitled An Act relating to the requirement that a person first obtain a license or permit before exercising a privilege authorized by the Alcoholic Beverage Code.

HB 1653, A bill to be entitled An Act relating to the maintenance of required records at certain locations by the holder of a branch distributor's license.

HB 1731, A bill to be entitled An Act relating to the authority of the Jefferson County Drainage District No. 6 to make purchases and to acquire and sell property.

HB 1737, A bill to be entitled An Act relating to the fiscal year and compensation of directors of the Trinity Bay Conservation District.

HB 1747, A bill to be entitled An Act relating to recovery by the state for the value of certain fish, shellfish, reptiles, amphibians, birds, or animals.

HB 1748, A bill to be entitled An Act relating to affidavits certifying certain convictions under the Parks and Wildlife Code and other information provided to the Texas Parks and Wildlife Department by a justice court.

HB 1756, A bill to be entitled An Act relating to a foreign trade zone in Travis County.

HB 1775, A bill to be entitled An Act relating to the punishment for the offense of unlawfully removing voted ballots from a ballot box.

HB 1812, A bill to be entitled An Act relating to prohibiting the purchase and sale of snook, tarpon, and striped bass; creating an offense.

HB 1834, A bill to be entitled An Act relating to certain fresh water supply districts assuming the authority of road districts.

CSHB 1990, A bill to be entitled An Act relating to the compensation of commissioners of the Brazoria County Conservation and Reclamation District No. 3.



HB 1568**HB 1613****HB 1642****HB 1652****HB 1653****HB 1747****HB 1748****HB 1775****HB 1812****HB 2024** (Patterson - no)**HB 2106****HB 2130****HB 2187**

(Aikin now present)

The following bills which were considered on second reading on the previous legislative day on the local and consent bills calendar were laid before the house, read third time, and passed by (Record 180): (Members registering votes and the results of the vote are shown following bill number) 138 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Agnich; Aikin; Arnold; Barton; Beauchamp; Berlanga; Betts; Blackwood; Blair; Burnett; Cain; Campbell; Carter; Cavazos; Ceverha; Clark; Clemons; Colbert; Collazo; Connelly; Cooper; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Delco; Denton; Dutton; Earley; Eckels; Edge; Edwards; Evans, C.; Evans, L.; Finnell; Garcia; Gavin; Gibson; Givens; Glossbrenner; Granoff; Grusendorf; Guerrero; Hackney; Haley; Hammond; Harris, C.; Harris, J.; Harrison; Hightower; Hilbert; Hill, A.; Hill, P.; Hinojosa; Hollowell; Horn; Hudson, D.; Hudson, S.; Hunter; Hury; Johnson, C.; Johnson, S.; Jones; Kubiak; Kuempel; Laney; Larry; Leonard; Lewis, R.; Lucio; Luna, A.; Luna, G.; McDonald; McKinney; McWilliams; Madla; Marchant; Melton; Millsap; Morales; Moreno, A.; Moreno, P.; Oakley; Ovard; Parker; Patrick; Patronella; Patterson; Pennington; Perry; Polumbo; Price; Rangel; Repp; Richardson; Riley; Robinson; Robnett; Rodriguez; Rudd; Russell; Saunders; Schlueter; Schoolcraft; Seidlits; Shaw; Shea; Shelley; Shine; Smith, A.; Smith, R.; Smith, T.; Staniswalis; Stiles; Sutton; Tallas; Taylor; Telford; Thompson, G.; Thompson, S.; Toomey; Uher; Valigura; Vowell; Waldrop; Wallace; Warner; Waterfield; Watkins; Watson; Whaley; Williamson; Willis; Willy; Wilson; Wolens; Wright; Yost.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Danburg; Geistweidt; Heflin; Holzheuser; Perez; Roberts; Smithee.

Absent — Carriker; Criss; Martinez; Pierce.

SB 83 (138-0-1)**SB 151** (138-0-1)**SB 266** (138-0-1)

ENGROSSED

April 23 - HB 15, HB 77, HB 78, HB 95, HB 163, HB 285, HB 328, HB 361, HB 362, HB 363, HB 364, HB 366, HB 368, HB 425, HB 595, HB 622, HB 710, HB 758, HB 788, HB 875, HB 969, HB 973, HB 1020, HB 1068, HB 1100, HB 1134, HB 1180, HB 1190, HB 1191, HB 1270, HB 1307, HB 1347, HB 1504, HB 1509, HB 1523, HB 1549, HB 1560, HB 1568, HB 1613, HB 1636, HB 1642, HB 1650, HB 1652, HB 1653, HB 1731, HB 1737, HB 1747, HB 1748, HB 1756, HB 1775, HB 1812, HB 1834, HB 1990, HB 2024, HB 2106, HB 2130, HB 2131, HB 2187, HB 2308, HB 2506, HB 2510, HB 2513, HB 2523

ENROLLED

April 23 - HB 747, HB 1721, HCR 163, HCR 92

**BILLS TRANSMITTED TO GOVERNOR
UNDER ARTICLE XVI, SECTION 59**

The following house bills were transmitted by the chief clerk to the governor:

April 23 - HB 2562

April 24 - HB 2563, HB 2564, HB 2565, HB 2566

COAUTHORS AUTHORIZED

The following members were granted permission by the authors to sign bills and a resolution as coauthors:

HB 829 - Patterson

HB 1849 - Martinez

HCR 100 - Telford



I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on **HB 2194**.

The following have been appointed on the part of the Senate: Senators: Sims, Harris, Leedom, Edwards, and Glasgow.

I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on **HB 1230**.

The following have been appointed on the part of the Senate: Senators: Anderson, McFarland, Sims, Green, and Harris.

I am directed by the Senate to inform the House that the Senate has passed the following:

HB 662 by Glossbrenner, et al., relating to the requirement that contracts with the state or a political subdivision of the state contain a detailed trench construction plan. (amended)

CSHB 1869 by Valigura, relating to public notice of a hearing on an application for a landfill permit. (amended)

HB 1957 by Marchant, relating to fire fighters' and police officers' civil service in cities over 10,000 population. (amended)

HB 1387 by Madla, relating to the purchase of supplies for a housing authority through the U.S. Department of Housing and Urban Development. (amended)

HB 2050 by Oakley, relating to hunting a golden eagle or Mexican brown eagle.

HB 2351 by Colbert, validating all school districts, including all types of junior and regional college districts, together with the boundaries and names thereof.

HB 1384 by Uher, relating to the authority of a city to dissolve a hospital authority.

CSHB 1948 by Robnett, relating to conflicts of interest of local public officials.

CSHB 1183 by Gibson, relating to the creation of the Texas Agricultural Finance Authority. (amended)

CSHB 1652 by Millsap, relating to the requirement that a person first obtain a license or permit before exercising a privilege authorized by the Alcoholic Beverage Code.

HB 2408 by Shea, relating to the hearing and determination of juror excuses and the postponement of jury service. (amended)

HB 1785 by Williamson, et al., relating to the establishment of a uniform statewide accounting system for all agencies of state government. (amended)

CSHB 826 by Morales, relating to the offense of failure to identify oneself to a peace officer.

HB 2119 by Lucio, relating to the authority of a municipality to contract for jail facilities. (amended)

Respectfully,
Betty King
Secretary of the Senate

SB 191 ON THIRD READING
(C. Evans - House Sponsor)

The speaker laid before the house, as postponed business, on its third reading and final passage,

SB 191, A bill to be entitled An Act relating to child support for a child who is fully enrolled in a school in a program leading toward a high school diploma.



