

1-1 By: Morrison (Senate Sponsor - Kolkhorst) H.B. No. 2633
 1-2 (In the Senate - Received from the House April 23, 2019;
 1-3 April 24, 2019, read first time and referred to Committee on
 1-4 Business & Commerce; May 19, 2019, reported favorably by the
 1-5 following vote: Yeas 7, Nays 0; May 19, 2019, sent to printer.)

1-6 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|-----------------|-----|-----|--------|-----|
| 1-7 Hancock | X | | | |
| 1-8 Nichols | X | | | |
| 1-9 Campbell | X | | | |
| 1-10 Creighton | | | X | |
| 1-11 Menéndez | X | | | |
| 1-12 Paxton | X | | | |
| 1-13 Schwertner | X | | | |
| 1-14 Whitmire | | | X | |
| 1-15 Zaffirini | X | | | |

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the consumption, possession, or sale of an alcoholic
 1-20 beverage at a performing arts facility leased to a nonprofit
 1-21 organization by a school district.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 109.33, Alcoholic Beverage Code, is
 1-24 amended by adding Subsection (f-1) to read as follows:

1-25 (f-1) Subsections (a)(2) and (3) do not apply to a
 1-26 performing arts facility leased to a nonprofit organization under a
 1-27 policy adopted under Section 11.179, Education Code.

1-28 SECTION 2. Subchapter D, Chapter 11, Education Code, is
 1-29 amended by adding Section 11.179 to read as follows:

1-30 Sec. 11.179. SALE OF ALCOHOLIC BEVERAGES IN CERTAIN LEASED
 1-31 DISTRICT FACILITIES. (a) The board of trustees of a school
 1-32 district may adopt a policy allowing the consumption, possession,
 1-33 and sale of an alcoholic beverage at an event held at a performing
 1-34 arts facility owned by the district if:

1-35 (1) the facility is leased to a nonprofit organization
 1-36 for an event not sponsored or sanctioned by the district; and

1-37 (2) the district is located in a county:

1-38 (A) that has a population of not more than
 1-39 300,000; and

1-40 (B) in which a component university of the
 1-41 University of Houston System is located.

1-42 (b) A lease agreement entered into as provided by Subsection
 1-43 (a) must require that:

1-44 (1) the event be held outside of regular school hours;
 1-45 and

1-46 (2) the alcoholic beverages be sold by a person who
 1-47 holds an appropriate retail license or permit under the Alcoholic
 1-48 Beverage Code for the facility.

1-49 SECTION 3. Section 37.122, Education Code, is amended by
 1-50 adding Subsection (a-1) to read as follows:

1-51 (a-1) It is a defense to prosecution under this section that
 1-52 the person possessed the intoxicating beverage:

1-53 (1) at a performing arts facility; and

1-54 (2) during an event held outside of regular school
 1-55 hours and not sponsored or sanctioned by a school district.

1-56 SECTION 4. Section 38.007, Education Code, is amended by
 1-57 adding Subsection (a-1) to read as follows:

1-58 (a-1) This section does not apply to a performing arts
 1-59 facility leased to a nonprofit organization for an event as
 1-60 provided by Section 11.179.

1-61 SECTION 5. The change in law made by this Act to Section

2-1 37.122, Education Code, applies only to an offense committed on or
2-2 after the effective date of this Act. An offense committed before
2-3 the effective date of this Act is governed by the law in effect on
2-4 the date the offense was committed, and the former law is continued
2-5 in effect for that purpose. For purposes of this section, an
2-6 offense was committed before the effective date of this Act if any
2-7 element of the offense was committed before that date.

2-8 SECTION 6. This Act takes effect September 1, 2019.

2-9

* * * * *