

By: Middleton

H.B. No. 4069

A BILL TO BE ENTITLED

1 AN ACT

2 relating to abolition of the Texas Alcoholic Beverage Commission
3 and the transfer of the regulation of alcoholic beverages to the
4 Texas Department of Licensing and Regulation.

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

6 SECTION 1. Section 1.04, Alcoholic Beverage Code, is
7 amended by amending Subdivision (10) and adding Subdivision (29) to
8 read as follows:

9 (10) "Commission" means the Texas Department of
10 Licensing and Regulation [~~Alcoholic Beverage Commission~~].

11 (29) "Administrator" means the executive director of
12 the Texas Department of Licensing and Regulation.

13 SECTION 2. Section 1.09, Alcoholic Beverage Code, as
14 effective September 1, 2021, is amended to read as follows:

15 Sec. 1.09. REFERENCES TO CERTAIN TERMS. (a) A reference in
16 this code to:

17 (1) "Ale," "beer," or "malt liquor" means a malt
18 beverage.

19 (2) "Brewer's permit" or "manufacturer's license"
20 means a brewer's license.

21 (3) "Nonresident brewer's permit" or "nonresident
22 manufacturer's license" means a nonresident brewer's license.

23 (4) "Wine and beer retailer's off-premise permit"
24 means a wine and malt beverage retailer's off-premise permit.

1 (5) "Wine and beer retailer's permit" means a wine and
2 malt beverage retailer's permit.

3 (b) A reference in this code or in any other law to the Texas
4 Alcoholic Beverage Commission means the Texas Department of
5 Licensing and Regulation.

6 SECTION 3. Article 2.12, Code of Criminal Procedure, is
7 amended to read as follows:

8 Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace
9 officers:

10 (1) sheriffs, their deputies, and those reserve
11 deputies who hold a permanent peace officer license issued under
12 Chapter 1701, Occupations Code;

13 (2) constables, deputy constables, and those reserve
14 deputy constables who hold a permanent peace officer license issued
15 under Chapter 1701, Occupations Code;

16 (3) marshals or police officers of an incorporated
17 city, town, or village, and those reserve municipal police officers
18 who hold a permanent peace officer license issued under Chapter
19 1701, Occupations Code;

20 (4) rangers, officers, and members of the reserve
21 officer corps commissioned by the Public Safety Commission and the
22 Director of the Department of Public Safety;

23 (5) investigators of the district attorneys', criminal
24 district attorneys', and county attorneys' offices;

25 (6) ~~[law enforcement agents of the Texas Alcoholic~~
26 ~~Beverage Commission,~~

27 ~~[(7)]~~ each member of an arson investigating unit

1 commissioned by a city, a county, or the state;

2 (7) [~~(8)~~] officers commissioned under Section 37.081,
3 Education Code, or Subchapter E, Chapter 51, Education Code;

4 (8) [~~(9)~~] officers commissioned by the General
5 Services Commission;

6 (9) [~~(10)~~] law enforcement officers commissioned by
7 the Parks and Wildlife Commission;

8 (10) [~~(11)~~] airport police officers commissioned by a
9 city with a population of more than 1.18 million located primarily
10 in a county with a population of 2 million or more that operates an
11 airport that serves commercial air carriers;

12 (11) [~~(12)~~] airport security personnel commissioned
13 as peace officers by the governing body of any political
14 subdivision of this state, other than a city described by
15 Subdivision (10) [~~(11)~~], that operates an airport that serves
16 commercial air carriers;

17 (12) [~~(13)~~] municipal park and recreational patrolmen
18 and security officers;

19 (13) [~~(14)~~] security officers and investigators
20 commissioned as peace officers by the comptroller;

21 (14) [~~(15)~~] officers commissioned by a water control
22 and improvement district under Section 49.216, Water Code;

23 (15) [~~(16)~~] officers commissioned by a board of
24 trustees under Chapter 54, Transportation Code;

