

By: Wilson

H.B. No. 486

A BILL TO BE ENTITLED

AN ACT

relating to the establishment and operation of a state-owned casino in Harris County; providing penalties.

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

SECTION 1. Subtitle E, Title 4, Government Code, is amended by adding Chapters 469 and 470 to read as follows:

CHAPTER 469. STATE CASINO

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 469.001. DEFINITIONS. In this chapter:

(1) "Casino employee" means a person who holds a casino employee license under this chapter and is employed in a position listed in Section 469.053.

(2) "Casino game" means any game of chance traditionally or commonly conducted at lawful casinos in other jurisdictions, including baccarat, blackjack, big six wheel, craps, keno, minibaccarat, pai gow poker, red dog, roulette, sic bo, slot machines, and video casino machines, or any similar game of chance approved by the commission to be conducted at a state casino.

(3) "Casino operator" means a person employed under Section 470.064.

(4) "Casino player" means a person who has paid to play a casino game.

(5) "Casino vendor" means a person who contracts to perform a function, activity, or service in connection with state

1 casino gaming.

2 (6) "Commission" means the Texas Casino Commission.

3 (7) "Enforcement director" means the director of the
4 enforcement division.

5 (8) "Enforcement division" means the division of state
6 casino gaming enforcement established by the commission under
7 Chapter 470.

8 (9) "Executive director" means the executive director
9 of the commission.

10 (10) "Operations director" means the director of the
11 operations division.

12 (11) "Operations division" means the division of state
13 gaming operations established by the commission under Chapter 470.

14 (12) "State casino" means a facility approved by the
15 commission for casino gaming as provided by this chapter.

16 (13) "State casino gaming" means the operation of
17 casino games by the state in accordance with this chapter in a state
18 casino.

19 Sec. 469.002. EXEMPTION FROM TAXATION. (a) A political
20 subdivision may not impose:

21 (1) a tax on state casino gaming;

22 (2) a tax on the payment of winnings of a casino player
23 at a state casino; or

24 (3) an ad valorem tax on a state casino or adjoining
25 real property owned by the commission and used in connection with a
26 state casino, including property used for parking.

27 (b) The receipts from state casino gaming are exempt from

1 taxation under Chapter 151, Tax Code.

2 [Sections 469.003-469.050 reserved for expansion]

3 SUBCHAPTER B. ADMINISTRATION AND OPERATION

4 Sec. 469.051. COMMISSION EMPLOYEES. Commission employees
5 are exempted from Chapter 654. The executive director shall set the
6 salaries of commission employees.

7 Sec. 469.052. STATE CASINO. (a) In accordance with
8 Section 47(f), Article III, Texas Constitution, the commission may
9 establish and operate a casino on the real property connected or
10 immediately adjoining the publicly funded sports venue commonly
11 referred to as the Astrodome in Harris County at which casino games
12 may be conducted.

13 (b) The commission may conduct casino games at a state
14 casino as the commission considers appropriate.

15 (c) The commission may conduct auxiliary enterprises in
16 conjunction with a state casino, including food service and
17 entertainment, for the convenience of patrons of casino gaming.

18 (d) The commission may purchase, lease, construct, or
19 otherwise acquire real property for the operation of a state
20 casino. The commission may sell or otherwise dispose of property
21 as the commission considers appropriate.

22 Sec. 469.053. POWERS AND DUTIES OF COMMISSION AND EXECUTIVE
23 DIRECTOR. (a) The commission and the executive director have
24 broad authority and shall exercise strict control and close
25 supervision over a state casino and casino games to promote and
26 ensure integrity, security, honesty, and fairness in state casino
27 gaming.

1 (b) The executive director may contract with a casino vendor
2 if the commission adopts a rule permitting the function, activity,
3 or service to be performed under a contract and the contract is
4 permitted under Subsection (c).

5 (c) The executive director may award a contract for casino
6 supplies or services, including a contract under Subsection (b),
7 pending the completion of any investigation authorized by this
8 chapter.

9 (d) A contract awarded under Subsection (c) must include a
10 provision permitting the executive director to terminate the
11 contract without penalty if the investigation reveals that the
12 person to whom the contract is awarded would not be eligible for a
13 casino employee license under this chapter.

14 (e) The following positions at a state casino may be filled
15 only by casino employees:

- 16 (1) boxperson;
- 17 (2) casino operator;
- 18 (3) cage personnel;
- 19 (4) count room personnel;
- 20 (5) data processing personnel;
- 21 (6) dealer;
- 22 (7) enforcement officer and investigator;
- 23 (8) floor manager;
- 24 (9) floorperson;
- 25 (10) machine mechanic;
- 26 (11) pit boss;
- 27 (12) security personnel;

- 1 (13) slot machine and slot booth personnel;
2 (14) surveillance personnel; and
3 (15) any other position required by commission rule to
4 be filled by a casino employee.

5 Sec. 469.054. RULES. (a) The commission shall adopt rules
6 necessary to administer this chapter and Chapter 470. The
7 executive director may propose rules to be adopted by the
8 commission.

9 (b) The commission shall adopt rules relating to:

10 (1) security for a state casino and the commission,
11 including the development of internal security plans;

12 (2) apportionment of the total revenues from the
13 proceeds of casino games and from all other sources in the amounts
14 provided by this chapter;

15 (3) enforcement of a prohibition on gambling at a
16 state casino by an individual younger than 21 years of age; and

17 (4) the sale and consumption of alcoholic beverages in
18 a state casino as governed by the Alcoholic Beverage Code.

19 (c) The commission shall adopt rules governing the
20 establishment, operation, and closure of a state casino, including
21 rules governing:

22 (1) the type and number of casino games to be
23 conducted;

24 (2) the permissible wager amounts;

25 (3) the number of and amount of winnings paid on a
26 casino game;

27 (4) the design and operation of a state casino;

1 (5) the payment of winnings to casino players;

2 (6) the investigation of alleged violations of this
3 chapter or a rule adopted under this chapter;

4 (7) advertising of or by a state casino;

5 (8) the qualifications of casino vendors;

6 (9) the confidentiality of information relating to the
7 operation of casino gaming, including:

8 (A) trade secrets;

9 (B) security measures, systems, or procedures;

10 (C) security reports;

11 (D) bids or other information regarding the
12 commission's contracts, if disclosure of the information would
13 impair the commission's ability to contract for facilities, goods,
14 or services on terms favorable to the commission;

15 (E) personnel information unrelated to
16 compensation, duties, qualifications, or responsibilities; and

17 (F) information obtained by an enforcement
18 officer or investigator;

19 (10) the criteria used in evaluating bids for
20 contracts for casino facilities, goods, and services; and

21 (11) any other matter determined by the commission to
22 promote or ensure:

23 (A) the integrity, security, honesty, or
24 fairness of state casino gaming; or

25 (B) the convenience of casino players.

26 Sec. 469.055. REVENUE BONDS FOR STATE CASINO. (a) The
27 commission may request the Texas Public Finance Authority to issue

1 revenue bonds or other revenue obligations to finance the
2 acquisition, construction, repair, and improvement of a state
3 casino and other real property used in the operation of a state
4 casino.

5 (b) On receipt of a request by the commission under this
6 section, the Texas Public Finance Authority shall promptly issue
7 the bonds or other revenue obligations under and in accordance with
8 Chapter 1232.

9 (c) The commission may use the proceeds of revenue bonds or
10 other revenue obligations issued under this section only to finance
11 the acquisition, construction, repair, and improvement of a state
12 casino and other real property used in the operation of a state
13 casino.

14 Sec. 469.056. ANNUAL REPORT. (a) The commission shall
15 prepare an annual report for the preceding fiscal year to the
16 governor and the legislature that provides a summary of:

- 17 (1) state casino gaming revenues;
18 (2) winnings disbursements; and
19 (3) other expenses.

20 (b) The report required by Subsection (a) must be in the
21 form and reported in the time provided by the General
22 Appropriations Act.

23 Sec. 469.057. REVIEW BY COMPTROLLER. (a) The comptroller
24 shall review the management and operations of state casino gaming.
25 The comptroller may examine books, records, documents, things, or
26 persons as necessary for that purpose.

27 (b) The comptroller shall report annually the results of the

1 review to:

2 (1) the governor;

3 (2) the lieutenant governor; and

4 (3) the speaker of the house of representatives.

5 Sec. 469.058. AUDITS. (a) The executive director shall
6 provide for a certified public accountant to conduct each fiscal
7 year an independent audit of all accounts and transactions of a
8 state casino and state casino gaming. Not later than the 30th day
9 after the submission date for the annual financial report required
10 by the General Appropriations Act, the certified public accountant
11 shall present an audit report to:

12 (1) the executive director;

13 (2) the commission;

14 (3) the governor;

15 (4) the comptroller; and

16 (5) the legislature.

17 (b) The report must contain recommendations to enhance the
18 earnings capability of a state casino and improve the efficiency of
19 the commission's operations.

20 (c) The state auditor may review the results of and working
21 papers related to the audit.

22 (d) A casino operator's or casino employee's records are
23 subject to audit by the commission and the state auditor.

24 (e) In carrying out this section, the executive director or
25 state auditor may:

26 (1) examine all books, records, papers, or other
27 objects the executive director or state auditor determines

1 necessary for conducting a complete audit; and

2 (2) examine under oath a casino operator or casino
3 employee.

4 (f) The executive director or state auditor may conduct an
5 examination as provided by Subsection (e) at a state casino or may
6 require the casino operator or casino employee to produce the
7 records at the office of the commission or state auditor.

8 (g) Section 321.013(h) does not apply to an audit of a
9 casino operator or casino employee.

