

By: Thompson

H.B. No. 1956

A BILL TO BE ENTITLED

1 AN ACT  
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 private club registration permit.

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

6 SECTION 1. Section 32.18, Alcoholic Beverage Code, is  
7 amended to read as follows:

8 Sec. 32.18. APPEALS FROM ORDERS OF COMMISSION OR  
9 ADMINISTRATOR. An appeal from an order of the commission or  
10 administrator refusing, cancelling, or suspending a private club  
11 registration permit shall be taken to the district court of the  
12 county in which the private club is located. The proceeding on  
13 appeal shall be under the substantial evidence rule. The rules  
14 applicable to ordinary civil suits apply, with the following  
15 exceptions, which shall be construed literally:

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

19 (2) all causes shall be tried before the judge within  
20 60 [~~40~~] days from the filing, and neither party shall be entitled to  
21 a jury; and

22 (3) the order, decision, or ruling of the commission  
23 or administrator may be suspended or modified by the district court  
24 pending a trial on the merits, but the final judgment of the

1 district court shall not be modified or suspended pending appeal.

2 SECTION 2. Section 32.18, Alcoholic Beverage Code, as  
3 amended by this Act, applies only to an appeal filed on or after the  
4 effective date of this Act. An appeal filed before the effective  
5 date of this Act is governed by the law in effect immediately before  
6 the effective date of this Act, and that law is continued in effect  
7 for that purpose.

8 SECTION 3. This Act takes effect September 1, 2011.