

By: Thompson of Harris

H.B. No. 2577

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of bingo games; authorizing fee refunds.

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

SECTION 1. Section 2001.057(a), Occupations Code, is amended to read as follows:

(a) The commission shall ~~may~~ appoint a bingo advisory committee consisting of nine members. The commission shall appoint members representing a balance of interests including representatives of:

- (1) the public;
- (2) charities that operate bingo games; and
- (3) commercial and charity lessors that participate in the bingo industry.

SECTION 2. Section 2001.103, Occupations Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) On request, the commission shall refund to an authorized organization the \$25 temporary license fee submitted under Subsection (a) not later than the 30th day after the date the commission receives the request for the refund, if:

(1) the authorized organization does not use the temporary license to conduct bingo before the first anniversary of the date of the license's issuance; or

(2) the authorized organization requests withdrawal of the application before the temporary license is issued, except

1 the commission may retain an amount not to exceed 50 percent of the
2 license fee to defray any administrative cost incurred by the
3 commission in processing the application.

4 SECTION 3. Section 2001.104, Occupations Code, is amended
5 by adding Subsection (f) to read as follows:

6 (f) The commission shall refund the fee for an initial or
7 renewal license to conduct bingo if the applicant requests
8 withdrawal of the application before the license is issued or if the
9 commission denies the application, except the commission may retain
10 an amount not to exceed the lesser of 50 percent of the license fee
11 or \$150 to defray any administrative cost incurred by the
12 commission in processing the application. The commission shall
13 issue the refund not later than the 30th day after the date the
14 commission receives the withdrawal request or denies the
15 application.

16 SECTION 4. Section 2001.158, Occupations Code, is amended
17 by adding Subsection (e) to read as follows:

18 (e) The commission shall refund the fee for an initial or
19 renewal commercial lessor license if the applicant requests
20 withdrawal of the application before the license is issued or if the
21 commission denies the application, except the commission may retain
22 an amount not to exceed the lesser of 50 percent of the license fee
23 or \$150 to defray any administrative cost incurred by the
24 commission in processing the application. The commission shall
25 issue the refund not later than the 30th day after the date the
26 commission receives the withdrawal request or denies the
27 application.

SECTION 5. Section 2001.205, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) The commission shall refund the fee for an initial or renewal manufacturer's license if the applicant requests withdrawal of the application before the license is issued or if the commission denies the application, except the commission may retain a reasonable amount set by the commission to defray any administrative cost incurred by the commission in processing the application. The commission shall issue the refund not later than the 30th day after the date the commission receives the withdrawal request or denies the application.

SECTION 6. Section 2001.209, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) The commission shall refund the fee for an initial or renewal distributor's license if the applicant requests withdrawal of the application before the license is issued or if the commission denies the application, except the commission may retain a reasonable amount set by the commission to defray any administrative cost incurred by the commission in processing the application. The commission shall issue the refund not later than the 30th day after the date the commission receives the withdrawal request or denies the application.

SECTION 7. Section 2001.306, Occupations Code, is amended by adding Subsection (f) to read as follows:

(f) The commission shall refund the fee for amending a license issued under this chapter if the applicant requests withdrawal of the amendment application before the amended license

1 is issued or if the commission denies the amendment application,
2 except the commission may retain an amount not to exceed 50 percent
3 of the amendment fee to defray any administrative cost incurred by
4 the commission in processing the amendment application. The
5 commission shall issue the refund not later than the 30th day after
6 the date the commission receives the withdrawal request or denies
7 the application.

8 SECTION 8. Section 2001.313, Occupations Code, is amended
9 by adding Subsection (b-3) and amending Subsection (h) to read as
10 follows:

11 (b-3) The commission shall refund the fee submitted under
12 Subsection (b-2) for an initial or renewal registration application
13 if the applicant requests withdrawal of the application before the
14 applicant is listed on the registry or if the commission denies the
15 registration and listing, except the commission may retain an
16 amount not to exceed 50 percent of the registration fee to defray
17 any administrative cost incurred by the commission in processing
18 the application. The commission shall issue the refund not later
19 than the 30th day after the date the commission receives the
20 withdrawal request or denies the application.

21 (h) A licensed authorized organization may employ an
22 individual who is not on the registry established by this section as
23 an operator, manager, cashier, usher, caller, or salesperson on a
24 provisional basis if the individual is awaiting the results of a
25 background check by the commission:

26 (1) for a period not to exceed 14 days, beginning on
27 the date the commission receives the application for the employee

1 to be placed on the registry, if the individual is a resident of
2 this state; or

3 (2) for a period to be established by commission rule
4 if the individual is not a resident of this state.

5 SECTION 9. Section 2001.419, Occupations Code, is amended
6 by adding Subsection (f) to read as follows:

7 (f) If pull-tab bingo tickets are sold by one licensed
8 authorized organization that conducts consecutive bingo occasions
9 during one day, the organization may account for and report all of
10 the pull-tab bingo ticket sales for the occasions as sales for the
11 final occasion.

12 SECTION 10. Section 2001.437, Occupations Code, is amended
13 by adding Subsection (i) to read as follows:

14 (i) The commission shall refund the fee for an initial or
15 renewal unit manager license if the applicant requests withdrawal
16 of the application before the license is issued or if the commission
17 denies the application, except the commission may retain an amount
18 not to exceed the lesser of 50 percent of the license fee or \$150 to
19 defray any administrative cost incurred by the commission in
20 processing the application. The commission shall issue the refund
21 not later than the 30th day after the date the commission receives
22 the withdrawal request or denies the application.

23 SECTION 11. Section 2001.502, Occupations Code, is amended
24 to read as follows:

25 Sec. 2001.502. PRIZE FEE. A licensed authorized
26 organization shall:

27 (1) collect from a person who wins a bingo prize of

1 more than \$5 a fee in the amount of five percent of the amount or
2 value of the prize; and

3 (2) remit to the commission a fee in the amount of five
4 percent of the amount or value of all bingo prizes of more than \$5
5 awarded.

6 SECTION 12. Section 2001.0541, Occupations Code, is
7 repealed.

8 SECTION 13. (a) Chapter 2001, Occupations Code, as amended
9 by this Act, applies only to an application and fee submitted under
10 that chapter on or after the effective date of this Act. An
11 application and fee submitted before the effective date of this Act
12 are governed by the law in effect on the date the application and
13 fee are submitted, and the former law is continued in effect for
14 that purpose.

15 (b) Notwithstanding the effective date of this Act, the
16 change in law made to Section 2001.502, Occupations Code, applies
17 to the collection or remittance of a bingo prize fee for a bingo
18 prize awarded on or after October 1, 2017. The collection or
19 remittance of a bingo prize fee for a bingo prize awarded before
20 October 1, 2017, is governed by the law in effect on the date the
21 prize is awarded, and the former law is continued in effect for that
22 purpose.

23 SECTION 14. This Act takes effect September 1, 2017.