10 Sec. 469.059. CONFIDENTIAL INFORMATION. (a) Except as
11 otherwise provided by this chapter or other law, all commission
12 records are subject to public inspection in accordance with Chapter
13 552.

14 (b) In addition to commission records excepted from
15 disclosure under Chapter 552, security plans and procedures of the
16 commission designed to ensure the integrity and security of state
17 casino gaming are confidential and exempt from public disclosure.

18 Sec. 469.060. DEPARTMENT OF PUBLIC SAFETY RECORDS. (a)
19 Except as otherwise provided by this chapter, all information and
20 reviews or analyses of information and related matters collected,
21 retained, or compiled by the Department of Public Safety in the
22 discharge of its duties under this chapter are confidential and
23 exempt from public disclosure.

24 (b) An investigation report or other document submitted by
25 the Department of Public Safety to the commission becomes part of
26 the investigative files of the commission.

27 [Sections 469.061-469.100 reserved for expansion]

1 SUBCHAPTER C. ENFORCEMENT; ENFORCEMENT DIVISION

2 Sec. 469.101. INVESTIGATIONS. The attorney general, the
3 district attorney for Travis County, the district attorney for
4 Harris County, or the district attorney, criminal district
5 attorney, or county attorney performing the duties of district
6 attorney for the county in which a violation or alleged violation
7 occurs may investigate a violation or alleged violation of this
8 chapter or of the Penal Code by:

- 9 (1) the commission or its employees;
10 (2) a casino employee;
11 (3) a casino vendor or its personnel; or
12 (4) a casino operator.

13 Sec. 469.102. ENFORCEMENT. (a) The executive director or
14 designated commission personnel may investigate a violation of this
15 chapter or the rules adopted under this chapter.

16 (b) After conducting an investigation, the executive
17 director, a person designated by the commission, or any law
18 enforcement agency may file a complaint with the district attorney
19 for Travis County, the district attorney for Harris County, or the
20 district attorney, criminal district attorney, or county attorney
21 performing the duties of district attorney for the county in which a
22 violation is alleged to have occurred.

23 Sec. 469.103. ENFORCEMENT DIVISION; DIRECTOR. (a) The
24 executive director shall appoint an enforcement director to
25 administer the enforcement division.

26 (b) The enforcement director must be qualified by training
27 and experience in law enforcement or security to supervise, direct,

1 and administer the activities of the enforcement division.

2 Sec. 469.104. GAMING ENFORCEMENT OFFICERS AND
3 INVESTIGATORS. (a) The executive director shall employ the state
4 gaming enforcement officers and investigators the executive
5 director considers necessary and shall commission state gaming
6 enforcement officers and investigators as peace officers.

7 (b) The enforcement director and all enforcement officers
8 and investigators employed as peace officers must meet the
9 requirements of Chapter 1701, Occupations Code, for employment and
10 commission as peace officers.

11 Sec. 469.105. SEIZURE OF CASINO GAME OR EQUIPMENT. An
12 enforcement officer or investigator employed by the enforcement
13 division or a peace officer who is working in conjunction with the
14 commission or the Department of Public Safety to enforce this
15 chapter, without a search warrant, may search and seize a casino
16 game or other casino equipment, including a slot machine or video
17 casino machine, located in a state casino.

18 Sec. 469.106. CRIMINAL BACKGROUND INVESTIGATION. (a) The
19 Department of Public Safety, at the commission's request, shall
20 perform a full criminal background investigation of a prospective
21 enforcement officer or investigator of the enforcement division.

22 (b) The commission shall reimburse the Department of Public
23 Safety for the actual costs of an investigation.

24 Sec. 469.107. INDEPENDENT SECURITY STUDY. (a) At least
25 once every two years, the executive director shall employ an
26 independent firm experienced in security, including computer and
27 systems security, to conduct a comprehensive study of all aspects

1 of state casino gaming security, including:

2 (1) commission personnel security;

3 (2) casino employee security;

4 (3) casino operator and casino vendor security;

5 (4) security against fraudulent gambling or cheating;

6 (5) casino computer, data communications, database,
7 and systems security;

8 (6) casino premises and storage security;

9 (7) security of validation and payment procedures;

10 (8) security involving unclaimed prizes;

11 (9) security of each casino game; and

12 (10) other security aspects of state casino gaming.

13 (b) The executive director shall provide the commission
14 with a complete report of the security study conducted under
15 Subsection (a).

16 (c) The commission shall provide the governor and the
17 legislature, before each regular session of the legislature, with a
18 summary of the security study conducted under Subsection (a) that
19 includes an overall evaluation of the security of state casino
20 gaming.

21 [Sections 469.108-469.150 reserved for expansion]

22 SUBCHAPTER D. PROCUREMENT; ADVERTISING

23 Sec. 469.151. PROCUREMENT PROCEDURES. (a) The executive
24 director may establish procedures for the purchase or lease of
25 facilities, goods, and services and make any purchases, leases, or
26 contracts necessary for carrying out the purposes of this chapter,
27 including the construction or closure of a state casino. The

1 procedures must, as determined appropriate by the executive
2 director, promote competition to the maximum extent possible.

3 (b) In all procurement decisions, the executive director
4 shall:

5 (1) take into account the sensitive nature of state
6 casino gaming; and

7 (2) act to promote and ensure integrity, security,
8 honesty, and fairness in the construction, operation,
9 administration, production of revenue, and closure of a state
10 casino.

11 Sec. 469.152. PROTEST OF PROCUREMENT PROCEDURES. (a) The
12 procurement procedures adopted by the executive director under
13 Section 469.151 must, as determined appropriate by the executive
14 director, afford a party aggrieved by the terms of a solicitation or
15 the award of a contract an opportunity to protest the executive
16 director's action to the commission.

17 (b) The protest procedures must provide for an expedient
18 resolution of the protest in order to avoid substantially delaying
19 a solicitation or contract award necessary for the timely
20 implementation of a state casino or casino game.

21 (c) A protest under this section must be in writing and be
22 filed with the commission as provided by the protest procedures.

23 Sec. 469.153. JUDICIAL REVIEW. (a) A party aggrieved by
24 the commission's resolution of a protest under Section 469.152 may
25 file an action in a district court in Travis County. The court
26 shall give preference to hearings and trials of actions under this
27 section.

1 (b) A party filing an action under this section to enjoin
2 the implementation of a solicitation or contract shall post a bond
3 payable to the commission, if the party does not prevail in the
4 appeal, in an amount sufficient to compensate the commission for
5 the estimated revenue lost due to the delay of that aspect of state
6 casino gaming.

7 Sec. 469.154. COMPETITIVE BIDDING. The commission shall
8 require any person seeking to contract for goods or services
9 relating to the implementation and administration of this chapter
10 to submit to competitive bidding procedures under rules adopted by
11 the commission to ensure fairness and integrity.

12 Sec. 469.155. LIQUIDATED DAMAGES; PERFORMANCE BOND. A
13 contract for the acquisition or provision of facilities, goods, or
14 services related to state casino gaming must provide for liquidated
15 damages and a performance bond in an amount equal to the executive
16 director's best estimate of the revenue lost if the contractor
17 fails to meet deadlines specified in the contract.

18 Sec. 469.156. PROHIBITED CONTRACTS. The executive director
19 may not award a contract for the purchase or lease of facilities,
20 goods, or services related to state casino gaming to a person who
21 would be denied a license as a casino employee under Section
22 469.206.

23 Sec. 469.157. ASSISTANCE OF TEXAS BUILDING AND PROCUREMENT
24 COMMISSION. On request of the executive director, the Texas
25 Building and Procurement Commission shall assist the executive
26 director in:

27 (1) acquiring facilities, goods, or services under

1 Subtitle D, Title 10; or
2 (2) establishing procedures for the executive
3 director's accelerated acquisition of facilities, goods, or
4 services related to state casino gaming.

5 Sec. 469.158. APPLICABILITY OF OTHER LAW. (a) A contract
6 for the acquisition or provision of facilities, goods, or services
7 related to state casino gaming is not subject to:

8 (1) Chapter 2054 or 2254; or

9 (2) Subtitle D, Title 10.

10 (b) Notwithstanding the provisions of Title 2, Utilities
11 Code, the commission may:

12 (1) negotiate rates and execute contracts with
13 telecommunications service providers for the interexchange
14 services necessary for state casino gaming; and

15 (2) acquire transmission facilities on a competitive
16 bid basis, if possible, by lease, purchase, or lease-purchase.

17 Sec. 469.159. PREFERENCE FOR TEXAS BUSINESSES. (a) In all
18 contracts for casino equipment, supplies, and services, including
19 advertising, the commission shall give preference to equipment or
20 supplies produced in this state or services offered by bidders from
21 this state if the cost to the state and quality are equal.

22 (b) If equipment or supplies produced in this state or
23 services offered by a bidder from this state are not equal in cost
24 and quality, then equipment or supplies produced in another state
25 or services offered by a bidder from another state shall be given
26 preference over foreign equipment, supplies, or services.

27 Sec. 469.160. MINORITY BUSINESSES. (a) In this section:

1 (1) "Minority business" means a business entity at
2 least 51 percent of which is owned by minority group members or, in
3 the case of a corporation, at least 51 percent of the shares of
4 which are owned by minority group members, and that:

5 (A) is managed and, in daily operations,
6 controlled by minority group members; and

7 (B) is a domestic business entity with a home or
8 branch office located in this state and is not a branch or
9 subsidiary of a foreign corporation, firm, or other business
10 entity.

11 (2) "Minority group members" include:

12 (A) African Americans;

13 (B) American Indians;

14 (C) Asian Americans; and

15 (D) Mexican Americans and other Americans of
16 Hispanic origin.