25 (16) [~~(17)~~] investigators commissioned by the Texas
26 Medical Board;

27 (17) [~~(18)~~] officers commissioned by:

1 (A) the board of managers of the Dallas County
2 Hospital District, the Tarrant County Hospital District, the Bexar
3 County Hospital District, or the El Paso County Hospital District
4 under Section 281.057, Health and Safety Code;

5 (B) the board of directors of the Ector County
6 Hospital District under Section 1024.117, Special District Local
7 Laws Code;

8 (C) the board of directors of the Midland County
9 Hospital District of Midland County, Texas, under Section 1061.121,
10 Special District Local Laws Code; and

11 (D) the board of hospital managers of the Lubbock
12 County Hospital District of Lubbock County, Texas, under Section
13 1053.113, Special District Local Laws Code;

14 (18) [~~(19)~~] county park rangers commissioned under
15 Subchapter E, Chapter 351, Local Government Code;

16 (19) [~~(20)~~] investigators employed by the Texas
17 Racing Commission;

18 (20) [~~(21)~~] officers commissioned under Chapter 554,
19 Occupations Code;

20 (21) [~~(22)~~] officers commissioned by the governing
21 body of a metropolitan rapid transit authority under Section
22 451.108, Transportation Code, or by a regional transportation
23 authority under Section 452.110, Transportation Code;

24 (22) [~~(23)~~] investigators commissioned by the
25 attorney general under Section 402.009, Government Code;

26 (23) [~~(24)~~] security officers and investigators
27 commissioned as peace officers under Chapter 466, Government Code;

1 (24) [~~(25)~~] officers appointed by an appellate court
2 under Subchapter F, Chapter 53, Government Code;

3 (25) [~~(26)~~] officers commissioned by the state fire
4 marshal under Chapter 417, Government Code;

5 (26) [~~(27)~~] an investigator commissioned by the
6 commissioner of insurance under Section 701.104, Insurance Code;

7 (27) [~~(28)~~] apprehension specialists and inspectors
8 general commissioned by the Texas Juvenile Justice Department as
9 officers under Sections 242.102 and 243.052, Human Resources Code;

10 (28) [~~(29)~~] officers appointed by the inspector
11 general of the Texas Department of Criminal Justice under Section
12 493.019, Government Code;

13 (29) [~~(30)~~] investigators commissioned by the Texas
14 Commission on Law Enforcement under Section 1701.160, Occupations
15 Code;

16 (30) [~~(31)~~] commission investigators commissioned by
17 the Texas Private Security Board under Section 1702.061,
18 Occupations Code;

19 (31) [~~(32)~~] the fire marshal and any officers,
20 inspectors, or investigators commissioned by an emergency services
21 district under Chapter 775, Health and Safety Code;

22 (32) [~~(33)~~] officers commissioned by the State Board
23 of Dental Examiners under Section 254.013, Occupations Code,
24 subject to the limitations imposed by that section;

25 (33) [~~(34)~~] investigators commissioned by the Texas
26 Juvenile Justice Department as officers under Section 221.011,
27 Human Resources Code; and

1 (34) [~~35~~] the fire marshal and any related officers,
2 inspectors, or investigators commissioned by a county under
3 Subchapter B, Chapter 352, Local Government Code.

4 SECTION 4. Article 18B.001(1), Code of Criminal Procedure,
5 is amended to read as follows:

6 (1) "Authorized peace officer" means:

7 (A) a sheriff or deputy sheriff;

8 (B) a constable or deputy constable;

9 (C) a marshal or police officer of a
10 municipality;

11 (D) a ranger or officer commissioned by the
12 Public Safety Commission or the director of the department;

13 (E) an investigator of a prosecutor's office;

14 (F) [~~a law enforcement agent of the Texas~~
15 ~~Alcoholic Beverage Commission,~~

16 [~~(G)~~] a law enforcement officer commissioned by
17 the Parks and Wildlife Commission;

18 (G) [~~(H)~~] an enforcement officer appointed by
19 the inspector general of the Texas Department of Criminal Justice
20 under Section 493.019, Government Code;

21 (H) [~~(I)~~] an investigator commissioned by the
22 attorney general under Section 402.009, Government Code; or

23 (I) [~~(J)~~] a member of an arson investigating unit
24 commissioned by a municipality, a county, or the state.

