

By: Hilderbran

H.B. No. 700

A BILL TO BE ENTITLED

1 AN ACT
2 relating to consolidating the functions of the Texas Racing
3 Commission, the Texas Lottery Commission, and the Texas Alcoholic
4 Beverage Commission.

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

6 ARTICLE 1. TEXAS ALCOHOLIC BEVERAGE AND GAMING COMMISSION

7 SECTION 1.01. The heading to Chapter 5, Alcoholic Beverage
8 Code, is amended to read as follows:

9 CHAPTER 5. TEXAS ALCOHOLIC BEVERAGE AND GAMING COMMISSION

10 SECTION 1.02. Section 5.01, Alcoholic Beverage Code, is
11 amended to read as follows:

12 Sec. 5.01. TEXAS ALCOHOLIC BEVERAGE AND GAMING COMMISSION.

13 (a) The Texas Alcoholic Beverage and Gaming Commission is an agency
14 of the state.

15 (b) The Texas Alcoholic Beverage and Gaming Commission is
16 subject to Chapter 325, Government Code (Texas Sunset Act). Unless
17 continued in existence as provided by that chapter, the commission
18 is abolished and except as provided by Subsections (c) and (d),
19 Subchapter A, Chapter 5, of this code, Chapters 466 and 467,
20 Government Code, Chapter 2001, Occupations Code, and the Texas
21 Racing Act (Article 179e, Vernon's Texas Civil Statutes) expire
22 [expires] September 1, 2019.

23 (c) If, at the time the commission would be abolished under
24 Subsection (b), an association created under the Texas Racing Act

1 (Article 179e, Vernon's Texas Civil Statutes) has outstanding
2 long-term liabilities:

3 (1) the association may continue to operate for a
4 period not to exceed one year after those liabilities are
5 satisfied; and

6 (2) the commission and the Texas Racing Act (Article
7 179e, Vernon's Texas Civil Statutes) are continued in effect for
8 the purpose of regulating that association under the Texas Racing
9 Act.

10 (d) If the commission and the Texas Racing Act (Article
11 179e, Vernon's Texas Civil Statutes) are continued in effect under
12 Subsection (c), the commission is abolished and the Texas Racing
13 Act expires on the first day of the fiscal year following the fiscal
14 year in which the commission certifies to the secretary of state
15 that no associations are operating under the terms of Subsection
16 (c).

17 (e) An association that continues to operate under
18 Subsection (c) may not incur any new liabilities without the
19 approval of the commission. At the beginning of that period, the
20 commission shall review the outstanding liabilities of the
21 association and shall set a specific date by which the association
22 must retire its outstanding liabilities. Notwithstanding any
23 contrary contract provisions, an association regulated under the
24 Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes) may
25 prepay any debt incurred by the association in conducting racing
26 under the Texas Racing Act.

27 SECTION 1.03. Section 5.02, Alcoholic Beverage Code, is

1 amended by amending Subsection (a) and adding Subsection (e) to
2 read as follows:

3 (a) The commission is composed of five [~~three~~] members, who
4 are appointed by the governor with the advice and consent of the
5 senate. The members of the commission must have general knowledge
6 of business. One member of the commission must have experience in
7 the bingo industry, one member must have special knowledge or
8 experience related to greyhound racing, and one member must have
9 special knowledge or experience related to horse racing.

10 (e) The governor shall conduct an investigation of and is
11 entitled to obtain criminal history record information maintained
12 by the Department of Public Safety, the Federal Bureau of
13 Investigation identification division, or another law enforcement
14 agency relating to an individual the governor intends to appoint to
15 the commission.

16 SECTION 1.04. Subchapter A, Chapter 5, Alcoholic Beverage
17 Code, is amended by adding Sections 5.021 and 5.023 to read as
18 follows:

19 Sec. 5.021. COMMISSION MEMBER ELIGIBILITY. (a) In this
20 section, "Texas trade association" means a nonprofit, cooperative,
21 and voluntarily joined association of business or professional
22 competitors in this state designed to assist its members and its
23 industry or profession in dealing with mutual business or
24 professional problems and in promoting their common interest.

25 (b) An individual is not eligible to be a member of the
26 commission if the individual:

27 (1) with respect to an alcoholic beverage business:

1 (A) has any financial connection with a person
2 engaged in an alcoholic beverage business;

3 (B) holds stocks or bonds in an alcoholic
4 beverage business; or

5 (C) has a pecuniary interest in an alcoholic
6 beverage business;

7 (2) with respect to other business regulated by the
8 commission, owns or controls, directly or indirectly, more than a
9 10 percent interest in a business entity or other organization
10 regulated by the commission or receiving funds from the commission;

11 (3) is employed by or participates in the management
12 of a business entity or other organization regulated by the
13 commission or receiving funds from the commission;

14 (4) uses or receives a substantial amount of tangible
15 goods, services, or funds from the commission, other than
16 compensation or reimbursement authorized by law for commission
17 membership, attendance, or expenses;

18 (5) is an officer, employee, or paid consultant of a
19 Texas trade association in the field of alcoholic beverages, bingo,
20 lottery, or horse or greyhound racing or breeding;

21 (6) is required to register as a lobbyist under
22 Chapter 305, Government Code, because of the person's activities
23 for compensation on behalf of a profession related to the operation
24 of the commission;

25 (7) owns any financial interest in a racetrack or its
26 operation or is related within the second degree by affinity or the
27 third degree by consanguinity, as determined under Subchapter B,

1 Chapter 573, Government Code, to a person who owns any financial
2 interest in a racetrack or its operation;

3 (8) is married to an individual described by
4 Subdivisions (1)-(7);

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

7 (10) is not a citizen of the United States.

8 Sec. 5.023. PROHIBITED CONDUCT FOR COMMISSION MEMBERS. (a)

9 A commission member may not:

10 (1) accept any employment or remuneration from:

11 (A) a person that has a significant financial
12 interest in the lottery; or

13 (B) a bingo commercial lessor, bingo
14 distributor, or bingo manufacturer;

15 (2) play any lottery or bingo game conducted in this
16 state;

17 (3) accept or be entitled to accept any part of the
18 winnings to be paid from a lottery or bingo game conducted in this
19 state;

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

22 (5) directly or indirectly coerce, attempt to coerce,
23 command, or advise a person to pay, lend, or contribute anything of
24 value to another person for political purposes; or

25 (6) receive a commission or profit from or have an
26 interest in the sale or purchase of alcoholic beverages.

