

By: Thompson

H.B. No. 1958

A BILL TO BE ENTITLED

AN ACT

relating to investigations of violations of and complaints and protests under the Alcoholic Beverage Code.

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

SECTION 1. Section 5.36, Alcoholic Beverage Code, is amended to read as follows:

Sec. 5.36. INVESTIGATION OF VIOLATIONS, COMPLAINTS, AND PROTESTS. (a) The commission shall investigate violations of this code and of other laws relating to alcoholic beverages, and shall cooperate in the prosecution of offenders before any court of competent jurisdiction. The commission may seize alcoholic beverages manufactured, sold, kept, imported, or transported in violation of this code and apply for the confiscation of the beverages if required to do so by this code.

(b) A complaint alleging a violation of this code or another law relating to alcoholic beverages or a protest of the issuance or renewal of a permit or license under this code must include the legal and factual information that forms the basis of the complaint or protest.

(c) Not later than the fifth business day after the date the commission receives a complaint alleging a violation of this code or another law relating to alcoholic beverages, a protest of the issuance or renewal of a permit or license under this code, or an application for an original or renewal permit or license under this

1 code, the commission shall initiate an investigation of the
2 complaint or protest or a potential violation of this code or a
3 commission rule by the applicant who submitted the application.

4 (d) The commission must complete an investigation initiated
5 under Subsection (c) not later than the 30th calendar day after the
6 date the complaint, protest, or application is received by the
7 commission.

8 (e) Except as provided by Subsection (f), but
9 notwithstanding any other provision of this code, any hearing
10 conducted under this code on a complaint, protest, or application
11 described by this section must be held not later than the 60th
12 calendar day after the date the complaint, protest, or application
13 is received by the commission. Unless the deadline is waived under
14 Subsection (f), if a hearing on a complaint, protest, or
15 application described by this section is not held by the deadline
16 imposed by this subsection, the complaint or protest shall be
17 dismissed or the application is considered approved and the permit
18 or license applied for shall be issued.

19 (f) A permittee, licensee, or applicant that is the subject
20 of a complaint, protest, or application described by this section
21 may waive the deadline to conduct a hearing imposed by Subsection
22 (e) by filing a written request with the commission before the 60th
23 calendar day after the date the complaint, protest, or application
24 is received by the commission. If the deadline imposed by
25 Subsection (e) is waived under this subsection, the commission must
26 allow sufficient additional time before scheduling the hearing for
27 the completion of discovery and other prehearing proceedings

1 authorized by law or the rules of the State Office of Administrative
2 Hearings.

3 SECTION 2. Section 5.36, Alcoholic Beverage Code, as
4 amended by this Act, applies only to a complaint, protest, or
5 application received by the Texas Alcoholic Beverage Commission on
6 or after the effective date of this Act. A complaint, protest, or
7 application received before the effective date of this Act is
8 governed by the law in effect immediately before the effective date
9 of this Act, and that law is continued in effect for that purpose.

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