

BILL ANALYSIS

C.S.H.B. 2953
By: Geren
Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that the application of a statutory provision allowing for the promotion, sponsorship, or advertising of an entertainment event or an alcoholic beverage brand or product at public entertainment facilities is too limited. C.S.H.B. 2953 seeks to address this issue by extending the application of that provision to facilities that are part of certain sports and community venue projects.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2953 amends the Alcoholic Beverage Code to establish that statutory provisions relating to advertising and promotion in a public entertainment facility do not restrict or govern the promotion, sponsorship, or advertising of an entertainment event, or the promotion or advertising of an alcoholic beverage brand or product, at a facility that is part of a sports and community venue project that has been approved by the voters of an applicable municipality or county, including the venue and related infrastructure. The bill classifies a facility that is part of such an approved venue project as a public entertainment facility under the Industry Public Entertainment Facilities Act and excepts a facility that is part of such an approved venue project from the facilities that are excluded as public entertainment facilities based on the facility's primary purpose being the sale of food or alcoholic beverages or the facility deriving 75 percent or more of its annual gross revenue from the on-premise sale of alcoholic beverages.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2953 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

No equivalent provision.

SECTION 1. Section 108.755(a), Alcoholic Beverage Code, is amended to read as follows:

(a) Section 108.75 does not restrict or govern the promotion, sponsorship, or advertising of an entertainment event, or the promotion or advertising of an alcoholic beverage brand or product, at a facility

owned by a municipality, or county that is financed with public securities, the interest on which is exempt from federal income taxation under the Internal Revenue Code of 1986, or at a facility that is related infrastructure to a venue, as those terms are defined by Texas Local Gov't Code Ch. 334.001 (3), (4)(A) and (4)(E).

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 108.73(2), Alcoholic Beverage Code, is amended to read as follows:

(2) "Public entertainment facility" means an arena, stadium, automobile race track, amphitheater, auditorium, theater, civic center, convention center, or similar facility that is primarily designed and used for live artistic, theatrical, cultural, educational, charitable, musical, sporting, nationally sanctioned automobile racing, or entertainment events. The term includes a facility that is part of an approved venue project, including the venue and related infrastructure, as those terms are defined by Section 334.001, Local Government Code. The term does not include a facility the primary purpose of which is the sale of food or alcoholic beverages, including a bar, nightclub, restaurant, hotel, bowling alley, pool hall, or dance hall, or a facility that derives 75 percent or more of the facility's annual gross revenue from the on-premise sale of alcoholic beverages, except for a facility that is part of an approved venue project, including the venue and related infrastructure, as those terms are defined by Section 334.001, Local Government Code.

SECTION 2. Section 108.755(a), Alcoholic Beverage Code, is amended to read as follows:

(a) Section 108.75 does not restrict or govern the promotion, sponsorship, or advertising of an entertainment event, or the promotion or advertising of an alcoholic beverage brand or product, at a facility that is:

(1) owned by a municipality or county that is financed with public securities, the interest on which is exempt from federal income taxation under the Internal Revenue Code of 1986; or

(2) part of an approved venue project, including the venue and related infrastructure, as those terms are defined by Section 334.001, Local Government Code.

SECTION 3. Same as introduced version.

house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.