27 (b) A commission member or 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 SECTION 1.05. Section 5.05, Alcoholic Beverage Code, is
6 amended to read as follows:

7 Sec. 5.05. EMPLOYEE'S RELATIONSHIP WITH CERTAIN BUSINESSES
8 [ALCOHOLIC BEVERAGE BUSINESS] PROHIBITED. (a) A [~~No~~] person may
9 not [~~be appointed to or serve on the commission, or~~] hold an office
10 under the commission, or be employed by the commission, if the
11 person [~~who~~]:

12 (1) has any financial connection with a person engaged
13 in an alcoholic beverage business;

14 (2) holds stocks or bonds in an alcoholic beverage
15 business; [~~or~~]

16 (3) has a pecuniary interest in:

17 (A) an alcoholic beverage business;

18 (B) a bingo commercial lessor, bingo
19 distributor, or bingo manufacturer;

20 (C) a lottery sales agency or a lottery operator;

21 or

22 (D) a racetrack licensed by the commission;

23 (4) owns or leases a race animal that participates in
24 pari-mutuel racing in this state;

25 (5) accepts or is entitled to any part of the purse or
26 Texas-bred incentive award to be paid on a greyhound or a horse in a
27 race conducted in this state; or

1 (6) is a spouse, child, brother, sister, or parent
2 residing as a member of the same household in the principal place of
3 residence of a person who is subject to a disqualification
4 prescribed by this subsection.

5 (b) A person [~~No member of the commission, or anyone~~]
6 holding an office under or employed by the commission[~~, or any~~
7 ~~employee of the commission,~~] may not receive a commission or profit
8 from or have an interest in the sale or purchase of alcoholic
9 beverages.

10 (c) A person may not [~~be a member of the commission or~~] act
11 as the general counsel to the commission if the person is required
12 to register as a lobbyist under Chapter 305, Government Code,
13 because of the person's activities for compensation on behalf of a
14 profession related to the operation of the commission.

15 (d) A person [~~may not be a member of the commission and~~] may
16 not be a commission employee employed in a "bona fide executive,
17 administrative, or professional capacity," as that phrase is used
18 for purposes of establishing an exemption to the overtime
19 provisions of the federal Fair Labor Standards Act of 1938 (29
20 U.S.C. Section 201 et seq.), if:

21 (1) the person is an officer, employee, or paid
22 consultant of a Texas trade association in the field of alcoholic
23 beverages, the lottery, bingo, or horse or greyhound racing or
24 breeding; or

25 (2) the person's spouse is an officer, manager, or paid
26 consultant of a Texas trade association in the field of alcoholic
27 beverages, the lottery, bingo, or horse or greyhound racing or

1 breeding.

2 (e) In this section, "Texas trade association" means a
3 cooperative and voluntarily joined statewide association of
4 businesses or professional competitors in this state designed to
5 assist its members and its industry or profession in dealing with
6 mutual business or professional problems and in promoting their
7 common interest.

8 SECTION 1.06. Subchapter A, Chapter 5, Alcoholic Beverage
9 Code, is amended by adding Section 5.055 to read as follows:

10 Sec. 5.055. ACCESS TO CRIMINAL HISTORY RECORDS;
11 INVESTIGATION. The commission shall conduct an investigation of
12 and is entitled to obtain criminal history record information
13 maintained by the Department of Public Safety, the Federal Bureau
14 of Investigation identification division, or another law
15 enforcement agency relating to an individual the commission intends
16 to employ.

17 SECTION 1.07. Section 5.07, Alcoholic Beverage Code, is
18 amended by adding Subsections (a-1) and (d) to read as follows:

19 (a-1) The commission shall hold at least six regular
20 meetings each year on dates fixed by the commission. The commission
21 may meet at other times at the call of the presiding officer or as
22 provided by commission rule.

23 (d) Section 551.002, Government Code, does not apply to a
24 closed meeting of the commission relating to the negotiation of a
25 lottery operator's contract if the commission determines, in
26 writing, that an open meeting would have a detrimental effect on the
27 commission's position in the negotiations.

1 SECTION 1.08. Section 5.11, Alcoholic Beverage Code, is
2 amended to read as follows:

3 Sec. 5.11. ADMINISTRATOR. (a) The commission shall
4 appoint an administrator to serve at its will and, subject to its
5 supervision, administer this code. Unless the commission orders
6 otherwise, the administrator shall be manager, secretary, and
7 custodian of all records. The administrator shall devote his
8 entire time to the office and shall receive a salary as appropriated
9 by the legislature.

10 (b) The administrator is specifically exempted from Chapter
11 654, Government Code.

12 SECTION 1.09. Subchapter B, Chapter 5, Alcoholic Beverage
13 Code, is amended by adding Section 5.312 to read as follows:

14 Sec. 5.312. DIVISIONS. (a) The commission shall establish
15 separate divisions to oversee alcoholic beverage regulation, the
16 lottery, bingo, and horse and greyhound racing.

17 (b) The administrator shall employ a director to oversee
18 each division.

19 (c) A division director serves at the will of the executive
20 director and is specifically exempted from Chapter 654, Government
21 Code.

22 ARTICLE 2. CONFORMING AMENDMENTS

23 SECTION 2.01. Section 12.039(e), Agriculture Code, is
24 amended to read as follows:

25 (e) The commissioner shall submit the commissioner's
26 determination to the Texas Alcoholic Beverage and Gaming Commission
27 in writing and publish the commissioner's determination in the

1 Texas Register and on the department's Internet website not later
2 than December 31 of the study year.

3 SECTION 2.02. Section 50B.002(b), Agriculture Code, is
4 amended to read as follows:

5 (b) The committee consists of members appointed by the
6 commissioner who represent a diverse cross-section of the wine
7 industry, including representatives of:

- 8 (1) grape growers;
- 9 (2) wineries;
- 10 (3) wholesalers;
- 11 (4) package stores;
- 12 (5) retailers;
- 13 (6) researchers;
- 14 (7) consumers;
- 15 (8) the department; and
- 16 (9) the Texas Alcoholic Beverage and Gaming
17 Commission.

18 SECTION 2.03. Section 1.04(10), Alcoholic Beverage Code, is
19 amended to read as follows:

20 (10) "Commission" means the Texas Alcoholic Beverage
21 and Gaming Commission.

22 SECTION 2.04. Section 5.331, Alcoholic Beverage Code, is
23 amended to read as follows:

24 Sec. 5.331. PUBLIC DISTURBANCE REPORTS. Local law
25 enforcement agencies in each county with a population of 3.3
26 million or more shall send to the commission reports and other data
27 concerning shootings, stabbings, and other public disturbances

1 that occur on the premises of a permittee or licensee. The reports
2 and data shall be incorporated into the record of the permittee or
3 licensee. The administrator of the Texas Alcoholic Beverage and
4 Gaming Commission shall prescribe the form and content of such
5 reports.

