

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5/25/19

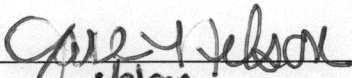
Date

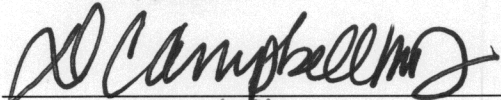
Honorable Dan Patrick
President of the Senate

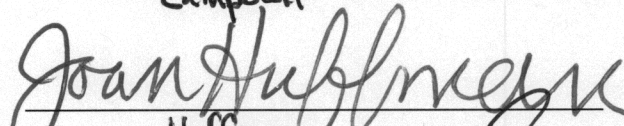
Honorable Dennis Bonnen
Speaker of the House of Representatives

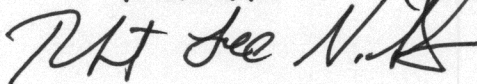
Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 234 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

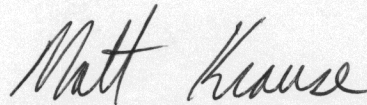

Nelson

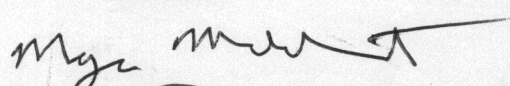

Campbell

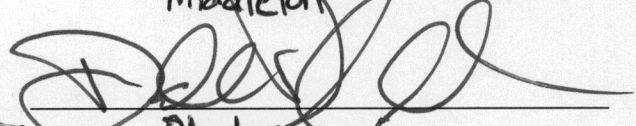

Huffman



Nichols

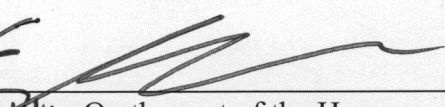
On the part of the Senate
Whitmire


Krause


Middleton


Phelan


Price


On the part of the House

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 234

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the local regulation of the sale of lemonade or other
3 beverages by children.

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

5 SECTION 1. The heading to Chapter 250, Local Government
6 Code, is amended to read as follows:

7 CHAPTER 250. MISCELLANEOUS REGULATORY AUTHORITY [~~OF~~
8 ~~MUNICIPALITIES AND COUNTIES~~]

9 SECTION 2. Chapter 250, Local Government Code, is amended
10 by adding Section 250.009 to read as follows:

11 Sec. 250.009. CERTAIN SALES OF BEVERAGES BY CHILDREN.
12 Notwithstanding any other law, a municipality, county, or other
13 local public health authority may not adopt or enforce an
14 ordinance, order, or rule that prohibits or regulates, including by
15 requiring a license, permit, or fee, the occasional sale of
16 lemonade or other nonalcoholic beverages from a stand on private
17 property or in a public park by an individual younger than 18 years
18 of age.

19 SECTION 3. Chapter 202, Property Code, is amended by adding
20 Section 202.020 to read as follows:

21 Sec. 202.020. CERTAIN SALES OF BEVERAGES BY CHILDREN. (a) A
22 property owners' association of a residential subdivision may not
23 adopt or enforce a restrictive covenant that prohibits or
24 regulates, including by requiring a permit or fee, the occasional

1 sale of lemonade or other nonalcoholic beverages from a stand on
2 property located in the subdivision by an individual younger than
3 18 years of age who has the permission of a property owner in the
4 subdivision for the sale.

5 (b) A property owners' association:

6 (1) does not owe a duty of care to persons
7 participating in a beverage sale described by Subsection (a); and

8 (2) is not liable for any injury to persons
9 participating in a beverage sale described by Subsection (a),
10 except for wilful or wanton acts or gross negligence of the
11 association.

12 SECTION 4. This Act takes effect September 1, 2019.

House Bill 234
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. The heading to Chapter 250, Local Government Code, is amended.

SECTION 2. Chapter 250, Local Government Code, is amended by adding Section 250.009, Certain Sales of Beverages by Children.