25 SECTION 5. Section 402.035(c), Government Code, is amended
26 to read as follows:

27 (c) The task force is composed of the following:

- 1 (1) the governor or the governor's designee;
- 2 (2) the attorney general or the attorney general's
3 designee;
- 4 (3) the executive commissioner of the Health and Human
5 Services Commission or the executive commissioner's designee;
- 6 (4) the commissioner of the Department of Family and
7 Protective Services or the commissioner's designee;
- 8 (5) the commissioner of the Department of State Health
9 Services or the commissioner's designee;
- 10 (6) the public safety director of the Department of
11 Public Safety or the director's designee;
- 12 (7) one representative from each of the following
13 state agencies, appointed by the chief administrative officer of
14 the respective agency:
 - 15 (A) the Texas Workforce Commission;
 - 16 (B) the Texas Department of Criminal Justice;
 - 17 (C) the Texas Juvenile Justice Department;
 - 18 (D) the Texas Education Agency;
 - 19 (E) ~~the Texas Alcoholic Beverage Commission,~~
 - 20 ~~(F)~~ the Parks and Wildlife Department;
 - 21 (F) ~~(G)~~ the Supreme Court of Texas Permanent
22 Judicial Commission for Children, Youth and Families;
 - 23 (G) ~~(H)~~ the Texas Department of Licensing and
24 Regulation;
 - 25 (H) ~~(I)~~ the Office of Court Administration of
26 the Texas Judicial System;
 - 27 (I) ~~(J)~~ the office of the secretary of state;

1 and

2 (J) [~~(K)~~] the Texas Commission on Law
3 Enforcement; and

4 (8) as appointed by the attorney general:

5 (A) a chief public defender employed by a public
6 defender's office, as defined by Article 26.044(a), Code of
7 Criminal Procedure, or an attorney designated by the chief public
8 defender;

9 (B) an attorney representing the state;

10 (C) a representative of:

11 (i) a hotel and motel association;

12 (ii) a district and county attorneys
13 association;

14 (iii) a state police association; and

15 (iv) a statewide medical association;

16 (D) representatives of sheriff's departments;

17 (E) representatives of local law enforcement
18 agencies affected by human trafficking; and

19 (F) representatives of nongovernmental entities
20 making comprehensive efforts to combat human trafficking by:

21 (i) identifying human trafficking victims;

22 (ii) providing legal or other services to
23 human trafficking victims;

24 (iii) participating in community outreach
25 or public awareness efforts regarding human trafficking;

26 (iv) providing or developing training
27 regarding the prevention of human trafficking; or

1 (v) engaging in other activities designed
2 to prevent human trafficking.

3 SECTION 6. Section 572.003(c), Government Code, is amended
4 to read as follows:

5 (c) The term means a member of:

