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HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. \_\_\_\_\_

BY: Springer

1 Amend C.S.H.B. No. 1545 (house committee report) as follows:

2 (1) Strike SECTIONS 10 and 11 of the bill (page 6, line 20,  
3 through page 7, line 14).

4 (2) On page 7, lines 20 and 25, strike "and enforcement".

5 (3) On page 8, line 6, strike "may only use" and substitute  
6 "shall provide".

7 (4) On page 8, line 7, strike "for the commission's" and  
8 substitute "to the attorney general for the attorney general's".

9 (5) In SECTION 399, strike Subsection (a) of that SECTION  
10 (page 303, line 24, through page 304, line 4) and redesignate the  
11 subsections of that SECTION.

12 (6) Add the following appropriately numbered subdivisions  
13 to SECTION 406(b) of the bill and renumber subsequent subdivisions  
14 of that SECTION accordingly:

15 ( ) Sections 5.14, 5.141, and 5.142;

16 ( ) Section 5.44;

17 (7) Add the following appropriately numbered SECTIONS to  
18 the bill:

19 SECTION \_\_\_\_\_. Effective September 1, 2019, Section 5.15,  
20 Alcoholic Beverage Code, is amended to read as follows:

21 Sec. 5.15. ASSISTANT ATTORNEYS GENERAL. The attorney  
22 general may appoint [~~as many as six~~] assistant attorneys general [~~7~~  
23 ~~as the commission determines necessary,~~] to [~~enable the commission~~  
24 ~~to more efficiently~~] enforce this code. The attorney general and  
25 the assistant attorneys general shall prosecute all suits to  
26 enforce this code [~~requested by the commission~~] and defend all  
27 suits against the commission. [~~The commission shall provide the~~  
28 ~~assistant attorneys general with necessary stenographers and~~  
29 ~~office space.~~] The assistant attorneys general shall be paid [~~by~~

1 ~~the commission out of funds appropriated to it for the~~  
2 ~~administration of this code. Their compensation shall be]~~ on the  
3 same basis as assistant attorneys general devoting their time to  
4 general state business.

5 SECTION \_\_\_\_\_. Effective September 1, 2019, Section 5.31(a),  
6 Alcoholic Beverage Code, is amended to read as follows:

7 (a) Subject to Section 5.361, the [The] commission may  
8 exercise all powers, duties, and functions conferred by this code,  
9 and all powers incidental, necessary, or convenient to the  
10 administration of this code. It shall inspect, supervise, and  
11 regulate every phase of the business of manufacturing, importing,  
12 exporting, transporting, storing, selling, advertising, labeling,  
13 and distributing alcoholic beverages, and the possession of  
14 alcoholic beverages for the purpose of sale or otherwise. It may  
15 prescribe and publish rules necessary to carry out the provisions  
16 of this code.

17 SECTION \_\_\_\_\_. Effective September 1, 2019, Section 5.361,  
18 Alcoholic Beverage Code, is amended to read as follows:

19 Sec. 5.361. ENFORCEMENT BY ATTORNEY GENERAL. (a)  
20 Notwithstanding any other provision of law, the attorney general is  
21 responsible for the enforcement of this code. A reference in law to  
22 the commission in the context of the enforcement of this code is a  
23 reference to the enforcement authority of the attorney general.

24 (a-1) The attorney general [~~commission~~] shall develop a  
25 risk-based approach to conducting its enforcement activities that  
26 focuses on:

27 (1) detecting serious violations that impact public  
28 safety;

29 (2) monitoring entities that have a history of  
30 complaints and violations of this code; and

31 (3) any other factors the attorney general

1 ~~[commission]~~ considers important.

2 (b) The attorney general ~~[commission]~~ shall develop  
3 benchmarks and goals to track key enforcement activities and the  
4 results of those activities. For each type of enforcement  
5 activity, the attorney general ~~[commission]~~ shall track the number  
6 of violations detected by the enforcement activity, the amount of  
7 time spent on the enforcement activity, and any other information  
8 the attorney general ~~[commission]~~ considers necessary. The  
9 attorney general ~~[commission]~~ shall use the information collected  
10 under this subsection and other information to compare the  
11 enforcement performance of each region and to determine the most  
12 effective enforcement activities.

13 (c) The attorney general ~~[commission]~~ shall track, on a  
14 statewide and regional basis, the type of violations detected, the  
15 disposition of the violations, and the entities that committed the  
16 most serious violations.

17 (d) The attorney general ~~[commission]~~ shall compile  
18 detailed statistics and analyze trends related to its enforcement  
19 activities. The attorney general ~~[commission]~~ shall:

20 (1) summarize the statistics and trends for ~~[executive~~  
21 ~~management on a monthly basis and for]~~ the members of the commission  
22 on a quarterly basis; and

23 (2) make summary information available to the public,  
24 including by posting the information on the commission's Internet  
25 website.

26 SECTION \_\_\_\_\_. (a) A complaint, investigation, contested  
27 case, or other proceeding before the administrator of the Texas  
28 Alcoholic Beverage Commission, the Texas Alcoholic Beverage  
29 Commission, or the State Office of Administrative Hearings relating  
30 to enforcement authority transferred under this Act that is pending  
31 on the effective date of the transfer is transferred without change

1 in status to the office of the attorney general.

2 (b) All money, contracts, leases, property, records, and  
3 obligations of the Texas Alcoholic Beverage Commission relating to  
4 enforcement authority transferred under this Act are transferred to  
5 the office of the attorney general.

6 (c) The unexpended and unobligated balance of any money  
7 appropriated by the legislature relating to enforcement authority  
8 transferred under this Act is transferred to the office of the  
9 attorney general.

10 (d) Unless the context indicates otherwise, a reference in  
11 law or administrative rule to the enforcement authority of the  
12 Texas Alcoholic Beverage Commission means the office of the  
13 attorney general.

14 (8) Renumber the SECTIONS of the bill appropriately.