17 (b) The executive director and a casino operator shall take
18 steps to:

19 (1) inform minority businesses of opportunities to:

20 (A) provide casino equipment and supplies to the
21 commission; or

22 (B) provide services, including advertising, to
23 the commission for the operation of a state casino;

24 (2) award contracts for casino equipment or supplies
25 to minority businesses when possible;

26 (3) award contracts for casino services, including
27 advertising, to minority businesses when possible;

1 (4) monitor the effectiveness of the efforts to
2 increase the ability of minority businesses to do business with the
3 commission; and

4 (5) require all bidders or contractors, when
5 appropriate, to include specific plans or arrangements to use
6 subcontracts with minority businesses.

7 (c) The commission shall annually report to the legislature
8 and the governor on the level of minority business participation as
9 pertains to the commission's contracts. The report must include
10 recommendations for the improvement of minority business
11 opportunities in casino-related business.

12 Sec. 469.161. PUBLICITY OF INDIVIDUALS PROHIBITED. (a) A
13 state officer, including a commission member, or the executive
14 director or other employee of the commission may not appear in an
15 advertisement or promotion for state casino gaming that is
16 sponsored by the commission.

17 (b) An advertisement or promotion for state casino gaming
18 may not contain the likeness or name of a state officer, including a
19 commission member, or of the executive director or other employee
20 of the commission.

21 (c) The executive director may designate an employee of the
22 commission to participate in a promotional event.

23 Sec. 469.162. PROHIBITED ADVERTISEMENTS. Advertisements
24 or promotions sponsored by the commission for state casino gaming
25 may not be specifically designed to unduly influence a person to
26 visit a state casino.

27 [Sections 469.163-469.200 reserved for expansion]

1 SUBCHAPTER E. LICENSING OF CASINO EMPLOYEES

2 Sec. 469.201. LICENSE REQUIRED. (a) An individual must
3 hold a casino employee license to be employed by the commission in a
4 position listed in Section 469.053(e).

5 (b) The executive director may establish a temporary or
6 provisional license or other classes of licenses necessary in
7 emergencies to regulate and administer the quantity and type of
8 casino games provided at a state casino.

9 (c) The executive director may license as a casino employee
10 an individual the executive director believes will best serve the
11 public. A casino employee license may not be transferred or
12 assigned to another person.

13 (d) The executive director may issue a casino employee
14 license to an individual only if the director finds the
15 individual's experience, character, and general fitness to be such
16 that the individual's participation as a casino employee will not
17 detract from the integrity, security, honesty, and fairness of
18 state casino gaming.

19 Sec. 469.202. LICENSE APPLICATION. (a) An applicant for a
20 casino employee license must:

21 (1) apply to the enforcement division under rules
22 adopted by the commission;

23 (2) provide information necessary to determine the
24 applicant's eligibility for a license as provided by Section
25 469.206; and

26 (3) provide other information considered necessary by
27 the commission.

1 (b) The applicant must include an application fee with each
2 application.

3 (c) Applications for licenses must be available for public
4 inspection during regular office hours.

5 (d) A fee collected under this section shall be deposited in
6 the state treasury to the credit of the state casino account.

7 Sec. 469.203. APPLICATION FEE. (a) The executive
8 director shall set the application fee required by Section 469.202
9 in an amount at least sufficient to cover the costs incurred by the
10 enforcement division and by the Department of Public Safety to
11 process the application.

12 (b) The executive director shall determine from information
13 provided by the department the amount required for costs incurred
14 by the department and shall allocate those amounts to the
15 department at least monthly.

16 (c) If the executive director denies an application for a
17 license based on a factor listed in Section 469.205, the executive
18 director shall refund one-half of the application fee to the
19 applicant.

20 (d) If the executive director denies an application based on
21 another factor, the executive director may not refund any part of
22 the application fee.

23 Sec. 469.204. CHANGE IN APPLICATION INFORMATION. A casino
24 employee license applicant or casino employee shall notify the
25 executive director of any change in the information in the
26 applicant's or casino employee's most recent application for a
27 license or renewal of a license not later than the 10th day after

1 the date of the change.

2 Sec. 469.205. RULES. The commission shall adopt rules
3 requiring the executive director, before issuing a casino employee
4 license to an applicant, to consider:

5 (1) the financial responsibility and security of the
6 applicant;

7 (2) the sufficiency of existing casino employees to
8 serve the public convenience; and

9 (3) any other factor the executive director considers
10 appropriate.

11 Sec. 469.206. DENIAL OF APPLICATION OR SUSPENSION OR
12 REVOCAION OF LICENSE. (a) After a hearing, the executive director
13 shall deny an application for a casino employee license or the
14 commission shall suspend or revoke a license if the executive
15 director or commission, as applicable, finds the applicant or
16 casino employee:

17 (1) is an individual who:

18 (A) has been convicted of a felony, criminal
19 fraud, gambling or a gambling-related offense, or a misdemeanor
20 involving moral turpitude, if less than 10 years have elapsed since
21 the termination of the sentence, parole, mandatory supervision, or
22 probation served for the offense;

23 (B) is or has been a professional gambler;

24 (C) is married to an individual:

25 (i) described by Paragraph (A) or (B); or

26 (ii) who is currently delinquent in the
27 payment of any state tax;

1 (D) is an officer or employee of the commission;

2 or

3 (E) is a spouse, child, brother, sister, or
4 parent residing as a member of the same household in the principal
5 place of residence of a person described by Paragraph (D);

6 (2) is currently delinquent in the payment of any
7 state tax; or

8 (3) has violated this chapter or a rule adopted under
9 this chapter.

10 (b) The executive director shall give an applicant or casino
11 employee written notice of a denial of an application or a
12 suspension or revocation of a license.

13 (c) The executive director may not issue a license to a
14 person who previously had any license under this chapter revoked
15 unless the executive director is satisfied the person will comply
16 with this chapter and the rules adopted under this chapter.

17 (d) The executive director may prescribe the terms under
18 which a suspended license will be reissued.

19 Sec. 469.207. HEARING FOR PROPOSED DENIAL OF APPLICATION OR
20 SUSPENSION OR REVOCATION OF LICENSE. (a) If the executive director
21 proposes to deny an application for a casino employee license or the
22 commission proposes to suspend or revoke a casino employee license
23 under Section 469.206, the applicant or casino employee is entitled
24 to written notice of the time and place of the hearing.

25 (b) The notice may be served on an applicant or casino
26 employee personally or sent by certified or registered mail, return
27 receipt requested, to the person's mailing address as it appears in

1 the commission's records. A notice must be served or mailed not
2 later than the 20th day before the date of the hearing.

3 (c) The commission shall provide for a formal
4 administrative hearings process for a hearing required by this
5 section.

6 (d) To prevail at a hearing, the applicant or casino
7 employee must show by a preponderance of the evidence why the
8 application should not be denied or the license suspended or
9 revoked.

10 Sec. 469.208. BOND; INSURANCE. (a) Each casino employee
11 shall post a cash bond, surety bond, letter of credit, certificate
12 of deposit, or other security approved by the executive director,
13 including the contribution of cash to a pooled bond fund
14 established by the executive director to protect state casino
15 gaming from possible losses.

16 (b) The amount of the security required by Subsection (a)
17 shall be determined by the executive director and must
18 proportionately reflect the possible losses to state casino gaming
19 from the duties of the casino employee.

20 (c) The executive director may also require a casino
21 employee to maintain insurance if necessary to protect the
22 interests of the state.

23 Sec. 469.209. POSSESSION OF LICENSE. As prescribed by
24 rule, a casino employee shall have in the person's immediate
25 possession the person's casino license at all times when the
26 employee is in a state casino.

27 Sec. 469.210. EXPIRATION OF LICENSE; RENEWAL. (a) Unless

1 suspended or revoked, a casino employee license expires on the date
2 specified in the license, which may not be later than the second
3 anniversary of its date of issuance.

4 (b) The commission shall adopt rules for the renewal of a
5 license issued under this chapter. The director shall set a renewal
6 fee in an amount at least sufficient to cover the cost of processing
7 the renewal.

8 (c) To renew a casino employee license, a casino employee
9 must file a renewal application and pay the renewal fee before the
10 casino employee's license expires or within any subsequent grace
11 period established by the commission.

12 Sec. 469.211. INTERRUPTION OF EMPLOYMENT OR BANKRUPTCY OF
13 CASINO EMPLOYEE. Notwithstanding Section 469.210, a casino
14 employee license issued under this chapter expires:

15 (1) on the 180th day following the last day of the
16 license holder's employment by a state casino or the commission; or

17 (2) on the day the license holder files for
18 bankruptcy.

19 [Sections 469.212-469.250 reserved for expansion]

20 SUBCHAPTER F. CRIMINAL HISTORY INVESTIGATIONS

21 Sec. 469.251. ACCESS TO CRIMINAL HISTORY RECORD
22 INFORMATION. (a) The commission is entitled to conduct an
23 investigation of, and is entitled to obtain criminal history record
24 information maintained by the Department of Public Safety, the
25 Federal Bureau of Investigation Identification Division, or
26 another law enforcement agency to assist in the investigation of:

27 (1) a casino employee or an applicant for a casino

1 employee license;

2 (2) a person required to be named in a license
3 application;

4 (3) a casino operator or prospective casino operator;

5 (4) a person, or a representative of the person, who
6 manufactures or distributes casino equipment or supplies offered to
7 the commission;

8 (5) a person who has submitted a written bid or
9 proposal to the commission in connection with the procurement of
10 goods or services by the commission, if the amount of the bid or
11 proposal exceeds \$500;

12 (6) a person who proposes to enter into or who has a
13 contract with the commission to supply goods or services to the
14 commission; or

15 (7) if a person described in Subdivisions (4) through
16 (6) is not an individual, an individual who:

17 (A) is an officer or director of the person;

18 (B) holds more than 10 percent of the stock in the
19 person;

20 (C) holds an equitable interest greater than 10
21 percent in the person;

22 (D) is a creditor of the person who holds more
23 than 10 percent of the person's outstanding debt;

24 (E) is the owner or lessee of a business that the
25 person conducts or through which the person will conduct
26 casino-related activities;

27 (F) shares or will share in the profits, other

1 than stock dividends, of the person;

2 (G) participates in managing the affairs of the
3 person; or

4 (H) is an employee of the person who:

5 (i) enters or will enter a state casino to
6 perform a business function; or

7 (ii) is or will be in close proximity to or
8 exercises or will exercise control of state casino gaming money.