- 6 (1) the Public Utility Commission of Texas;
7 (2) the Texas Commission on Environmental Quality;
8 (3) ~~[the Texas Alcoholic Beverage Commission];~~
9 ~~[(4)]~~ the Finance Commission of Texas;
10 (4) ~~[(5)]~~ the Texas Facilities Commission;
11 (5) ~~[(6)]~~ the Texas Board of Criminal Justice;
12 (6) ~~[(7)]~~ the board of trustees of the Employees
13 Retirement System of Texas;
14 (7) ~~[(8)]~~ the Texas Transportation Commission;
15 (8) ~~[(9)]~~ the Texas Department of Insurance;
16 (9) ~~[(10)]~~ the Parks and Wildlife Commission;
17 (10) ~~[(11)]~~ the Public Safety Commission;
18 (11) ~~[(12)]~~ the Texas Ethics Commission;
19 (12) ~~[(13)]~~ the State Securities Board;
20 (13) ~~[(14)]~~ the Texas Water Development Board;
21 (14) ~~[(15)]~~ the governing board of a public senior
22 college or university as defined by Section 61.003, Education Code,
23 or of The University of Texas Southwestern Medical Center, The
24 University of Texas Medical Branch at Galveston, The University of
25 Texas Health Science Center at Houston, The University of Texas
26 Health Science Center at San Antonio, The University of Texas M. D.
27 Anderson Cancer Center, The University of Texas Health Science

1 Center at Tyler, University of North Texas Health Science Center at
2 Fort Worth, Texas Tech University Health Sciences Center, Texas
3 State Technical College--Harlingen, Texas State Technical
4 College--Marshall, Texas State Technical College--Sweetwater, or
5 Texas State Technical College--Waco;

6 (15) [~~(16)~~] the Texas Higher Education Coordinating
7 Board;

8 (16) [~~(17)~~] the Texas Workforce Commission;

9 (17) [~~(18)~~] the board of trustees of the Teacher
10 Retirement System of Texas;

11 (18) [~~(19)~~] the Credit Union Commission;

12 (19) [~~(20)~~] the School Land Board;

13 (20) [~~(21)~~] the board of the Texas Department of
14 Housing and Community Affairs;

15 (21) [~~(22)~~] the Texas Racing Commission;

16 (22) [~~(23)~~] the State Board of Dental Examiners;

17 (23) [~~(24)~~] the Texas Medical Board;

18 (24) [~~(25)~~] the Board of Pardons and Paroles;

19 (25) [~~(26)~~] the Texas State Board of Pharmacy;

20 (26) [~~(27)~~] the Department of Information Resources
21 governing board;

22 (27) [~~(28)~~] the Motor Vehicle Board;

23 (28) [~~(29)~~] the Texas Real Estate Commission;

24 (29) [~~(30)~~] the board of directors of the State Bar of
25 Texas;

26 (30) [~~(31)~~] the Bond Review Board;

27 (31) [~~(32)~~] the Health and Human Services Commission;

1 (32) [~~(33)~~] the Texas Funeral Service Commission;

2 (33) [~~(34)~~] the board of directors of a river
3 authority created under the Texas Constitution or a statute of this
4 state;

5 (34) [~~(35)~~] the Texas Lottery Commission; or

6 (35) [~~(36)~~] the Cancer Prevention and Research
7 Institute of Texas.

8 SECTION 7. Section 614.021(a), Government Code, is amended
9 to read as follows:

10 (a) Except as provided by Subsection (b), this subchapter
11 applies only to a complaint against:

12 (1) a law enforcement officer of the State of Texas,
13 including an officer of the Department of Public Safety [~~or of the~~
14 ~~Texas Alcoholic Beverage Commission~~];

15 (2) a fire fighter who is employed by this state or a
16 political subdivision of this state;

17 (3) a peace officer under Article 2.12, Code of
18 Criminal Procedure, or other law who is appointed or employed by a
19 political subdivision of this state; or

20 (4) a detention officer or county jailer who is
21 appointed or employed by a political subdivision of this state.

22 SECTION 8. Section 614.171(1), Government Code, is amended
23 to read as follows:

24 (1) "Law enforcement agency" means the Department of
25 Public Safety, [~~Texas Alcoholic Beverage Commission~~] Texas
26 Department of Criminal Justice, and Parks and Wildlife Department.