6 SECTION 2.05. Section 87.002, Civil Practice and Remedies
7 Code, is amended to read as follows:

8 Sec. 87.002. APPLICABILITY OF CHAPTER. This chapter does
9 not apply to an activity regulated by the Texas Alcoholic Beverage
10 and Gaming [~~Racing~~] Commission.

11 SECTION 2.06. Section 104.001, Civil Practice and Remedies
12 Code, is amended to read as follows:

13 Sec. 104.001. STATE LIABILITY; PERSONS COVERED. In a cause
14 of action based on conduct described in Section 104.002, the state
15 shall indemnify the following persons, without regard to whether
16 the persons performed their services for compensation, for actual
17 damages, court costs, and attorney's fees adjudged against:

18 (1) an employee, a member of the governing board, or
19 any other officer of a state agency, institution, or department;

20 (2) a former employee, former member of the governing
21 board, or any other former officer of a state agency, institution,
22 or department who was an employee or officer when the act or
23 omission on which the damages are based occurred;

24 (3) a physician or psychiatrist licensed in this state
25 who was performing services under a contract with any state agency,
26 institution, or department or a racing official performing services
27 under a contract with the Texas Alcoholic Beverage and Gaming

1 ~~[Racing]~~ Commission when the act or omission on which the damages
2 are based occurred;

3 (3-a) a phlebotomist licensed in this state who was
4 performing services under a contract with the Texas Department of
5 Criminal Justice when the act or omission on which the damages are
6 based occurred;

7 (4) a chaplain or spiritual advisor who was performing
8 services under contract with the Texas Department of Criminal
9 Justice, the Texas Youth Commission, or the Texas Juvenile
10 Probation Commission when the act or omission on which the damages
11 are based occurred;

12 (5) a person serving on the governing board of a
13 foundation, corporation, or association at the request and on
14 behalf of an institution of higher education, as that term is
15 defined by Section 61.003(8), Education Code, not including a
16 public junior college;

17 (6) a state contractor who signed a waste manifest as
18 required by a state contract; or

19 (7) the estate of a person listed in this section.

20 SECTION 2.07. Article 2.12, Code of Criminal Procedure, is
21 amended to read as follows:

22 Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace
23 officers:

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

27 (2) constables, deputy constables, and those reserve

1 deputy constables who hold a permanent peace officer license issued
2 under Chapter 1701, Occupations Code;

3 (3) marshals or police officers of an incorporated
4 city, town, or village, and those reserve municipal police officers
5 who hold a permanent peace officer license issued under Chapter
6 1701, Occupations Code;

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

10 (5) investigators of the district attorneys', criminal
11 district attorneys', and county attorneys' offices;

12 (6) law enforcement agents of the Texas Alcoholic
13 Beverage and Gaming Commission;

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

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

18 (9) officers commissioned by the General Services
19 Commission;

20 (10) law enforcement officers commissioned by the
21 Parks and Wildlife Commission;

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

25 (12) airport security personnel commissioned as peace
26 officers by the governing body of any political subdivision of this
27 state, other than a city described by Subdivision (11), that

1 operates an airport that serves commercial air carriers;

2 (13) municipal park and recreational patrolmen and
3 security officers;

4 (14) security officers and investigators commissioned
5 as peace officers by the comptroller;

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

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

10 (17) investigators commissioned by the Texas Medical
11 Board;

12 (18) officers commissioned by the board of managers of
13 the Dallas County Hospital District, the Tarrant County Hospital
14 District, or the Bexar County Hospital District under Section
15 281.057, Health and Safety Code;

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

18 (20) ~~[investigators employed by the Texas Racing
19 Commission,~~

20 ~~[(21)]~~ officers commissioned under Chapter 554,
21 Occupations Code;

22 (21) ~~[(22)]~~ officers commissioned by the governing
23 body of a metropolitan rapid transit authority under Section
24 451.108, Transportation Code, or by a regional transportation
25 authority under Section 452.110, Transportation Code;

26 (22) ~~[(23)]~~ investigators commissioned by the
27 attorney general under Section 402.009, Government Code;

1 (23) [~~(24)~~] security officers and investigators
2 commissioned as peace officers under Chapter 466, Government Code;

3 (24) [~~(25)~~] an officer employed by the Department of
4 State Health Services under Section 431.2471, Health and Safety
5 Code;

6 (25) [~~(26)~~] officers appointed by an appellate court
7 under Subchapter F, Chapter 53, Government Code;

8 (26) [~~(27)~~] officers commissioned by the state fire
9 marshal under Chapter 417, Government Code;

10 (27) [~~(28)~~] an investigator commissioned by the
11 commissioner of insurance under Section 701.104, Insurance Code;

12 (28) [~~(29)~~] apprehension specialists and inspectors
13 general commissioned by the Texas Youth Commission as officers
14 under Sections 61.0451 and 61.0931, Human Resources Code;

15 (29) [~~(30)~~] officers appointed by the inspector
16 general of the Texas Department of Criminal Justice under Section
17 493.019, Government Code;

18 (30) [~~(31)~~] investigators commissioned by the
19 Commission on Law Enforcement Officer Standards and Education under
20 Section 1701.160, Occupations Code;

21 (31) [~~(32)~~] commission investigators commissioned by
22 the Texas Private Security Board under Section 1702.061(f),
23 Occupations Code;

24 (32) [~~(33)~~] the fire marshal and any officers,
25 inspectors, or investigators commissioned by an emergency services
26 district under Chapter 775, Health and Safety Code;

27 (33) [~~(34)~~] officers commissioned by the State Board

1 of Dental Examiners under Section 254.013, Occupations Code,
2 subject to the limitations imposed by that section;

3 (34) [~~(35)~~] investigators commissioned by the Texas
4 Juvenile Probation Commission as officers under Section 141.055,
5 Human Resources Code; and

6 (35) [~~(36)~~] the fire marshal and any related officers,
7 inspectors, or investigators commissioned by a county under
8 Subchapter B, Chapter 352, Local Government Code.

9 SECTION 2.08. Section 38.007(b), Education Code, is amended
10 to read as follows:

11 (b) The board of trustees of a school district shall attempt
12 to provide a safe alcohol-free environment to students coming to or
13 going from school. The board of trustees may cooperate with local
14 law enforcement officials and the Texas Alcoholic Beverage and
15 Gaming Commission in attempting to provide this environment and in
16 enforcing Sections 101.75, 109.33, and 109.59, Alcoholic Beverage
17 Code. Additionally, the board, if a majority of the area of a
18 district is located in a municipality with a population of 900,000
19 or more, may petition the commissioners court of the county in which
20 the district is located or the governing board of an incorporated
21 city or town in which the district is located to adopt a 1,000-foot
22 zone under Section 109.33, Alcoholic Beverage Code.