“(c) This Act does not limit or restrict the authority of a municipality that is a member of a public health district to adopt ordinances or administer a permit system concerning food service establishments, retail food stores, mobile food units, and roadside food vendors.”

HB 1652 WITH SENATE AMENDMENT

Representative Millsap called up with senate amendment for consideration at this time,

HB 1652, A bill to be entitled An Act relating to the requirement that a person first obtain a license or permit before exercising a privilege authorized by the Alcoholic Beverage Code.

Representative Millsap moved that the house not concur in the senate amendment and that a conference committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed without objection.

HB 1652 - APPOINTMENT OF CONFERENCE COMMITTEE

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1652**: Millsap, chair; C. Evans, Cain, Hury, and Patronella.

HB 2213 WITH SENATE AMENDMENT

Representative Schlueter called up with senate amendment for consideration at this time,

HB 2213, A bill to be entitled An Act relating to the exemption from ad valorem taxation of certain property of a religious organization.

On motion of Representative Schlueter, the house concurred in the senate amendment to **HB 2213**.

HB 2213 - TEXT OF SENATE AMENDMENT

CSHB 2213, A bill to be entitled An Act relating to the exemption from ad valorem taxation of certain property.

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

SECTION 1. Section 11.20, Tax Code, is amended by amending Subsection (a) and adding Subsection (f) to read as follows:

(a) An organization that qualifies as a religious organization as provided by Subsection (c) of this section is entitled to an exemption from taxation of:

(1) the real property that is owned by the religious organization, is used primarily as a place of regular religious worship, and is reasonably necessary for engaging in religious worship;

(2) the tangible personal property that is owned by the religious organization and is reasonably necessary for engaging in worship at the place of worship specified in Subdivision (1) of this subsection;

(3) the real property that is owned by the religious organization and is reasonably necessary for use as a residence (but not more than one acre of land for each residence) if the property:

(A) is used exclusively as a residence for those individuals whose principal occupation is to serve in the clergy of the religious organization; and

(B) produces no revenue for the religious organization; [and]



I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on **HB 1652**.

The following have been appointed on the part of the Senate: Senators Glasgow, McFarland, Santiesteban, Harris, and Anderson.

I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on **HB 1848**.

The following have been appointed on the part of the Senate: Senators Brooks, Farabee, Barrientos, Blake, and Green.

I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on **HB 1869**.

The following have been appointed on the part of the Senate: Senators Brooks, Johnson, Whitmire, Green, and Anderson.

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to **SB 1405** and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate: Senators Brooks, Whitmire, Zaffirini, Green, and Anderson.

I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on **HB 538**.

The following have been appointed on the part of the Senate: Senators Sims, Armbrister, Harris, Zaffirini, and Brown.

I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on **HB 650**.

The following have been appointed on the part of the Senate: Senators Caperton, Zaffirini, Sims, Uribe, and Whitmire.

Respectfully,
Betty King
Secretary of the Senate

CONFERENCE COMMITTEE MEETING

On motion of Representative P. Hill and by unanimous consent, the Conference Committee on **SB 298** was granted permission to meet while the house is in session.

HCR 236 - ADOPTED

Representative Watson moved that all necessary rules be suspended to take up and consider at this time, **HCR 236**.

The motion prevailed without objection.

MESSAGE FROM THE SENATE

Austin, Texas, June 1, 1987

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has discharged the conferees on **SB 1517** and concurred in House amendments by: 31 yeas, 0 nays.

HB 1285 was recommitted to Conference Committee by: 19 yeas, 11 nays.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on **HB 2556** by: 31 yeas, 0 nays.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on **HB 784** by: 31 yeas, 0 nays.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on **HB 2085** by: viva voce vote.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on **HB 1459** by: viva voce vote.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on **HB 1947** by: viva voce vote.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on **HB 1196** by: 31 yeas, 0 nays.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on **HB 1262** by: viva voce vote.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on **HB 923** by: 31 yeas, 0 nays.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on **HB 1652** by: viva voce vote.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on **HB 791** by: viva voce vote.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on **HB 1261** by: viva voce vote.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on **HB 356** by: 31 yeas, 0 nays.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on **HB 1226** by: 29 yeas, 2 nays.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on **HB 858** by: 31 yeas, 0 nays.

Respectfully,
Betty King
Secretary of the Senate

(Speaker in the chair)



HB 1652 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Millsap submitted the conference committee report on
HB 1652.

Austin, Texas, May 30, 1987

Honorable William P. Hobby
President of the Senate

Honorable Gibson D. "Gib" Lewis
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 1652** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text thereto attached.

Glasgow
McFarland
Anderson

Millsap
C. Evans
Cain
Hury
Patronella

On the part of the Senate

On the part of the House

Representative Millsap moved to suspend all necessary rules and to adopt the conference committee report on **HB 1652.**

A record vote was requested.

The motion prevailed by (Record 518): 142 Yeas, 1 Nay, 1 Present, not voting.

Yeas — Agnich; Aikin; Arnold; Barton; Beauchamp; Berlanga; Betts; Blackwood; Blair; Burnett; Cain; Campbell; Carriker; Carter; Cavazos; Ceverha; Clark; Clemons; Colbert; Collazo; Connelly; Cooper; Craddick; Criss; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Delco; Denton; Dutton; Earley; Edge; Edwards; Evans, C.; Evans, L.; Finnell; Garcia; Gavin; Geistweidt; Gibson; Givens; Glossbrenner; Granoff; Guerrero; Hackney; Haley; Hammond; Harris, C.; Harris, J.; Harrison; Heflin; Hightower; Hilbert; Hill, A.; Hill, P.; Hinojosa; Hollowell; Holzheuser; Horn; Hudson, D.; Hudson, S.; Hunter; Hury; Johnson, C.; Johnson, S.; Jones; Kubiak; Kuempel; Laney; Larry; Leonard; Lewis, R.; Lucio; Luna, A.; Luna, G.; McKinney; McWilliams; Madla; Marchant; Martinez; Melton; Millsap; Morales; Moreno, A.; Moreno, P.; Oakley; Ovard; Parker; Patrick; Patronella; Patterson; Pennington; Perez; Perry; Pierce; Polumbo; Price; Rangel; Repp; Richardson; Riley; Roberts; Robnett; Rodriguez; Rudd; Russell; Saunders; Schoolcraft; Seidlits; Shaw; Shea; Shelley; Shine; Smith, A.; Smith, T.; Smithee; Staniswalis; Stiles; Sutton; Tallas; Taylor; Telford; Thompson, G.; Thompson, S.; Toomey; Valigura; Vowell; Waldrop; Wallace; Warner; Waterfield; Watkins; Watson; Whaley; Williamson; Willis; Willy; Wilson; Wolens; Wright; Yost.

Nay — Uher.

Present, not voting — Mr. Speaker(C).

Absent — Eckels; Grusendorf; McDonald; Robinson; Schlueter; Smith, R.



I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on **HB 2243** by the following vote: viva voce vote.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on **SJR 12** by the following vote: 29 yeas, 1 nay, 1 present, not voting.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on **HB 1652** by the following vote: 29 yeas, 2 nays.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on **SB 1407** by the following vote: 31 yeas, 0 nays.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on **SB 687** by the following vote: 31 yeas, 0 nays.

Respectfully,
Betty King
Secretary of the Senate

HOUSE AT EASE

At 5:38 p.m., the chair announced that the house would stand at ease.

