

BILL ANALYSIS

Senate Research Center

C.S.H.B. 2728
By: Thompson, Guillen (Van de Putte)
State Affairs
5/21/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

While the use of electronic car-minding devices to conduct charitable bingo has been legal in Texas for some time, the uses have not kept pace with the technology and, as a result, charities are not able to take advantage of certain functionality that would allow them to reduce the handling of cash during bingo occasion. Additionally, issues relating to temporary licenses for bingo occasions and transfers of licenses when a licensee dies are inadequately addressed in statute. Finally, the aggregate limit on regular bingo prizes that may be awarded during a single bingo occasion has not been increased since the 1990s.

C.S.H.B. 2728 amends current law relating to the operation and regulation of charitable bingo.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2001.002(8-a), Occupations Code, to redefine "crime of moral turpitude."

SECTION 2. Amends Sections 2001.160(a), (b), (e), and (f), Occupations Code, as follows:

(a) Authorizes a licensed commercial lessor, on approval by the Texas Lottery Commission (commission), to transfer a commercial lessor license if the person to whom the license will be transferred otherwise meets the requirements of this subchapter.

Deletes Subsection (b) designation and existing text authorizing a transfer of a commercial lessor license under this section to be made only with the prior approval of the commission. Deletes existing text requiring the commission to approve the transfer under this section, if the person to whom the license will be transferred otherwise meets the requirements of this section.

(e) Authorizes a licensed authorized organization that conducts bingo lawfully at premises under a license to which Subsection (d) (providing, that if an individual who holds a commercial lessor license dies or becomes incapacitated as determined by a court of this state, the individual's license is part of the individual's estate and is subject to the applicable laws governing the disposition and control of the person's property) applies, unless the commission revokes or suspends the license under this chapter, or an injunction is issued under this section, to continue conducting bingo at the premises after the death or incapacity of the commercial lessor license holder.

(f) Authorizes a district court in the county for which a commercial lessor license was issued or the commission by order, on the showing by the commission of a cause that would be sufficient for the commission to revoke or suspend a license under this chapter or an applicable commission rule, rather than obtain a license suspension under Section 2001.355 (Temporary Suspension), to temporarily or permanently enjoin the conduct of bingo at premises under a license to which Subsection (d) applies.

SECTION 3. Provides that the change in law made by this Act to Section 2001.160, Occupations Code, applies to a license to operate bingo gaming issued under Chapter 2001, Occupations Code, regardless of whether the license was issued before, on, or after the effective date of this Act.

SECTION 4. Effective date: upon passage or September 1, 2011.