23 SECTION 2.09. Sections 88.526(a) and (c), Education Code,
24 are amended to read as follows:

25 (a) The director shall prepare an annual report on equine
26 research funded under this subchapter. The director shall
27 distribute the report to the Texas Alcoholic Beverage and Gaming

1 ~~[Racing]~~ Commission and the members of the advisory committee. The
2 director shall make copies of the report available to interested
3 parties.

4 (c) The director shall, at least annually, consult with the
5 Texas Alcoholic Beverage and Gaming ~~[Racing]~~ Commission on the use
6 of the account and the impact of equine research funded by the
7 account.

8 SECTION 2.10. Section 232.0021, Family Code, is amended to
9 read as follows:

10 Sec. 232.0021. APPLICATION OF CHAPTER TO TEXAS ALCOHOLIC
11 BEVERAGE AND GAMING ~~[LOTTERY]~~ COMMISSION. With respect to the
12 Texas Alcoholic Beverage and Gaming ~~[Lottery]~~ Commission, this
13 chapter applies only to a lottery ticket sales agent license issued
14 under Chapter 466, Government Code.

15 SECTION 2.11. Section 232.015(e), Family Code, is amended
16 to read as follows:

17 (e) The Title IV-D agency, the comptroller, and the Texas
18 Alcoholic Beverage and Gaming Commission shall by rule specify
19 additional prerequisites for the suspension of licenses relating to
20 state taxes collected under Title 2, Tax Code. The joint rules must
21 be adopted not later than March 1, 1996.

22 SECTION 2.12. Section 402.035(c), Government Code, is
23 amended to read as follows:

24 (c) The task force is composed of the following:
25 (1) the governor or the governor's designee;
26 (2) the attorney general or the attorney general's
27 designee;

1 (3) the executive commissioner of the Health and Human
2 Services Commission or the executive commissioner's designee;

3 (4) the commissioner of the Department of Family and
4 Protective Services or the commissioner's designee;

5 (5) the public safety director of the Department of
6 Public Safety or the director's designee;

7 (6) one representative from each of the following
8 state agencies, appointed by the chief administrative officer of
9 the respective agency:

10 (A) the Texas Workforce Commission;

11 (B) the Texas Department of Criminal Justice;

12 (C) the Texas Youth Commission;

13 (D) the Texas Juvenile Probation Commission; and

14 (E) the Texas Alcoholic Beverage and Gaming
15 Commission; and

16 (7) as appointed by the attorney general:

17 (A) a public defender, as defined by Article
18 26.044, Code of Criminal Procedure;

19 (B) an attorney representing the state;

20 (C) a representative of:

21 (i) a hotel and motel association;

22 (ii) a district and county attorneys
23 association; and

24 (iii) a state police association;

25 (D) representatives of sheriff's departments;

26 (E) representatives of local law enforcement
27 agencies affected by human trafficking; and

1 (F) representatives of nongovernmental entities
2 making comprehensive efforts to combat human trafficking by:

3 (i) identifying human trafficking victims;
4 (ii) providing legal or other services to
5 human trafficking victims;

6 (iii) participating in community outreach
7 or public awareness efforts regarding human trafficking;

8 (iv) providing or developing training
9 regarding the prevention of human trafficking; or

10 (v) engaging in other activities designed
11 to prevent human trafficking.

12 SECTION 2.13. The heading to Section 411.091, Government
13 Code, is amended to read as follows:

14 Sec. 411.091. ACCESS TO CRIMINAL HISTORY RECORD
15 INFORMATION: TEXAS ALCOHOLIC BEVERAGE AND GAMING COMMISSION.

16 SECTION 2.14. Section 411.091(a), Government Code, is
17 amended to read as follows:

18 (a) The Texas Alcoholic Beverage and Gaming Commission is
19 entitled to obtain from the department criminal history record
20 information maintained by the department that the commission
21 believes is necessary for the enforcement or administration of the
22 Alcoholic Beverage Code.

23 SECTION 2.15. The heading to Section 411.0915, Government
24 Code, is amended to read as follows:

25 Sec. 411.0915. ACCESS TO CRIMINAL HISTORY RECORD
26 INFORMATION OF POLITICAL SUBDIVISIONS: TEXAS ALCOHOLIC BEVERAGE
27 AND GAMING COMMISSION.

1 SECTION 2.16. Section 411.096(a), Government Code, is
2 amended to read as follows:

3 (a) The Texas Alcoholic Beverage and Gaming [~~Racing~~]
4 Commission is entitled to obtain from the department criminal
5 history record information maintained by the department that
6 pertains to a person who is:

- 7 (1) appointed to the commission;
8 (2) an applicant for employment by the commission; or
9 (3) an applicant for a license under the Texas Racing
10 Act (Article 179e, Vernon's Texas Civil Statutes).

11 SECTION 2.17. The heading to Section 411.108, Government
12 Code, is amended to read as follows:

13 Sec. 411.108. ACCESS TO CRIMINAL HISTORY RECORD
14 INFORMATION: TEXAS ALCOHOLIC BEVERAGE AND GAMING [~~LOTTERY~~]
15 COMMISSION.

16 SECTION 2.18. Sections 411.108(a) and (a-1), Government
17 Code, are amended to read as follows:

18 (a) The Texas Alcoholic Beverage and Gaming [~~Lottery~~]
19 Commission is entitled to obtain from the department criminal
20 history record information maintained by the department that
21 relates to a person who, under Chapter 466, is:

- 22 (1) a sales agent or an applicant for a sales agent
23 license;
24 (2) a person required to be named in a license
25 application;
26 (3) a lottery operator or prospective lottery
27 operator;

1 (4) an employee of a lottery operator or prospective
2 lottery operator, if the employee is or will be directly involved in
3 lottery operations;

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

8 (6) 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 (7) an employee or other person who works for or will
13 work for a sales agent or an applicant for a sales agent license;

14 (8) a person who proposes to enter into or who has a
15 contract with the commission to supply goods or services to the
16 commission;

17 (9) if a person described in Subdivisions (1) through
18 (8) of this section is not an individual, an individual who:

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

20 (B) holds more than 10 percent of the stock in the
21 person;

22 (C) holds an equitable interest greater than 10
23 percent in the person;

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

26 (E) is the owner or lessee of a business that the
27 person conducts or through which the person will conduct

1 lottery-related activities;

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

4 (G) participates in managing the affairs of the
5 person; or

6 (H) is an employee of the person who is or will be
7 involved in:

8 (i) selling tickets; or

9 (ii) handling money from the sale of
10 tickets;

11 (10) the executive director or a prospective executive
12 director of the commission;

13 (11) an employee or prospective employee of the
14 commission; or

15 (12) a sales agent whose license is renewed under
16 Section 466.158.

