

By: Thompson of Harris, et al.

H.B. No. 914

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of bingo games.

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

SECTION 1. Sections 2001.305(b) and (c), Occupations Code, are amended to read as follows:

(b) Immediately after issuing [~~receiving~~] a license, the commission [~~a license holder~~] shall send a copy of the license to the appropriate governing body. The governing body shall file the copy of the license in a central file containing licenses issued under this chapter.

(c) Not later than the 10th day after the date a license is issued, the commission [~~license holder~~] shall give written notice of the issuance of the license to:

(1) the police department of the municipality in which bingo will be conducted, if bingo is to be conducted in a municipality; or

(2) the sheriff of the county in which bingo will be conducted, if bingo is to be conducted outside a municipality.

SECTION 2. Section 2001.313(h), Occupations Code, is amended to read as follows:

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

1 background check by the commission:

2 (1) for a period not to exceed 30 [~~14~~] days if the
3 individual is a resident of this state; or

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

6 SECTION 3. Section 2001.419, Occupations Code, is amended
7 by amending Subsections (c), (d), and (e) and adding Subsections
8 (c-1) and (f) to read as follows:

9 (c) Except as provided by Subsection (c-1), no [~~No~~] more
10 than two bingo occasions may be conducted at the same premises
11 during one day except that a third bingo occasion may be conducted
12 under a temporary license held by a licensed authorized
13 organization at that premises.

14 (c-1) In addition to the bingo occasions authorized at the
15 same premises during one day under Subsection (c), on not more than
16 three days of a calendar week, one or two additional bingo occasions
17 may be held at the same premises at which bingo occasions are
18 conducted under that subsection under the annual license of one or
19 more licensed authorized organizations.

20 (d) If more than one bingo occasion is conducted at the same
21 premises on the same day:

22 (1) the bingo occasions must be announced separately;

23 (2) the licensed times may not overlap; and

24 (3) notwithstanding Subsection (e), bingo cards may be
25 sold during a bingo occasion for play during a subsequent bingo
26 occasion that is scheduled to begin at the same premises in not more
27 than eight hours after the sale of cards for the subsequent occasion

1 begins.

2 (e) Bingo cards, pull-tab bingo tickets, and the use of
3 card-minding devices [paper] for a bingo occasion may be sold at the
4 licensed premises at any time beginning one hour before the bingo
5 occasion and ending at the conclusion of the bingo occasion
6 ~~[begins]~~.

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 4. Section 2001.451(b), Occupations Code, is
13 amended to read as follows:

14 (b) Except as provided by Section 2001.502(a), a [A]
15 licensed authorized organization shall deposit in the bingo account
16 all funds derived from the conduct of bingo, less the amount awarded
17 as cash prizes under Sections 2001.420(a) and (b). Except as
18 provided by Subsection (b-1), a deposit must be made not later than
19 the third ~~[second]~~ business day after the day of the bingo occasion
20 on which the receipts were obtained.

21 SECTION 5. Section 2001.502, Occupations Code, is amended
22 to read as follows:

23 Sec. 2001.502. PRIZE FEE. (a) A licensed authorized
24 organization or unit as defined by Section 2001.431 shall[+]

25 [~~1~~] collect from a person who wins a cash bingo prize
26 of more than \$5 a fee in the amount of five percent of the amount [~~or~~
27 ~~value~~] of the prize. Each quarter, the licensed authorized

1 organization or unit shall remit 50 percent of the amount collected
2 as the prize fee to the commission and:

3 (1) if a county or municipality in which the bingo game
4 is conducted voted before November 1, 2019, to impose the prize fee,
5 remit 50[~~;~~ and

6 [~~(2) remit to the commission a fee in the amount of~~
7 ~~five] percent of the amount collected as the prize fee to:~~

8 (A) the county in which the bingo game is
9 conducted, if the county voted to impose the fee by that date and
10 the location at which bingo is conducted is not within the
11 boundaries of a municipality;

12 (B) the municipality in which the bingo game is
13 conducted, if the municipality voted to impose the fee by that date
14 and the county in which the bingo game is conducted did not vote to
15 impose the fee by that date; or

16 (C) in equal shares, the county and the
17 municipality in which the bingo game is conducted, if the county and
18 municipality each voted to impose the fee before that date; or

19 (2) if a county or municipality is not entitled to a
20 percentage of the amount of fees collected under Subdivision (1),
21 deposit 50 percent of the amount collected as the prize fee in the
22 general charitable fund of the organization or on a pro rata basis
23 to the general funds of the organizations comprising the unit, as
24 applicable, to be used for the charitable purposes of the
25 organization or organizations [~~or value of all bingo prizes of more~~
26 ~~than \$5 awarded].~~

27 (b) The governing body of a county or municipality that

1 voted to impose a prize fee under Subsection (a) may at any time
2 vote to discontinue the imposition of the fee. If a county or
3 municipality votes after November 1, 2019, to discontinue the fee,
4 the fees shall be collected by the licensed authorized organization
5 or unit as defined by Section 2001.431 and deposited as provided by
6 Subsection (a)(2).

