

By: King of Uvalde

H.B. No. 2463

A BILL TO BE ENTITLED

AN ACT

relating to the deposit and allocation of certain funds to the horse industry escrow account.

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

SECTION 1. Section 2028.202(b), Occupations Code, as effective April 1, 2019, is amended to read as follows:

(b) From the total amount deducted under Subsection (a), a greyhound racetrack association that receives an interstate cross-species simulcast signal shall distribute the following amounts from each pari-mutuel pool wagered on the signal at the racetrack:

(1) a fee of 1.5 percent to be paid to the racetrack in this state sending the signal;

(2) a purse in the amount of 0.75 percent to be paid to the official state horsebreed registry for Thoroughbred horses for use as purses at racetracks in this state;

(3) a purse in the amount of 0.75 percent to be paid to the official state horse breed registry for quarter horses for use as purses at racetracks in this state; and

(4) a purse of 4.5 percent to be escrowed with the commission ~~[for purses]~~ in the manner provided by Section 2028.204.

SECTION 2. Section 2028.203, Occupations Code, as effective April 1, 2019, is amended to read as follows:

Sec. 2028.203. REIMBURSEMENT FOR SIMULCAST SIGNAL

1 COST. If a racetrack association purchases an interstate
2 simulcast signal and the signal cost exceeds five percent of the
3 pari-mutuel pool, the commission, from the escrowed ~~[purse]~~ account
4 under Section 2028.202(b)(4), shall reimburse the racetrack
5 association an amount equal to one-half of the signal cost that
6 exceeds five percent of the pari-mutuel pool.

7 SECTION 3. The heading to Section 2028.204, Occupations
8 Code, as effective April 1, 2019, is amended to read as follows:

9 Sec. 2028.204. ALLOCATION OF MONEY IN ESCROW ACCOUNTS
10 ~~[ESCROWED PURSES]~~.

11 SECTION 4. Section 2028.204(b), Occupations Code, as
12 effective April 1, 2019, is amended to read as follows:

13 (b) Any horse racetrack association in this state may apply
14 to the commission for receipt of money in the horse industry escrow
15 ~~[all or part of the escrowed purse]~~ account for use as purses. Any
16 state horse breed registry listed in Section 2030.002(a) may apply
17 for receipt of money in the account for any event that furthers the
18 horse industry. The commission:

19 (1) shall determine the horse racetrack associations
20 and state horse breed registries to be allocated money from the
21 ~~[escrowed purse]~~ account and the percentages to be allocated,
22 taking into consideration purse levels, racing opportunities, and
23 the financial status of the requesting racetrack association or
24 requesting breed registry; and

25 (2) may not annually allocate more than 70 percent of
26 the amount deposited into the account to horse racetrack
27 associations for use as purses.

1 SECTION 5. Subchapter E, Chapter 2028, Occupations Code, as
2 effective April 1, 2019, is amended by adding Section 2028.2041 to
3 read as follows:

4 Sec. 2028.2041. ALLOCATION OF CERTAIN FUNDS. (a) In each
5 state fiscal biennium, the comptroller shall deposit the amounts
6 allocated under Section 151.801(c-3), Tax Code, into the escrow
7 account established under Section 2028.204(b), until the
8 comptroller determines the amount deposited into the account in
9 that fiscal biennium equals the greater of:

10 (1) the amount appropriated to the commission for the
11 purposes of Section 2028.204 for that fiscal biennium; or

12 (2) \$50 million.

13 (b) Once the comptroller determines the greater of the
14 amount described by Subsection (a)(1) or (2) has been deposited
15 during a state fiscal biennium into the escrow account established
16 under Section 2028.204(b), for the remainder of that fiscal
17 biennium the comptroller shall deposit the amounts allocated under
18 Section 151.801(c-3), Tax Code, into the general revenue fund.

