

BILL ANALYSIS

C.S.H.B. 1813
By: McReynolds
Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law in order to conduct a raffle, an organization must be qualified as nonprofit and abide by specified restrictions on sales. The Occupations Code, which governs raffles, neglects to require authorized organizations to set a date to conduct the raffle and award the prize or prizes.

CSHB 1813 requires that raffles be conducted on a date certain that is printed on the tickets. If the qualified organization is unable to award a prize or prizes on the printed date, it is given an additional 30 days in which to choose the winning ticket(s) and award the prize(s). After the 30 day extension, the organization must refund or offer to refund the amount paid by each person who purchased a ticket.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

The substitute amends Section 2002.052. Time and Frequency Restrictions. Amends by adding Subsections (d), (e), and (f); which requires the organization to set a date for the raffle, a 30 day time limit if a drawing does not occur on the specified date, and a refunding provision if the raffle does not take place.

Amends Section 2002.055 by adding Subsection (5) that requires the raffle date to be printed on the raffle tickets.

EFFECTIVE DATE

September 1, 2003. The Act applies beginning with a raffle for which tickets are initially sold or offered for sale on or after the above date. A raffle for which tickets are sold before the effective date of this Act is covered by the law in effect at that time, and the former law is continued in effect for that purpose.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 1813 modifies the original by changing the word "that" to "the" in Section 2002.052(e), line 13 of the substitute. And by adding a comma to Section 2001.052(f), line 17 of the substitute. The substitute is a council drafted version while the original was not.