SECTION 3. Chapter 202, Property Code, is amended by adding Section 202.020 to read as follows:
Sec. 202.020. CERTAIN SALES OF BEVERAGES BY CHILDREN. A property owners' association of a residential subdivision may not adopt or enforce a restrictive covenant that prohibits or regulates, including by requiring a permit or fee, the occasional sale of lemonade or other nonalcoholic beverages from a stand on property located in the subdivision by an individual younger than 18 years of age.

No equivalent provision.

SENATE VERSION (CS)

SECTION 1. Same as House version.

SECTION 2. Same as House version.

SECTION 3. Chapter 202, Property Code, is amended by adding Section 202.020 to read as follows:
Sec. 202.020. CERTAIN SALES OF BEVERAGES BY CHILDREN. (a) A property owners' association of a residential subdivision may not adopt or enforce a restrictive covenant that prohibits or regulates, including by requiring a permit or fee, the occasional sale of lemonade or other nonalcoholic beverages from a stand on property located in the subdivision by an individual younger than 18 years of age *who resides in the subdivision.*

(b) A property owners' association:
(1) does not owe a duty of care to persons participating in a beverage sale described by Subsection (a); and
(2) is not liable for any injury to persons participating in a beverage sale described by Subsection (a), except for willful or wanton acts or gross negligence of the association.

CONFERENCE

SECTION 1. Same as House version.

SECTION 2. Same as House version.

SECTION 3. Chapter 202, Property Code is amended by adding Section 202.020 to read as follows:
Sec. 202.020. CERTAIN SALES OF BEVERAGES BY CHILDREN. (a) A property owners' association of a residential subdivision may not adopt or enforce a restrictive covenant that prohibits or regulates, including by requiring a permit or fee, the occasional sale of lemonade or other nonalcoholic beverages from a stand on property located in the subdivision by an individual younger than 18 years of age *who has the permission of a property owner in the subdivision for the sale.*

(The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.)

(b) Substantially the same as the Senate version.

House Bill 234
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SECTION 4. Effective date.

SENATE VERSION (CS)

SECTION 4. Same as House version.

CONFERENCE

SECTION 4. Same as House version.

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 25, 2019

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Dennis Bonnen, Speaker of the House, House of Representatives

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

IN RE: HB234 by Krause (Relating to the local regulation of the sale of lemonade or other beverages by children.), **Conference Committee Report**

No significant fiscal implication to the State is anticipated.

The bill would amend the Local Government Code and the Property Code to prohibit local jurisdictions from regulating the sale of lemonade or other non-alcoholic beverages by children in certain locations and to prohibit property owners' associations from adopting or enforcing certain restrictive covenants that would impede these sales.

According to the Department of State Health Services, the costs associated with implementation of the bill could be absorbed with existing resources.

Local Government Impact

According to the Department of State Health Services, there would be no anticipated fiscal impact to local government entities from the bill.

According to the Texas Association of Counties, there would be no significant fiscal impact to counties.

Source Agencies: 537 State Health Services, Department of

LBB Staff: WP, LBO, AF, SD, GP, CMA

**Certification of Compliance with
Rule 13, Section 6(b), House Rules of Procedure**

Rule 13, Section 6(b), House Rules of Procedure, requires a copy of a conference committee report signed by a majority of each committee of the conference to be furnished to each member of the committee in person or, if unable to deliver in person, by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under House Rule 13, Section 10(a). The paper copies of the report submitted to the chief clerk under Rule 13, Section 10(b), must contain a certificate that the requirement of Rule 13, Section 6(b), has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Rule 13, Section 10(d). Failure to comply with this requirement is not subject to a point of order under Rule 13.

I certify that a copy of the conference committee report on HB 234 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Rule 13, Section 10(b), House Rules of Procedure.

Matt Kuuse

(name)

5-25-19

(date)