

By: Thompson

H.B. No. 1957

A BILL TO BE ENTITLED

1 AN ACT
2 relating to appeal from certain orders of the Texas Alcoholic
3 Beverage Commission or the commission's administrator.

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

5 SECTION 1. Sections 11.67(a) and (b), Alcoholic Beverage
6 Code, are amended to read as follows:

7 (a) An appeal from an order of the commission or
8 administrator refusing, cancelling, or suspending a permit or
9 license or forfeiting a conduct surety bond may be taken to the
10 district court of the county in which the applicant, licensee, or
11 permittee resides or in which the owner of involved real or personal
12 property resides.

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

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

20 (2) the case shall be tried before a judge within 60
21 [~~10~~] days from the date it is filed;

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

23 (4) the order, decision, or ruling of the commission
24 or administrator may be suspended or modified by the court pending a

1 trial on the merits, but the final judgment of the district court
2 may not be modified or suspended pending appeal.

3 SECTION 2. Section 61.81, Alcoholic Beverage Code, is
4 amended to read as follows:

5 Sec. 61.81. APPEAL FROM CANCELLATION, SUSPENSION, OR
6 REFUSAL OF LICENSE. Section 11.67 of this code applies to an appeal
7 from a decision or order of the commission or administrator
8 refusing, cancelling, or suspending a license or forfeiting a
9 surety bond.

10 SECTION 3. (a) Sections 11.67(a) and 61.81, Alcoholic
11 Beverage Code, as amended by this Act, apply only to an appeal of an
12 order issued on or after the effective date of this Act. Appeal of
13 an order issued before the effective date of this Act is governed by
14 the law in effect immediately before the effective date of this Act,
15 and that law is continued in effect for that purpose.

16 (b) Section 11.67(b), Alcoholic Beverage Code, as amended
17 by this Act, applies only to an appeal filed on or after the
18 effective date of this Act. An appeal filed before the effective
19 date of this Act is governed by the law in effect immediately before
20 the effective date of this Act, and that law is continued in effect
21 for that purpose.

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