

1-1 By: Thompson of Harris, et al. H.B. No. 914
 1-2 (Senate Sponsor - Zaffirini)
 1-3 (In the Senate - Received from the House May 1, 2019;
 1-4 May 1, 2019, read first time and referred to Committee on State
 1-5 Affairs; May 17, 2019, reported adversely, with favorable
 1-6 Committee Substitute by the following vote: Yeas 9, Nays 0;
 1-7 May 17, 2019, sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9				
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			

1-19 COMMITTEE SUBSTITUTE FOR H.B. No. 914 By: Huffman

1-20 A BILL TO BE ENTITLED
 1-21 AN ACT

1-22 relating to the regulation of bingo games.
 1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-24 SECTION 1. Sections 2001.305(b) and (c), Occupations Code,
 1-25 are amended to read as follows:
 1-26 (b) Immediately after issuing ~~receiving~~ a license, the
 1-27 commission ~~a license holder~~ shall send a copy of the license to
 1-28 the appropriate governing body. The governing body shall file the
 1-29 copy of the license in a central file containing licenses issued
 1-30 under this chapter.
 1-31 (c) Not later than the 10th day after the date a license is
 1-32 issued, the commission ~~license holder~~ shall give written notice
 1-33 of the issuance of the license to:
 1-34 (1) the police department of the municipality in which
 1-35 bingo will be conducted, if bingo is to be conducted in a
 1-36 municipality; or
 1-37 (2) the sheriff of the county in which bingo will be
 1-38 conducted, if bingo is to be conducted outside a municipality.
 1-39 SECTION 2. Section 2001.313(h), Occupations Code, is
 1-40 amended to read as follows:
 1-41 (h) A licensed authorized organization may employ an
 1-42 individual who is not on the registry established by this section as
 1-43 an operator, manager, cashier, usher, caller, or salesperson on a
 1-44 provisional basis if the individual is awaiting the results of a
 1-45 background check by the commission:
 1-46 (1) for a period not to exceed 30 ~~14~~ days if the
 1-47 individual is a resident of this state; or
 1-48 (2) for a period to be established by commission rule
 1-49 if the individual is not a resident of this state.
 1-50 SECTION 3. Section 2001.419, Occupations Code, is amended
 1-51 by amending Subsections (d) and (e) and adding Subsection (f) to
 1-52 read as follows:
 1-53 (d) If more than one bingo occasion is conducted at the same
 1-54 premises on the same day:
 1-55 (1) the bingo occasions must be announced separately;
 1-56 (2) the licensed times may not overlap; and
 1-57 (3) notwithstanding Subsection (e), bingo cards may be
 1-58 sold during a bingo occasion for play during a subsequent bingo
 1-59 occasion that is scheduled to begin at the same premises in not more
 1-60 than eight hours after the sale of cards for the subsequent occasion

2-1 begins.

2-2 (e) Bingo cards, pull-tab bingo tickets, and the use of
 2-3 card-minding devices [paper] for a bingo occasion may be sold at the
 2-4 licensed premises at any time beginning one hour before the bingo
 2-5 occasion and ending at the conclusion of the bingo occasion
 2-6 [begins].

2-7 (f) If pull-tab bingo tickets are sold by one licensed
 2-8 authorized organization that conducts consecutive bingo occasions
 2-9 during one day, the organization may account for and report all of
 2-10 the pull-tab bingo ticket sales for the occasions as sales for the
 2-11 final occasion.

2-12 SECTION 4. Section 2001.451(b), Occupations Code, is
 2-13 amended to read as follows:

2-14 (b) Except as provided by Section 2001.502(a), a [A]
 2-15 licensed authorized organization shall deposit in the bingo account
 2-16 all funds derived from the conduct of bingo, less the amount awarded
 2-17 as cash prizes under Sections 2001.420(a) and (b). Except as
 2-18 provided by Subsection (b-1), a deposit must be made not later than
 2-19 the third [second] business day after the day of the bingo occasion
 2-20 on which the receipts were obtained.

