

CHAPTER 495

H.B. No. 1978

AN ACT

relating to the authority of the alcoholic beverage commission to establish certain fees and requiring that certain certificates be kept on file.

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

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SECTION 1. Chapter 5, Alcoholic Beverage Code, is amended by adding Section 5.50 to read as follows:

Sec. 5.50. ESTABLISHMENT OF CERTAIN FEES. (a) The commission by rule may establish reasonable fees for tasks and services performed by the commission in carrying out the provisions of this code, including fees incidental to the issuance of licenses and permits under Title 3 of this code.

(b) The commission may not increase or decrease a fee set by this code, but if a statute is enacted creating a certificate, permit, or license and there is no fee established, the commission by rule may set a fee.

(c) Insofar as they relate to the levying and collection of a local fee, Sections 11.38 and 61.36 of this code do not apply to fees set by rule of the commission.

(d) A fee authorized by this section and set by rule of the commission may not exceed \$25. Revenues from fees collected by the commission under this section shall be deposited in the general revenue fund.

SECTION 2. Subsections (a) and (b), Section 107.07, Alcoholic Beverage Code, are amended to read as follows:

(a) A Texas resident may import not more than one quart of liquor for his own personal use without being required to hold a permit. A Texas resident may import for his own personal use not more than three gallons of wine without being required to hold a permit. A nonresident of Texas may import not more than a gallon of liquor for his own personal use without being required to hold a permit. A person importing liquor into the state under this subsection must pay the state tax on liquor and an administrative fee of 50 [25] cents and must affix the required tax stamps. No minor and no intoxicated person may import any liquor into the state. A person importing wine or liquor under this subsection must personally accompany the wine or liquor as it enters the state. A person may not avail himself of the exemptions set forth in this subsection more than once every thirty days.

(b) A person may import beer into this state for his own personal use without being required to hold a license, but may not import more than 24 twelve-ounce bottles or an equivalent quantity in *any one thirty-day period [day]*. He must pay the state tax on beer and an administrative fee of 50 [25] cents.

SECTION 3. Section 37.11, Alcoholic Beverage Code, is amended by adding Subsection (e) to read as follows:

(e) No certificate of approval shall be issued unless the application is accompanied by a fee in the amount of \$25 payable to the commission. A copy of the certificate shall be kept on file in the office of the commission.

SECTION 4. Section 101.67, Alcoholic Beverage Code, is amended by adding Subsection (d) to read as follows:

(d) If the commission determines that the sample and label required by Subsection (a) of this section comply with the provisions of this code and the rules of the commission, the commission shall issue a certificate of approval upon receipt of a fee in the amount of \$25. A copy of the certificate shall be kept on file in the office of the commission.

SECTION 5. Chapter 109, Alcoholic Beverage Code, is amended by adding Section 109.55 to read as follows:

Sec. 109.55. CERTIFICATE. If after June 1, 1987, the certificate is filed under Section 15, Chapter 285, or Section 16, Chapter 462, Acts of the 69th Legislature, Regular Session, 1985, the contingency described by Subsection (c) of each of those sections is effective on the first day of the month following the month in which the certificate is filed.

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.

Passed by the House on April 15, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1978 on May 29, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 25, 1987, by the following vote: Yeas 29, Nays 0.

Approved June 17, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.