9 (b) The commission shall conduct an investigation of and
10 obtain criminal history record information maintained by the
11 Department of Public Safety, the Federal Bureau of Investigation
12 Identification Division, or another law enforcement agency to
13 assist in the investigation of:

14 (1) the executive director or a prospective executive
15 director; or

16 (2) an employee or prospective employee of the
17 commission.

18 (c) Not later than the first anniversary after the date of
19 renewal, the commission shall obtain criminal history record
20 information maintained by the Department of Public Safety on a
21 casino employee whose license is renewed.

22 Sec. 469.252. FINGERPRINTS. (a) The executive director
23 may:

24 (1) discharge from employment a commission employee
25 who fails to provide a complete legible set of fingerprints on
26 request; or

27 (2) refuse to consider a prospective commission

1 employee who fails to provide a complete legible set of
2 fingerprints on request.

3 (b) The executive director may deny an application for a
4 license or the commission may suspend or revoke a license if the
5 applicant or license holder fails on request to provide a complete
6 legible set of fingerprints of a person required to be named in a
7 license application.

8 Sec. 469.253. DEPARTMENT OF PUBLIC SAFETY ASSISTANCE; COSTS
9 OF INVESTIGATION. (a) The executive director may request the
10 cooperation of the Department of Public Safety to perform a
11 background investigation of a person listed in Section 469.251(a)
12 or (b). The executive director shall reimburse the department for
13 the actual cost of an investigation.

14 (b) The executive director may require a person who is
15 subject to investigation to pay all costs of the investigation and
16 to provide any information, including fingerprints, necessary to
17 carry out the investigation or facilitate access to state or
18 federal criminal history record information.

19 (c) Payments made to the executive director under
20 Subsection (b) shall be deposited in the general revenue fund and
21 may be used to reimburse the Department of Public Safety for the
22 actual costs of an investigation.

23 (d) Unless otherwise prohibited by law, the Department of
24 Public Safety may retain any record or information submitted to it
25 under this section. The department shall notify the executive
26 director of any change in information provided to the executive
27 director when the department learns of the change.

1 Sec. 469.254. ACCESS TO INTERNAL REVENUE SERVICE
2 INFORMATION. The executive director may obtain information
3 relating to a person's qualification for licensing, employment, or
4 contracting under this chapter from the Internal Revenue Service
5 under a contract between the comptroller and the Internal Revenue
6 Service on:

7 (1) a casino employee or an applicant for a casino
8 employee license;

9 (2) an employee or prospective employee of the
10 commission;

11 (3) a person required to be named in a license
12 application;

13 (4) a casino operator or prospective casino operator;

14 (5) a person, or the person's representative, who
15 manufactures or distributes casino equipment or supplies offered to
16 the casino;

17 (6) a person who has submitted a written bid or
18 proposal to the commission in connection with the procurement of
19 goods or services by the commission; or

20 (7) a person who proposes to enter into or who has a
21 contract with the commission to supply goods or services to the
22 commission.

23 Sec. 469.255. CONFIDENTIAL INFORMATION. (a) All
24 information received by the executive director from the Internal
25 Revenue Service is confidential and may only be used as provided by
26 the contract between the comptroller and the Internal Revenue
27 Service under which the information was obtained.

1 (b) The commission shall adopt rules governing the custody
2 and use of criminal history record information obtained under this
3 subchapter.

4 (c) The comptroller shall adopt rules governing the custody
5 and use of information obtained from the Internal Revenue Service
6 under this subchapter.

7 [Sections 469.256-469.300 reserved for expansion]

8 SUBCHAPTER G. REGULATION OF CASINO GAMES

9 Sec. 469.301. GAMES. (a) The executive director shall
10 prescribe the form of casino games subject to adoption by the
11 commission.

12 (b) The toll-free "800" telephone number established by the
13 Texas Commission on Alcohol and Drug Abuse under Section 461.018,
14 Health and Safety Code, must be affixed to each casino game or be
15 displayed in the plain view of a casino player of the casino game.

16 (c) The overall estimated odds of and amount of probable
17 winnings of a particular casino game must be printed on each casino
18 game or be displayed in the plain view of a casino player of the
19 casino game and be prominently displayed at each entrance to a state
20 casino. The estimate must be based on reasonable projections and
21 past experience.

22 Sec. 469.302. AGREEMENT TO ABIDE BY RULES. (a) By entering
23 a state casino, an individual agrees to abide by and be bound by the
24 commission's rules, including the rules applicable to any casino
25 game played. A casino player acknowledges that the determination
26 of whether the casino player is a valid winner is subject to:

27 (1) the commission's rules and claims procedures,

1 including those developed for the particular casino game involved;
2 and

3 (2) any validation tests established by the commission
4 for the particular casino game involved.

5 (b) A state casino must have available the rules or a
6 reference to the rules applicable to a particular casino game at
7 that casino.

8 Sec. 469.303. GAMBLING BY OR PAYMENT OF WINNINGS TO CERTAIN
9 PERSONS. An individual may not gamble or claim, collect, or receive
10 winnings or a share of winnings from a state casino if the
11 individual is:

12 (1) a member, officer, or employee of a person that has
13 contracted with the commission to sell or lease goods or services
14 used in the casino;

15 (2) a casino employee or casino operator;

16 (3) an officer or employee of the commission; or

17 (4) a spouse, child, brother, sister, or parent
18 residing as a member of the same household in the principal place of
19 residence of a person described by Subdivision (1), (2), or (3).

20 Sec. 469.304. REPRESENTATION BY PERSON CLAIMING CASINO
21 WINNINGS. A person claiming or attempting to claim winnings from a
22 state casino represents that the ticket or other item entitling the
23 person to the winnings:

24 (1) was lawfully obtained;

25 (2) is not stolen, forged, or altered; and

26 (3) has not previously been redeemed.

27 [Sections 469.305-469.350 reserved for expansion]

1 SUBCHAPTER H. OFFENSES

2 Sec. 469.351. VENUE. Venue is proper in Travis County or
3 any county in which venue is proper under Chapter 13, Code of
4 Criminal Procedure, for:

5 (1) an offense under this chapter;

6 (2) an offense under the Penal Code, if the accused:

7 (A) is a casino operator, casino vendor, casino
8 employee, or a commission enforcement officer or investigator; and

9 (B) is alleged to have committed the offense
10 while engaged in any aspect of casino gaming; or

11 (3) an offense that involves property associated with
12 state casino gaming under Title 7 or 11, Penal Code.

13 Sec. 469.352. AGGREGATION OF AMOUNTS INVOLVED. When
14 amounts are claimed, attempted to be claimed, or obtained in
15 violation of this chapter pursuant to one scheme or a continuing
16 course of conduct, whether from the same or several sources, the
17 conduct may be considered as one offense and the amounts aggregated
18 in determining the classification or degree of the offense.

19 Sec. 469.353. ATTEMPT BY UNLICENSED PERSON. (a) A person
20 who is not a casino employee commits an offense if the person
21 knowingly attempts to work at a state casino in a position listed in
22 Section 469.053(e).

23 (b) An offense under this section is a felony of the third
24 degree.

25 Sec. 469.354. LENDING TO FURTHER GAMBLING. (a) A person
26 commits an offense if the person knowingly gives money to another
27 person by extending credit or lending money to the person to enable

1 the person to play a casino game at a state casino.

2 (b) An offense under this section is a Class C misdemeanor.

3 Sec. 469.355. GAMBLING BY PERSON YOUNGER THAN 21 YEARS. (a)

4 A casino employee commits an offense if the person recklessly
5 allows or attempts to allow a person younger than 21 years of age to
6 play a casino game at a state casino.

7 (b) An offense under this section is a Class C misdemeanor.

8 Sec. 469.356. CHEATING AT CASINO GAME. (a) In this
9 section, "claim" includes an attempt to claim, without regard to
10 whether the attempt is successful.

11 (b) A person commits an offense if the person wins, attempts
12 to win, reduces a losing wager, or attempts to reduce a losing wager
13 in connection with a casino game at a state casino by trick, sleight
14 of hand performance, fraud or fraudulent scheme, or unauthorized
15 device.

16 (c) A person commits an offense if the person uses, or
17 assists another in the use of, an electronic, electrical, or
18 mechanical device that is designed, constructed, or programmed to
19 obtain an advantage at gambling at any casino game conducted at a
20 state casino. A device used by any person in violation of this
21 section is subject to forfeiture as provided by commission rule.

22 (d) A person commits an offense if the person knowingly uses
23 chips not obtained from the state casino to play a casino game at a
24 state casino.

25 (e) A person commits an offense if the person knowingly uses
26 an object other than legal tender of the United States or an item
27 approved by the commission to play a slot machine or video casino

1 machine at a state casino.

2 (f) A person commits an offense if the person knowingly uses
3 legal tender of the United States or an item approved by the
4 commission in a slot machine or video casino machine at a state
5 casino that is not the same denomination as legal tender or an item
6 intended by the commission to be used in the slot machine or video
7 casino machine.

