



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**JOHN L. HILL  
ATTORNEY GENERAL**

July 28, 1975

The Honorable Kenneth W. Cook  
Administrator  
Alcoholic Beverage Commission  
P. O. Box 13127, Capitol Station  
Austin, Texas 78711

Opinion No. H-650

Re: Effect of Administrative  
Procedure Act on sub-  
poena power of the Alcoholic  
Beverage Commission.

Dear Mr. Cook:

You have requested our opinion concerning the effect of the Administrative Procedure and Texas Register Act, Acts 1975, 64th Leg., ch. 61, p.136, on the subpoena power of the Alcoholic Beverage Commission.

Article 666-7, Penal Auxiliary Laws, provides in part:

The Board . . . shall . . . have power to issue  
subpoenas. . . .

. . . .  
Subpoenas shall be served . . . as in civil  
cases in the District Court in the county to which  
such witness shall be called.

Section 22 of the Administrative Procedure and Texas Register Act provides in part:

This Act does not repeal any existing statutory  
provisions conferring investigatory authority  
on any agency, including any provision which  
grants an agency the power, in connection with  
investigatory authority, to . . . issue subpoenas  
or summons.

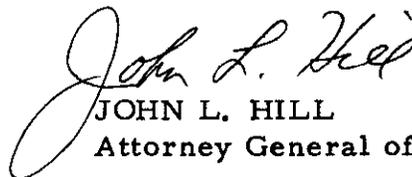
We have discovered no other provision of the Act which would affect the subpoena power of the Alcoholic Beverage Commission. Accordingly, in our opinion the subpoena power provided in article 666-7 is unaffected by the Administrative Procedure and Texas Register Act.

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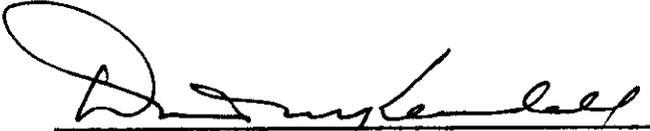
S U M M A R Y

The subpoena power of the Alcoholic Beverage Commission is not affected by the Administrative Procedure and Texas Register Act.

Very truly yours,

  
JOHN L. HILL  
Attorney General of Texas

APPROVED:

  
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DAVID M. KENDALL, First Assistant

  
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C. ROBERT HEATH, Chairman  
Opinion Committee