

- SUBJECT:** Statutory county court authority to hear alcoholic beverages applications.
- COMMITTEE:** Licensing and Administrative Procedures — favorable, without amendment
- VOTE:** 7 ayes — Wilson, Yarbrough, Goolsby, D. Jones, Moreno, A. Reyna, Wise
0 nays
2 absent — Flores, Haggerty
- WITNESSES:** For — Doug Adkinson, representing Harris County Judge Robert Eckels
Against — None
On — Randy Yarbrough, Texas Alcoholic Beverage Commission
- BACKGROUND:** Alcoholic Beverage Code, sec. 61.312 permits a county judge to delegate to another county officer the authority to hear applications for alcoholic beverage permits or licenses. In 1997, an attorney general’s letter opinion (LO 97-54) determined that, for the purposes of sec. 61.312, a statutory county court judge is not considered “another county officer.” A county judge may delegate authority to hear liquor license applications to a county commissioner or a district clerk, both of whom are considered “another county officer.”
- Government Code, secs. 25.0004 and 21.009 define a “statutory county court” and the powers and duties ascribed to the court and its judge. A statutory county court is defined as a county court created by the Legislature, including county courts-at-law, county criminal courts, county criminal courts of appeals, and county civil courts-at-law, but not statutory probate courts.
- DIGEST:** HB 1989 would amend the Alcoholic Beverage Code to allow county judges to delegate authority to a statutory county court judge to hear applications for alcoholic beverage licenses, beer and wine retailer’s permits, and beer and wine retailer’s off-premise permits.

The bill would take effect September 1, 2001.

**SUPPORTERS
SAY:**

HB 1989 would give the constitutional county court judges the option of delegating alcohol license and permit application hearings to statutory county court judges. A constitutional county court judge in a large county such as Harris may have to hear around 40 applications a year. County judges in urban counties have mostly administrative duties, so shifting this quasi-judicial duty to a statutory county judge would be entirely appropriate.

HB 1989 would expedite cases regarding applications for alcoholic beverage licenses and permits. Currently, these types of cases can be delayed for up to several months because situations arise which prevent the constitutional county court judge or one of the other county officers parties from hearing the application. HB 1989 would provide county judges with more flexibility when the need arises. For example, Harris County, like all counties, has only one constitutional county court judge, but it also has four civil county courts and 15 criminal county courts. Allowing a statutory county court judge to hear cases regarding alcoholic beverage licenses would move the cases through the system more quickly.

The authority granted by HB 1989 would be permissive and would allow constitutional county court judges to fairly distribute alcohol license and permit application hearings among statutory county court judges, county commissioners, and district clerks. Even in a large county such as Harris, judges are likely to hear only about three or four cases a year, if any, so this additional authority would not create an undue burden on the statutory county courts.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

The companion bill, SB 1003 by Lindsay, was referred to the Senate Business and Commerce Committee.