

BILL ANALYSIS

Senate Research Center
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S.B. 1469
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Intergovernmental Relations
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

During the 85th legislative session, certain counties were granted the ability to regulate gambling rooms, known by law as "game rooms" by H.B. 3453. Despite the legislature allowing county regulation of game rooms, county policies alone may not address the nuanced issues of various municipalities within the county. In an effort to mitigate health and public safety issues in areas with game rooms, the City of Fort Worth passed a zoning ordinance and a licensing ordinance.

Following the enactment of both ordinances, the City of Fort Worth was sued on the grounds that municipalities were precluded from regulating game rooms, as state statute only addresses county regulation. After several rounds of litigation, the Second District Court of Appeals found that the City of Fort Worth was not authorized to craft regulatory ordinances for game rooms.

Although game rooms are currently regulated by certain counties, county regulations may not account for the nuanced issues experienced in different municipalities within a county. Current law does not afford municipalities the flexibility to enact zoning, licensing, or any other measure to help mitigate the public health issues associated with game rooms.

S.B. 1469 clarifies that county regulations for game rooms or coin operated machines do not preclude municipal regulations for game rooms or coin operated machines. The bill also provides that a county may enter into an interlocal agreement to sort out any differences in regulation between the two entities.

As proposed, S.B. 1469 amends current law relating to municipal regulation of game rooms and amusement redemption machines.

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 234.140, Local Government Code, by adding Subsection (d) to prohibit this subchapter (Game Rooms) from being construed to limit the authority of a home-rule municipality to enforce a zoning regulation adopted by the municipality to regulate game rooms or amusement redemption machines.

SECTION 2. Amends Subchapter E, Chapter 234, Local Government Code, by adding Section 234.141, as follows:

Sec. 234.141. INTERLOCAL AGREEMENT. Authorizes a county to enter into an interlocal agreement with a municipality to regulate the operation of game rooms or amusement redemption machines.

SECTION 3. Effective date: September 1, 2019.