27 SECTION 9. Section 659.301(5), Government Code, is amended

1 to read as follows:

2 (5) "State employee" means an individual who:

3 (A) is a commissioned law enforcement officer of
4 the Department of Public Safety, the Texas Facilities Commission,
5 [~~the Texas Alcoholic Beverage Commission,~~] the Texas Department of
6 Criminal Justice, the attorney general, or the insurance fraud unit
7 of the Texas Department of Insurance;

8 (B) is a commissioned security officer of the
9 comptroller;

10 (C) is a law enforcement officer commissioned by
11 the Parks and Wildlife Commission;

12 (D) is a commissioned peace officer of an
13 institution of higher education;

14 (E) is an employee or official of the Board of
15 Pardons and Paroles or the parole division of the Texas Department
16 of Criminal Justice if the employee or official has routine direct
17 contact with inmates of any penal or correctional institution or
18 with administratively released prisoners subject to the board's
19 jurisdiction;

20 (F) has been certified to the Employees
21 Retirement System of Texas under Section 815.505 as having begun
22 employment as a law enforcement officer or custodial officer,
23 unless the individual has been certified to the system as having
24 ceased employment as a law enforcement officer or custodial
25 officer;

26 (G) before May 29, 1987, received hazardous duty
27 pay based on the terms of any state law if the individual holds a

1 position designated under that law as eligible for the pay; or

2 (H) is a security officer employed by the Texas
3 Military Department.

4 SECTION 10. Section 661.918(a), Government Code, is amended
5 to read as follows:

6 (a) This section applies to a peace officer under Article
7 2.12, Code of Criminal Procedure, who is commissioned as a law
8 enforcement officer or agent, including a ranger, by:

9 (1) the Public Safety Commission and the director of
10 the Department of Public Safety;

11 (2) the Parks and Wildlife Commission;

12 (3) ~~[the Texas Alcoholic Beverage Commission,~~

13 ~~(4)]~~ the attorney general; or

14 (4) (4) ~~(5)]~~ the insurance fraud unit of the Texas
15 Department of Insurance.

16 SECTION 11. Section 811.001(9), Government Code, is amended
17 to read as follows:

18 (9) "Law enforcement officer" means a member of the
19 retirement system who:

20 (A) has been commissioned as a law enforcement
21 officer by the Department of Public Safety, ~~[the Texas Alcoholic~~
22 ~~Beverage Commission,~~] the Parks and Wildlife Department, or the
23 office of inspector general at the Texas Juvenile Justice
24 Department; and

25 (B) is recognized as a commissioned law
26 enforcement officer by the Texas Commission on Law Enforcement.

27 SECTION 12. Section 814.104(b), Government Code, is amended

1 to read as follows:

2 (b) A member who is at least 55 years old and who has at
3 least 10 years of service credit as a commissioned peace officer
4 engaged in criminal law enforcement activities of the Department of
5 Public Safety, [~~the Texas Alcoholic Beverage Commission,~~] the Parks
6 and Wildlife Department, or the office of inspector general at the
7 Texas Juvenile Justice Department, or as a custodial officer, is
8 eligible to retire and receive a service retirement annuity.

9 SECTION 13. Section 815.505, Government Code, is amended to
10 read as follows:

11 Sec. 815.505. CERTIFICATION OF NAMES OF LAW ENFORCEMENT AND
12 CUSTODIAL OFFICERS. Not later than the 12th day of the month
13 following the month in which a person begins or ceases employment as
14 a law enforcement officer or custodial officer, the Public Safety
15 Commission, [~~the Texas Alcoholic Beverage Commission,~~] the Parks
16 and Wildlife Commission, the office of inspector general at the
17 Texas Juvenile Justice Department, the Board of Pardons and
18 Paroles, or the Texas Board of Criminal Justice, as applicable,
19 shall certify to the retirement system, in the manner prescribed by
20 the system, the name of the employee and such other information as
21 the system determines is necessary for the crediting of service and
22 financing of benefits under this subtitle.