(Speaker in the chair)

The speaker called the house to order at 6:30 p.m.

MESSAGE FROM THE SENATE

Austin, Texas, June 1, 1987

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on **SB 229** by the following vote: viva voce vote.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on **SB 1371** by the following vote: viva voce vote.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on **HB 1889** by the following vote: 31 yeas, 0 nays.

I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on **HB 2235** by the following vote: viva voce vote.

Respectfully,
Betty King
Secretary of the Senate



HB 1459, HB 1512, HB 1514, HB 1606, HB 1652, HB 1675, HB 1718,
HB 1785, HB 1814, HB 1829, HB 1831, HB 1848, HB 1866, HB 1869,
HB 1889, HB 1912, HB 1931, HB 1933, HB 1939, HB 1942, HB 1947,
HB 2008, HB 2024, HB 2035, HB 2056, HB 2085, HB 2098, HB 2119,
HB 2124, HB 2146, HB 2181, HB 2193, HB 2194, HB 2235, HB 2243,
HB 2291, HB 2297, HB 2328, HB 2445, HB 2456, HB 2556, HB 2560,
HB 2571, HB 2592, HB 2594, HB 2597, HB 2601, HB 2611, HB 2622,
HCR 36, HCR 213, HCR 236

ADJOURNMENT SINE DIE

In accordance with a previous motion, Speaker Lewis, at 12 midnight, pronounced the House of Representatives of the Regular Session of the 70th Legislature adjourned sine die.

APPENDIX

ENROLLED

May 31 - HB 717, HB 2281, HB 1938, HB 817, HB 592, HB 349,
HB 517, HB 527, HB 528, HB 620, HB 906, HB 1069, HB 1077, HB 1134,
HB 1141, HB 1227, HB 1230, HB 1616, HB 1699, HB 1837, HB 1927,
HB 2174, HB 2190, HB 2269, HB 2299, HB 2337, HB 2554, HB 2574,
HB 2588, HB 2601, HB 150, HB 2320, HB 65, HB 273, HB 384, HB 390,
HB 530, HB 494, HB 752, HB 888, HB 1084, HB 1085, HB 1191, HB 1237,
HB 1511, HB 1523, HB 1622, HB 1818, HB 1826, HB 1827, HB 1831,
HB 2623, HB 2083, HB 1906, HB 2107, HB 2158, HB 2449, HCR 177,
HCR 152, HCR 202, HCR 165, HJR 83

June 1 - HB 173, HB 440, HB 766, HB 947, HB 1078, HB 1453,
HB 1606, HB 1675, HB 1931, HB 1939, HB 2035, HB 2193, HB 2456,
HB 2560, HB 2291, HB 367, HB 2181, HB 1814, HB 967, HB 994, HB 1169,
HB 1718, HB 1785, HB 1866, HB 1912, HB 2194, HB 2445, HB 2056,
HB 1933, HB 176, HB 650, HB 858, HB 1294, HB 2571, HB 1387, HB 923,
HB 1196, HB 1261, HB 1262, HB 791, HB 2146, HB 356, HB 2597,
HB 1652, HB 1848, HB 612, HB 1226, HB 1459, HB 1869, HB 1947,
HB 2243, HB 2556, HB 2611, HB 2328, HB 102, HB 812, HB 2085, HB 784,
HB 23, HB 538, HB 2622, HB 2297, HB 2098, HB 2592, HB 2235, HB 2124,
HB 2008, HB 1300, HB 1299, HB 1219, HB 1183, HB 685, HB 2119,
HB 2024, HB 1514, HB 1512, HB 790, HB 1889, HB 1402, HB 1829,
HCR 236, HCR 213, HCR 36

SENT TO THE GOVERNOR

June 1 - HB 4, HB 128, HB 177, HB 349, HB 365, HB 391, HB 410,
HB 474, HB 497, HB 500, HB 503, HB 517, HB 527, HB 528, HB 554,
HB 559, HB 592, HB 614, HB 620, HB 651, HB 665, HB 667, HB 696,
HB 705, HB 717, HB 742, HB 814, HB 817, HB 906, HB 957, HB 999,
HB 1032, HB 1043, HB 1069, HB 1077, HB 1134, HB 1141, HB 1213,
HB 1227, HB 1431, HB 1616, HB 1699, HB 1837, HB 1896, HB 1904,
HB 1919, HB 1927, HB 1938, HB 1961, HB 2125, HB 2174, HB 2213,
HB 2224, HB 2269, HB 2281, HB 2299, HB 2347, HB 2448, HB 2554,
HB 2574, HB 2588, HB 2599, HCR 110, HCR 189, HB 65, HB 150, HB 273,
HB 384, HB 390, HB 494, HB 530, HB 752, HB 925, HB 942, HB 1006,
HB 1084, HB 1085, HB 1160, HB 1191, HB 1230, HB 1237, HB 1303,
HB 1412, HB 1511, HB 1523, HB 1586, HB 1622, HB 1818, HB 1826,



HB 1827, HB 1906, HB 2083, HB 2107, HB 2158, HB 2190, HB 2320, HB 2337, HB 2449, HB 2546, HB 2623, HCR 107, HCR 152, HCR 165, HCR 177, HCR 202, HCR 237

June 3 - HB 23, HB 102, HB 173, HB 176, HB 356, HB 367, HB 440, HB 538, HB 612, HB 650, HB 685, HB 707, HB 766, HB 784, HB 790, HB 791, HB 812, HB 858, HB 888, HB 923, HB 947, HB 967, HB 994, HB 1078, HB 1169, HB 1183, HB 1196, HB 1219, HB 1226, HB 1261, HB 1262, HB 1294, HB 1299, HB 1300, HB 1387, HB 1402, HB 1453, HB 1459, HB 1512, HB 1514, HB 1606, HB 1652, HB 1675, HB 1718, HB 1785, HB 1814, HB 1829, HB 1831, HB 1848, HB 1866, HB 1869, HB 1889, HB 1912, HB 1931, HB 1933, HB 1939, HB 1942, HB 1947, HB 2008, HB 2024, HB 2035, HB 2056, HB 2085, HB 2098, HB 2119, HB 2124, HB 2146, HB 2181, HB 2193, HB 2194, HB 2235, HB 2243, HB 2291, HB 2297, HB 2328, HB 2445, HB 2456, HB 2556, HB 2560, HB 2571, HB 2592, HB 2594, HB 2601, HB 2611, HB 2622, HCR 36, HCR 213, HCR 236

June 5 - HB 2597

SENT TO THE COMPTROLLER

May 28 - HB 855, HB 1874

June 3 - HB 2597

**RECOMMENDATIONS OF THE TEXAS WATER COMMISSION
FILED WITH SPEAKER**

The following recommendations of the Texas Water Commission were filed with the speaker:

June 1 - HB 1942, HB 2547, HB 2594, HB 2601, HB 2618

June 15 - HB 2625

June 16 - HB 2627

COAUTHORS AUTHORIZED

The following members were granted permission by the authors to sign resolutions as coauthors:

HB 2611 - Hollowell

HCR 148 - L. Evans

HCR 192 - Polumbo

HCR 237 - Haley, Uher, Clark, Hollowell, Barton, Shelley, Finnell

HR 551 - G. Lewis

HR 757 - Criss

HR 765 - Russell

HR 771 - Smithee, Perry, Whaley, Waterfield, R. Cuellar, Uher, Shaw, Robinson, Patterson, Yost, Taylor, Rudd, Heflin, Harrison, Robnett, Carriker

