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AN ACT

1
2 relating to the organization, duties, and functions of the Texas
3 Veterans Commission and to providing funding for assistance for
4 veterans through a lottery game.

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

6 SECTION 1. Subsection (a), Section 434.014, Government
7 Code, is amended to read as follows:

8 (a) The executive director or the executive director's
9 designee shall develop a career ladder program. The program must
10 require that openings in all positions except entry level positions
11 be posted within the commission concurrently with any [~~for at least~~
12 ~~10 days before they are posted for the~~] public posting.

13 SECTION 2. Subchapter A, Chapter 434, Government Code, is
14 amended by adding Sections 434.0161 and 434.021 to read as follows:

15 Sec. 434.0161. USE OF FUNDS TO SUPPORT OUTREACH AND
16 TRAINING. The commission may use appropriated funds to purchase,
17 for use at outreach and training functions:

18 (1) promotional items that include the agency's name
19 and contact information to be distributed to veterans; and

20 (2) food and beverages.

21 Sec. 434.021. CONFIDENTIAL INFORMATION RECEIVED BY THE
22 COMMISSION. Information received by the commission that is
23 confidential under Chapter 552 remains confidential regardless of
24 the format in which the commission maintains the information.

1 SECTION 3. Subsections (a) and (e), Section 434.017,
2 Government Code, as amended by Chapter 1418 (H.B. 3107), Acts of the
3 80th Legislature, Regular Session, 2007, are amended to read as
4 follows:

5 (a) The fund for veterans' assistance is a special fund in
6 the state treasury outside the general revenue fund. The fund is
7 composed of:

- 8 (1) money transferred to the fund at the direction of
- 9 the legislature;
- 10 (2) gifts and grants contributed to the fund; ~~and~~
- 11 (3) the earnings of the fund; and
- 12 (4) money transferred to the fund from proceeds of the
- 13 lottery game operated under Section 466.027 or transferred to the
- 14 fund under Section 466.408(b).

15 (e) The commission ~~[comptroller]~~ may solicit, ~~and~~ accept,
16 or refuse a gift or grant of money, services, or property for any
17 purpose related to the fund for veterans' assistance ~~[gifts and~~
18 ~~grants to the fund]~~. A gift or grant to the fund may be appropriated
19 in the same manner as other money in the fund, subject to any
20 limitation or requirement placed on the gift or grant by the donor
21 or granting entity.

22 SECTION 4. (a) Subchapter B, Chapter 466, Government Code,
23 is amended by adding Section 466.027 to read as follows:

24 Sec. 466.027. VETERANS' ASSISTANCE GAME. (a) The
25 commission shall operate an instant-ticket lottery game to benefit
26 the fund for veterans' assistance established by Section 434.017,
27 as amended by Chapter 1418 (H.B. 3107), Acts of the 80th

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1 Legislature, Regular Session, 2007.

2 (b) The commission shall:

3 (1) determine the ticket price, payout amounts, and
4 manner in which the game is conducted;

5 (2) make tickets to the game available for sale
6 continuously to the extent practicable; and

7 (3) change the design or theme of the game regularly to
8 ensure that the game remains competitive with other instant-ticket
9 lottery games offered by the commission.

10 (c) The commission shall market and advertise the lottery
11 game operated under this section in a manner intended to inform the
12 public that the game tickets are available for purchase and that the
13 game proceeds are used to fund veterans programs in this state. The
14 game tickets must clearly state that the game proceeds are used to
15 benefit the veterans in this state. The Texas Veterans Commission
16 may make recommendations to the Texas Lottery Commission relating
17 to the marketing and advertising of the game.

18 (d) The commission shall encourage each sales agent that
19 sells tickets to instant-ticket games or similar types of lottery
20 games to sell tickets to the game operated under this section.

21 (e) No organization that would otherwise be eligible to
22 receive funds from the state lottery account attributable to any
23 lottery game authorized by this section may receive any such funds
24 if it conducts illegal gambling or the illegal operation of
25 gambling devices as defined by Chapter 47, Penal Code, or allows
26 illegal gambling or the illegal operation of gambling devices to be
27 conducted on its property or in its facilities.

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1 (b) This section takes effect only if Senate Bill No. 1969,
2 Acts of the 81st Legislature, Regular Session, 2009, does not
3 become law.

4 SECTION 5. (a) Subchapter B, Chapter 466, Government Code,
5 is amended by adding Section 466.027 to read as follows:

6 Sec. 466.027. VETERANS' ASSISTANCE GAME. (a) The
7 commission shall operate an instant-ticket lottery game to benefit
8 the fund for veterans' assistance established by Section 434.017.

9 (b) The commission shall:

10 (1) determine the ticket price, payout amounts, and
11 manner in which the game is conducted;

12 (2) make tickets to the game available for sale
13 continuously to the extent practicable; and

14 (3) change the design or theme of the game regularly to
15 ensure that the game remains competitive with other instant-ticket
16 lottery games offered by the commission.

