

SENATE AMENDMENTS

2nd Printing

By: Harris, Clardy, Guillen

H.B. No. 2196

A BILL TO BE ENTITLED

AN ACT

relating to the sale of alcoholic beverages on certain property
owned by the Texas State Railroad Authority.

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

SECTION 1. Subchapter C, Chapter 4501, Special District
Local Laws Code, is amended by adding Section 4501.1021 to read as
follows:

Sec. 4501.1021. SALE OF ALCOHOLIC BEVERAGES ON AUTHORITY
PROPERTY. The authority may contract with a person for the retail
sale of alcoholic beverages on authority property that is used as a
station for passenger rail services.

SECTION 2. This Act takes effect September 1, 2019.

ADOPTED

MAY 10 2019

Atty. Gen.
Secretary of the Senate

By: Nichols

H.B. No. 2196

Substitute the following for ___ .B. No. _____ :

By: Robert Lee Nichols

C.S.H.B. No. 2196

A BILL TO BE ENTITLED

1

AN ACT

2

relating to the sale of alcoholic beverages on certain property

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owned or leased by the Texas State Railroad Authority.

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

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SECTION 1. Section 48.01, Alcoholic Beverage Code, is amended to read as follows:

7

Sec. 48.01. AUTHORIZED ACTIVITIES. (a) The holder of a passenger train beverage permit has the same rights with respect to the sale of alcoholic beverages on a passenger train to which this chapter applies as the holder of an airline beverage permit has with respect to the sale of alcoholic beverages on a commercial passenger airplane under Section 34.01 [~~of this code~~].

13

(b) This subsection applies only to a passenger train operated by or on behalf of the Texas State Railroad Authority. An alcoholic beverage purchased by a consumer on a passenger train for present consumption may be removed from the train for consumption on property that is part of a public entertainment facility owned or leased by the Texas State Railroad Authority. An alcoholic beverage in an open container purchased by a consumer on property that is part of a public entertainment facility owned or leased by the Texas State Railroad Authority may be consumed on a passenger train.

23

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

24

1 (2) "Public entertainment facility" means an arena,
2 stadium, automobile race track, amphitheater, auditorium, theater,
3 civic center, convention center, or similar facility that is
4 primarily designed and used for live artistic, theatrical,
5 cultural, educational, charitable, musical, sporting, nationally
6 sanctioned automobile racing, or entertainment events. The term
7 includes a facility that is owned or leased by the Texas State
8 Railroad Authority and used as a station for passenger rail
9 services. The term also includes a facility that is part of an
10 approved venue project, including the venue and related
11 infrastructure, as those terms are defined by Section 334.001,
12 Local Government Code. The term does not include a facility the
13 primary purpose of which is the sale of food or alcoholic beverages,
14 including a bar, nightclub, restaurant, hotel, bowling alley, pool
15 hall, or dance hall, or a facility that derives 75 percent or more
16 of the facility's annual gross revenue from the on-premise sale of
17 alcoholic beverages, except for a facility that is part of an
18 approved venue project, including the venue and related
19 infrastructure, as those terms are defined by Section 334.001,
20 Local Government Code.

21 SECTION 3. Section 108.82, Alcoholic Beverage Code, is
22 amended to read as follows:

23 Sec. 108.82. ALCOHOLIC BEVERAGE CONSUMPTION IN PUBLIC
24 ENTERTAINMENT FACILITIES. (a) This section applies only to a
25 public entertainment facility:

26 (1) that is owned or leased by the Texas State Railroad
27 Authority and used as a station for passenger rail services; or

1 (2) that is a stadium, arena, or other permanent
2 structure that is used for sporting events and: [+]

3 (A) [~~2~~] relating to which an agreement
4 approved by the administrator under Section 108.79 is in force; and

5 (B) [~~3~~] for which all alcoholic beverage
6 permits and licenses are held by a single holder.

7 (b) Notwithstanding Section 28.10, the concessionaire for a
8 public entertainment facility described by Subsection (a) may allow
9 a patron who possesses an alcoholic beverage to enter or leave a
10 licensed or permitted premises within the facility if the alcoholic
11 beverage:

12 (1) is in an open container, as defined by Section
13 49.031, Penal Code;

14 (2) appears to be possessed for present consumption;

15 (3) except as provided by Section 48.01(b), remains
16 within the confines of the facility, excluding a parking lot; and

17 (4) was purchased legally at a licensed or permitted
18 premises within the facility.

