

By: Thompson

H.B. No. 1959

A BILL TO BE ENTITLED

AN ACT

relating to appeal of the refusal of an alcoholic beverage license or permit based on a certification of an area's wet or dry status.

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

SECTION 1. Section 11.37, Alcoholic Beverage Code, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding any other provision of this code, if the commission refuses to issue a permit based on the certification by the county clerk, city secretary, or city clerk under this section or the refusal of the county clerk, city secretary, or city clerk to issue the certification required by this section, the applicant is entitled to a hearing before the commission to contest the commission's decision to refuse to issue a permit.

SECTION 2. Section 61.37, Alcoholic Beverage Code, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding any other provision of this code, if the commission refuses to issue a license based on the certification by the county clerk, city secretary, or city clerk under this section or the refusal of the county clerk, city secretary, or city clerk to issue the certification required by this section, the applicant is entitled to a hearing before the commission to contest the commission's decision to refuse to issue a license.

SECTION 3. Sections 11.37(d) and 61.37(d), Alcoholic Beverage Code, as added by this Act, apply only to a refusal by the

1 Texas Alcoholic Beverage Commission to issue a permit or license on
2 or after the effective date of this Act. A refusal by the
3 commission to issue a permit or license before the effective date of
4 this Act is governed by the law in effect immediately before the
5 effective date of this Act, and that law is continued in effect for
6 that purpose.

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