86R1677 BEE-D

By:  Canales H.B. No. 115

A BILL TO BE ENTITLED

AN ACT

relating to a report by certain vessel operators on gambling device payout percentages; providing a civil penalty.

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

SECTION 1.  Chapter 2003, Occupations Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. REPORT ON GAMBLING DEVICE PAYOUT PERCENTAGES

Sec. 2003.151.  DEFINITIONS. In this subchapter:

(1)  "Commission" means the Texas Lottery Commission.

(2)  "Gambling device" has the meaning assigned by Section 47.01, Penal Code.

(3)  "Payout percentage" means the percentage of the total amount of consideration wagered to play a gambling device that is paid as prizes to players of the device.

Sec. 2003.152.  GAMBLING DEVICE PAYOUT PERCENTAGE REPORT. The operator of a vessel to which this chapter applies shall annually submit to the commission a gambling device payout percentage report. The report must include for each gambling device operated on the vessel during the preceding calendar year:

(1)  the programmed payout percentage for the device;

(2)  the actual payout percentage for the device; and

(3)  the information used to calculate the actual payout percentage under Subdivision (2), including the total amount of consideration paid to play the device, number of times the device was played, and total amount paid in prizes by the device.

Sec. 2003.153.  PUBLICATION OF REPORT. The commission shall promptly publish each gambling device payout percentage report submitted under Section 2003.152 on the commission's Internet website.

Sec. 2003.154.  DISTRIBUTION OF REPORT TO MUNICIPALITY. The commission shall provide an electronic copy of each report submitted under Section 2003.152 to:

(1)  the department; and

(2)  any municipality that regulates the vessel under Section 2003.101.

Sec. 2003.155.  RULES. The commission shall adopt rules necessary to implement this subchapter, including rules to:

(1)  establish the time for submission of a report under Section 2003.152; and

(2)  prescribe the form and content of a report under Section 2003.152.

Sec. 2003.156.  CIVIL PENALTY. (a) A person who violates this subchapter or a rule adopted under this subchapter is liable to this state for a civil penalty of not more than $1,000 for each violation.

(b)  The amount of the penalty shall be based on:

(1)  the seriousness of the violation;

(2)  the history of previous violations;

(3)  the amount necessary to deter a future violation; and

(4)  any other matter that justice may require.

(c)  The attorney general, at the request of the commission, may sue to collect a civil penalty under this section. In the suit the attorney general may recover, on behalf of the state, the reasonable expenses incurred in obtaining the penalty, including investigation and court costs, reasonable attorney's fees, witness fees, and other expenses.

SECTION 2.  Section 467.101(c), Government Code, is amended to read as follows:

(c)  The commission also has the powers and duties granted under:

(1)  Chapter 2001, Occupations Code; [~~and~~]

(2)  Chapter 466 of this code; and

(3)  Subchapter D, Chapter 2003, Occupations Code.

SECTION 3.  Not later than December 1, 2019, the Texas Lottery Commission shall adopt rules necessary to implement Subchapter D, Chapter 2003, Occupations Code, as added by this Act.

SECTION 4.  This Act takes effect September 1, 2019.