17 (a-1) The Texas Alcoholic Beverage and Gaming [~~Lottery~~]
18 Commission is entitled to obtain from the department criminal
19 history record information maintained by the department that
20 relates to a person licensed under Chapter 2001, Occupations Code,
21 or described by Section 2001.3025, Occupations Code.

22 SECTION 2.19. Section 411.204(a), Government Code, is
23 amended to read as follows:

24 (a) A business that has a permit or license issued under
25 Chapter 25, 28, 32, 69, or 74, Alcoholic Beverage Code, and that
26 derives 51 percent or more of its income from the sale of alcoholic
27 beverages for on-premises consumption as determined by the Texas

1 Alcoholic Beverage and Gaming Commission under Section 104.06,
2 Alcoholic Beverage Code, shall prominently display at each entrance
3 to the business premises a sign that complies with the requirements
4 of Subsection (c).

5 SECTION 2.20. Sections 466.002(1) and (4), Government Code,
6 are amended to read as follows:

7 (1) "Commission" means the Texas Alcoholic Beverage
8 and Gaming [~~Lottery~~] Commission.

9 (4) "Executive director" means the administrator
10 [~~executive director~~] of the commission.

11 SECTION 2.21. Section 466.027(c), Government Code, is
12 amended to read as follows:

13 (c) The commission shall market and advertise the lottery
14 game operated under this section in a manner intended to inform the
15 public that the game tickets are available for purchase and that the
16 game proceeds are used to fund veterans programs in this state. The
17 game tickets must clearly state that the game proceeds are used to
18 benefit the veterans in this state. The Texas Veterans Commission
19 may make recommendations to the Texas Alcoholic Beverage and Gaming
20 [~~Lottery~~] Commission relating to the marketing and advertising of
21 the game.

22 SECTION 2.22. Section 466.155(g), Government Code, is
23 amended to read as follows:

24 (g) For purposes of Subsection (a)(3), the comptroller,
25 Texas Workforce Commission, Texas Alcoholic Beverage and Gaming
26 Commission, Texas Higher Education Coordinating Board, and Texas
27 Guaranteed Student Loan Corporation shall each provide the

1 executive director with a report of persons who have been finally
2 determined to be delinquent in the payment of any money owed to or
3 collected by that agency. The commission shall adopt rules
4 regarding the form and frequency of reports under this subsection.

5 SECTION 2.23. Sections 466.407(a) and (c), Government Code,
6 are amended to read as follows:

7 (a) The executive director shall deduct the amount of a
8 delinquent tax or other money from the winnings of a person who has
9 been finally determined to be:

10 (1) delinquent in the payment of a tax or other money
11 collected by the comptroller, the Texas Workforce Commission, or
12 the Texas Alcoholic Beverage and Gaming Commission;

13 (2) delinquent in making child support payments
14 administered or collected by the attorney general;

15 (3) delinquent in reimbursing the Texas Department of
16 Human Services for a benefit granted in error under the food stamp
17 program or the program of financial assistance under Chapter 31,
18 Human Resources Code;

19 (4) in default on a loan made under Chapter 52,
20 Education Code; or

21 (5) in default on a loan guaranteed under Chapter 57,
22 Education Code.

23 (c) The attorney general, comptroller, Texas Workforce
24 Commission, Texas Alcoholic Beverage and Gaming Commission, Texas
25 Department of Human Services, Texas Higher Education Coordinating
26 Board, and Texas Guaranteed Student Loan Corporation shall each
27 provide the executive director with a report of persons who have

1 been finally determined to be delinquent in the payment of a tax or
2 other money collected by the agency. The commission shall adopt
3 rules regarding the form and frequency of reports under this
4 subsection.

5 SECTION 2.24. Sections 467.001(1) and (2), Government Code,
6 are amended to read as follows:

7 (1) "Commission" means the Texas Alcoholic Beverage
8 and Gaming [~~Lottery~~] Commission.

9 (2) "Executive director" means the administrator
10 [~~executive director~~] of the Texas Alcoholic Beverage and Gaming
11 [~~Lottery~~] Commission.

12 SECTION 2.25. Sections 572.003(b) and (c), Government Code,
13 are amended to read as follows:

14 (b) The term means:

15 (1) the Banking Commissioner of The Banking Department
16 of Texas;

17 (2) the fire fighters' pension commissioner;

18 (3) the administrative director of the Office of Court
19 Administration of the Texas Judicial System;

20 (4) the chief executive of the Office of Public
21 Utility Counsel;

22 (5) the executive director of the State Bar of Texas;

23 or

24 (6) [~~the director of the lottery division of the Texas~~
25 ~~Lottery Commission,~~

26 [~~(7) the deputy in charge of the department of~~
27 ~~security in the lottery division of the Texas Lottery Commission,~~

1 ~~[(8) the director of the bingo division of the Texas~~
2 ~~Lottery Commission; or~~

3 ~~[(9)]~~ the secretary of state.

4 (c) The term means a member of:

5 (1) the Public Utility Commission of Texas;

6 (2) ~~[(the Texas Department of Economic Development;~~

7 ~~[(3)]~~ the Texas Commission on Environmental Quality;

8 (3) ~~[(4)]~~ the Texas Alcoholic Beverage and Gaming
9 Commission;

10 (4) ~~[(5)]~~ The Finance Commission of Texas;

11 (5) ~~[(6)]~~ the Texas Facilities Commission;

12 (6) ~~[(7)]~~ the Texas Board of Criminal Justice;

13 (7) ~~[(8)]~~ the board of trustees of the Employees
14 Retirement System of Texas;

15 (8) ~~[(9)]~~ the Texas Transportation Commission;

16 (9) ~~[(10) the Texas Workers' Compensation Commission;~~

17 ~~[(11)]~~ the Texas Department of Insurance;

18 (10) ~~[(12)]~~ the Parks and Wildlife Commission;

19 (11) ~~[(13)]~~ the Public Safety Commission;

20 (12) ~~[(14)]~~ the Texas Ethics Commission;

21 (13) ~~[(15)]~~ the State Securities Board;

22 (14) ~~[(16)]~~ the Texas Water Development Board;

23 (15) ~~[(17)]~~ the governing board of a public senior
24 college or university as defined by Section 61.003, Education Code,
25 or of The University of Texas Southwestern Medical Center at
26 Dallas, The University of Texas Medical Branch at Galveston, The
27 University of Texas Health Science Center at Houston, The