HR 777 - Hury

HR 779 - Uher



- time 1293. — Passed 1293. — Reported engrossed 1387. — Returned from Senate amended 3324. — House concurred in Senate amendments 3679. — Text of Senate amendments 3679. — Reported enrolled 3943. — Signed in the House 3851. — Sent to the Governor 4211.
- HB 1643. Relating to the membership of the State Board of Dental Examiners.
Author: Colbert
Companion document(s): SB 173
Read first time 601. — Referred to Public Health 601.
- HB 1644. Relating to the allocation and appropriation of capital gains on the sale of permanent school fund properties.
Author: Toomey
Read first time 601. — Referred to Appropriations 601.
- HB 1645. Relating to the selection of medical services under the workers' compensation program.
Author: McDonald
Read first time 601. — Referred to Business & Commerce 601.
- HB 1646. Relating to the regulation of overweight, overlong, or oversized vehicles providing a criminal penalty.
Author: Cooper
Senate Sponsor: Uribe
Read first time 601. — Referred to Transportation 601. — Rules suspended 1491. — Reported favorably with substitute 1698. — Read 2nd time (comm. substitute) 2143. — Passed to engrossment 2143. — Nonrecord vote recorded in Journal 2143. — Read 3rd time 2264. — Amended 2264. — Passed as amended 2264. — Nonrecord vote recorded in Journal 2264. — Reported engrossed 2575. — Returned from the Senate 3793. — Reported enrolled 4118. — Signed in the House 4072. — Sent to the Governor 4211.
- HB 1647. Relating to the regulation of greywater.
Author: Cooper
Senate Sponsor: Barrientos
Read first time 601. — Referred to Natural Resources 601. — Reported favorably with substitute 1769. — Read 2nd time (comm. substitute) 2389. — Amended 2390. — Passed to engrossment as amended 2390. — Read 3rd time 2445. — Passed 2445. — Reported engrossed 2576. — Returned from the Senate 3707. — Reported enrolled 3943. — Signed in the House 3922. — Sent to the Governor 4211.
- HB 1648. Relating to faculty representation on the board of regents of the Texas State University System.
Author: Cooper
Companion document(s): SB 908
Read first time 601. — Referred to Higher Education 601.
- HB 1649. Relating to election of members of the State Board of Education and trustees of junior colleges, community colleges, school districts, and county school boards.
Author: Cooper
Read first time 601. — Referred to Public Education 601.
- HB 1650. Relating to the effect of certain property appraisal appeals.
Author: Polumbo
Senate Sponsor: Brooks
Read first time 601. — Referred to Ways & Means 601. — Reported favorably w/c amendments 1028. — Read 2nd time 1276. — Passed to engrossment 1276. — Read 3rd time 1294. — Passed 1294. — Record vote 1294. — Reported engrossed 1387. — Returned from Senate as amended 3623. — House concurred in Senate amendments 3863. — Text of Senate amendments 3863. — Reported enrolled 4118. — Signed in the House 4072. — Sent to the Governor 4211.
- HB 1651. Relating to purchase of service credit in the Teacher Retirement System of Texas by vocational teachers.
Author: Polumbo
Read first time 601. — Referred to Retirement and Aging 601. — Posting rule suspended 2177.
- HB 1652. Relating to the state and local regulation of the sale, use, production, and consumption of, and other commercial and noncommercial activities relating to,



alcoholic beverages, to permits, and licenses for sales. . . .

Author: Millsap

Senate Sponsor: Glasgow

Companion document(s): SB 871

Read first time 602. — Referred to Liquor Regulation 602. — Coauthor authorized 1163. — Reported favorably w/o amendments 1162. — Read 2nd time 1276. — Passed to engrossment 1276. — Read 3rd time 1293. — Passed 1293. — Reported engrossed 1387. — Returned from Senate as amended 3642. — House refuses to concur in Sen. amend. 4070. — Conference comm. requested 4070. — House conferees appointed 4070. — S. grants request for conf. comm. 4124. — Senate conferees appointed 4124. — Rules suspended 4312. — H. adopted conference committee report 4312. — Record vote 4312. — Senate adopted conf. comm. report 4318. — Senate adopted conf. comm. report 4311. — Reported enrolled 4364. — Signed in the House 4364. — Sent to the Governor 4365.

HB 1653. Relating to alcoholic beverage distributor's license.

Author: Kuempel

Senate Sponsor: Green

Read first time 602. — Referred to Liquor Regulation 602. — Reported favorably w/o amendments 1162. — Read 2nd time 1276. — Passed to engrossment 1276. — Read 3rd time 1293. — Passed 1293. — Reported engrossed 1387. — Returned from Senate as amended 2957. — House concurred in Senate amendments 3463. — Text of Senate amendments 3463. — Reported enrolled 3703. — Signed in the House 3851. — Sent to the Governor 4211.

HB 1654. Relating to controlled substances in emergency medication kits.

Author: Madla

Companion document(s): SB 803

Read first time 602. — Referred to Public Health 602.

HB 1655. Relating to the production, transportation, treatment, storage, and distribution of water by certain public utility agencies.

Author: Laney

Read first time 602. — Referred to Natural Resources 602.

HB 1656. Relating to the use of certain funds deposited to the credit of the game, fish, and water safety fund.

Author: McKinney

Read first time 602. — Referred to Appropriations 602.

HB 1657. Relating to the financing through the compensation to victims of crime fund of certain administrative costs incurred by political subdivisions in implementing the crime victims' compensation program.

Author: Hill, Anita

Read first time 602. — Referred to Business & Commerce 602.

HB 1658. Relating to the election of the board of trustees of certain independent school districts.

Author: Hammond

Read first time 602. — Referred to Public Education 602.

HB 1659. Relating to the certification to teach of persons who are not graduates of teacher education programs.

Author: Hammond

Read first time 602. — Referred to Public Education 602.

HB 1660. Relating to election of members of the State Board of Education and trustees of junior colleges, community colleges, school districts, and county school boards.

Author: Hammond

Read first time 602. — Referred to Elections 602.

HB 1661. Relating to the minimum monthly salary for certain school district personnel.

Author: Hammond

Read first time 602. — Referred to Public Education 602.

HB 1662. Relating to minimum lot size requirements for real property to be subdivided into lots, tracts or parcels.

Author: Hammond

Companion document(s): SB 877

Read first time 602. — Referred to State Affairs 602.



**JOURNAL OF THE SENATE
of the
STATE OF TEXAS**

**REGULAR SESSION
of the
SEVENTIETH LEGISLATURE**

Convened January 13, 1987

Adjourned June 1, 1987

VOLUME I

Mrs. Margrette Vollers, Journal Clerk
Mrs. Dianne Arrington, Assistant
Mrs. Frances Boyett, Assistant
LIS - 15



H.B. 1568, To Committee on Intergovernmental Relations.
H.B. 1613, To Committee on Natural Resources.
H.B. 1636, To Committee on State Affairs.
H.B. 1642, To Committee on Education.
H.B. 1650, To Committee on Finance.
H.B. 1652, To Committee on Economic Development.
H.B. 1653, To Committee on Economic Development.
H.B. 1731, To Committee on Natural Resources.
H.B. 1737, To Committee on Natural Resources.
H.B. 1747, To Committee on Natural Resources.
H.B. 1748, To Committee on Natural Resources.
H.B. 1756, To Committee on Intergovernmental Relations.
H.B. 1775, To Committee on State Affairs.
H.B. 1812, To Committee on Natural Resources.
H.B. 1834, To Committee on Natural Resources.
H.B. 1990, To Committee on Natural Resources.
H.B. 2024, To Committee on Jurisprudence.
H.B. 2106, To Committee on Education.
H.B. 2130, To Committee on State Affairs.
H.B. 2131, To Committee on Natural Resources.
H.B. 2187, To Committee on Criminal Justice.
H.B. 2308, To Committee on Criminal Justice.
H.B. 2506, To Committee on Intergovernmental Relations.
H.B. 2510, To Committee on Intergovernmental Relations.
H.B. 2513, To Committee on Jurisprudence.
H.B. 2523, To Committee on Intergovernmental Relations.

