



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**WAGGONER CARR  
ATTORNEY GENERAL**

July 18, 1966

Honorable Coke R. Stevenson, Jr.  
Administrator  
Texas Liquor Control Board  
Austin, Texas

Opinion No. C-723

Re: Whether the Texas  
Liquor Control Board  
is authorized to issue  
a United States Bonded  
Liquor Export permit as  
provided for in sub-sec-  
tion (7b) of Section 15  
of Article 1 of the  
Texas Liquor Control Ac-  
(Article 666-15, (7b) o:  
Vernon's Penal Code) to  
a qualified applicant  
who desires to obtain  
such a permit.

Dear Mr. Stevenson:

Your letter requesting an opinion of this office reads  
as follows:

"In the case of Texas Liquor Control Board vs. Ammex Warehouse Company, 384 S.W.2d 768, it was held that Subsection (7b) of Section 15 of Article 1 of the Texas Liquor Control Act (Article 666-15, (7b), of Vernon's Texas Penal Code) is unconstitutional. The Supreme Court of Texas refused to review this decision because of no reversible error. The Supreme Court of the United States refused to grant certiorari.

"Is the Texas Liquor Control Board authorized to issue a United States Bonded Liquor Export Permit as provided for in Subsection (7b) of Section 15 of Article 1 of the Texas Liquor Control Act (Article 666-15, (7b), of Vernon's Texas Penal Code) to a qualified applicant who desires to obtain such a permit?"

As you stated in your opinion request, Article 666-15, (7b), of Vernon's Penal Code, has been held to violate the Commerce Clause and the Supremacy Clause of the Federal Constitution. Texas Liquor Control Board v. Ammex Warehouse Company, 384 S.W.2d 768.

The laws of the United States supersede or suspend the laws of a state insofar as they cover the same field and are applicable to matters over which Congress has assumed exclusive jurisdiction.

Therefore, it is the opinion of this office that the Texas Liquor Control Board is not authorized to issue a United States Bonded Liquor Export Permit as provided for in Subsection (7b) of Section 15 of Article 1 of the Texas Liquor Control Act because said statute has been held to violate the Federal Constitution and is unconstitutional and invalid.

S U M M A R Y

The Texas Liquor Control Board is not authorized to issue a United States Bonded Liquor Export Permit to a qualified applicant who desires to obtain such a permit as Subsection (7b) of Section 15 of Article 666 of Vernon's Penal Code has been declared unconstitutional and invalid.

Yours very truly,

WAGGONER CARR  
Attorney General of Texas

  
DOUGLAS H. CHILTON  
Assistant Attorney General

DHC/dt

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APPROVED:

OPINION COMMITTEE

W. V. Geppert, Chairman  
John Reeves  
Robert E. Owen  
Howard M. Fender  
Malcolm Quick

APPROVED FOR THE ATTORNEY GENERAL  
By T. B. Wright