7 (c) A fee collected under Subsection (a) does not apply to:

8 (1) a merchandise prize awarded as a prize for winning
9 a bingo game, including a bingo card, a pull-tab bingo ticket, a
10 bingo dauber, or other bingo merchandise; or

11 (2) the use of a card-minding device awarded as a prize
12 for winning a bingo game.

13 SECTION 6. Section 2001.504(a), Occupations Code, is
14 amended to read as follows:

15 (a) A fee on prizes authorized or imposed under this
16 subchapter is due and is payable by the license holder or a person
17 conducting bingo without a license to the commission and county or
18 municipality, as applicable, quarterly on or before the 25th day of
19 the month succeeding each calendar quarter.

20 SECTION 7. The heading to Section 2001.507, Occupations
21 Code, is amended to read as follows:

22 Sec. 2001.507. COLLECTION AND DEPOSIT [~~DISBURSEMENT~~] OF
23 PRIZE FEE.

24 SECTION 8. Section 2001.507, Occupations Code, is amended
25 by amending Subsection (a) and adding Subsection (a-1) to read as
26 follows:

27 (a) The commission shall deposit the revenue collected from

1 the fee on prizes imposed by Section 2001.502 to the credit of [~~a~~
2 ~~special account in~~] the general revenue fund.

3 (a-1) The revenue collected by the commission from the fee
4 on prizes imposed by Section 2001.502 is considered miscellaneous
5 revenue for purposes of appropriations made to the commission under
6 the General Appropriations Act for the administration of this
7 chapter.

8 SECTION 9. Section 404.073(c), Government Code, is amended
9 to read as follows:

10 (c) Interest that has been and that will be accrued or
11 earned from deposits made under a law to which this subsection
12 applies is state funds not subject to allocation or distribution to
13 taxing units, cities, or transportation authorities under that law.
14 This subsection applies to:

- 15 (1) Section 205.02, Alcoholic Beverage Code;
- 16 (2) [~~Section 2001.507, Occupations Code,~~
- 17 [~~3~~] Section 403.105(d) of this code;
- 18 (3) [~~4~~] Sections 321.501 and 321.504, Tax Code;
- 19 (4) [~~5~~] Sections 322.301 and 322.304, Tax Code; and
- 20 (5) [~~6~~] Sections 323.501 and 323.504, Tax Code.

21 SECTION 10. The following provisions of the Occupations
22 Code are repealed:

- 23 (1) Section 2001.103(a-1);
- 24 (2) Section 2001.104;
- 25 (3) Section 2001.313(b-3);
- 26 (4) Section 2001.437(i);
- 27 (5) Section 2001.503; and

1 (6) Sections 2001.507(b), (c), (d), (e), (f), (g),
2 (h), and (i).

3 SECTION 11. (a) A county or municipality may receive a
4 portion of the prize fee collected under Section 2001.502,
5 Occupations Code, as amended by this Act, after the effective date
6 of this Act only if:

7 (1) the county or municipality was entitled to receive
8 a portion of a bingo prize fee as of January 1, 2019; and

9 (2) the governing body of the county or municipality:

10 (A) by majority vote of the members of the
11 governing body approves the continued receipt of funds under that
12 section and notifies the Texas Lottery Commission of that decision
13 not later than November 1, 2019; and

14 (B) notifies each licensed authorized
15 organization within the county's or municipality's jurisdiction, as
16 applicable, of the continued imposition of the fee.

17 (b) Not later than October 1, 2019, the Texas Lottery
18 Commission shall notify the governing body of a county or
19 municipality that was entitled to receive a portion of the prize fee
20 collected under Section 2001.502, Occupations Code, as that section
21 existed immediately before the effective date of this Act, of the
22 requirements for continued receipt of the prize fee under that
23 section as provided in Subsection (a) of this section.

24 SECTION 12. Section 2001.305, Occupations Code, as amended
25 by this Act, applies only to an authorized organization license or a
26 commercial lessor license that is issued under Chapter 2001,
27 Occupations Code, on or after the effective date of this Act. An

1 authorized organization license or a commercial lessor license
2 issued before the effective date of this Act is governed by the law
3 as it existed immediately before the effective date of this Act, and
4 that law is continued in effect for that purpose.

5 SECTION 13. (a) Except as otherwise provided by Subsection
6 (b) of this section, this Act takes effect January 1, 2020.

7 (b) The following provisions take effect September 1, 2019:

- 8 (1) Section 2001.502(c), Occupations Code, as added by
9 this Act;
- 10 (2) Section 2001.507(a), Occupations Code, as amended
11 by this Act; and
- 12 (3) Section 2001.507(a-1), Occupations Code, as added
13 by this Act.