

BILL ANALYSIS

Senate Research Center

H.B. 2728
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State Affairs
5/17/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

While the use of electronic car-minding devices to conduct charitable bingo has been legal in Texas for some time, the uses have not kept pace with the technology and, as a result, charities are not able to take advantage of certain functionality that would allow them to reduce the handling of cash during bingo occasion. Additionally, issues relating to temporary licenses for bingo occasions and transfers of licenses when a licensee dies are inadequately addressed in statute. Finally, the aggregate limit on regular bingo prizes that may be awarded during a single bingo occasion has not been increased since the 1990s.

H.B. 2728 amends current law relating to the operation and regulation of charitable bingo.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2001.002, Occupations Code, by adding Subdivision (6-a) and amending Subdivision (8-a), to define "card-minding device player account value" and redefine "crime of moral turpitude."

SECTION 2. Amends Section 2001.103(e), Occupations Code, as follows:

(e) Provides that, notwithstanding Subsection (c), an authorized organization that holds an annual license to conduct bingo may receive not more than 36 temporary licenses, rather than 24, during the 12-month period following the issuance or renewal of the license. Authorizes the holder of a license that is effective for two years to receive not more than 36 temporary licenses for each 12-month period that ends on an anniversary of the date the license was issued or renewed. Makes a conforming change.

SECTION 3. Amends Sections 2001.160(a), (b), (e), and (f), Occupations Code, as follows:

(a) Authorizes a licensed commercial lessor, on approval by the Texas Lottery Commission (commission), to transfer a commercial lessor license if the person to whom the license will be transferred otherwise meets the requirements of this subchapter. Deletes existing Subsection (b) designation. Deletes existing text prohibiting a licensed commercial lessor from transferring a commercial lessor license except as provided by this action. Deletes existing text authorizing a transfer of a commercial lessor license under this section to be made only with the prior approval of the commission. Deletes existing text requiring the commission to approve the transfer under this section.

(e) Authorizes a licensed authorized organization that conducts bingo lawfully at premises under a license to which Subsection (d) applies, unless the commission revokes or suspends the license under this chapter, or an injunction is issued under this section, to continue conducting bingo at the premises after the death or incapacity of the commercial lessor license holder.

(f) Authorizes a district court in the county for which a commercial lessor license was issued or the commission by order, on the showing by the commission of a cause that would be sufficient for the commission to revoke or suspend, rather than obtain, a license under this chapter or an applicable commission rule, rather than suspension under Section 2001.355 (Temporary Suspension), to temporarily or permanently enjoin the conduct of bingo at premises under a license to which Subsection (d) applies.

SECTION 4. Amends Section 2001.409, Occupations Code, by adding Subsections (b), (c), and (d), as follows:

(b) Authorizes a bingo player to use a card-minding device player account value to purchase bingo cards.

(c) Authorizes a licensed authorized organization that conducts bingo to use a card-minding device to calculate and display a card-minding device player account value.

(d) Authorizes a licensed authorized organization to pay a bingo player an amount equal to a card-minding device player account value for that player only through a point-of-sale transaction.

SECTION 5. Amends Section 2001.420(b), Occupations Code, to prohibit a person from offering or awarding on a single bingo occasion prizes, rather than for bingo games other than pull-tab bingo, with an aggregate value of more than \$2,500 for all bingo games other than pull-tab bingo, or bingo games that award individual prizes of \$25 or less.

SECTION 6. Provides that the change in law made by this Act to Section 2001.160, Occupations Code, applies to a license to operate bingo gaming issued under Chapter 2001, Occupations Code, regardless of whether the license was issued before, on, or after the effective date of this Act.

SECTION 7. Effective date: upon passage or September 1, 2011.