19 (c) A license or permit may be issued for a premises located
20 in a facility described by Subsection (a)(1) in an area in which the
21 sale of alcoholic beverages has not been authorized by a local
22 option election if the area has been annexed by a municipality in
23 which the sale of alcoholic beverages has been authorized by a local
24 option election. A facility described by this subsection has the
25 same local option status as the municipality.

26 (d) For a facility described by Subsection (a)(1), a
27 concessionaire under Subsection (b) may include a licensee or

1 permittee of the manufacturing tier.

2 SECTION 4. Subchapter C, Chapter 4501, Special District
3 Local Laws Code, is amended by adding Section 4501.1021 to read as
4 follows:

5 Sec. 4501.1021. SALE OF ALCOHOLIC BEVERAGES ON AUTHORITY
6 PROPERTY. The authority may contract with a person for the retail
7 sale of alcoholic beverages and a person may sell alcoholic
8 beverages at retail on authority property that is used as a station
9 for passenger rail services if the person holds or obtains the
10 appropriate permit or license authorizing the sale of the alcoholic
11 beverages.

12 SECTION 5. This Act takes effect September 1, 2019.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 11, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2196 by Harris (Relating to the sale of alcoholic beverages on certain property owned or leased by the Texas State Railroad Authority.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Alcoholic Beverage Code and the Special District Local Laws Code to authorize the Texas State Railroad Authority to sell alcoholic beverages on authority property that is used as a station for passenger rail services. The bill also authorizes certain permits for these sales

According to the Alcoholic Beverage Commission, the bill would have no fiscal impact to the State.

Local Government Impact

According to the Texas State Railroad Authority (TSRA), the bill would have a positive fiscal impact on the Authority. Currently TSRA is not allowed to sell alcohol in certain counties on property owned by the Authority. Authorizing these sales would likely increase revenue for TSRA.

Source Agencies: 458 Alcoholic Beverage Commission

LBB Staff: WP, CLo, SD, GP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 5, 2019

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2196 by Harris (Relating to the sale of alcoholic beverages on certain property owned or leased by the Texas State Railroad Authority), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Alcoholic Beverage Code and the Special District Local Laws Code to authorize the Texas State Railroad Authority to sell alcoholic beverages on authority property that is used as a station for passenger rail services. The bill also authorizes certain permits for these sales

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Source Agencies: 458 Alcoholic Beverage Commission

LBB Staff: WP, CLo, SD, GP

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 29, 2019

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2196 by Harris (Relating to the sale of alcoholic beverages on certain property owned by the Texas State Railroad Authority.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend the Special District Local Laws Code to authorize the Texas State Railroad Authority to sell alcoholic beverages on authority property that is used as a station for passenger rail services.

According to the Alcoholic Beverage Commission, the bill would have no fiscal impact to the State.

Local Government Impact

According to the Texas State Railroad Authority (TSRA), the bill would have a positive fiscal impact on the Authority. Currently TSRA is not allowed to sell alcohol in certain counties on property owned by the Authority. Authorizing these sales would likely increase revenue for TSRA.

Source Agencies: 458 Alcoholic Beverage Commission

LBB Staff: WP, CLo, SD, GP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 15, 2019

TO: Honorable Tracy O. King, Chair, House Committee on Licensing & Administrative Procedures

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2196 by Harris (Relating to the sale of alcoholic beverages on certain property owned by the Texas State Railroad Authority.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Special District Local Laws Code to authorize the Texas State Railroad Authority to sell alcoholic beverages on authority property that is used as a station for passenger rail services.

According to the Alcoholic Beverage Commission, the bill would have no fiscal impact to the State.

Local Government Impact

According to the Texas State Railroad Authority (TSRA), the bill would have a positive fiscal impact on the Authority. Currently TSRA is not allowed to sell alcohol in certain counties on property owned by the Authority. Authorizing these sales would likely increase revenue for TSRA.

Source Agencies: 458 Alcoholic Beverage Commission

LBB Staff: WP, CLo, SD, GP