8 (g) A person commits an offense if the person knowingly
9 possesses or uses any cheating or thieving device, including tools,
10 drills, wires, coins or tokens attached to strings or wires, or
11 electronic or magnetic devices, to:

12 (1) facilitate the alignment of any winning
13 combination in a slot machine or video casino machine at a state
14 casino; or

15 (2) remove from any slot machine or video casino
16 machine at a state casino any money or other contents of the
17 machine.

18 (h) It is a defense to prosecution under Subsection (g) that
19 a casino employee or a commission enforcement officer or
20 investigator performs the conduct solely within the scope of the
21 person's employment.

22 (i) An offense under this section is a Class A misdemeanor
23 unless it is shown on the trial of the offense that:

24 (1) the offense was committed in an attempt to obtain
25 at least \$200 but not more than \$10,000, in which event the offense
26 is a felony of the third degree;

27 (2) the offense was committed in an attempt to obtain

1 at least \$10,000, in which event the offense is a felony of the
2 second degree; or

3 (3) the person has previously been convicted of an
4 offense under this section, in which event the offense is a felony
5 of the third degree, unless the offense is designated as a felony of
6 the second degree under Subdivision (2).

7 Sec. 469.357. TAMPERING WITH CASINO EQUIPMENT. (a) A
8 person commits an offense if the person knowingly tampers with,
9 damages, defaces, or renders inoperable any slot machine, video
10 casino machine, or other equipment used to conduct or offer a casino
11 game at a state casino.

12 (b) An offense under this section is a Class B misdemeanor.

13 Sec. 469.358. REPORTING AND RECORD VIOLATIONS. (a) A
14 person commits an offense if the person, in a license application, a
15 book or record required to be maintained by this chapter or a rule
16 adopted under this chapter, or a report required to be submitted by
17 this chapter or a rule adopted under this chapter:

18 (1) makes a statement or entry the person knows to be
19 false or misleading; or

20 (2) fails to maintain or make an entry the person knows
21 is required to be maintained or made.

22 (b) A person commits an offense if the person knowingly
23 refuses to produce for inspection by the enforcement director,
24 executive director, commission, or state auditor a book, record, or
25 document required to be maintained or made by this chapter or a rule
26 adopted under this chapter.

27 (c) An offense under this section is a Class A misdemeanor.

Sec. 469.359. FALSE, INCORRECT, OR DECEPTIVE STATEMENT.

(a) In this section, "statement" includes a written or oral statement and a sworn or unsworn statement.

(b) A person commits an offense if the person knowingly makes a material and false, incorrect, or deceptive statement to a person conducting an investigation or exercising discretion under this chapter or a rule adopted under this chapter.

(c) An offense under this section is a Class A misdemeanor.

Sec. 469.360. CONSPIRACY. (a) A person commits an offense of conspiracy if, with intent that an offense under this chapter be committed:

(1) the person agrees with one or more other persons that the person or one or more of the persons engage in conduct that would constitute the offense; and

(2) one or more of the persons agreeing under Subdivision (1) performs an overt act in pursuance of the agreement.

(b) An agreement constituting a conspiracy may be inferred from acts of the parties.

(c) It is not a defense to prosecution for conspiracy under this section that:

(1) one or more of the coconspirators is not criminally responsible for the object offense;

(2) one or more of the coconspirators has been acquitted, so long as at least two coconspirators have not been acquitted;

(3) one or more of the coconspirators has not been

1 prosecuted or convicted, has been convicted of a different offense,
2 or is immune from prosecution;

3 (4) the actor belongs to a class of persons that by
4 definition of the object offense is legally incapable of committing
5 the object offense in an individual capacity; or

6 (5) the object offense was not actually committed.

7 (d) An offense under this section is one category lower than
8 the most serious offense under this chapter that is the object of
9 the conspiracy, and if the most serious offense under this chapter
10 that is the object of the conspiracy is a felony of the third
11 degree, the offense is a Class A misdemeanor.

12 [Sections 469.361-469.400 reserved for expansion]

13 SUBCHAPTER I. REVENUE

14 Sec. 469.401. DELIVERY OF FUNDS. (a) All revenue received
15 from state casino gaming and all money credited to the state casino
16 account from any other source shall be deposited in the state
17 treasury through approved state depositories on the settlement day
18 or days established by the executive director.

19 (b) The executive director shall require a casino operator
20 to establish separate electronic funds transfer accounts for the
21 purposes of depositing proceeds from a state casino, making
22 payments to the operations division, and receiving payments from
23 the operations division.

24 (c) The commission by rule shall establish the procedures
25 for depositing proceeds from casino gaming into electronic funds
26 transfer accounts, as well as other procedures regarding the
27 handling of money from state casino gaming.

1 Sec. 469.402. REPORTING BY CASINO EMPLOYEE; RECORDS. (a)

2 The operations director shall require a casino operator to file
3 with the operations division reports of receipts and transactions
4 relating to state casino gaming in the form and containing the
5 information the operations director requires.

6 (b) A casino operator shall maintain records for each
7 gambling period as determined by commission rule of each day that
8 adequately establish the disposition of:

9 (1) the gambling period;

10 (2) the amounts of wagers and other money received
11 from the gambling period; and

12 (3) winnings awarded by casino employees.

13 Sec. 469.403. LIABILITY OF CASINO EMPLOYEE. Money received
14 by a casino employee from wagers placed, less the amount awarded for
15 winnings by a casino employee, shall be held in trust for the
16 benefit of the operations division before delivery to a casino
17 operator or the casino operator's designee, and the casino operator
18 is personally liable to the operations division for the full amount
19 of the money.

20 Sec. 469.404. DUTIES OF COMPTROLLER. (a) The comptroller,
21 in consultation with the operations director, shall establish
22 procedures for the efficient implementation and operation of an
23 electronic funds transfer system to meet the needs of the
24 operations director under this chapter.

25 (b) The comptroller periodically shall file reports with
26 the executive director providing information regarding:

27 (1) the revenue credited to the state casino account;

1 (2) the investments of the money in the account; and

2 (3) the distributions made from the account.

3 Sec. 469.405. STATE CASINO ACCOUNT. (a) The state casino
4 account is a special account in the general revenue fund consisting
5 of:

6 (1) all revenue received from state casino gaming;

7 (2) license and application fees received under this
8 chapter; and

9 (3) all money credited to the account from any other
10 fund or source under law.

11 (b) Interest earned by the state casino account shall be
12 deposited in the unobligated portion of the general revenue fund.

13 (c) Money in the state casino account may be used only for
14 the following purposes and shall be distributed as follows:

15 (1) the payment of winnings to casino game players at
16 state casinos;

17 (2) the payment of costs incurred in state casino
18 gaming;

19 (3) the establishment of a casino prize reserve fund,
20 unclaimed winnings fund, winnings payment account, or other reserve
21 account established by the commission to administer this chapter;
22 and

23 (4) the balance, after creation of a reserve
24 sufficient to pay the amounts needed or estimated to be needed under
25 Subdivisions (1) through (3), to be transferred, on or before the
26 15th day of each month, to the foundation school fund.

27 Sec. 469.406. APPLICABILITY OF CONSTITUTIONAL PROVISIONS.

1 For purposes of Section 49a, Article III, and Section 22, Article
2 VIII, Texas Constitution:

3 (1) funds received from state casino gaming are not
4 revenue; and

5 (2) expenses of state casino gaming, including paying
6 winnings, are not expenses of state government.

7 Sec. 469.407. COMPENSATION OF CASINO EMPLOYEES. The
8 executive director in consultation with the casino operators shall
9 determine the compensation to be paid to casino employees.

10 [Sections 469.408-469.450 reserved for expansion]

11 SUBCHAPTER J. WINNINGS

12 Sec. 469.451. SUPERVISION BY ENFORCEMENT DIVISION. The
13 enforcement division shall supervise state casino gaming and
14 transfers of state casino gaming revenue.

15 Sec. 469.452. PAYMENT OF WINNINGS GENERALLY. (a) The
16 executive director may authorize winnings to be drawn on the state
17 casino account.

18 (b) The state is discharged of all further liability on the
19 payment of winnings under Section 469.453 or 469.454 or this
20 section or under any additional procedures established by rule.

21 Sec. 469.453. RIGHT TO WINNINGS NOT ASSIGNABLE. (a) Except
22 as provided by this section, the right of any person to winnings is
23 not assignable.

24 (b) Payment of winnings may be made to the estate of a
25 deceased casino player entitled to the winnings.

26 (c) Winnings to which a casino player is otherwise entitled
27 may be paid to any person under an appropriate judicial order.

1 Sec. 469.454. UNCLAIMED WINNINGS. (a) The operations
2 division shall retain unclaimed winnings for payment or delivery to
3 the casino player entitled to the winnings for 180 days after the
4 date on which the casino player became entitled to the winnings.

5 (b) If a claim is not made for winnings on or before the
6 180th day after the date on which the casino player became entitled
7 to the winnings, the winnings shall be used to provide additional
8 money to the state casino account for the purposes prescribed by
9 Section 469.405(c)(1) or offered in a subsequent casino game.

10 (c) A casino player forfeits any claim or entitlement to
11 winnings after the expiration of the 180th day after the date on
12 which the casino player became entitled to the winnings.

13 Sec. 469.455. TREATMENT OF WINNINGS BY INELIGIBLE PERSON.

14 (a) An individual who plays a casino game at a state casino or who
15 claims or otherwise attempts to collect or receive winnings from a
16 state casino is not eligible to receive the winnings or a share of
17 the winnings if the individual is:

18 (1) listed in Section 469.303; or

19 (2) younger than 21 years of age.