23 SECTION 14. Section 362.005(c), Local Government Code, is
24 amended to read as follows:

25 (c) Each law enforcement agency in a county located along
26 the Texas-Mexico border or in a county that contains a federal
27 checkpoint shall report to the Texas Transnational Intelligence

1 Center intelligence regarding criminal activity in the law
2 enforcement agency's jurisdiction, including details on
3 kidnappings, home invasions, and incidents of impersonation of law
4 enforcement officers. The [~~Texas Alcoholic Beverage Commission~~
5 ~~and~~] Parks and Wildlife Department shall report to the center
6 intelligence regarding transnational criminal activity in the
7 agency's jurisdiction.

8 SECTION 15. Section 1701.356(a), Occupations Code, is
9 amended to read as follows:

10 (a) An officer is not subject to Section 1701.351 or
11 1701.352 if the officer is:

12 (1) an honorably retired commissioned officer of the
13 Department of Public Safety who is:

14 (A) a special ranger under Section 411.023,
15 Government Code; or

16 (B) a special Texas Ranger under Section 411.024,
17 Government Code; or

18 (2) an honorably retired commissioned officer of the
19 Parks and Wildlife Department who is a special game warden under
20 Section 11.0201, Parks and Wildlife Code [~~, or~~

21 ~~(3) an honorably retired commissioned officer of the~~
22 ~~Texas Alcoholic Beverage Commission who is a special inspector or~~
23 ~~representative under Section 5.142, Alcoholic Beverage Code].~~

24 SECTION 16. The following provisions are repealed:

25 (1) Subchapter A, Chapter 5, Alcoholic Beverage Code;
26 and

27 (2) Section 411.091, Government Code.

1 SECTION 17. (a) The Texas Alcoholic Beverage Commission is
2 abolished but continues in existence until September 1, 2022, for
3 the sole purpose of transferring obligations, property, rights,
4 powers, and duties to the Texas Department of Licensing and
5 Regulation. The Texas Department of Licensing and Regulation
6 assumes all of the obligations, property, rights, powers, and
7 duties of the Texas Alcoholic Beverage Commission as they exist
8 immediately before the effective date of this Act. All unexpended
9 funds appropriated to the Texas Alcoholic Beverage Commission are
10 transferred to the Texas Department of Licensing and Regulation.

11 (b) The Texas Alcoholic Beverage Commission and the Texas
12 Department of Licensing and Regulation shall, in consultation with
13 appropriate state entities, ensure that the transfer of the
14 obligations, property, rights, powers, and duties of the Texas
15 Alcoholic Beverage Commission to the Texas Department of Licensing
16 and Regulation is completed not later than September 1, 2022.

17 (c) All rules of the Texas Alcoholic Beverage Commission are
18 continued in effect as rules of the Texas Department of Licensing
19 and Regulation until superseded by a rule of the Texas Department of
20 Licensing and Regulation. A license or permit issued by the Texas
21 Alcoholic Beverage Commission is continued in effect as provided by
22 the law in effect immediately before the effective date of this Act.
23 An application for a license or permit pending on the effective
24 date of this Act is continued without change in status after the
25 effective date of this Act. A complaint, investigation, contested
26 case, or other proceeding pending on the effective date of this Act
27 is continued without change in status after the effective date of

1 this Act.

2 (d) Unless the context indicates otherwise, a reference to
3 the Texas Alcoholic Beverage Commission in a law or administrative
4 rule means the Texas Department of Licensing and Regulation.

5 SECTION 18. (a) A violation of a law that is repealed by
6 this Act is governed by the law in effect when the violation was
7 committed, and the former law is continued in effect for that
8 purpose.

9 (b) For purposes of this section, a violation was committed
10 before the effective date of this Act if any element of the
11 violation occurred before that date.

12 SECTION 19. This Act takes effect immediately if it
13 receives a vote of two-thirds of all the members elected to each
14 house, as provided by Section 39, Article III, Texas Constitution.
15 If this Act does not receive the vote necessary for immediate
16 effect, this Act takes effect September 1, 2021.