

BILL ANALYSIS

C.S.H.B. 1952
By: Kuempel
Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Alcoholic Beverage Commission (TABC) approves alcoholic beverage seller training programs, certifies program trainers, and certifies seller-servers who complete such a program. Interested parties report that if a program, trainer, or seller-server violates a provision of the Alcoholic Beverage Code or a TABC rule, the TABC may cancel the approval of the program or the certification of the trainer or seller-server but cannot take a less punitive action, such as suspending the approval or certification or assessing a civil penalty. C.S.H.B. 1952 seeks to improve this situation by giving the TABC broader discretion in dealing with such violations.

RULEMAKING AUTHORITY

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

ANALYSIS

C.S.H.B. 1952 amends the Alcoholic Beverage Code to authorize the Texas Alcoholic Beverage Commission (TABC), after notice and hearing, to cancel or suspend the TABC's approval of an alcoholic beverage seller training program, the TABC's certification of a trainer to teach such a program, or the TABC's certification of a seller-server if the program, trainer, or seller-server violates the Alcoholic Beverage Code or a TABC rule. The bill authorizes the TABC to give a program, trainer, or seller-server the opportunity to pay a civil penalty rather than be subject to suspension under the bill's provisions and makes certain provisions of law relating to the hearing or appeal of a cancellation or suspension of a permit applicable to the program approval or certification as if that approval or certification were a license or permit under the Alcoholic Beverage Code.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1952 differs from the original by referring to certification by the Texas Alcoholic Beverage Commission (TABC) of a seller-server who completes a seller training program, whereas the original refers to the TABC's certification of an employee who completes such a program. The substitute differs from the original by authorizing the TABC to give a seller-server the opportunity to pay a civil penalty rather than be subject to suspension, whereas the original authorizes the TABC to give an employee that opportunity.