1 University of Texas Health Science Center at San Antonio, The
2 University of Texas System M. D. Anderson Cancer Center, The
3 University of Texas Health Science Center at Tyler, University of
4 North Texas Health Science Center at Fort Worth, Texas Tech
5 University Health Sciences Center, Texas State Technical
6 College--Harlingen, Texas State Technical College--Marshall, Texas
7 State Technical College--Sweetwater, or Texas State Technical
8 College--Waco;

9 (16) [~~(18)~~] the Texas Higher Education Coordinating
10 Board;

11 (17) [~~(19)~~] the Texas Workforce Commission;

12 (18) [~~(21)~~] the board of trustees of the Teacher
13 Retirement System of Texas;

14 (19) [~~(22)~~] the Credit Union Commission;

15 (20) [~~(23)~~] the School Land Board;

16 (21) [~~(24)~~] the board of the Texas Department of
17 Housing and Community Affairs;

18 (22) [~~(25)~~] ~~the Texas Racing Commission;~~

19 ~~[(26)]~~ the State Board of Dental Examiners;

20 (23) [~~(27)~~] the Texas Medical [~~State~~] Board [~~of~~
21 ~~Medical Examiners~~];

22 (24) [~~(28)~~] the Board of Pardons and Paroles;

23 (25) [~~(29)~~] the Texas State Board of Pharmacy;

24 (26) [~~(30)~~] the Department of Information Resources
25 governing board;

26 (27) [~~(31)~~] the Motor Vehicle Board;

27 (28) [~~(32)~~] the Texas Real Estate Commission;

1 (29) [~~(33)~~] the board of directors of the State Bar of
2 Texas;

3 (30) [~~(34)~~] the bond review board;

4 (31) [~~(35)~~] the [~~Texas Board of~~] Health and Human
5 Services Commission;

6 (32) [~~(36)~~] ~~the Texas Board of Mental Health and Mental~~
7 ~~Retardation~~;

8 ~~[(37) the Texas Board on Aging,~~

9 ~~[(38) the Texas Board of Human Services,~~

10 ~~[(39)]~~ the Texas Funeral Service Commission; or

11 (33) [~~(40)~~] the board of directors of a river
12 authority created under the Texas Constitution or a statute of this
13 state [~~, or~~

14 ~~[(41) the Texas Lottery Commission]~~.

15 SECTION 2.26. Section 614.021(a), Government Code, is
16 amended to read as follows:

17 (a) Except as provided by Subsection (b), this subchapter
18 applies only to a complaint against:

19 (1) a law enforcement officer of the State of Texas,
20 including an officer of the Department of Public Safety or of the
21 Texas Alcoholic Beverage and Gaming Commission;

22 (2) a fire fighter who is employed by this state or a
23 political subdivision of this state;

24 (3) a peace officer under Article 2.12, Code of
25 Criminal Procedure, or other law who is appointed or employed by a
26 political subdivision of this state; or

27 (4) a detention officer or county jailer who is

1 appointed or employed by a political subdivision of this state.

2 SECTION 2.27. Section 614.171(1), Government Code, is
3 amended to read as follows:

4 (1) "Law enforcement agency" means the Department of
5 Public Safety, Texas Alcoholic Beverage and Gaming Commission,
6 Texas Department of Criminal Justice, and Parks and Wildlife
7 Department.

8 SECTION 2.28. Section 659.301(5), Government Code, is
9 amended to read as follows:

10 (5) "State employee" means an individual who:

11 (A) is a commissioned law enforcement officer of
12 the Department of Public Safety, the Texas Facilities Commission,
13 the Texas Alcoholic Beverage and Gaming Commission, or the Texas
14 Department of Criminal Justice;

15 (B) is a commissioned security officer of the
16 comptroller;

17 (C) is a law enforcement officer commissioned by
18 the Parks and Wildlife Commission;

19 (D) is a commissioned peace officer of an
20 institution of higher education;

21 (E) is an employee or official of the Board of
22 Pardons and Paroles or the parole division of the Texas Department
23 of Criminal Justice if the employee or official has routine direct
24 contact with inmates of any penal or correctional institution or
25 with administratively released prisoners subject to the board's
26 jurisdiction;

27 (F) has been certified to the Employees

1 Retirement System of Texas under Section 815.505 as having begun
2 employment as a law enforcement officer or custodial officer,
3 unless the individual has been certified to the system as having
4 ceased employment as a law enforcement officer or custodial
5 officer; or

6 (G) before May 29, 1987, received hazardous duty
7 pay based on the terms of any state law if the individual holds a
8 position designated under that law as eligible for the pay.

9 SECTION 2.29. Section 661.918(a), Government Code, is
10 amended to read as follows:

11 (a) This section applies to a peace officer under Article
12 2.12, Code of Criminal Procedure, who is commissioned as a law
13 enforcement officer or agent, including a ranger, by:

14 (1) the Public Safety Commission and the director of
15 the Department of Public Safety;

16 (2) the Parks and Wildlife Commission; or

17 (3) the Texas Alcoholic Beverage and Gaming
18 Commission.

19 SECTION 2.30. Section 811.001(9), Government Code, is
20 amended to read as follows:

21 (9) "Law enforcement officer" means a member of the
22 retirement system who:

23 (A) has been commissioned as a law enforcement
24 officer by the Department of Public Safety, the Texas Alcoholic
25 Beverage and Gaming Commission, the Parks and Wildlife Department,
26 or the office of inspector general at the Texas Youth Commission;
27 and

1 (B) is recognized as a commissioned law
2 enforcement officer by the Commission on Law Enforcement Officer
3 Standards and Education.

4 SECTION 2.31. Section 814.104(b), Government Code, is
5 amended to read as follows:

6 (b) A member who is at least 55 years old and who has at
7 least 10 years of service credit as a commissioned peace officer
8 engaged in criminal law enforcement activities of the Department of
9 Public Safety, the Texas Alcoholic Beverage and Gaming Commission,
10 the Parks and Wildlife Department, or the office of inspector
11 general at the Texas Youth Commission, or as a custodial officer, is
12 eligible to retire and receive a service retirement annuity.

13 SECTION 2.32. Section 815.505, Government Code, is amended
14 to read as follows:

15 Sec. 815.505. CERTIFICATION OF NAMES OF LAW ENFORCEMENT AND
16 CUSTODIAL OFFICERS. Not later than the 12th day of the month
17 following the month in which a person begins or ceases employment as
18 a law enforcement officer or custodial officer, the Public Safety
19 Commission, the Texas Alcoholic Beverage and Gaming Commission, the
20 Parks and Wildlife Commission, the office of inspector general at
21 the Texas Youth Commission, the Board of Pardons and Paroles, or the
22 Texas Board of Criminal Justice, as applicable, shall certify to
23 the retirement system, in the manner prescribed by the system, the
24 name of the employee and such other information as the system
25 determines is necessary for the crediting of service and financing
26 of benefits under this subtitle.

