

BILL ANALYSIS

C.S.H.B. 2535

By: Chavez

Border & International Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, the Occupations Code provides restrictions on charitable bingo in the state. In order to conduct charitable bingo, an organization must be classified as a fraternal, non-profit, or religious society. The definitions for these terms do not include Indian tribes recognized under the Texas Restoration Act. The purpose of C.S.H.B. 2535 is to authorize non-profit organizations that are organized under tribal law by certain federally recognized Indian tribes along the Texas-Mexico border to conduct bingo.

RULEMAKING AUTHORITY

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

ANALYSIS

C.S.H.B. 2535 amends the Occupations Code by including in the definition of "Fraternal organization" a nonprofit organization that is organized under tribal law by a federally recognized Indian tribe that is not subject to the Indian Gaming Regulatory Act (18 U.S.C. Section 1166 et seq. and 25 U.S.C. Section 2701 et seq.) and that exercises tribal authority over a reservation, as defined by 25 U.S.C. Section 1300g, that is located in a county on the international border with Mexico, and is organized to perform and is engaged primarily in performing charitable, benevolent, patriotic, employment-related, or educational functions.

The bill authorizes a nonprofit organization in existence for at least 180 days that qualifies as a fraternal organization under Section 2001.002(11)(C) to conduct bingo on the reservation of the Indian tribe under whose tribal law the organization is organized on adoption by the tribe of rules governing the conduct of bingo by the organization that conform to the substantive provisions of this chapter and of Sections 47(b) and (c), Article III, Texas Constitution.

In addition, the bill authorizes in accordance with Section 107(b), Ysleta del Sur Pueblo and Alabama-Coushatta Indian Tribes of Texas Restoration Act (25 U.S.C. Section 1300g-6), an organization described by this Act to conduct bingo activities in accordance with the tribe's rules adopted under this Act without submitting to the regulatory jurisdiction, including licensing requirements, of this state.

The bill provides that a nonprofit organization may not conduct bingo under this Act unless the organization transfers to this state on a monthly basis an amount equal to five percent of the organization's gross receipts from bingo in the manner prescribed by the comptroller.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 2535 differs from the original in that it is a document prepared by the Texas Legislative Council. The substitute also makes technical corrections and provides an effective date for this Act.

C.S.H.B. 2535 80(R)