CO-AUTHOR OF SENATE BILL 808

On motion of Senator Brooks and by unanimous consent, Senator Johnson will be shown as Co-author of S.B. 808.

REPORT OF STANDING COMMITTEE

Senator Harris submitted the following report for the Committee on Economic Development:

S.B. 899
S.B. 1282
S.B. 1360
S.B. 494
C.S.S.B. 1216
C.S.S.B. 411
S.B. 1176
S.B. 708 (Amended)
S.B. 1376
S.B. 747

SENATE BILL 431 WITH HOUSE AMENDMENT

Senator Farabee called S.B. 431 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment - Patronella

Amend S.B. 431 by striking all below the enacting clause and substituting in lieu thereof the following:



S.B. 1540
H.B. 2171
H.B. 874
H.B. 1957
H.B. 2558
H.B. 1384
H.B. 2551
C.S.H.B. 1948
C.S.S.B. 662
H.B. 824

Senator Harris submitted the following report for the Committee on Economic Development:

H.B. 390 (Amended)
H.B. 744
H.B. 625
H.B. 1964
C.S.H.B. 1652
H.B. 2193
H.B. 1431
H.B. 1180
H.B. 1261
H.B. 1303 (Amended)
H.B. 152
H.B. 1911
H.B. 875

SENATE BILLS AND RESOLUTION ON FIRST READING

On motion of Senator Brown and by unanimous consent, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 1546 by Brown Natural Resources
Relating to the establishment and maintenance of artificial reefs; establishing an artificial reef fund; making an appropriation.

S.B. 1547 by Montford State Affairs
Relating to the sale of certain state-owned property to the State Department of Highways and Public Transportation.

S.R. 624 by Brown Natural Resources
Directing the members of the Senate Natural Resources Committee to initiate an interim study of a statewide artificial reef plan and further study various uses for abandoned oil and gas rigs.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read the first time and referred to the Committee indicated:

H.B. 962, To Committee on Health and Human Services.
H.B. 1602, To Committee on Intergovernmental Relations.
H.B. 2107, To Committee on Criminal Justice.
H.B. 2281, To Committee on Education.
H.B. 2364, To Committee on State Affairs.
H.B. 2561, To Committee on Intergovernmental Relations.
H.C.R. 152, To Committee on Health and Human Services.



- (1) the grounds for the recess; and
 (2) that the juror holds religious beliefs that prohibit him from taking part in a court proceeding on the day for which the recess is sought.
 (c) An affidavit filed under Subsection (b) is proof of the facts stated and need not be corroborated.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted viva voce vote.

On motion of Senator Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading viva voce vote.

HOUSE BILL 2408 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 2408 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

NOTICE OF SESSION TO HOLD LOCAL AND UNCONTESTED BILLS CALENDAR

Senator Blake announced that a Local and Uncontested Bills Calendar had been placed on the Members' desks and gave notice that a Local and Uncontested Bills Calendar would be held at 8:30 a.m. on Thursday, May 28, 1987, and that all bills and resolutions would be considered on second and/or third reading in the order in which they are listed.

MOTION TO PLACE COMMITTEE SUBSTITUTE HOUSE BILL 1183 ON SECOND READING

Senator Edwards moved to suspend the regular order of business to take up for consideration at this time:

C.S.H.B. 1183, Relating to the creation, duties, and powers of the Texas Agricultural Finance Authority and the development of and issuance of bonds for an agricultural financing program.

On motion of Senator Edwards and by unanimous consent, the motion to suspend the regular order was withdrawn.

COMMITTEE SUBSTITUTE HOUSE BILL 1652 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:



C.S.H.B. 1652, Relating to the requirement that a person first obtain a license or permit before exercising a privilege authorized by the Alcoholic Beverage Code and further defining certain activities subject to regulation.

The bill was read second time and was passed to third reading viva voce vote.

**COMMITTEE SUBSTITUTE HOUSE BILL 1652
ON THIRD READING**

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 1652** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sims, Tejeda, Uribe, Washington, Whitmire.

Nays: Sarpalius, Zaffirini.

Absent-excused: Truan.

MESSAGE FROM THE HOUSE

House Chamber
May 27, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 50, Creating a special interim committee to study the problem of student drop-outs.

H.C.R. 193, Granting David Ferry permission to sue the State of Texas and the Texas Parks and Wildlife Department.

H.C.R. 202, Commending certain health and human services agencies and requesting the Long Term Care Coordinating Council to study needs of nursing home residents.

H.C.R. 203, Directing the boards of regents of state colleges and universities to provide support services for transfer students.

H.C.R. 211, Granting F. G. Gosling permission to sue the State of Texas and The University of Texas System.

H.C.R. 212, Granting Edward McLenna permission to sue the State of Texas and the Gulf Coast Mental Health/Mental Retardation Center.

H.C.R. 213, Creating the Special Task Force on the Future of Long Term Health Care.

H.C.R. 215, Granting Mani Rao permission to sue the State of Texas and the Texas Comptroller's Office.



between the two Houses: Harrison, Chairman; Waterfield, Robinson, Edge and Carriker.

The House refused to concur in Senate amendments to **H.B. 1652** and has requested the appointment of Conference Committee to consider the differences between the two Houses: Millsap, Chairman; C. Evans, Cain, Hury and Patronella.

The House refused to concur in Senate amendments to **H.B. 1848** and has requested the appointment of Conference Committee to consider the differences between the two Houses: Colbert, Chairman; Wallace, Glossbrenner, Culberson, Martinez.

The House refused to concur in Senate amendments to **H.B. 1947** and has requested the appointment of Conference Committee to consider the differences between the two Houses: Robnett, Chairman; Gibson, Clark, Larry and Marchant.

The House refused to concur in Senate amendments to **H.B. 1869** and has requested the appointment of Conference Committee to consider the differences between the two Houses: Valigura, Chairman; J. Harris, Hammond, McKinney and Colbert.

The House refused to concur in Senate amendments to **H.B. 2597** and has requested the appointment of a Conference Committee to consider the differences between the two Houses: Colbert, Chairman; Culberson, R. Cuellar, Sutton and Wright.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE BILL 2056 ON SECOND READING

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 2056, Relating to the practices and procedures of the Antiquities Committee.

The bill was read second time.

