

BILL ANALYSIS

Senate Research Center
86R9060 TSS-F

H.B. 2633
By: Morrison (Kolkhorst)
Business & Commerce
5/12/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 2633 amends current law relating to the consumption, possession, or sale of an alcoholic beverage at a performing arts facility leased to a nonprofit organization by a school district.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 109.33, Alcoholic Beverage Code, by adding Subsection (f-1) to provide that Subsections (a)(2) (relating to authorizing the commissioners court of a county and the governing board of an incorporated city or town to enact regulations prohibiting the sale of alcoholic beverages by a dealer whose place of business is within 1,000 feet of a public school if the commissioners court or governing board receives a certain request) and (3) (relating to authorizing the commissioners court of a county and the governing board of an incorporated city or town to enact regulations prohibiting the sale of alcoholic beverages by a dealer whose place of business is within 1,000 feet of a private school if the commissioners court or governing board receives a certain request) do not apply to a performing arts facility leased to a nonprofit organization under a policy adopted under Section 11.179, Education Code.

SECTION 2. Amends Subchapter D, Chapter 11, Education Code, by adding Section 11.179, as follows:

Sec. 11.179. SALE OF ALCOHOLIC BEVERAGES IN CERTAIN LEASED DISTRICT FACILITIES. (a) Authorizes the board of trustees of a school district to adopt a policy allowing the consumption, possession, and sale of an alcoholic beverage at an event held at a performing arts facility owned by the district if:

(1) the facility is leased to a nonprofit organization for an event not sponsored or sanctioned by the district; and

(2) the district is located in a county:

(A) that has a population of not more than 300,000; and

(B) in which a component university of the University of Houston System is located.

(b) Requires a lease agreement entered into as provided by Subsection (a) to require that the event be held outside of regular school hours and the alcoholic beverages be sold by a person who holds an appropriate retail license or permit under the Alcoholic Beverage Code for the facility.

SECTION 3. Amends Section 37.122, Education Code, by adding Subsection (a-1) to provide that it is a defense to prosecution under this section (Possession of Intoxicants on Public School Grounds) that the person possessed the intoxicating beverage at a performing arts facility and

during an event held outside of regular school hours and not sponsored or sanctioned by a school district.

SECTION 4. Amends Section 38.007, Education Code, by adding Subsection (a-1) to provide that this section (Alcohol-Free School Zones) does not apply to a performing arts facility leased to a nonprofit organization for an event as provided by Section 11.179.

SECTION 5. Makes application of Section 37.122, Education Code, as amended by this Act, prospective. Provides that, for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 6. Effective date: September 1, 2019.