27 SECTION 2.33. Section 2054.007(a), Government Code, is

1 amended to read as follows:

2 (a) The lottery division of the Texas Alcoholic Beverage and
3 Gaming [~~Lottery~~] Commission is not subject to the planning and
4 procurement requirements of this chapter.

5 SECTION 2.34. Section 2054.352(a), Government Code, as
6 amended by Chapters 213 (S.B. 1005) and 450 (H.B. 2447), Acts of the
7 81st Legislature, Regular Session, 2009, is reenacted and amended
8 to read as follows:

9 (a) The following licensing entities shall participate in
10 the system established under Section 2054.353:

- 11 (1) Texas Board of Chiropractic Examiners;
- 12 (2) Court Reporters Certification Board;
- 13 (3) State Board of Dental Examiners;
- 14 (4) Texas Funeral Service Commission;
- 15 (5) Texas Board of Professional Land Surveying;
- 16 (6) Texas Medical Board;
- 17 (7) Texas Board of Nursing;
- 18 (8) Texas Optometry Board;
- 19 (9) Department of Agriculture, for licenses issued
20 under Chapter 1951, Occupations Code;
- 21 (10) Texas State Board of Pharmacy;
- 22 (11) Executive Council of Physical Therapy and
23 Occupational Therapy Examiners;
- 24 (12) Texas State Board of Plumbing Examiners;
- 25 (13) Texas State Board of Podiatric Medical Examiners;
- 26 (14) Texas State Board of Examiners of Psychologists;
- 27 (15) State Board of Veterinary Medical Examiners;

- 1 (16) Texas Real Estate Commission;
- 2 (17) Texas Appraiser Licensing and Certification
3 Board;
- 4 (18) Texas Department of Licensing and Regulation;
- 5 (19) Texas State Board of Public Accountancy;
- 6 (20) State Board for Educator Certification;
- 7 (21) Texas Board of Professional Engineers;
- 8 (22) Department of State Health Services;
- 9 (23) Texas Board of Architectural Examiners;
- 10 (24) Texas Alcoholic Beverage and Gaming [~~Racing~~]
11 Commission;
- 12 (25) Commission on Law Enforcement Officer Standards
13 and Education; and
- 14 (26) Texas Private Security Board.

15 SECTION 2.35. Section 2001.002(8), Occupations Code, is
16 amended to read as follows:

17 (8) "Commission" means the Texas Alcoholic Beverage
18 and Gaming [~~Lottery~~] Commission.

19 SECTION 2.36. Sections 46.035(b) and (j), Penal Code, are
20 amended to read as follows:

21 (b) A license holder commits an offense if the license
22 holder intentionally, knowingly, or recklessly carries a handgun
23 under the authority of Subchapter H, Chapter 411, Government Code,
24 regardless of whether the handgun is concealed, on or about the
25 license holder's person:

26 (1) on the premises of a business that has a permit or
27 license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic

1 Beverage Code, if the business derives 51 percent or more of its
2 income from the sale or service of alcoholic beverages for
3 on-premises consumption, as determined by the Texas Alcoholic
4 Beverage and Gaming Commission under Section 104.06, Alcoholic
5 Beverage Code;

6 (2) on the premises where a high school, collegiate,
7 or professional sporting event or interscholastic event is taking
8 place, unless the license holder is a participant in the event and a
9 handgun is used in the event;

10 (3) on the premises of a correctional facility;

11 (4) on the premises of a hospital licensed under
12 Chapter 241, Health and Safety Code, or on the premises of a nursing
13 home licensed under Chapter 242, Health and Safety Code, unless the
14 license holder has written authorization of the hospital or nursing
15 home administration, as appropriate;

16 (5) in an amusement park; or

17 (6) on the premises of a church, synagogue, or other
18 established place of religious worship.

19 (j) Subsections (a) and (b)(1) do not apply to a historical
20 reenactment performed in compliance with the rules of the Texas
21 Alcoholic Beverage and Gaming Commission.

22 SECTION 2.37. Section 46.15(j), Penal Code, is amended to
23 read as follows:

24 (j) The provisions of Section 46.02 prohibiting the
25 carrying of a handgun do not apply to an individual who carries a
26 handgun as a participant in a historical reenactment performed in
27 accordance with the rules of the Texas Alcoholic Beverage and

1 Gaming Commission.

2 SECTION 2.38. Section 47.09(a), Penal Code, is amended to
3 read as follows:

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

6 (1) was authorized under:

7 (A) Chapter 2001, Occupations Code;

8 (B) Chapter 2002, Occupations Code; or

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

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

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

15 (A) Chapter 466, Government Code;

16 (B) the lottery division of the Texas Alcoholic
17 Beverage and Gaming [~~Lottery~~] Commission;

18 (C) the Texas Alcoholic Beverage and Gaming
19 [~~Lottery~~] Commission; or

20 (D) the director of the lottery division of the
21 Texas Alcoholic Beverage and Gaming [~~Lottery~~] Commission.

22 SECTION 2.39. Sections 151.433(c) and (g), Tax Code, are
23 amended to read as follows:

24 (c) The wholesaler or distributor shall file the report on
25 or before the 25th day of each month. The report must contain the
26 following information for the preceding calendar month's sales in
27 relation to each retailer:

1 (1) the name of the retailer and the address of the
2 retailer's outlet location to which the wholesaler or distributor
3 delivered beer, wine, or malt liquor, including the city and zip
4 code;

5 (2) the taxpayer number assigned by the comptroller to
6 the retailer, if the wholesaler or distributor is in possession of
7 the number;

8 (3) the permit or license number assigned to the
9 retailer by the Texas Alcoholic Beverage and Gaming Commission; and

10 (4) the monthly net sales made to the retailer by
11 outlet by the wholesaler or distributor, including the quantity and
12 units of beer, wine, and malt liquor sold to the retailer.

13 (g) If a person fails to file a report required by this
14 section or fails to file a complete report, the comptroller may
15 notify the Texas Alcoholic Beverage and Gaming Commission of the
16 failure and the commission may take administrative action against
17 the person for the failure under the Alcoholic Beverage Code.