Senator Montford offered the following amendment to the bill:

Floor Amendment No. 1

Amend **H.B. 2056** by striking Section 2 in its entirety and replacing it with the following:

SECTION 2. Section 191.011 (a), Natural Resources Code, is amended to read as follows:

(a) There is created an Antiquities Committee, which is composed of nine members, including the Chairman of the Texas Historical Commission, the Director of the Parks and Wildlife Department, the Commissioner of the General Land Office, the State Archeologist, the State Engineer-Director of the State Department of Highways and Public Transportation, the Executive Director of the Texas Water Commission, and the following citizen members: one professional archeologist from a recognized museum or institution of higher learning in Texas, one professional historian with expertise in Texas history and culture, and one



under this subsection for a ~~[transfer and a]~~ credit, the amount of the ~~[transfer and]~~ credit under this section for the mixture may not exceed the amount of the exemption, credit, or refund (stated in or converted to cents for each gallon of the mixture) provided by the state in which the alcohol was fermented ~~[produced]~~ or distilled.

SECTION 3. If adopted by a vote of two-thirds of all members elected to each house of the legislature, this Act takes effect June 1, 1987, and applies to credits granted under Section 153.123, Tax Code, beginning with the calendar quarter beginning July 1, 1987. Otherwise, this Act takes effect September 1, 1987, and applies to credits granted under Section 153.123, Tax Code, beginning with the calendar quarter beginning October 1, 1987.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force according to its terms, and it is so enacted.

The Conference Committee Report was read and was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE ON HOUSE BILL 1652

Senator Glasgow called from the President's table for consideration at this time the request of the House for a Conference Committee to adjust the differences between the two Houses on H.B. 1652 and moved that the request be granted.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on H.B. 1652 before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Glasgow, Chairman; Anderson, Harris, McFarland and Santiesteban.

SENATE CONFEREES ON HOUSE BILL 1226 DISCHARGED

On motion of Senator Glasgow and by unanimous consent, the Senate conferees on H.B. 1226 were discharged.

NEW SENATE CONFEREES ON HOUSE BILL 1226 APPOINTED

Senator Glasgow moved that new Senate conferees be appointed on H.B. 1226.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on H.B. 1226 before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Glasgow, Chairman; Armbrister, Sarpalius, Sims and Zaffirini.



(d) [~~but the fee may not be less than \$300 nor more than \$750 for a Class A or Class B license, nor less than \$100 nor more than \$300 for a branch office license.~~] A fee charged under this section is nonrefundable [~~except as provided by Subsection (b) of this section~~].

SECTION 9. This Act takes effect September 1, 1987, and applies to all policies and certificates delivered, issued for delivery, or renewed in this state on or after January 1, 1988. Policies and certificates delivered, issued for delivery, or renewed in this state before September 1, 1987, are governed by the law as it existed at the time the policies and certificates were delivered, issued for delivery, or renewed, and those delivered, issued for delivery, or renewed in this state after August 31, 1987, and before January 1, 1988, are governed by the law in effect immediately before this Act took effect and those laws are continued in effect for those purposes.

SECTION 10. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The Conference Committee Report was read and was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT HOUSE BILL 1652

Senator Glasgow submitted the following Conference Committee Report:

Austin, Texas
May 30, 1987

Honorable William P. Hobby
President of the Senate

Honorable Gibson D. "Gib" Lewis
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **H.B. 1652** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass.

GLASGOW
McFARLAND
ANDERSON

MILLSAP
C. EVANS
CAIN
HURY
PATRONELLA

On the part of the Senate

On the part of the House

The Conference Committee Report was read and was filed with the Secretary of the Senate.

RECESS

On motion of Senator Brooks, the Senate at 12:22 p.m. took recess until 2:00 p.m. today.

AFTER RECESS

The Senate met at 2:00 p.m. and was called to order by the President.



KRIER
GREEN
On the part of the Senate

SHINE
HIGHTOWER
On the part of the House

The Conference Committee Report was read and was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1652 ADOPTED**

Senator Glasgow called from the President's table the Conference Committee Report on **H.B. 1652**. (The Conference Committee Report having been filed with the Senate and read today)

On motion of Senator Glasgow, the Conference Committee Report was adopted viva voce vote.

RECORD OF VOTES

Senators Jones and Washington asked to be recorded as voting "Nay" on the adoption of the Conference Committee Report.

**CONFERENCE COMMITTEE REPORT
HOUSE BILL 784**

Senator Lyon submitted the following Conference Committee Report:

Austin, Texas
May 31, 1987

Honorable William P. Hobby
President of the Senate

Honorable Gibson D. "Gib" Lewis
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **H.B. 784** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass.

LYON
SARPALIUS
EDWARDS

BLACKWOOD
A. HILL
HUNTER
PARKER
CEVERHA

On the part of the Senate

On the part of the House

The Conference Committee Report was read and was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT
HOUSE BILL 1373**

Senator Edwards submitted the following Conference Committee Report:

Austin, Texas
June 1, 1987

Honorable William P. Hobby
President of the Senate



**CONFERENCE COMMITTEE REPORT ON
SENATE BILL 1407 ADOPTED**

Senator McFarland called from the President's table the Conference Committee Report on **S.B. 1407**. (The Conference Committee Report having been filed with the Senate and read today.)

On motion of Senator McFarland, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

**CONFERENCE COMMITTEE REPORT ON
SENATE JOINT RESOLUTION 12 ADOPTED**

Senator McFarland called from the President's table the Conference Committee Report on **S.J.R. 12**. (The Conference Committee Report having been filed with the Senate and read on Sunday, May 31, 1987.)

On motion of Senator McFarland, the Conference Committee Report was adopted by the following vote: Yeas 29, Nays 1, Present-not voting 1.

Nays: Jones.

Present-not voting: Washington.

**VOTE ON ADOPTION OF CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1652 RECONSIDERED**

On motion of Senator Glasgow and by unanimous consent, the vote by which the Conference Committee Report on **H.B. 1652** was adopted was reconsidered.

Question - Shall the Conference Committee Report on **H.B. 1652** be adopted?

The Conference Committee Report on **H.B. 1652** was again adopted by the following vote: Yeas 29, Nays 2.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Jones, Washington.

MESSAGE FROM THE HOUSE

House Chamber
June 1, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House has adopted the Conference Committee Reports on the following bills by a non-record vote:

H.B. 791
H.B. 1387
S.B. 417



**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 1512 ADOPTED**

Senator Jones called from the President's table the Conference Committee Report on **H.B. 1512**. (The Conference Committee Report having been filed with the Senate and read today.)

On motion of Senator Jones, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

MESSAGE FROM THE HOUSE

House Chamber
June 1, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to **H.B. 2146** by a non-record vote.

The House refused to concur in Senate amendments to **H.B. 2098** and requested the appointment of a Conference Committee to consider the differences between the two Houses. The following are appointed on the part of the House: A. Luna, Rodriguez, Hackney, Martinez and Cavazos.

The House has adopted the Conference Committee Report on **H.B. 2597** by a record vote of 143 ayes, 1 no, 2 present-not voting.

The House has adopted the Conference Committee Report on **H.B. 356** by a record vote of 137 ayes, 0 noes, 1 present-not voting.

The House has adopted the Conference Committee Report on **H.B. 1652** by a record vote of 142 ayes, 1 no, 1 present-not voting.

