

By: Kuempel

H.B. No. 1555

A BILL TO BE ENTITLED

AN ACT

relating to the sale of lottery tickets by certain wine and beer  
retailers.

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

SECTION 1. Section 466.155(a), Government Code, is amended  
to read as follows:

(a) After a hearing, the director shall deny an application  
for a license or the commission shall suspend or revoke a license if  
the director or commission, as applicable, finds that the applicant  
or sales agent:

(1) is an individual who:

(A) has been convicted of a felony, criminal  
fraud, gambling or a gambling-related offense, or a misdemeanor  
involving moral turpitude, if less than 10 years has elapsed since  
the termination of the sentence, parole, mandatory supervision, or  
probation served for the offense;

(B) is or has been a professional gambler;

(C) is married to an individual:

(i) described in Paragraph (A) or (B); or

(ii) who is currently delinquent in the  
payment of any state tax;

(D) is an officer or employee of the commission  
or a lottery operator; or

(E) is a spouse, child, brother, sister, or

1 parent residing as a member of the same household in the principal  
2 place of residence of a person described by Paragraph (D);

3 (2) is not an individual, and an individual described  
4 in Subdivision (1):

5 (A) is an officer or director of the applicant or  
6 sales agent;

7 (B) holds more than 10 percent of the stock in the  
8 applicant or sales agent;

9 (C) holds an equitable interest greater than 10  
10 percent in the applicant or sales agent;

11 (D) is a creditor of the applicant or sales agent  
12 who holds more than 10 percent of the applicant's or sales agent's  
13 outstanding debt;

14 (E) is the owner or lessee of a business that the  
15 applicant or sales agent conducts or through which the applicant  
16 will conduct a ticket sales agency;

17 (F) shares or will share in the profits, other  
18 than stock dividends, of the applicant or sales agent; or

19 (G) participates in managing the affairs of the  
20 applicant or sales agent;

21 (3) has been finally determined to be:

22 (A) delinquent in the payment of a tax or other  
23 money collected by the comptroller, the Texas Workforce Commission,  
24 or the Texas Alcoholic Beverage Commission;

25 (B) in default on a loan made under Chapter 52,  
26 Education Code; or

27 (C) in default on a loan guaranteed under Chapter

1 57, Education Code;

2 (4) is a person whose location for the sales agency is:

3 (A) a location licensed for games of bingo under  
4 Chapter 2001, Occupations Code;

5 (B) on land that is owned by:

6 (i) this state; or

7 (ii) a political subdivision of this state  
8 and on which is located a public primary or secondary school, an  
9 institution of higher education, or an agency of the state; or

10 (C) a location for which a person holds a wine and  
11 beer retailer's permit, mixed beverage permit, mixed beverage late  
12 hours permit, private club registration permit, or private club  
13 late hours permit issued under Chapter 25, 28, 29, 32, or 33,  
14 Alcoholic Beverage Code, other than a location for which a person  
15 holds a wine and beer retailer's permit issued under Chapter 25,  
16 Alcoholic Beverage Code, that derives less than 30 percent of the  
17 location's gross receipts from the sale or service of alcoholic  
18 beverages; or

19 (5) has violated this chapter or a rule adopted under  
20 this chapter.

21 SECTION 2. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this  
25 Act takes effect September 1, 2017.