

By: Thompson

H.B. No. 1956

A BILL TO BE ENTITLED

AN ACT

1
2 relating to appeal of an order of the Texas Alcoholic Beverage
3 Commission or the commission's administrator refusing, canceling,
4 or suspending a license or permit.

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

6 SECTION 1. Section 11.67(b), Alcoholic Beverage Code, is
7 amended to read as follows:

8 (b) The appeal shall be under the substantial evidence rule
9 and against the commission alone as defendant. The rules
10 applicable to ordinary civil suits apply, with the following
11 exceptions, which shall be construed literally:

12 (1) the appeal shall be perfected and filed within 30
13 days after the date the order, decision, or ruling of the commission
14 or administrator becomes final and appealable;

15 (2) the case shall be tried before a judge within 60
16 [~~10~~] days from the date it is filed;

17 (3) neither party is entitled to a jury; and

18 (4) the order, decision, or ruling of the commission
19 or administrator may be suspended or modified by the court pending a
20 trial on the merits, but the final judgment of the district court
21 may not be modified or suspended pending appeal.

22 SECTION 2. Section 32.18, Alcoholic Beverage Code, is
23 amended to read as follows:

24 Sec. 32.18. APPEALS FROM ORDERS OF COMMISSION OR

1 ADMINISTRATOR. An appeal from an order of the commission or
2 administrator refusing, cancelling, or suspending a private club
3 registration permit shall be taken to the district court of the
4 county in which the private club is located. The proceeding on
5 appeal shall be under the substantial evidence rule. The rules
6 applicable to ordinary civil suits apply, with the following
7 exceptions, which shall be construed literally:

8 (1) all appeals shall be perfected and filed within 30
9 days after the order, decision, or ruling of the commission or
10 administrator becomes final and appealable;

11 (2) all causes shall be tried before the judge within
12 60 [~~10~~] days from the filing, and neither party shall be entitled to
13 a jury; and

14 (3) the order, decision, or ruling of the commission
15 or administrator may be suspended or modified by the district court
16 pending a trial on the merits, but the final judgment of the
17 district court shall not be modified or suspended pending appeal.

18 SECTION 3. Sections 11.67(b) and 32.18, Alcoholic Beverage
19 Code, as amended by this Act, apply only to an appeal filed on or
20 after the effective date of this Act. An appeal filed before the
21 effective date of this Act is governed by the law in effect
22 immediately before the effective date of this Act, and that law is
23 continued in effect for that purpose.

24 SECTION 4. This Act takes effect September 1, 2011.