The House has adopted the Conference Committee Reports on the following House Bills by a non-record vote:

H.B. 1226
H.B. 612
H.B. 102
H.B. 43

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

**CONFERENCE COMMITTEE REPORT
HOUSE BILL 790**

Senator Parmer submitted the following Conference Committee Report:

Austin, Texas
June 1, 1987

Honorable William P. Hobby
President of the Senate

Honorable Gibson D. "Gib" Lewis
Speaker of the House of Representatives



S.C.R. 90	S.B. 515	S.B. 1189
S.C.R. 91	S.B. 522	S.B. 1191
S.C.R. 130	S.B. 530	S.B. 1315
S.C.R. 135	S.B. 696	S.B. 1357
S.C.R. 136	S.B. 744	S.B. 1382
S.C.R. 140	S.B. 753	S.B. 1421
S.J.R. 12	S.B. 865	S.B. 1424
S.B. 161	S.B. 868	S.B. 1436
S.B. 202	S.B. 893	S.B. 1514
S.B. 223	S.B. 933	S.B. 1517

MOTION TO ADJOURN SINE DIE

At 12:00 midnight Senator Brooks moved that the Senate of the Seventieth Legislature, Regular Session, adjourn sine die upon the completion of administrative duties.

The motion prevailed.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolutions:

S.C.R. 68	H.B. 367	H.B. 1300	H.B. 2056
S.J.R. 9	H.B. 440	H.B. 1387	H.B. 2085
S.J.R. 17	H.B. 538	H.B. 1402	H.B. 2098
S.J.R. 55	H.B. 612	H.B. 1453	H.B. 2119
S.B. 185	H.B. 650	H.B. 1459	H.B. 2124
S.B. 229	H.B. 685	H.B. 1512	H.B. 2146
S.B. 245	H.B. 707	H.B. 1514	H.B. 2181
S.B. 257	H.B. 766	H.B. 1606	H.B. 2193
S.B. 298	H.B. 784	H.B. 1652	H.B. 2194
S.B. 408	H.B. 790	H.B. 1675	H.B. 2235
S.B. 560	H.B. 791	H.B. 1718	H.B. 2243
S.B. 687	H.B. 812	H.B. 1785	H.B. 2291
S.B. 873	H.B. 858	H.B. 1814	H.B. 2297
S.B. 962	H.B. 888	H.B. 1829	H.B. 2328
S.B. 1081	H.B. 923	H.B. 1831	H.B. 2445
S.B. 1279	H.B. 947	H.B. 1848	H.B. 2456
S.B. 1355	H.B. 967	H.B. 1866	H.B. 2556
S.B. 1371	H.B. 994	H.B. 1869	H.B. 2560
S.B. 1405	H.B. 1078	H.B. 1889	H.B. 2571
S.B. 1407	H.B. 1169	H.B. 1912	H.B. 2592
S.B. 1429	H.B. 1183	H.B. 1931	H.B. 2594
S.B. 1439	H.B. 1196	H.B. 1933	H.B. 2597
S.B. 1497	H.B. 1219	H.B. 1939	H.B. 2601
H.B. 23	H.B. 1226	H.B. 1942	H.B. 2611
H.B. 102	H.B. 1261	H.B. 1947	H.B. 2622
H.B. 173	H.B. 1262	H.B. 2008	H.C.R. 36
H.B. 176	H.B. 1294	H.B. 2024	H.C.R. 213
H.B. 356	H.B. 1299	H.B. 2035	H.C.R. 236

MEMORIAL RESOLUTIONS

S.R. 699 - By Montford: Memorial resolution for John M. Anderson.

S.R. 703 - By Glasgow: Memorial resolution for Charlie Lee Johnson.



Signed by Governor

(June 5, 1987)

S.B. 523 (Effective immediately)
S.B. 199 (Effective immediately)
S.C.R. 48
S.C.R. 66
S.C.R. 68
S.C.R. 87
S.C.R. 88
S.C.R. 89
S.C.R. 90
S.C.R. 91
S.C.R. 122
S.C.R. 130
S.C.R. 135
S.C.R. 136
S.C.R. 140
H.C.R. 36
H.C.R. 107
H.C.R. 152
H.C.R. 213
H.C.R. 236

(June 10, 1987)

H.B. 166 (Effective August 31, 1987)
H.B. 268 (Effective August 31, 1987)
H.B. 705 (Effective September 1, 1987)
H.B. 1190 (Effective September 1, 1987)
H.B. 1213 (Effective January 1, 1988)

(June 11, 1987)

S.B. 10 (Effective immediately)
S.B. 279 (Effective immediately)
S.B. 504 (Effective August 31, 1987)
S.B. 779 (Effective September 1, 1987)
S.B. 1357 (Effective September 1, 1987)
S.B. 1446 (Effective September 1, 1987)
H.B. 77 (Effective September 1, 1987)
H.B. 128 (Effective August 31, 1987)
H.B. 162 (Effective September 1, 1987)
H.B. 175 (Effective August 31, 1987)
H.B. 625 (Effective September 1, 1987)
H.B. 814 (Effective November 1, 1987)
H.B. 1368 (Effective September 1, 1987)
H.B. 1469 (Effective August 31, 1987)
H.B. 1621 (Effective September 1, 1987)
H.B. 1652 (Effective immediately)
H.B. 1839 (Effective August 31, 1987)
H.B. 2174 (Effective September 1, 1987)
H.B. 176 (Effective September 1, 1987)
H.B. 272 (Effective August 31, 1987)
H.B. 285 (Effective immediately)
H.B. 306 (Effective August 31, 1987)



(Senate Sponsor: Uribe)

Referred to Committee on State Affairs, 1167. Reported, 1841. Laid before Senate, read second time, passed to third reading, read third time and passed, 1914. Signed, 2294. Signed by Governor, 2758.

1647. By Cooper: Relating to regulation of greywater, 1185.

(Senate Sponsor: Barrientos)

Referred to Committee on Natural Resources, 1200. Reported, 1729. Laid before Senate, read second time, passed to third reading, read third time and passed, 1837. Signed, 2163. Signed by Governor, 2751.

1650. By Polumbo: Relating to the effect of certain property appraisal appeals, 717.

(Senate Sponsor: Brooks)

Referred to Committee on Finance, 757. Reported, C.S.H.B. 1650, 1018. Rules suspended, read second time, passed to third reading, read third time and passed, 1798. House concurred in Senate amendments, 2011. Signed, 2294. Signed by Governor, 2754.

1652. By Millsap: Relating to the requirement that a person first obtain a license or permit before exercising a privilege authorized by the Alcoholic Beverage Code and further defining certain activities subject to regulation, 717.

(Senate Sponsor: Glasgow) (Companion Document: S.B. 871 — Glasgow)

Referred to Committee on Economic Development, 757. Reported, C.S.H.B. 1652, 1597. Rules suspended, 1814. Read second time, passed to third reading, read third time and passed, 1815. House refused to concur in Senate amendments, Conference Committee requested, Conference Committee appointed, 2250. Request granted, Senate Conference Committee appointed, 2279. Conference Committee Report read and filed, 2548. Conference Committee Report adopted, votes recorded, 2561. Vote reconsidered, Conference Committee Report again adopted, 2600. Adoption of Conference Committee Report by House reported, 2687. Signed, 2742. Signed by Governor, 2746.

1653. By Kuempel: Relating to the maintenance of required records at certain locations by the holder of a branch distributor's license, 717.

(Senate Sponsor: Green)

Referred to Committee on Economic Development, 757. Reported, C.S.H.B. 1653, 1100. Rules suspended, read second time, passed to third reading, read third time and passed, 1314. House concurred in Senate amendments, 1751. Signed, 2008. Signed by Governor, 2748.

1675. By Hury: Relating to the circumstances under which a home-rule municipality may hold a nonbinding referendum, 1059.

