

CHAPTER 437

S.B. No. 1479

AN ACT

relating to exempting from licensing and regulation certain bingo games and bingo materials.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 39, Bingo Enabling Act (Article 179d, Vernon's Texas Civil Statutes), is amended by amending Subsections (b) and (d) and by adding Subsection (e) to read as follows:

(b) Any person conducting, promoting, or administering a game commits a felony of the third degree unless the person is conducting, promoting, or administering a game:

(1) in accordance with a valid license issued under this Act;

(2) within the confines of a home for purposes of amusement or recreation when:

(A) no player or other person furnishes anything of more than nominal value for the opportunity to participate;

(B) participation in the game does not exceed 15 players; and

(C) the prizes awarded or to be awarded are nominal; ~~[or]~~

(3) on behalf of an organization of persons 60 years of age or over, a senior citizens' association, or the patients in a hospital or nursing home or residents of a retirement home solely for the purpose of amusement and recreation of its members, residents, or patients, when:

(A) no player or other person furnishes anything of more than nominal value for the opportunity to participate; and

(B) the prizes awarded or to be awarded are nominal; *or*

(4) *on behalf of a business conducting the game for promotional or advertising purposes if:*

(A) *the game is conducted by or through a newspaper or a radio or television station;*

(B) participation in the game is open to the general public and is not limited to customers of the business;

(C) playing materials are furnished without charge to any person on request; and

(D) no player is required to furnish anything of value for the opportunity to participate.

(d) A game exempted by Subdivision (2), ~~(3)~~, or (4) of Subsection (b) of this section does not need to be licensed.

(e) A game exempted under Subdivision (4) of Subsection (b) of this section is subject to the following restrictions:

(1) no person licensed or required to be licensed under this Act or having any interest in such a license may be involved either directly or indirectly in such a game, except that a manufacturer or distributor may sell or otherwise furnish bingo equipment or supplies for use in a game;

(2) a person conducting a game may purchase or otherwise obtain bingo equipment or supplies through a newspaper, a radio or television station, or an advertising agency, and unless otherwise authorized by the comptroller, only from a manufacturer, distributor, or representative licensed by the comptroller;

(3) a licensed manufacturer, distributor, or representative may sell or otherwise furnish bingo equipment or supplies for use in a game only to or through a newspaper, a radio or television station, or through an advertising agency acting on behalf of a person authorized to conduct the game; and

(4) the comptroller may by rule require a person conducting or involved in conducting a game to notify the comptroller of the persons involved in conducting the game, the manner in which the game is to be conducted, and any other information required by the comptroller and to keep records of all transactions connected with the games, which records are open to inspection by the comptroller.

SECTION 2. Subsection (c), Section 13a, Bingo Enabling Act (Article 179d, Vernon's Texas Civil Statutes), is amended to read as follows:

(c) The comptroller of public accounts shall issue to an applicant a license for the manufacture of bingo supplies, devices, or equipment on payment of a \$3,000 license fee if the comptroller determines that:

(1) neither the applicant nor any of the persons required to be named in the application has been convicted of a felony, criminal fraud, or gambling, a gambling-related offense, or a crime of moral turpitude;

(2) neither the applicant nor any of the persons required to be named in the application is a public officer or public employee of this state;

(3) neither the applicant nor any of the persons required to be named in the application is an owner, officer, director, shareholder, agent, or employee of a commercial lessor licensed under this Act;

(4) the applicant is not a firm or corporation in which a person described by Subdivision (1), (2), or (3) of this subsection, or a person married or related in the first degree to one of those persons, has greater than a 10 percent proprietary, equitable, or credit interest or in which one of those persons is active or employed;

(5) the applicant intends to ship bingo equipment, devices, or supplies for use or resale in this state only to distributors, representatives, or authorized organizations licensed by the comptroller or to persons authorized by Section 39 of this Act to conduct, promote, or administer bingo games subject to the restrictions of that section; and

(6) the applicant has never had a license to manufacture, distribute, or supply bingo equipment, devices, or supplies revoked by any other state.

SECTION 3. Section 13c, Bingo Enabling Act (Article 179d, Vernon's Texas Civil Statutes), is amended by adding Subsection (g) to read as follows:

(g) Bingo cards, supplies, devices, or equipment may be sold or otherwise furnished only to licensed authorized organizations or persons exempt under Subdivision (3) or (4) of Subsection (b) of Section 39 of this Act.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on May 14, 1987, by the following vote: Yeas 30, Nays 0. Passed the House on May 29, 1987, by the following vote: Yeas 145, Nays 2, one present not voting.

Approved June 17, 1987.

Effective June 17, 1987.