

Chapter 234

H.B. No. 256

AN ACT

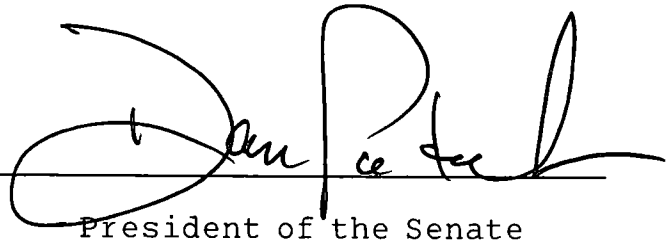
relating to the authority of a city attorney to seek an injunction to abate a common nuisance under the Alcoholic Beverage Code.

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

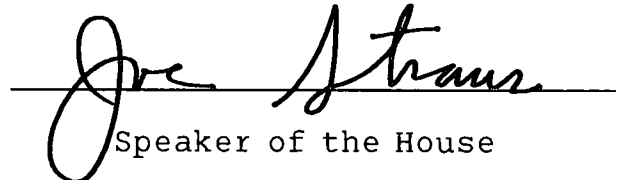
SECTION 1. Section 101.70, Alcoholic Beverage Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The city attorney in the city where the nuisance exists may sue in the name of the city for an injunction to abate and temporarily and permanently enjoin it. Except as otherwise provided in this section, the proceeding is conducted as other similar proceedings.

SECTION 2. This Act takes effect September 1, 2017.

  
\_\_\_\_\_  
President of the Senate

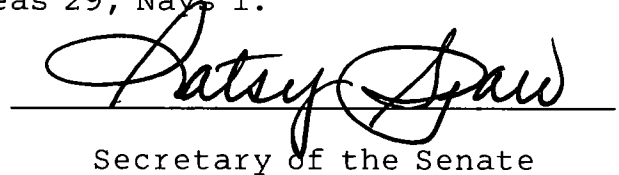
H.B. No. 256

  
\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 256 was passed by the House on March 30, 2017, by the following vote: Yeas 125, Nays 14, 1 present, not voting.

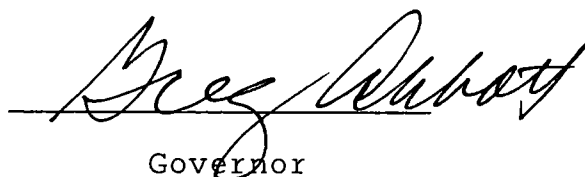
  
\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 256 was passed by the Senate on May 16, 2017, by the following vote: Yeas 29, Nays 1.

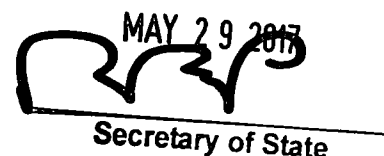
  
\_\_\_\_\_  
Secretary of the Senate

APPROVED: 5-29-2017

Date

  
\_\_\_\_\_  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
8:00 PM O'CLOCK

MAY 29 2017  
  
\_\_\_\_\_  
Secretary of State

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 13, 2017**

**TO:** Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB256** by Hernandez (Relating to the authority of a city attorney to seek an injunction to abate a common nuisance under the Alcoholic Beverage Code.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Alcoholic Beverage Code to grant authority to a city attorney to seek an injunction to abate a common nuisance. Based on the information provided by the Texas Alcoholic Beverage Commission, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within existing resources.

The bill would take effect September 1, 2017.

**Local Government Impact**

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

**Source Agencies:** 458.Alcoholic Beverage Commission

**LBB Staff:** UP, CL, FR, LBO, WP, JGA

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**March 22, 2017**

**TO:** Honorable John T. Smithee, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** HB256 by Hernandez (Relating to the authority of a city attorney to seek an injunction to abate a common nuisance under the Alcoholic Beverage Code.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Alcoholic Beverage Code to grant authority to a city attorney to seek an injunction to abate a common nuisance. Based on the information provided by the Texas Alcoholic Beverage Commission, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within existing resources.

The bill would take effect September 1, 2017.

**Local Government Impact**

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

**Source Agencies:** 458 Alcoholic Beverage Commission

**LBB Staff:** UP, LBO, WP, FR, JGA

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**March 12, 2017**

**TO:** Honorable John T. Smithee, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB256** by Hernandez (Relating to the authority of a city attorney to seek an injunction to abate a common nuisance under the Alcoholic Beverage Code.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Section 101 of the Alcoholic Beverage Code to grant authority to a city attorney to seek an injunction to abate a common nuisance. Based on the information provided by the Texas Alcoholic Beverage Commission, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within existing resources.

The bill would take effect September 1, 2017.

**Local Government Impact**

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

**Source Agencies:** 458 Alcoholic Beverage Commission

**LBB Staff:** UP, WP, FR, JGA