

SENATE AMENDMENTS

2nd Printing

By: Krause, Bucy

H.B. No. 2168

A BILL TO BE ENTITLED

AN ACT

relating to ticket sales for charitable raffles conducted by the charitable foundations of certain professional sports teams.

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

SECTION 1. Section 2004.004, Occupations Code, is amended by adding Subsections (a-1) and (a-2) to read as follows:

(a-1) Raffle tickets for a charitable raffle conducted under Subsection (a) may be sold:

(1) at the home venue of the professional sports team associated with the foundation conducting the raffle; or

(2) through digital interactive media, including an Internet website of or mobile application provided by the professional sports team associated with the foundation conducting the raffle, restricted by a virtual geographic boundary or other similar technology that limits the raffle ticket sales to only the home venue.

(a-2) Raffle tickets sold under Subsection (a-1)(2) may only be sold to individuals physically present at the home venue at the time of the sale.

SECTION 2. Sections 2004.002(1-a) and 2004.009(a), Occupations Code, are repealed.

SECTION 3. The repeal by this Act of Section 2004.009(a), Occupations Code, does not apply to an offense committed under that section before the effective date of the repeal. An offense

1 committed before the effective date of the repeal is governed by the
2 law as it existed on the date the offense was committed, and the
3 former law is continued in effect for that purpose. For purposes of
4 this section, an offense was committed before the effective date of
5 the repeal if any element of the offense occurred before that date.

6 SECTION 4. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2021.

ADOPTED

MAY 25 2021

Latey Law
Secretary of the Senate

By: *Beverly Powell*
Substitute the following for ___B. No. ___:

H.B. No. *2168*

By: *Beverly Powell*
C.S. ___B. No. ___

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the repeal of a criminal offense for certain charitable
3 raffle ticket sales by professional sports team charitable
4 foundations.

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

6 **SECTION 1. Sections 2004.002(1-a) and 2004.009(a),**
7 **Occupations Code, are repealed.**

8 **SECTION 2. The repeal by this Act of Section 2004.009(a),**
9 **Occupations Code, does not apply to an offense committed under that**
10 **section before the effective date of the repeal. An offense**
11 **committed before the effective date of the repeal is governed by the**
12 **law as it existed on the date the offense was committed, and the**
13 **former law is continued in effect for that purpose. For purposes of**
14 **this section, an offense was committed before the effective date of**
15 **the repeal if any element of the offense occurred before that date.**

16 **SECTION 3. This Act takes effect immediately if it receives**
17 **a vote of two-thirds of all the members elected to each house, as**
18 **provided by Section 39, Article III, Texas Constitution. If this**
19 **Act does not receive the vote necessary for immediate effect, this**
20 **Act takes effect September 1, 2021.**

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 27, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2168 by Krause (Relating to the repeal of a criminal offense for certain charitable raffle ticket sales by professional sports team charitable foundations.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

The bill would amend the Occupations Code as it relates to the sale of charitable raffle tickets. The bill would remove the definition of a debit card and would repeal the criminal penalties associated with accepting forms of payment other than U.S. currency or debit card for these raffles after the bill's effective date.

The Texas Lottery Commission does not have oversight over charitable raffles so the agency does not anticipate impacts from this bill. It is assumed that if any costs associated with the bill's provisions relating to ticket sales for charitable raffles occurred, they could be absorbed using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 362 Texas Lottery Commission

LBB Staff: JMc, SD, SMAT, EJ, SZ, MB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 22, 2021

TO: Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2168 by Krause (relating to the repeal of a criminal offense for certain charitable raffle ticket sales by professional sports team charitable foundations.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Occupations Code as it relates to the sale of charitable raffle tickets. The bill would remove the definition of a debit card and would repeal the criminal penalties associated with accepting forms of payment other than U.S. currency or debit card for these raffles after the bill's effective date.

The Texas Lottery Commission does not have oversight over charitable raffles so the agency does not anticipate impacts from this bill. It is assumed that if any costs associated with the bill's provisions relating to ticket sales for charitable raffles occurred, they could be absorbed using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 362 Texas Lottery Commission

LBB Staff: JMc, SMAT, EJ, SZ, MB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 19, 2021

TO: Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2168 by Krause (Relating to ticket sales for charitable raffles conducted by the charitable foundations of certain professional sports teams.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend the Occupations Code as it relates to the sale of charitable raffle tickets. The bill would allow professional sports team charitable foundations to sell raffle tickets at home venue games or through digital interactive media, including through the associated professional sport team's websites or mobile applications. The bill would limit sales performed through digital interactive media to individuals physically located at the associated team's home venue at the time of the transaction.

The bill would remove the definition of a debit card and would repeal the criminal penalties associated with accepting forms of payment other than U.S. currency or debit card for these raffles after the bill's effective date.

The bill would take effect effect immediately if it receives two-thirds vote, otherwise it takes effect September 1, 2021.

The Texas Lottery Commission does not have oversight over charitable raffles so the agency does not anticipate impacts from this bill. No revenue from charitable raffles is deposited into the state treasury. It is assumed that if any costs associated with the bill's provisions relating to ticket sales for charitable raffles occurred, they could be absorbed using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 362 Texas Lottery Commission

LBB Staff: JMc, SMAT, EJ, SZ, MB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 31, 2021

TO: Honorable Senfronia Thompson, Chair, House Committee on Licensing & Administrative Procedures

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2168 by Krause (relating to ticket sales for charitable raffles conducted by the charitable foundations of certain professional sports teams.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Occupations Code as it relates to the sale of charitable raffle tickets. The bill would allow professional sports team charitable foundations to sell raffle tickets at home venue games or through digital interactive media, including through the associated professional sport team's websites or mobile applications. The bill would limit sales performed through digital interactive media to individuals physically located within the State of Texas at the time of the transaction.

The bill would remove the definition of a debit card and would repeal the criminal penalties associated with accepting forms of payment other than U.S. currency or debit card for these raffles after the bill's effective date.

The bill would take effect immediately if it receives two-thirds vote, otherwise it takes effect September 1, 2021.

The Texas Lottery Commission does not have oversight over charitable raffles so the agency does not anticipate impacts from this bill. No revenue from charitable raffles is deposited into the state treasury. It is assumed that if any costs associated with the bill's provisions relating to ticket sales for charitable raffles occurred, they could be absorbed using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 362 Texas Lottery Commission

LBB Staff: JMc, SZ, MB, EJ

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 23, 2021

TO: Honorable Senfronia Thompson, Chair, House Committee on Licensing & Administrative Procedures

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2168 by Krause (Relating to ticket sales for charitable raffles conducted by the charitable foundations of certain professional sports teams.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Occupations Code as it relates to the sale of charitable raffle tickets. The bill would allow professional sports team charitable foundations to sell raffle tickets at home venue games, through interactive media apps, and through the websites of the professional sport team associated with the foundation conducting the raffle. The bill would limit sales to individuals physically located within the State of Texas at the time of the transaction.

The bill would remove the definition of a debit card and would repeal the criminal penalties associated with the offense of accepting forms of payment other than U.S. currency or debit card for these raffles.

It is assumed that the costs associated with the bill's provisions relating to ticket sales for charitable raffles conducted by the charitable foundations of certain professional sports teams could be absorbed using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 362 Texas Lottery Commission

LBB Staff: JMc, SZ, MB, EJ