20 (b) The winnings or share of the winnings otherwise payable
21 but not eligible for payment as provided by Subsection (a) are
22 treated as unclaimed winnings under Section 469.454.

23 CHAPTER 470. TEXAS CASINO COMMISSION

24 SUBCHAPTER A. GENERAL PROVISIONS

25 Sec. 470.001. DEFINITIONS. In this chapter:

26 (1) "Casino operator" means a person employed under
27 Section 470.064.

1 (2) "Commission" means the Texas Casino Commission.

2 (3) "Executive director" means the executive director
3 of the Texas Casino Commission.

4 (4) "Communicate directly with" has the meaning
5 assigned by Section 305.002.

6 (5) "Gift" includes a gratuity, trip, meal, or any
7 thing of value for which the recipient does not compensate the
8 person making the gift and that is not conferred on account of
9 kinship or a personal, professional, or business relationship
10 independent of the official status of the recipient.

11 (6) "Legislation" has the meaning assigned by Section
12 305.002.

13 (7) "Member of the legislative branch" has the meaning
14 assigned by Section 305.002.

15 (8) "Participate" means to take action as an officer
16 or employee through decision, approval, disapproval,
17 recommendation, giving advice, or similar action.

18 (9) "Particular matter" includes an investigation,
19 application, request for a ruling or determination, license
20 proceeding, rulemaking, contract, controversy, claim, charge,
21 accusation, arrest, or judicial or other proceeding.

22 (10) "Person who has a significant financial interest
23 in state casino gaming" means:

24 (A) a person or a board member, officer, trustee,
25 or general partner of a person who manufactures, distributes,
26 sells, or produces casino equipment, supplies, or services,
27 including advertising, related to state casino gaming; or

1 (B) an employee directly involved in the
2 manufacturing, distribution, selling, or production of casino
3 equipment, supplies, or services, including advertising, of a
4 person who manufactures, distributes, sells, or produces casino
5 equipment, supplies, or services, including advertising, related
6 to state casino gaming.

7 (11) "Political committee" has the meaning assigned by
8 Section 251.001, Election Code.

9 (12) "Political contribution" has the meaning
10 assigned by Section 251.001, Election Code.

11 (13) "State casino gaming" has the meaning assigned by
12 Section 469.001.

13 Sec. 470.002. APPLICATION OF SUNSET ACT. The Texas Casino
14 Commission is subject to Chapter 325 (Texas Sunset Act). Unless
15 continued in existence as provided by that chapter, the commission
16 is abolished and this chapter and Chapter 469 expire September 1,
17 2015.

18 Sec. 470.003. APPLICATION OF FINANCIAL DISCLOSURE
19 LAW. For purposes of Chapter 572, a member of the commission, the
20 executive director, and the division directors are appointed
21 officers of a major state agency.

22 [Sections 470.004-470.050 reserved for expansion]

23 SUBCHAPTER B. COMMISSION

24 Sec. 470.051. MEMBERSHIP. (a) The commission is composed
25 of three members appointed by the governor with the advice and
26 consent of the senate.

27 (b) In making appointments to the commission, the governor

1 shall strive to achieve representation by all the population groups
2 of the state with regard to economic status, sex, race, and
3 ethnicity.

4 Sec. 470.052. TERM OF OFFICE. Members hold office for
5 staggered terms of six years with one member's term expiring
6 February 1 of each odd-numbered year.

7 Sec. 470.053. RESIDENCE REQUIREMENT. An individual is not
8 eligible to be a member of the commission unless the individual has
9 been a resident of this state for the 10 years preceding the date of
10 appointment.

11 Sec. 470.054. ELIGIBILITY. (a) In this section, "Texas
12 trade association" means a nonprofit, cooperative, and voluntarily
13 joined association of business or professional competitors in this
14 state designed to assist its members and its industry or profession
15 in dealing with mutual business or professional problems and in
16 promoting their common interest.

17 (b) An individual is not eligible for appointment as a
18 member of the commission if the individual:

19 (1) owns or controls, directly or indirectly, more
20 than a 10 percent interest in a business entity or other
21 organization receiving funds from the commission;

22 (2) is employed by or participates in the management
23 of a business entity or other organization receiving funds from the
24 commission;

25 (3) uses or receives a substantial amount of tangible
26 goods, services, or funds from the commission, other than
27 compensation or reimbursement authorized by law for commission

1 membership, attendance, or expenses;

2 (4) is an officer, employee, or paid consultant of a
3 Texas trade association in the gaming industry;

4 (5) is required to register as a lobbyist under
5 Chapter 305 because of the person's activities for compensation on
6 behalf of a profession related to the operation of the commission;

7 (6) is married to an individual described by
8 Subdivisions (1) through (5);

9 (7) has been convicted of a felony or any crime
10 involving moral turpitude; or

11 (8) is not a citizen of the United States.

12 Sec. 470.055. PROHIBITED CONDUCT. (a) A commission member
13 may not:

14 (1) accept any employment or remuneration from:

15 (A) a person who has a significant financial
16 interest in a state casino; or

17 (B) a casino commercial lessor, casino
18 distributor, or casino manufacturer;

19 (2) play any casino game conducted in this state;

20 (3) accept or be entitled to accept any part of the
21 winnings paid from a casino game conducted in this state;

22 (4) use the member's official authority to affect the
23 result of an election or nomination for public office; or

24 (5) directly or indirectly, coerce, attempt to coerce,
25 command, or advise a person to pay, lend, or contribute any thing of
26 value to another person for political purposes.

27 (b) A commission member, former commission member, or the

1 spouse of a commission member or former commission member may not
2 solicit or accept employment from a person regulated by the
3 commission before the second anniversary of the date on which the
4 commission member's service on the commission ends.

5 Sec. 470.056. GROUNDS FOR REMOVAL. (a) It is a ground for
6 removal from the commission that a commission member:

7 (1) does not have at the time of appointment the
8 qualifications required for appointment to the commission;

9 (2) does not maintain during service on the commission
10 the qualifications required for appointment to the commission;

11 (3) violates a prohibition established by Section
12 470.055;

13 (4) cannot discharge the member's duties for a
14 substantial part of the term for which the member is appointed
15 because of illness or disability; or

16 (5) is absent from more than half of the regularly
17 scheduled commission meetings that the member is eligible to attend
18 during a calendar year unless the absence is excused by majority
19 vote of the commission.

20 (b) The validity of an action of the commission is not
21 affected by the fact that it is taken when a ground for removal of a
22 commission member exists.

23 (c) If the presiding officer has knowledge that a potential
24 ground for removal exists, the presiding officer shall notify the
25 governor.

26 Sec. 470.057. COMPENSATION AND EXPENSES. (a) A commission
27 member is not entitled to compensation for serving on the

1 commission.

2 (b) A commission member is entitled to reimbursement for
3 actual and necessary expenses incurred in performing the member's
4 duties, subject to any applicable limitation in the General
5 Appropriations Act.

6 Sec. 470.058. OFFICES. The commission shall maintain its
7 general office in the city of Austin. The commission may establish
8 branch offices.

9 Sec. 470.059. PRESIDING OFFICER. The governor shall
10 designate one member of the commission as presiding officer of the
11 commission to serve in that capacity at the will of the governor.

12 Sec. 470.060. MEETINGS. The commission shall hold at least
13 six regular meetings each year on dates fixed by the commission.
14 The commission may meet at other times at the call of the presiding
15 officer or as provided by commission rule.

16 Sec. 470.061. DIVISIONS. The commission shall establish:

17 (1) the division of state gaming enforcement to
18 enforce Chapter 469 and rules adopted by the commission; and

19 (2) the division of state gaming operations to conduct
20 state casino gaming, including facilitating enforcement by the
21 division of state gaming enforcement.

22 Sec. 470.062. EXECUTIVE DIRECTOR. (a) The commission
23 shall employ an executive director to administer this chapter and
24 the laws under the commission's jurisdiction.

25 (b) The executive director holds office at the will of the
26 commission and is exempted from Chapter 654.

27 Sec. 470.063. DIVISION DIRECTORS. (a) The executive

1 director shall employ an enforcement director to oversee the
2 division of state gaming enforcement.

3 (b) The executive director shall employ an operations
4 director to oversee the division of state gaming operations.

5 (c) A division director serves at the will of the executive
6 director and is exempted from Chapter 654.

7 Sec. 470.064. CASINO OPERATOR. (a) The executive director
8 shall employ one casino operator for each state casino to oversee
9 the operation of the state casino.

10 (b) A casino operator serves at the will of the executive
11 director and is exempted from Chapter 654.

12 Sec. 470.065. EMPLOYEES. The executive director shall
13 employ other personnel necessary to administer the laws under the
14 commission's jurisdiction.

15 Sec. 470.066. RESTRICTIONS ON EMPLOYMENT. (a) The
16 commission may not employ a person who owns a substantial financial
17 interest in a person who:

18 (1) leases property to the commission; or

19 (2) manufactures or distributes casino equipment or
20 supplies.

21 (b) The commission may not employ a person who is a spouse,
22 child, brother, sister, or parent residing as a member of the same
23 household in the principal place of residence of a person who is
24 subject to a disqualification prescribed by Subsection (a).

25 (c) In employing the executive director and other
26 employees, the commission shall strive to reflect the diversity of
27 the population of the state with regard to race, color, disability,

1 sex, religion, age, and national origin.

2 Sec. 470.067. ACCESS TO CRIMINAL HISTORY RECORDS. (a) The
3 governor shall conduct an investigation of and is entitled to
4 obtain criminal history record information maintained by the
5 Department of Public Safety, the Federal Bureau of Investigation
6 Identification Division, or another law enforcement agency
7 relating to an individual the governor intends to appoint to the
8 commission.