(Senate Sponsor: Armbrister)

Referred to Committee on Intergovernmental Relations, 1087. Reported, C.S.H.B. 1675, 1785. Rules suspended, read second time, passed to third reading, read third time and passed, 2264. House concurred in Senate amendments, 2521. Signed, 2742. Signed by Governor, 2757.

1678. By C. Evans: Relating to the authority of the Texas Turnpike Authority, 789.

(Senate Sponsor: Whitmire)

Referred to Committee on State Affairs, 815. Rereferred to Committee on Economic Development, 875. Posting rule suspended, 1097. Reported, 1100. Rules suspended, read second time, 1253. Amended, passed to third



By: 

S.B. No. 871

A BILL TO BE ENTITLED

AN ACT

relating to the requirement that a person first obtain a license or permit before exercising a privilege authorized by the Alcoholic Beverage Code.

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

SECTION 1. Title 2, Alcoholic Beverage Code, is amended by adding Chapter 6 to read as follows:

CHAPTER 6. ACTIVITIES SUBJECT TO REGULATION

Sec. 6.011. RIGHTS AND PRIVILEGES; REVOCATION. (a) A person may manufacture, distill, brew, sell, import, export, transport, distribute, warehouse, store, possess, possess for the purpose of sale, bottle, rectify, blend, treat, fortify, mix, or process alcoholic beverages or possess equipment or material designed for or capable of use for manufacturing alcoholic beverages, if the right or privilege of doing so is granted by this code and the person has first obtained a license or permit of the proper type as required by this code.

(b) A license or permit issued under this code is a purely personal privilege and is subject to revocation if the holder is found to have violated a provision of this code or a rule of the commission.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several



____.B. No. ____

1 days in each house be suspended, and this rule is hereby suspended.



S. B. No. 871

By M Glasgow

A BILL TO BE ENTITLED

AN ACT relating to the requirement that a person first obtain a license or permit before exercising a privilege authorized by the Alcoholic Beverage Code.

3-11-87 Filed with the Secretary of the Senate

MAR 12 1987

APR 7 1987

Read and referred to Committee on STATE AFFAIRS

referred to ECONOMIC DEVELOPMENT

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by: { unanimous consent
_____ yeas, _____ nays

Read second time, _____, and ordered engrossed by: { unanimous consent
a viva voce vote
_____ yeas, _____ nays

Caption ordered amended to conform to the body of the bill.

Senate and Constitutional 3 Day Rule suspended by a vote of _____ yeas, _____ nays.

Read third time, _____, and passed by _____ yeas, _____ nays.

SECRETARY OF THE SENATE

OTHER ACTION:

Engrossed

Sent to House

Engrossing Clerk

Received from the Senate

Read first time and referred to Committee on _____

Reported favorably amended, sent to Printer at _____

Printed and Distributed _____

Sent to Committee on Calendars _____

Read Second time (amended): passed to third reading (failed)

by (Non-Record Vote) Record Vote of _____ yeas, _____ nays _____ present not voting.

Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ yeas, _____ nays _____ present not voting.

Read third time (amended); finally passed (failed) by a (Non-Record Vote) Record-Vote of

_____ yeas, _____ nays _____ present not voting.

Caption ordered amended to conform to body of bill.

Returned to Senate.

CHIEF CLERK OF THE HOUSE

Returned from House without amendment.

Returned from House with _____ amendments.

Concurred in House amendments by a viva voce vote _____ yeas, _____ nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____,
_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman;
_____, _____, _____.

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by: _____

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays



AS

PLISRO02

S Scheduled for Public Hearing in S/C	04/09/87	0
S No action taken in s/c	04/09/87	0
S Scheduled for public hearing on	04/09/87	0
S No action taken in committee	04/09/87	0
S Scheduled for public hearing on	04/13/87	0
S Left as pending business in committee	04/13/87	0
S Scheduled for public hearing on	04/15/87	0
S Left as pending business in committee	04/15/87	0
S Scheduled for public hearing on	04/21/87	0
S No action taken in committee	04/21/87	0

SB870 AUTHOR: Glasgow SPONSOR: DATE PAGE

Relating to charges for duplicate or corrected permits issued by the Texas Alcoholic Beverage Commission.

SENATE COMM: Economic Development

COUNCIL DRAFT: COMPANION DOCUMENT: HBO1978

SUBJECT (S): Alcoholic Beverage Regulation

S Filed	03/11/87	0
S Read first time	03/12/87	322
S Referred to State Affairs	03/12/87	322
S Rereferred to committee	04/07/87	555
S Referred to Economic Development	04/07/87	555

SB871 AUTHOR: Glasgow SPONSOR: DATE PAGE

Relating to the requirement that a person first obtain a license or permit before exercising a privilege authorized by the Alcoholic Beverage Code.

SENATE COMM: Economic Development

COUNCIL DRAFT: COMPANION DOCUMENT: HBO1652

SUBJECT (S): Alcoholic Beverage Regulation
DRAM SHOP

S Filed	03/11/87	0
S Read first time	03/12/87	322
S Referred to State Affairs	03/12/87	322
S Rereferred to committee	04/07/87	555
S Referred to Economic Development	04/07/87	555

SB872 AUTHOR: Glasgow SPONSOR: Gavin DATE PAGE

Relating to the prevention and administration of insolvencies, impairments, and receivership and conservatorship estates by the Texas Property and Casualty Guaranty Association.

SENATE COMM: Economic Development

HOUSE COMM: Insurance

COUNCIL DRAFT: 70R4467 SHH COMPANION DOCUMENT: HBO1423

SUBJECT (S): Insurance-- General

S Filed	03/11/87	0
S Read first time	03/12/87	322
S Referred to Economic Development	03/12/87	322
S Scheduled for public hearing on	04/06/87	0
S No action taken in committee	04/06/87	0
S Scheduled for public hearing on	04/09/87	0
S Considered in public hearing	04/09/87	0
S Testimony taken in committee	04/09/87	0
S Left as pending business in committee	04/09/87	0
S Scheduled for public hearing on	04/13/87	0
S Left as pending business in committee	04/13/87	0
S Scheduled for public hearing on	04/15/87	0
S Left as pending business in committee	04/15/87	0
S Scheduled for public hearing on	04/21/87	0
S No action taken in committee	04/21/87	0
S Scheduled for public hearing on	04/24/87	0
S Left as pending business in committee	04/24/87	0
S Scheduled for public hearing on	04/27/87	0
S No action taken in committee	04/27/87	0
S Scheduled for public hearing on	05/01/87	0
S Considered in public hearing	05/01/87	0
S Testimony taken in committee	05/01/87	0
S Reported favorably w/amendments	05/01/87	908
S Rules suspended	05/07/87	1009
S Read second time	05/07/87	1009
S Amended	05/07/87	1009



LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 9, 1987

TO: Honorable O. H. "Ike" Harris, Chairman
Committee on Economic Development
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 871
By: Glasgow

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 871 (relating to the requirement that a person first obtain a license or permit before exercising a privilege authorized by the Alcoholic Beverage Code) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: Alcoholic Beverage Commission;
LBB Staff: JO, HES, JWH, JG, NH



LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 24, 1987

TO: Honorable Ray Farabee, Chairman
Committee on State Affairs
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 871
By: Glasgow

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 871 (relating to the requirement that a person first obtain a license or permit before exercising a privilege authorized by the Alcoholic Beverage Code) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: Alcoholic Beverage Commission;
LBB Staff: JO, HES, JWH, JG, NH

70FSB871

MAR 25 1 58 PM '87
RECEIVED
SECRETARY OF SENATE