18 SECTION 2.40. Sections 154.024(b) and (c), Tax Code, are
19 amended to read as follows:

20 (b) Employees of the Texas Alcoholic Beverage and Gaming
21 Commission who collect taxes on alcoholic beverages at ports of
22 entry shall collect at the ports of entry the tax imposed by this
23 chapter on cigarettes imported into this state. In computing the
24 amount of taxes to be collected, the commission may round the total
25 amount up to the nearest quarter of a dollar.

26 (c) The comptroller and the Texas Alcoholic Beverage and
27 Gaming Commission shall make rules for the administration of this

1 section.

2 SECTION 2.41. Section 201.612(d), Transportation Code, is
3 amended to read as follows:

4 (d) In determining whether to approve the construction of
5 the bridge, the commission shall solicit the advice of:

6 (1) the Department of Public Safety;

7 (2) the Texas Natural Resource Conservation
8 Commission;

9 (3) the Texas Historical Commission;

10 (4) the Department of Agriculture;

11 (5) the Texas Alcoholic Beverage and Gaming
12 Commission;

13 (6) the Texas Department of Commerce; and

14 (7) any other state agency the commission determines
15 is appropriate.

16 SECTION 2.42. Sections 721.003(a) and (e), Transportation
17 Code, are amended to read as follows:

18 (a) The governing bodies of the following state agencies or
19 divisions by rule may exempt from the requirements of Section
20 721.002 a motor vehicle that is under the control and custody of the
21 agency or division:

22 (1) Texas Commission on Fire Protection;

23 (2) Texas State Board of Pharmacy;

24 (3) Department of State Health Services and Department
25 of Aging and Disability Services;

26 (4) Department of Public Safety of the State of Texas;

27 (5) Texas Department of Criminal Justice;

- 1 (6) Board of Pardons and Paroles;
- 2 (7) Parks and Wildlife Department;
- 3 (8) Railroad Commission of Texas;
- 4 (9) Texas Alcoholic Beverage and Gaming Commission;
- 5 (10) Texas Department of Banking;
- 6 (11) Department of Savings and Mortgage Lending;
- 7 (12) Texas Juvenile Probation Commission;
- 8 (13) Texas Commission on Environmental Quality;
- 9 (14) Texas Youth Commission;
- 10 (15) [~~Texas Lottery Commission,~~
- 11 [~~(16)~~] the office of the attorney general;
- 12 (16) [~~(17)~~] Texas Department of Insurance; and
- 13 (17) [~~(18)~~] an agency that receives an appropriation
- 14 under an article of the General Appropriations Act that
- 15 appropriates money to the legislature.

16 (e) A rule adopted by the Texas Alcoholic Beverage and

17 Gaming [~~Lottery~~] Commission under Subsection (a) may exempt from

18 the requirements of Section 721.002 only a motor vehicle used

19 exclusively for surveillance purposes.

20 SECTION 2.43. Sections 1.03(3) and (5), Texas Racing Act

21 (Article 179e, Vernon's Texas Civil Statutes), are amended to read

22 as follows:

23 (3) "Commission" means the Texas Alcoholic Beverage

24 and Gaming [~~Racing~~] Commission.

25 (5) "Executive secretary" means the administrator

26 [~~executive secretary~~] of the Texas Alcoholic Beverage and Gaming

27 [~~Racing~~] Commission.

ARTICLE 3. REPEALER

SECTION 3.01. The following provisions of the Government Code are repealed:

- (1) Section 466.003;
- (2) Section 467.002;
- (3) Subchapter B, Chapter 467;
- (4) Section 467.104; and
- (5) Section 467.105.

SECTION 3.02. The following provisions of the Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes) are repealed:

- (1) Section 2.01;
- (2) Section 2.02;
- (3) Section 2.03;
- (4) Section 2.04;
- (5) Section 2.05;
- (6) Section 2.06;
- (7) Section 2.071;
- (8) Section 2.072;
- (9) Section 2.073;
- (10) Section 2.074;
- (11) Section 2.08;
- (12) Section 2.09;
- (13) Section 2.10;
- (14) Section 2.11;
- (15) Section 2.12;
- (16) Section 2.13;
- (17) Section 2.14;

- 1 (18) Section 2.17;
- 2 (19) Section 2.18;
- 3 (20) Section 2.19;
- 4 (21) Section 2.20;
- 5 (22) Section 2.21;
- 6 (23) Section 2.22;
- 7 (24) Section 2.23;
- 8 (25) Section 2.24; and
- 9 (26) Section 18.01.

10 ARTICLE 4. TRANSITION AND EFFECTIVE DATE

11 SECTION 4.01. (a) Promptly after this Act takes effect, the
12 governor shall appoint two additional members to the Texas
13 Alcoholic Beverage and Gaming Commission. In appointing those
14 members, the governor shall appoint one person to a term expiring
15 November 15, 2015, and one to a term expiring November 15, 2017.
16 The governor shall ensure that the appointments to the commission
17 comply with the experience requirements provided by Section
18 5.02(a), Alcoholic Beverage Code, as amended by this Act, not later
19 than November 15, 2013.

20 (b) Until all appointees to the Texas Alcoholic Beverage and
21 Gaming Commission have taken office, a quorum of the commission is a
22 majority of the number of members who are qualified.

23 SECTION 4.02. (a) On the effective date of this Act, the
24 Texas Lottery Commission and the Texas Racing Commission are
25 abolished and all powers, duties, obligations, rights, contracts,
26 bonds, appropriations, records, property, and personnel of those
27 agencies are transferred to the Texas Alcoholic Beverage and Gaming

1 Commission.

2 (b) A rule, policy, procedure, or decision of the Texas
3 Alcoholic Beverage Commission, the Texas Lottery Commission, or the
4 Texas Racing Commission continues in effect as a rule, policy,
5 procedure, or decision of the Texas Alcoholic Beverage and Gaming
6 Commission until superseded by an act of the Texas Alcoholic
7 Beverage and Gaming Commission.

8 (c) A reference in another law to the Texas Alcoholic
9 Beverage Commission, the Texas Lottery Commission, or the Texas
10 Racing Commission means the Texas Alcoholic Beverage and Gaming
11 Commission.

12 SECTION 4.03. (a) On September 1, 2011, or as soon as
13 possible after that date, the Texas Lottery Commission, the Texas
14 Racing Commission, and the Texas Alcoholic Beverage Commission
15 shall adopt a comprehensive plan to ensure the smooth transition of
16 all programs operated by the Texas Lottery Commission and Texas
17 Racing Commission to the Texas Alcoholic Beverage and Gaming
18 Commission.

19 (b) This section takes effect September 1, 2011.

20 SECTION 4.04. Except as otherwise provided by this Act,
21 this Act takes effect September 1, 2012.