



# TEXAS ALCOHOLIC BEVERAGE COMMISSION

Post Office Box 13127, Capitol Station, Austin, Texas 78711-3127 (512) 458-2500 Jeannene Fox, Acting Administrator

RQ-210 ID# 13528  
MJ

September 9, 1991.

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SEP 10 91

Opinion Committee

The Honorable Dan Morales  
Attorney General  
The State of Texas  
Supreme Court Building  
Austin, Texas 78711

Dear General Morales:

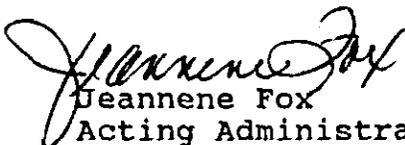
The 72nd Legislature, First Called Session, in Article 13 of H. B. 11, increased the interest rate on delinquent taxes, under the Tax Code, under Article 6060, under the Public Utility Regulatory Act, and under Section 29(b) of the Bingo Enabling Act, TEX. REV. CIV. STAT. ANN. art. 179d (Vernon Supp. 1991), from 10% a year to 12% a year compounded monthly. Article 13 did not, however, amend Section 32(b) of the Bingo Enabling Act, which deals with jeopardy determination and is the provision under which the commission most often acts in collecting unpaid bingo taxes. Under Section 32(b), a jeopardy determination becomes due 20 days after service of notice unless a petition for redetermination has been filed during that 20 days. At the end of the 20 day period, 10% penalty is due and interest attaches at the rate of 10% a year on both penalty and principal. Section 29 which the legislature amended, provides for a 5% penalty during the first 30 days, an additional 5% penalty after 30 days, and interest which begins to accrue 60 days from the due date.

Is the interest rate on jeopardy determinations under Section 32(b) of the Bingo Enabling Act 10% a year or 12% a year compounded monthly? If the interest is 12%, when does it begin to accrue?

In view of the immediate need to apply the proper construction to these statutes, your help in expediting this matter is urgently requested.

Should you need further information on this request, please contact Bob Falls, Staff Attorney, Bingo Division, at 465-4924.

Sincerely,

  
Jeannene Fox  
Acting Administrator  
Texas Alcoholic Beverage Commission

463-2084

JF:rmr

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