

BILL ANALYSIS

Senate Research Center

H.B. 2168
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2015, Texas voters approved Proposition 4 to allow professional sports team charitable foundations to conduct charitable raffles.

Following the passage of Proposition 4, interested parties assert these raffles have become among the biggest contributors to charitable organizations associated with sports teams. The proceeds of these raffles have allowed these foundations to raise millions of dollars, which have then been widely reinvested in each team's community. A vivid example of this is the Texas Rangers Baseball Foundation, which raised \$1.4 million (half went to raffle winners and half to the foundation) through these raffles in 2019. These funds have been employed in charitable activities related to food banks, emergency relief, and education.

Current law states that raffle tickets can only be sold in-person at the home venue of the sports team. In 2020, due to health and safety protocols required during the pandemic, some of which were outside of a team's control, in-person attendance at professional sporting events was significantly limited, if not prohibited. The mandatory limits on attendance drastically reduced the charitable fundraising efforts by professional sports teams in Texas. H.B. 2168 seeks to remedy any current or future disruptions in these charitable fundraising efforts due to attendance limits by allowing a digital alternative to in-person raffle ticket sales.

H.B. 2168 proposes amending the Occupations Code so that 50/50 charitable raffle tickets sold by a professional sports team charitable foundation can also be available through digital means. This would apply only to individuals who are physically located in Texas at the time of the sale.

H.B. 2168 amends current law relating to ticket sales for charitable raffles conducted by the charitable foundations of certain professional sports teams.

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 2004.004, Occupations Code, by adding Subsections (a-1) and (a-2), as follows:

(a-1) Authorizes raffle tickets for a charitable raffle conducted under Subsection (a) (relating to a charitable raffle conducted by a professional sports team charitable foundation that meets certain qualifications) to 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) Authorizes that raffle tickets sold under Subsection (a-1)(2) only be sold to individuals physically present at the home venue at the time of the sale.

SECTION 2. Repealer: Section 2004.002(1-a) (relating to the definition of "debit card"), Occupations Code.

Repealer: Section 2004.009(a) (relating to providing that an offense is committed if a person accepts certain forms of payment for the purchase of a raffle ticket for certain charitable raffles), Occupations Code.

SECTION 3. Provides that the repeal by this Act of Section 2004.009(a), Occupations Code, does not apply to an offense committed under Section 2004.009 (Criminal Penalties) before the effective date of the repeal. Provides that an offense committed before the effective date of the repeal is governed by the law as it existed on the date the offense was committed, and the former law is continued in effect for that purpose. Provides that, for purposes of this section, an offense was committed before the effective date of the repeal if any element of the offense occurred before that date.

SECTION 4. Effective date: upon passage or September 1, 2021.