

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 its
17 gross receipts from the sale or service of alcoholic beverages at
18 the location; 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.