

By: Guillen

H.B. No. 475

Substitute the following for H.B. No. 475:

By: Sheffield

C.S.H.B. No. 475

A BILL TO BE ENTITLED

1 AN ACT
2 relating to authorizing the adjutant general to operate post
3 exchanges on state military property.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter B, Chapter 431, Government Code, is
6 amended by adding Section 431.040 to read as follows:

7 Sec. 431.040. POST EXCHANGES ON STATE MILITARY PROPERTY.

8 (a) The adjutant general may establish and contract for the
9 operation of not more than three military-type post exchanges
10 similar to those operated by the armed forces of the United States
11 on any real property under the management and control of the
12 department. A post exchange may sell, lease, or rent goods and
13 services, including beer and wine, tobacco products, and prepared
14 foods. The adjutant general may designate facilities located on
15 department property to use for purposes of this section.

16 (b) The adjutant general shall adopt rules to govern post
17 exchanges established under this section that are similar to the
18 procedures, policies, and restrictions governing exchanges of the
19 Army and Air Force Exchange Service, including rules that require
20 an individual to show identification that indicates that the
21 individual is qualified to buy, lease, or rent goods at the post
22 exchange.

23 (c) The adjutant general shall contract with a person to
24 operate a post exchange created under this section.

1 (d) A post exchange may sell, lease, or rent goods and
2 services only to:

3 (1) active, retired, and reserve members of the United
4 States armed services;

5 (2) active and retired members of the state military
6 forces;

7 (3) full-time employees of the adjutant general's
8 department; and

9 (4) dependents of an individual described by
10 Subdivisions (1)-(3).

11 (e) The post exchange services account is a company fund
12 under Section 431.014 and may be used in a manner authorized by the
13 General Appropriations Act for local funds. The post exchange
14 services account is exempt from the application of Sections 403.095
15 and 404.071. The account consists of:

16 (1) money received from the operation of post
17 exchanges created under this section; and

18 (2) all interest attributable to money held in the
19 account.

20 (f) A post exchange created under this section may sell
21 goods and services, including beer and wine, for off-premises
22 consumption if the operator of the exchange holds the appropriate
23 license or permit issued by the Texas Alcoholic Beverage
24 Commission. The licensee or permittee shall comply in all respects
25 with the provisions of the Alcoholic Beverage Code and the rules of
26 the Texas Alcoholic Beverage Commission. The department may use
27 appropriated money to purchase alcoholic beverages for sale at a

1 post exchange.

2 (g) Chapter 94, Human Resources Code, does not apply to
3 vending facilities operated at a post exchange.

4 SECTION 2. Subchapter H, Chapter 151, Tax Code, is amended
5 by adding Section 151.344 to read as follows:

6 Sec. 151.344. POST EXCHANGES ON STATE MILITARY PROPERTY.

7 (a) A taxable item sold, leased, or rented to, or stored, used, or
8 consumed by, a post exchange under Section 431.040, Government
9 Code, is exempt from the taxes imposed by this chapter.

10 (b) A taxable item sold, leased, or rented by a post
11 exchange under Section 431.040, Government Code, is exempt from the
12 taxes imposed by this chapter.

13 SECTION 3. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2011.