2-21 SECTION 5. Section 2001.502, Occupations Code, is amended
 2-22 to read as follows:

2-23 Sec. 2001.502. PRIZE FEE. (a) A licensed authorized
 2-24 organization or unit as defined by Section 2001.431 shall :

2-25 (1) collect from a person who wins a cash bingo prize
 2-26 of more than \$5 a fee in the amount of five percent of the amount [~~or~~
 2-27 ~~value~~] of the prize ; and

2-28 (2) except as otherwise provided by this section,
 2-29 remit to the commission the amount of the [a] fee collected under
 2-30 Subdivision (1) [in the amount of five percent of the amount or
 2-31 value of all bingo prizes of more than \$5 awarded].

2-32 (b) Notwithstanding Subsection (a)(2), each quarter, a
 2-33 licensed authorized organization or unit that collects a prize fee
 2-34 under Subsection (a) for a bingo game conducted in a county or
 2-35 municipality that was entitled to receive a portion of a bingo prize
 2-36 fee as of January 1, 2019, shall remit 50 percent of the amount
 2-37 collected as the prize fee to the commission and:

2-38 (1) if the county or municipality in which the bingo
 2-39 game is conducted voted before November 1, 2019, to impose the prize
 2-40 fee, remit 50 percent of the amount collected as the prize fee to:

2-41 (A) the county that voted to impose the fee by
 2-42 that date, provided the location at which the bingo game is
 2-43 conducted is not within the boundaries of a municipality that voted
 2-44 to impose the prize fee by that date;

2-45 (B) the municipality that voted to impose the fee
 2-46 by that date, provided the county in which the bingo game is
 2-47 conducted did not vote to impose the fee by that date; or

2-48 (C) in equal shares, the county and the
 2-49 municipality, provided each voted to impose the fee before that
 2-50 date; or

2-51 (2) if neither the county or municipality in which the
 2-52 bingo game is conducted voted before November 1, 2019, to impose the
 2-53 prize fee, deposit the remainder of the amount collected as the
 2-54 prize fee in the general charitable fund of the organization or on a
 2-55 pro rata basis to the general funds of the organizations comprising
 2-56 the unit, as applicable, to be used for the charitable purposes of
 2-57 the organization or organizations.

2-58 (c) The governing body of a county or municipality that
 2-59 voted to impose a prize fee under Subsection (b)(1) may at any time
 2-60 vote to discontinue the imposition of the fee. If a county or
 2-61 municipality votes on or after November 1, 2019, to discontinue the
 2-62 fee, the fees to which the county or municipality, as applicable,
 2-63 was entitled before the vote shall be collected by the licensed
 2-64 authorized organization or unit as defined by Section 2001.431 and
 2-65 deposited as provided by Subsection (b)(2).

2-66 (d) A fee collected under Subsection (a) does not apply to:

2-67 (1) a merchandise prize awarded as a prize for winning
 2-68 a bingo game, including a bingo card, a pull-tab bingo ticket, a
 2-69 bingo dauber, or other bingo merchandise; or

3-1 (2) the use of a card-minding device awarded as a prize
 3-2 for winning a bingo game.

3-3 SECTION 6. Section 2001.504(a), Occupations Code, is
 3-4 amended to read as follows:

3-5 (a) A fee on prizes authorized or imposed under this
 3-6 subchapter is due and is payable by the license holder or a person
 3-7 conducting bingo without a license to the commission and county or
 3-8 municipality, as applicable, quarterly on or before the 25th day of
 3-9 the month succeeding each calendar quarter.

3-10 SECTION 7. The heading to Section 2001.507, Occupations
 3-11 Code, is amended to read as follows:

3-12 Sec. 2001.507. COLLECTION AND DEPOSIT [~~DISBURSEMENT~~] OF
 3-13 PRIZE FEE.

3-14 SECTION 8. Section 2001.507, Occupations Code, is amended
 3-15 by amending Subsection (a) and adding Subsection (a-1) to read as
 3-16 follows:

3-17 (a) The commission shall deposit the revenue collected from
 3-18 the fee on prizes imposed by Section 2001.502 to the credit of [~~a~~
 3-19 ~~special account in~~] the general revenue fund.

