

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 13, 2009**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1474** by Geren (Relating to the operation and regulation of charitable bingo and the use of bingo proceeds.), **As Engrossed**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1474, As Engrossed: an impact of \$0 through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	\$0
2011	\$0
2012	\$0
2013	\$0
2014	\$0

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Probable Revenue Gain from <i>General Revenue Fund</i> 1	Change in Number of State Employees from FY 2009
2010	(\$191,911)	\$191,911	3.0
2011	(\$165,511)	\$165,511	3.0
2012	(\$165,511)	\$165,511	3.0
2013	(\$165,511)	\$165,511	3.0
2014	(\$165,511)	\$165,511	3.0

**Fiscal Analysis**

The bill would amend Chapter 2001 of the Occupations Code, regarding the operation and regulation of charitable bingo. The bill would require the Texas Lottery Commission (TLC), on or before June 1 of each even-numbered year, to prepare and deliver to the Governor, Lieutenant Governor, the Speaker of the House, and the chairs of the House/Senate standing committees with primary jurisdiction over charitable bingo a report for each of the preceding two calendar years stating the total amount of adjusted gross receipts and net proceeds reported by licensed authorized organizations from their bingo operations. The bill would require TLC to determine the total amount of net proceeds in the manner specified by the bill.

The bill would increase from 12 to 24 the maximum number of temporary licenses an organization may receive during the 12-month period following the issuance of a license or license renewal.

The bill would require a bingo license form to include the address of the premises where bingo is to be conducted and would remove two license form and content requirements under current law.

The bill would amend provisions regarding the amount of operating capital that may be retained by bingo operators and would require TLC to adopt rules allowing a licensed organization to retain a maximum amount of operating capital in excess of amounts specified by the bill if the organization has (1) conducted bingo for less than one year; (2) experiences circumstances beyond its control that necessitate an increase in operating capital; or (3) provides TLC with a business plan for the conduct of bingo or for existing or planned charitable purposes that would benefit from an increase in capital. The bill would authorize TLC to grant a waiver from the operating capital and certain other requirements upon a showing of good cause by the organization that compliance is detrimental to its charitable purpose.

The bill would require an organization to disburse all of its net proceeds from the preceding quarter other than certain amounts that may be retained for bingo operations, rather than 35 percent of adjusted gross receipts less authorized expenses under current law. The bill would require TLC, if an organization fails to meet the disbursement requirements for a quarter, to consider whether the organization has disbursed a total amount sufficient to have met the disbursement requirement for that quarter and the three preceding quarters combined.

The bill would require an organization to collect a prize fee in the amount of five percent of the value of the prize from a person who wins a prize of more than \$5 [rather than 5 percent on any prize under current law] and would require an organization to remit to TLC a fee in the amount of five percent of the amount or value of all bingo prizes awarded.

The bill would take effect on October 1, 2009.

## **Methodology**

Based on the analysis of TLC, it is assumed the agency would require three new full-time-equivalent (FTE) positions with an estimated annual salary of \$41,894 each to implement the provisions of the bill. The costs for computers and office equipment for the new positions is estimated to be \$24,600 in fiscal year 2014. Employee benefits costs associated with the new positions is estimated to be \$35,907 each year (28.57 percent of salaries). It is assumed TLC would assess and collect fees in an amount sufficient to cover the agency's costs.

Based on the analysis of the Comptroller's office, it is assumed eliminating the requirement that the bingo prize fee be collected from winners on prizes below \$5 would result in a positive, but insignificant, revenue impact. The table above does not include an estimated revenue impact for this provision of the bill.

## **Technology**

Technology costs are estimated to be \$5,400 in fiscal year 2010 for computers and desk printers.

## **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts, 362 Texas Lottery Commission, 405 Department of Public Safety

**LBB Staff:** JOB, KJG, MW, TG, JRO