9 (b) The commission shall conduct an investigation of and is
10 entitled to obtain criminal history record information maintained
11 by the Department of Public Safety, the Federal Bureau of
12 Investigation Identification Division, or another law enforcement
13 agency relating to an individual the commission intends to employ.

14 [Sections 470.068-470.100 reserved for expansion]

15 SUBCHAPTER C. POWERS AND DUTIES

16 Sec. 470.101. POWERS AND DUTIES OF COMMISSION. The
17 commission has the powers and duties provided under Chapter 469.

18 Sec. 470.102. RULES. The commission may adopt rules for the
19 enforcement and administration of this chapter and the laws under
20 the commission's jurisdiction.

21 Sec. 470.103. DUTIES OF EXECUTIVE DIRECTOR. (a) The
22 executive director shall perform all duties required by the
23 commission to administer this chapter and the laws under the
24 commission's jurisdiction.

25 (b) The executive director may not hold other employment.

26 (c) The executive director may create, abolish, transfer,
27 and consolidate divisions or other units within the commission that

1 are not expressly established by law as the executive director
2 determines necessary for the efficient operation of the commission.

3 Sec. 470.104. RECORDS. The executive director shall keep
4 the records of the commission.

5 Sec. 470.105. LEGAL REPRESENTATION. (a) The attorney
6 general shall:

7 (1) designate at least one member of the attorney
8 general's staff to advise the commission and to represent the
9 commission in legal proceedings; and

10 (2) make available to the appropriate prosecuting
11 attorneys any information obtained regarding a violation of a law
12 under the commission's jurisdiction.

13 (b) The attorney general may apply for injunctive or
14 declaratory relief to enforce a law under the commission's
15 jurisdiction or a rule adopted by the commission.

16 (c) Action by the attorney general under Subsection (b) does
17 not limit the authority of the attorney general or a prosecuting
18 attorney to bring a criminal proceeding.

19 Sec. 470.106. GIFT OR POLITICAL CONTRIBUTION TO OFFICER OR
20 EMPLOYEE. (a) A commission member, the executive director, or an
21 employee of the commission may not knowingly accept a gift or
22 political contribution from:

23 (1) a person who has a significant financial interest
24 in state casino gaming;

25 (2) a person related in the first degree of
26 consanguinity or affinity to a person who has a significant
27 financial interest in state casino gaming;

1 (3) a person who owns more than a 10 percent interest
2 in an entity that has a significant financial interest in state
3 casino gaming;

4 (4) a political committee directly established,
5 administered, or controlled, in whole or in part, by a person who
6 has a significant financial interest in state casino gaming; or

7 (5) a person who, within the two years preceding the
8 date of the gift or contribution, was entitled to state casino
9 winnings exceeding \$5,000 in amount or value.

10 (b) A person may not knowingly make a gift or political
11 contribution to a commission member, the executive director, or an
12 employee of the commission, if the person:

13 (1) has a significant financial interest in state
14 casino gaming;

15 (2) is related in the first degree of consanguinity or
16 affinity to a person who has a significant financial interest in
17 state casino gaming;

18 (3) owns more than a 10 percent interest in an entity
19 that has a significant financial interest in state casino gaming;

20 (4) is a political committee directly established,
21 administered, or controlled, in whole or in part, by a person who
22 has a significant financial interest in state casino gaming; or

23 (5) within the two years preceding the date of the gift
24 or contribution, was entitled to state casino winnings exceeding
25 \$5,000 in amount or value.

26 (c) A person commits an offense if the person violates this
27 section. An offense under this section is a Class A misdemeanor.

1 Sec. 470.107. GIFT OR POLITICAL CONTRIBUTION TO FORMER
2 OFFICER OR EMPLOYEE. (a) Before the second anniversary of the date
3 a person's service in office or employment with the commission
4 ceases, a former commission member, former executive director, or
5 former employee of the commission may not accept a gift or political
6 contribution that the person knows is from:

7 (1) a person who has a significant financial interest
8 in state casino gaming;

9 (2) a person related in the first degree of
10 consanguinity or affinity to a person who has a significant
11 financial interest in state casino gaming;

12 (3) a person who owns more than a 10 percent interest
13 in an entity that has a significant financial interest in state
14 casino gaming;

15 (4) a political committee directly established,
16 administered, or controlled, in whole or in part, by a person who
17 has a significant financial interest in state casino gaming; or

18 (5) a person who, within the two years preceding the
19 date of the gift or contribution, was entitled to state casino
20 winnings exceeding \$5,000 in amount or value.

21 (b) A person may not knowingly make a gift or political
22 contribution to a former commission member, former executive
23 director, or former employee of the commission if the person:

24 (1) has a significant financial interest in state
25 casino gaming;

26 (2) is related in the first degree of consanguinity or
27 affinity to a person who has a significant financial interest in

1 state casino gaming;

2 (3) owns more than a 10 percent interest in an entity
3 that has a significant financial interest in state casino gaming;

4 (4) is a political committee directly established,
5 administered, or controlled, in whole or in part, by a person who
6 has a significant financial interest in state casino gaming; or

7 (5) within the two years preceding the date of the gift
8 or contribution, was entitled to state casino winnings exceeding
9 \$5,000 in amount or value.

10 (c) A person commits an offense if the person violates this
11 section. An offense under this section is a Class A misdemeanor.

12 Sec. 470.108. REPRESENTATION BY FORMER OFFICER OR EMPLOYEE.

13 (a) A former commission member, former executive director, or
14 former director may not:

15 (1) represent any person or receive compensation for
16 services rendered on behalf of any person regarding a particular
17 matter in which the former officer or employee participated during
18 the period of service or employment with the commission, either
19 through personal involvement or because the matter was within the
20 scope of the officer's or employee's official responsibility; or

21 (2) for compensation communicate directly with a
22 member of the legislative branch to influence legislation on behalf
23 of a person who has a significant financial interest in state casino
24 gaming before the sixth anniversary of the date the person's
25 service in office or employment with the commission ceases.

26 (b) A person commits an offense if the person violates this
27 section. An offense under this section is a Class A misdemeanor.

1 SECTION 2. Section 47.02(c), Penal Code, is amended to read
2 as follows:

3 (c) It is a defense to prosecution under this section that
4 the actor reasonably believed that the conduct:

5 (1) was permitted under Chapter 2001, Occupations
6 Code;

7 (2) was permitted under Chapter 2002, Occupations
8 Code;

9 (3) consisted entirely of participation in the state
10 lottery authorized by the State Lottery Act (Chapter 466,
11 Government Code);

12 (4) consisted entirely of participation in state
13 casino gaming authorized by Chapter 469, Government Code;

14 (5) was permitted under the Texas Racing Act (Article
15 179e, Vernon's Texas Civil Statutes); or

16 (6) [~~5~~] consisted entirely of participation in a
17 drawing for the opportunity to participate in a hunting, fishing,
18 or other recreational event conducted by the Parks and Wildlife
19 Department.

20 SECTION 3. Section 47.06(f), Penal Code, is amended to read
21 as follows:

22 (f) It is a defense to prosecution under Subsection (a) or
23 (c) that the person owned, manufactured, transferred, or possessed
24 the gambling device, equipment, or paraphernalia for the sole
25 purpose of shipping it:

26 (1) within this state to a location designated by the
27 State Lottery Commission for delivery to the commission; or

1 (2) to another jurisdiction where the possession or
2 use of the device, equipment, or paraphernalia was legal.

3 SECTION 4. Section 47.09(a), Penal Code, is amended to read
4 as follows:

5 (a) It is a defense to prosecution under this chapter that
6 the conduct:

7 (1) was authorized under:

8 (A) Chapter 2001, Occupations Code;

9 (B) Chapter 2002, Occupations Code; or

10 (C) the Texas Racing Act (Article 179e, Vernon's
11 Texas Civil Statutes);

12 (2) consisted entirely of participation in the state
13 lottery authorized by Chapter 466, Government Code; [~~or~~]

14 (3) was a necessary incident to the operation of the
15 state lottery and was directly or indirectly authorized by:

16 (A) Chapter 466, Government Code;

17 (B) the lottery division of the Texas Lottery
18 Commission;

19 (C) the Texas Lottery Commission; or

20 (D) the director of the lottery division of the
21 Texas Lottery Commission;

22 (4) consisted entirely of participation in state
23 casino gaming authorized by Chapter 469, Government Code; or

24 (5) was a necessary incident to state casino gaming
25 and was directly or indirectly authorized by:

26 (A) Chapter 469, Government Code;

27 (B) the Texas Casino Commission; or

1 (C) the executive director of the Texas Casino
2 Commission.

3 SECTION 5. Subchapter F, Chapter 411, Government Code, is
4 amended by adding Section 411.1085 to read as follows:

5 Sec. 411.1085. ACCESS TO CRIMINAL HISTORY RECORD
6 INFORMATION: TEXAS CASINO COMMISSION. (a) The Texas Casino
7 Commission is entitled to obtain from the department criminal
8 history record information maintained by the department that
9 relates to a person who, under Chapter 469, is:

10 (1) a casino employee or an applicant for a casino
11 employee license;

12 (2) a person required to be named in a license
13 application;

14 (3) a casino operator or prospective casino operator;

15 (4) a person who manufactures or distributes casino
16 equipment or supplies or a representative of a person who
17 manufactures or distributes casino equipment or supplies offered to
18 the casino;

19 (5) a person who has submitted a written bid or
20 proposal to the commission in connection with the procurement of
21 goods or services by the commission, if the amount of the bid or
22 proposal exceeds \$500;

23 (6) a person who proposes to enter into or who has a
24 contract with the commission to supply goods or services to the
25 commission;

26 (7) if a person described in Subdivisions (4) through
27 (6) is not an individual, each individual who:

1 (A) is an officer or director of the person;

2 (B) holds more than 10 percent of the stock in the
3 person;

4 (C) holds an equitable interest greater than 10
5 percent in the person;

6 (D) is a creditor of the person who holds more
7 than 10 percent of the person's outstanding debt;

8 (E) is the owner or lessee of a business through
9 which the person conducts or will conduct casino-related
10 activities;

11 (F) shares or will share in the profits, other
12 than stock dividends, of the person;

13 (G) participates in managing the affairs of the
14 person; or

15 (H) is an employee of the person who:

16 (i) enters or will enter a state casino to
17 perform a business function; or

18 (ii) is or will be in close proximity to
19 money from state casino gaming;

20 (8) an employee or prospective employee, including the
21 executive director or a prospective executive director, of the
22 commission; or

23 (9) a casino employee whose license is renewed under
24 Section 469.210.