3-20 (a-1) The revenue collected by the commission from the fee
 3-21 on prizes imposed by Section 2001.502 is considered miscellaneous
 3-22 revenue for purposes of appropriations made to the commission under
 3-23 the General Appropriations Act for the administration of this
 3-24 chapter.

3-25 SECTION 9. Section 404.073(c), Government Code, is amended
 3-26 to read as follows:

3-27 (c) Interest that has been and that will be accrued or
 3-28 earned from deposits made under a law to which this subsection
 3-29 applies is state funds not subject to allocation or distribution to
 3-30 taxing units, cities, or transportation authorities under that law.
 3-31 This subsection applies to:

- 3-32 (1) Section 205.02, Alcoholic Beverage Code;
- 3-33 (2) [~~Section 2001.507, Occupations Code;~~
- 3-34 ~~(3)]~~ Section 403.105(d) of this code;
- 3-35 (3) [~~(4)]~~ Sections 321.501 and 321.504, Tax Code;
- 3-36 (4) [~~(5)]~~ Sections 322.301 and 322.304, Tax Code; and
- 3-37 (5) [~~(6)]~~ Sections 323.501 and 323.504, Tax Code.

3-38 SECTION 10. The following provisions of the Occupations
 3-39 Code are repealed:

- 3-40 (1) Section 2001.103(a-1);
- 3-41 (2) Section 2001.104;
- 3-42 (3) Section 2001.313(b-3);
- 3-43 (4) Section 2001.437(i);
- 3-44 (5) Section 2001.503; and
- 3-45 (6) Sections 2001.507(b), (c), (d), (e), (f), (g),
 3-46 (h), and (i).

3-47 SECTION 11. (a) A county or municipality may receive a
 3-48 portion of the prize fee collected under Section 2001.502,
 3-49 Occupations Code, as amended by this Act, after the effective date
 3-50 of this Act only if:

3-51 (1) the county or municipality was entitled to receive
 3-52 a portion of a bingo prize fee as of January 1, 2019; and

3-53 (2) the governing body of the county or municipality:
 3-54 (A) by majority vote of the members of the
 3-55 governing body approves the continued receipt of funds under that
 3-56 section and notifies the Texas Lottery Commission of that decision
 3-57 not later than November 1, 2019; and

3-58 (B) notifies each licensed authorized
 3-59 organization within the county's or municipality's jurisdiction, as
 3-60 applicable, of the continued imposition of the fee.

3-61 (b) Not later than October 1, 2019, the Texas Lottery
 3-62 Commission shall notify the governing body of a county or
 3-63 municipality that was entitled to receive a portion of the prize fee
 3-64 collected under Section 2001.502, Occupations Code, as that section
 3-65 existed immediately before the effective date of this Act, of the
 3-66 requirements for continued receipt of the prize fee under that
 3-67 section as provided in Subsection (a) of this section.

3-68 SECTION 12. Section 2001.305, Occupations Code, as amended
 3-69 by this Act, applies only to an authorized organization license or a

4-1 commercial lessor license that is issued under Chapter 2001,
4-2 Occupations Code, on or after the effective date of this Act. An
4-3 authorized organization license or a commercial lessor license
4-4 issued before the effective date of this Act is governed by the law
4-5 as it existed immediately before the effective date of this Act, and
4-6 that law is continued in effect for that purpose.

4-7 SECTION 13. (a) Except as otherwise provided by Subsection
4-8 (b) of this section, this Act takes effect January 1, 2020.

4-9 (b) The following provisions take effect September 1, 2019:

- 4-10 (1) Section 2001.502(c), Occupations Code, as added by
4-11 this Act;
4-12 (2) Section 2001.507(a), Occupations Code, as amended
4-13 by this Act; and
4-14 (3) Section 2001.507(a-1), Occupations Code, as added
4-15 by this Act.

4-16

* * * * *