19 SECTION 6. Sections 2028.205(a) and (b), Occupations Code,
20 as effective April 1, 2019, are amended to read as follows:

21 (a) In addition to money allocated under Section 2028.204, a
22 horse racetrack association operating a racetrack that is located
23 not more than 75 miles from a greyhound racetrack that offers
24 wagering on a cross-species simulcast signal and that sends the
25 cross-species simulcast signal to the greyhound racetrack may apply
26 to the commission for an allocation of up to 20 percent of the money
27 in the escrowed [~~purse~~] account that is attributable to the

1 wagering on a cross-species simulcast signal at the greyhound
2 racetrack.

3 (b) If the applying horse racetrack association can prove to
4 the commission's satisfaction that the racetrack association's
5 handle has decreased directly due to wagering on an interstate
6 cross-species simulcast signal at a greyhound racetrack located not
7 more than 75 miles from the applying racetrack association, the
8 commission shall allocate amounts from the escrowed [~~purse~~] account
9 as the commission considers appropriate to compensate the racetrack
10 association for the decrease. The amounts allocated may not exceed
11 20 percent of the money in the escrowed [~~purse~~] account that is
12 attributable to the wagering on the interstate cross-species
13 simulcast signal at the greyhound racetrack.

14 SECTION 7. Section [151.801](#), Tax Code, is amended by
15 amending Subsections (a) and (d) and adding Subsection (c-3) to
16 read as follows:

17 (a) Except for the amounts allocated under Subsections (b),
18 (c), [~~and~~] (c-2), and (c-3), all proceeds from the collection of the
19 taxes imposed by this chapter shall be deposited to the credit of
20 the general revenue fund.

21 (c-3) An amount equal to the proceeds from the collection of
22 the taxes imposed by this chapter on the sale, storage, or use of
23 horse feed, horse supplements, and horse tack shall be deposited to
24 the credit of the escrow account administered by the Texas Racing
25 Commission and established under Section [2028.204](#), Occupations
26 Code.

27 (d) The comptroller shall determine the amount to be

1 deposited to the highway fund under Subsection (b) according to
2 available statistical data indicating the estimated average or
3 actual consumption or sales of lubricants used to propel motor
4 vehicles over the public roadways. The comptroller shall
5 determine the amounts to be deposited to the funds or accounts under
6 Subsection (c) according to available statistical data indicating
7 the estimated or actual total receipts in this state from taxable
8 sales of sporting goods. The comptroller shall determine the
9 amount to be deposited to the fund under Subsection (c-2) according
10 to available statistical data indicating the estimated or actual
11 total receipts in this state from taxes imposed on sales at retail
12 of fireworks. The comptroller shall determine the amount to be
13 deposited to the account under Subsection (c-3) according to
14 available statistical data indicating the estimated or actual total
15 receipts in this state from taxable sales of horse feed, horse
16 supplements, and horse tack. If satisfactory data are not
17 available, the comptroller may require taxpayers who make taxable
18 sales or uses of those lubricants, of sporting goods, [~~or~~] of
19 fireworks, or of horse feed, horse supplements, or horse tack to
20 report to the comptroller as necessary to make the allocation
21 required by Subsection (b), (c), [~~or~~] (c-2), or (c-3).

22 SECTION 8. Section 151.801(e), Tax Code, is amended by
23 adding Subdivisions (4) and (5) to read as follows:

24 (4) "Horse feed" means a product clearly packaged and
25 labeled as feed for a horse.

26 (5) "Horse supplement" means a product clearly
27 packaged and labeled as a supplement for a horse, including a

1 vitamin, mineral, or other nutrient intended to supplement horse
2 feed.

3 SECTION 9. As soon as practicable after the effective date
4 of this Act, the Texas Racing Commission shall revise existing
5 rules or adopt new rules as necessary to comply with Subtitle A-1,
6 Occupations Code (Texas Racing Act), as amended by this Act.

7 SECTION 10. This Act does not make an appropriation. A
8 provision of this Act that imposes a new duty on a governmental
9 entity is not mandatory during a fiscal period for which the
10 legislature has not made a specific appropriation to implement the
11 provision.

12 SECTION 11. This Act takes effect September 1, 2019.