

By: Geren

H.B. No. 3172

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the authorization and regulation of gambling and to the  
3 creation, powers, and duties of the Texas Gaming Commission;  
4 authorizing taxes; providing civil and criminal penalties.

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

6 SECTION 1. Subtitle A, Title 13, Occupations Code, is  
7 amended by adding Chapter 2004 to read as follows:

8 CHAPTER 2004. CASINO GAMBLING

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 2004.001. SHORT TITLE. This chapter may be cited as  
11 the Texas Economic Development and Job Creation Act of 2005.

12 Sec. 2004.002. PUBLIC POLICY. (a) All casino gaming that  
13 is conducted in this state and that is authorized by law shall be  
14 regulated and licensed under this chapter, unless the legislature  
15 or federal law specifically provides otherwise.

16 (b) The legislature hereby finds, and declares it to be the  
17 public policy of this state, that:

18 (1) the development of regulated limited casino gaming  
19 in the state will benefit the general welfare of the people of this  
20 state by enhancing investment, development, and tourism in this  
21 state, resulting in new jobs and additional revenues to the state;

22 (2) the conduct of regulated gaming in limited casinos  
23 will not harm citizens of this state;

24 (3) the regulation of gaming in this state is

1 important in order that gaming be conducted honestly and  
2 competitively and that gaming be free from criminal and corruptive  
3 elements;

4 (4) public confidence and trust can be maintained only  
5 by strict regulation of all persons, locations, practices,  
6 associations, and activities related to the conduct of gaming and  
7 the casino service industry;

8 (5) persons owning any direct or indirect material  
9 interest in a casino should be licensed and controlled to protect  
10 the public health, safety, morals, good order, and general welfare  
11 of the people of this state;

12 (6) certain operators and employees of casinos should  
13 be regulated, licensed, and controlled to accomplish and promote  
14 these public policies while protecting the public health, safety,  
15 morals, good order, and general welfare of the people of this state;

16 (7) certain persons engaging in the casino service  
17 industry should be regulated, licensed, and controlled to  
18 accomplish and promote these public policies while protecting the  
19 public health, safety, morals, good order, and general welfare of  
20 the people of this state; and

21 (8) it is intent of this chapter, where possible, to  
22 use the resources, goods, labor, and services of the people of this  
23 state in operation and construction of casinos and casino-related  
24 amenities to the extent allowable by law.

25 SUBCHAPTER B. TAX ON GROSS GAMING REVENUE

26 Sec. 2004.10. GAMING TAX; ALLOCATION OF TAX. (a) There is  
27 imposed on each holder of an owner's license a gaming tax in an

1 amount equal to 15 percent of the gross gaming revenue of the casino  
2 operated under the license. The tax shall be computed and paid on a  
3 monthly basis as required by commission rule.

4 (b) Five-sixths of the tax imposed by this section, with the  
5 exception provided by Subsection (d), is allocated to the general  
6 revenue fund.

7 (c) The remaining one-sixth of the tax imposed by this  
8 section is allocated to the municipality and county, respectively,  
9 in which the casino to which the license relates is located, or, if  
10 the casino is located in an unincorporated area, the remaining  
11 one-sixth of the tax imposed by this section is allocated to the  
12 county in which the casino to which the license relates is located.

13 SUBCHAPTER C. PENALTIES

14 Sec. 2004.20. GENERAL PENALTY. (a) A person commits an  
15 offense if the person knowingly or willfully violates, attempts to  
16 violate, or conspires to violate any of the provisions of this  
17 chapter specifying a prohibited act.

18 (b) Unless another penalty is specified for the offense, an  
19 offense under this section is a Class A misdemeanor.