

House Bill 914
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 background check by the commission:

- (1) for a period not to exceed 30 ~~[14]~~ days if the individual is a resident of this state; or
- (2) for a period to be established by commission rule if the individual is not a resident of this state.

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SECTION 1. Same as House version.

SECTION 2. Same as House version.

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

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

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

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

- (1) the bingo occasions must be announced separately;
- (2) the licensed times may not overlap; and
- (3) notwithstanding Subsection (e), bingo cards may be sold during a bingo occasion for play during a subsequent bingo occasion that is scheduled to begin at the same premises in not more than eight hours after the sale of cards for the subsequent occasion begins.

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

(f) If pull-tab bingo tickets are sold by one licensed authorized organization that conducts consecutive bingo occasions during one day, the organization may account for

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SECTION 3. Section 2001.419, Occupations Code, is amended by amending Subsections (d) and (e) and adding Subsection (f) to read as follows:

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

- (1) the bingo occasions must be announced separately;
- (2) the licensed times may not overlap; and
- (3) notwithstanding Subsection (e), bingo cards may be sold during a bingo occasion for play during a subsequent bingo occasion that is scheduled to begin at the same premises in not more than eight hours after the sale of cards for the subsequent occasion begins.

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

(f) If pull-tab bingo tickets are sold by one licensed authorized organization that conducts consecutive bingo occasions during one day, the organization may account for

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and report all of the pull-tab bingo ticket sales for the occasions as sales for the final occasion.

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

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

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

Sec. 2001.502. PRIZE FEE. (a) A licensed authorized organization or unit as defined by Section 2001.431 shall [:- [(4)] collect from a person who wins a cash bingo prize of more than \$5 a fee in the amount of five percent of the amount [~~or value~~] of the prize.

Each quarter, the licensed authorized organization or unit shall remit 50 percent of the amount collected as the prize fee to the commission and:

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and report all of the pull-tab bingo ticket sales for the occasions as sales for the final occasion.

SECTION 4. Same as House version.

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

Sec. 2001.502. PRIZE FEE. (a) A licensed authorized organization or unit as defined by Section 2001.431 shall :

(1) collect from a person who wins a cash bingo prize of more than \$5 a fee in the amount of five percent of the amount [~~or value~~] of the prize ; and

(2) except as otherwise provided by this section, remit to the commission the amount of the [a] fee collected under Subdivision (1) [in the amount of five percent of the amount or value of all bingo prizes of more than \$5 awarded].

(b) Notwithstanding Subsection (a)(2), each quarter, a licensed authorized organization or unit that collects a prize fee under Subsection (a) for a bingo game conducted in a county or municipality that was entitled to receive a portion of a bingo prize fee as of January 1, 2019, shall remit 50

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(1) if a county or municipality in which the bingo game is conducted voted before November 1, 2019, to impose the prize fee, remit 50[~~;~~ and
~~](2) remit to the commission a fee in the amount of five]~~
percent of the amount collected as the prize fee to:
(A) the county in which the bingo game is conducted, if the county voted to impose the fee by that date and the location at which bingo is conducted is not within the boundaries of a municipality;
(B) the municipality in which the bingo game is conducted, if the municipality voted to impose the fee by that date and the county in which the bingo game is conducted did not vote to impose the fee by that date; or
(C) in equal shares, the county and the municipality in which the bingo game is conducted, if the county and municipality each voted to impose the fee before that date; or
(2) if a county or municipality is not entitled to a percentage of the amount of fees collected under Subdivision (1), deposit 50 percent of the amount collected as the prize fee in the general charitable fund of the organization or on a pro rata basis to the general funds of the organizations comprising the unit, as applicable, to be used for the charitable purposes of the organization or organizations [or value of all bingo prizes of more than \$5 awarded].
(b) The governing body of a county or municipality that voted to impose a prize fee under Subsection (a) may at any time vote to discontinue the imposition of the fee. If a county or municipality votes after November 1, 2019, to discontinue the fee, the fees shall be collected by the licensed authorized

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percent of the amount collected as the prize fee to the commission and:

(1) if the county or municipality in which the bingo game is conducted voted before November 1, 2019, to impose the prize fee, remit 50 percent of the amount collected as the prize fee to:

(A) the county that voted to impose the fee by that date, provided the location at which the bingo game is conducted is not within the boundaries of a municipality that voted to impose the prize fee by that date;

(B) the municipality that voted to impose the fee by that date, provided the county in which the bingo game is conducted did not vote to impose the fee by that date; or

(C) in equal shares, the county and the municipality, provided each voted to impose the fee before that date; or

(2) if neither the county or municipality in which the bingo game is conducted voted before November 1, 2019, to impose the prize fee, deposit the remainder of the amount collected as the prize fee in the general charitable fund of the organization or on a pro rata basis to the general funds of the organizations comprising the unit, as applicable, to be used for the charitable purposes of the organization or organizations.

(c) The governing body of a county or municipality that voted to impose a prize fee under Subsection (b)(1) may at any time vote to discontinue the imposition of the fee. If a county or municipality votes on or after November 1, 2019, to discontinue the fee, the fees to which the county or municipality, as applicable, was entitled before the vote shall

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organization or unit as defined by Section 2001.431 and deposited as provided by Subsection (a)(2).

(c) A fee collected under Subsection (a) does not apply to:
(1) a merchandise prize awarded as a prize for winning a bingo game, including a bingo card, a pull-tab bingo ticket, a bingo dauber, or other bingo merchandise; or
(2) the use of a card-minding device awarded as a prize for winning a bingo game.

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

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

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

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

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

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be collected by the licensed authorized organization or unit as defined by Section 2001.431 and deposited as provided by Subsection (b)(2).

(d) A fee collected under Subsection (a) does not apply to:
(1) a merchandise prize awarded as a prize for winning a bingo game, including a bingo card, a pull-tab bingo ticket, a bingo dauber, or other bingo merchandise; or
(2) the use of a card-minding device awarded as a prize for winning a bingo game.

SECTION 6. Same as House version.

SECTION 7. Same as House version.

SECTION 8. Same as House version.

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(a) The commission shall deposit the revenue collected from the fee on prizes imposed by Section 2001.502 to the credit of ~~[a special account in]~~ the general revenue fund.

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

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

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

(1) Section 205.02, Alcoholic Beverage Code;

(2) ~~[Section 2001.507, Occupations Code;~~

~~[(3)]~~ Section 403.105(d) of this code;

~~(3)~~ ~~[(4)]~~ Sections 321.501 and 321.504, Tax Code;

~~(4)~~ ~~[(5)]~~ Sections 322.301 and 322.304, Tax Code; and

~~(5)~~ ~~[(6)]~~ Sections 323.501 and 323.504, Tax Code.

SECTION 9. Same as House version.

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

(1) Section 2001.103(a-1);

(2) Section 2001.104;

(3) Section 2001.313(b-3);

(4) Section 2001.437(i);

(5) Section 2001.503; and

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

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

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

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

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

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

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

SECTION 11. Same as House version.

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

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

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

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

(1) Section 2001.502(c), Occupations Code, as added by this Act;

(2) Section 2001.507(a), Occupations Code, as amended by this Act; and

(3) Section 2001.507(a-1), Occupations Code, as added by this Act.

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SECTION 13. Same as House version.

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