25 (b) Criminal history record information obtained by the
26 commission under Subsection (a) may not be released or disclosed to
27 any person except on court order or as provided by Subsection (c).

1 (c) The commission is not prohibited from disclosing to the
2 person who is the subject of the criminal history record
3 information the dates and places of arrests, offenses, and
4 dispositions contained in the criminal history record information.

5 SECTION 6. Section 2054.007, Government Code, is amended to
6 read as follows:

7 Sec. 2054.007. EXCEPTIONS [~~EXCEPTION~~]: STATE LOTTERY AND
8 CASINO COMMISSION [~~OPERATIONS~~]. (a) The lottery division of the
9 Texas Lottery Commission and the Texas Casino Commission are [~~is~~]
10 not subject to the planning and procurement requirements of this
11 chapter.

12 (b) The electronic funds transfer system for the operation
13 of the state lottery or state casino gaming is not included in the
14 agency strategic plan or biennial operating plan of the
15 comptroller. Operations of the comptroller that relate to the state
16 lottery or casino gaming are not subject to the planning and
17 procurement requirements of this chapter.

18 SECTION 7. Article 2.12, Code of Criminal Procedure, is
19 amended to read as follows:

20 Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace
21 officers:

22 (1) sheriffs, their deputies, and those reserve
23 deputies who hold a permanent peace officer license issued under
24 Chapter 1701, Occupations Code;

25 (2) constables, deputy constables, and those reserve
26 deputy constables who hold a permanent peace officer license issued
27 under Chapter 1701, Occupations Code;

1 (3) marshals or police officers of an incorporated
2 city, town, or village, and those reserve municipal peace officers
3 who hold a permanent peace officer license issued under Chapter
4 1701, Occupations Code;

5 (4) rangers and officers commissioned by the Public
6 Safety Commission and the Director of the Department of Public
7 Safety;

8 (5) investigators of the district attorneys', criminal
9 district attorneys', and county attorneys' offices;

10 (6) law enforcement agents of the Texas Alcoholic
11 Beverage Commission;

12 (7) each member of an arson investigating unit
13 commissioned by a city, a county, or the state;

14 (8) officers commissioned under Section 37.081,
15 Education Code, or Subchapter E, Chapter 51, Education Code;

16 (9) officers commissioned by the General Services
17 Commission;

18 (10) law enforcement officers commissioned by the
19 Parks and Wildlife Commission;

20 (11) airport police officers commissioned by a city
21 with a population of more than 1.18 million that operates an airport
22 that serves commercial air carriers;

23 (12) airport security personnel commissioned as peace
24 officers by the governing body of any political subdivision of this
25 state, other than a city described by Subdivision (11), that
26 operates an airport that serves commercial air carriers;

27 (13) municipal park and recreational patrolmen and

1 security officers;

2 (14) security officers and investigators commissioned
3 as peace officers by the comptroller;

4 (15) officers commissioned by a water control and
5 improvement district under Section 49.216, Water Code;

6 (16) officers commissioned by a board of trustees
7 under Chapter 54, Transportation Code;

8 (17) investigators commissioned by the Texas State
9 Board of Medical Examiners;

10 (18) officers commissioned by the board of managers of
11 the Dallas County Hospital District, the Tarrant County Hospital
12 District, or the Bexar County Hospital District under Section
13 281.057, Health and Safety Code;

14 (19) county park rangers commissioned under
15 Subchapter E, Chapter 351, Local Government Code;

16 (20) investigators employed by the Texas Racing
17 Commission;

18 (21) officers commissioned under Chapter 554,
19 Occupations Code;

20 (22) officers commissioned by the governing body of a
21 metropolitan rapid transit authority under Section 451.108,
22 Transportation Code, or by a regional transportation authority
23 under Section 452.110, Transportation Code;

24 (23) investigators commissioned by the attorney
25 general under Section 402.009, Government Code;

26 (24) security officers and investigators commissioned
27 as peace officers under Chapter 466, Government Code;

1 (25) an officer employed by the Texas Department of
2 Health under Section 431.2471, Health and Safety Code;

3 (26) officers appointed by an appellate court under
4 Subchapter F, Chapter 53, Government Code;

5 (27) officers commissioned by the state fire marshal
6 under Chapter 417, Government Code;

7 (28) an investigator commissioned by the commissioner
8 of insurance under Article 1.10D, Insurance Code;

9 (29) apprehension specialists commissioned by the
10 Texas Youth Commission as officers under Section 61.0931, Human
11 Resources Code;

12 (30) officers appointed by the executive director of
13 the Texas Department of Criminal Justice under Section 493.019,
14 Government Code;

15 (31) investigators commissioned by the Commission on
16 Law Enforcement Officer Standards and Education under Section
17 1701.160, Occupations Code;

18 (32) commission investigators commissioned by the
19 Texas Commission on Private Security under Section 1702.061(f),
20 Occupations Code; ~~and~~

21 (33) the fire marshal, and any investigators
22 commissioned by an emergency services district to assist that fire
23 marshal, under Subchapter F, Chapter 775, Health and Safety Code;
24 and

25 (34) enforcement officers and investigators employed
26 by the division of state gaming enforcement of the Texas Casino
27 Commission.

1 SECTION 8. Section A, Article 2.05, Texas Business
2 Corporation Act, is amended to read as follows:

3 A. The Corporate name shall conform to the following
4 requirements:

5 (1) It shall contain the word "corporation,"
6 "company," or "incorporated," or shall contain an abbreviation of
7 one of such words, and shall contain such additional words as may be
8 required by law.

9 (2) It shall not contain any word or phrase which
10 indicates or implies that it is organized for any purpose other than
11 one or more of the purposes contained in its articles of
12 incorporation.

13 (3) It shall not be the same as, or deceptively similar
14 to, the name of any domestic corporation, limited partnership, or
15 limited liability company existing under the laws of this State, or
16 the name of any foreign corporation, non-profit corporation,
17 limited partnership, or limited liability company authorized to
18 transact business in this State, or a name the exclusive right to
19 which is, at the time, reserved in the manner provided in this Act
20 or any other statute providing for reservation of names by a limited
21 partnership or limited liability company, or the name of a
22 corporation, limited partnership, or limited liability company
23 which has in effect a registration of its company name as provided
24 in this Act or any other applicable law; provided that a name may be
25 similar if written consent is obtained from the existing
26 corporation, limited partnership, or limited liability company
27 having the name deemed to be similar or the person for whom the name

1 deemed to be similar is reserved in the office of the Secretary of
2 State.

3 (4) It shall not contain the word "lottery."

4 (5) It shall not contain the word "casino."

5 SECTION 9. Section A, Article 2.04, Texas Non-Profit
6 Corporation Act (Article 1396-2.04, Vernon's Texas Civil
7 Statutes), is amended to read as follows:

8 A. The corporate name shall conform to the following
9 requirements:

10 (1) It shall not contain any word or phrase which
11 indicates or implies that it is organized for any purpose other than
12 one or more of the purposes contained in its articles of
13 incorporation.

14 (2) It shall not be the same as, or deceptively similar
15 to, the name of any domestic corporation, whether for profit or not
16 for profit, existing under the laws of this State, or the name of
17 any foreign corporation, whether for profit or not for profit,
18 authorized to transact business or conduct affairs in this State,
19 or a name the exclusive right to which is, at the time, reserved in
20 the manner provided by the Texas Business Corporation Act, or the
21 name of a corporation which has in effect a registration of its
22 corporate name as provided in the Texas Business Corporation Act;
23 provided that a name may be similar if written consent is obtained
24 from the existing corporation having the name deemed to be similar,
25 or the person, or corporation, for whom the name deemed to be
26 similar is reserved or registered in the office of the Secretary of
27 State.

1 (3) It shall not contain the word "lottery."

2 (4) It shall not contain the word "casino."

3 SECTION 10. In making the initial appointments to the Texas
4 Casino Commission, the governor shall appoint one member for a term
5 expiring February 1, 2005, one member for a term expiring February
6 1, 2007, and one member for a term expiring February 1, 2009.

7 SECTION 11. (a) To promptly implement this Act, the
8 comptroller and the executive director of the Department of
9 Information Resources or their designated representatives shall,
10 on the request of the executive director of the Texas Casino
11 Commission, advise the executive director in promptly implementing
12 an electronic funds transfer system for purposes of administering
13 Chapters 469 and 470, Government Code.

14 (b) This section expires January 1, 2005. The expiration of
15 this section does not affect the performance of or obligations
16 under a contract made under this section.

17 SECTION 12. This Act takes effect on the date on which the
18 constitutional amendment proposed by the 78th Legislature, Regular
19 Session, 2003, to authorize the legislature to authorize the state
20 to operate a casino at a publicly owned sports venue or facility in
21 Harris County and to conduct games of chance at that casino to fund
22 public education takes effect. If that amendment is not approved by
23 the voters, this Act has no effect.