17 (c) The commission shall market and advertise the lottery
18 game operated under this section in a manner intended to inform the
19 public that the game tickets are available for purchase and that the
20 game proceeds are used to fund veterans programs in this state. The
21 game tickets must clearly state that the game proceeds are used to
22 benefit the veterans in this state. The Texas Veterans Commission
23 may make recommendations to the Texas Lottery Commission relating
24 to the marketing and advertising of the game.

25 (d) The commission shall encourage each sales agent that
26 sells tickets to instant-ticket games or similar types of lottery
27 games to sell tickets to the game operated under this section.

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1 (e) No organization that would otherwise be eligible to
2 receive funds from the state lottery account attributable to any
3 lottery game authorized by this section may receive any such funds
4 if it conducts illegal gambling or the illegal operation of
5 gambling devices as defined by Chapter 47, Penal Code, or allows
6 illegal gambling or the illegal operation of gambling devices to be
7 conducted on its property or in its facilities.

8 (b) This section takes effect only if Senate Bill No. 1969,
9 Acts of the 81st Legislature, Regular Session, 2009, becomes law.

10 SECTION 6. (a) Subsection (b), Section 466.355,
11 Government Code, is amended to read as follows:

12 (b) Money in the state lottery account may be used only for
13 the following purposes and shall be distributed as follows:

14 (1) the payment of prizes to the holders of winning
15 tickets;

16 (2) the payment of costs incurred in the operation and
17 administration of the lottery, including any fees received by a
18 lottery operator, provided that the costs incurred in a fiscal
19 biennium may not exceed an amount equal to 12 percent of the gross
20 revenue accruing from the sale of tickets in that biennium;

21 (3) the establishment of a pooled bond fund, lottery
22 prize reserve fund, unclaimed prize fund, and prize payment
23 account; and

24 (4) the balance, after creation of a reserve
25 sufficient to pay the amounts needed or estimated to be needed under
26 Subdivisions (1) through (3), to be transferred on or before the
27 15th day of each month as follows:

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1 (A) the portion of the balance attributable to
2 the lottery game operated under Section 466.027 to the fund for
3 veterans' assistance established by Section 434.017, as amended by
4 Chapter 1418 (H.B. 3107), Acts of the 80th Legislature, Regular
5 Session, 2007; and

6 (B) the remainder to the foundation school fund[
7 ~~on or before the 15th day of each month]~~.

8 (b) This section takes effect only if Senate Bill No. 1969,
9 Acts of the 81st Legislature, Regular Session, 2009, does not
10 become law.

11 SECTION 7. (a) Subsection (b), Section 466.355,
12 Government Code, is amended to read as follows:

13 (b) Money in the state lottery account may be used only for
14 the following purposes and shall be distributed as follows:

15 (1) the payment of prizes to the holders of winning
16 tickets;

17 (2) the payment of costs incurred in the operation and
18 administration of the lottery, including any fees received by a
19 lottery operator, provided that the costs incurred in a fiscal
20 biennium may not exceed an amount equal to 12 percent of the gross
21 revenue accruing from the sale of tickets in that biennium;

22 (3) the establishment of a pooled bond fund, lottery
23 prize reserve fund, unclaimed prize fund, and prize payment
24 account; and

25 (4) the balance, after creation of a reserve
26 sufficient to pay the amounts needed or estimated to be needed under
27 Subdivisions (1) through (3), to be transferred on or before the

1 15th day of each month as follows:

2) (A) the portion of the balance attributable to
3 the lottery game operated under Section 466.027 to the fund for
4 veterans' assistance established by Section 434.017; and

5 (B) the remainder to the foundation school fund
6 ~~on or before the 15th day of each month].~~

7 (b) This section takes effect only if Senate Bill No. 1969,
8 Acts of the 81st Legislature, Regular Session, 2009, becomes law.

9 SECTION 8. Subsection (b), Section 466.408, Government
10 Code, is amended to read as follows:

11 (b) If a claim is not made for prize money on or before the
12 180th day after the date on which the winner was selected, the prize
13 money shall be used in the following order of priority:

14 (1) subject to legislative appropriation, not more
15 than \$20 million in prize money each year may be deposited to or
16 appropriated from the Texas Department of Health state-owned
17 multicategorical teaching hospital account, which is an account in
18 the general revenue fund;

19 (2) not more than \$5 million in prize money each year
20 may be appropriated to the Health and Human Services Commission and
21 shall be used to support the provision of inpatient hospital
22 services in hospitals located in the 15 counties that comprise the
23 Texas-Mexico border area, with payment for those services to be not
24 less than the amount established under the Tax Equity and Fiscal
25 Responsibility Act of 1982 (TEFRA) cost reimbursement methodology
26 for the hospital providing the services; ~~and~~

27 (3) the remaining amount, not to exceed \$5 million in

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1 prize money in each state fiscal year less any amount deposited in
2 the fund in that year attributable to the lottery game operated
3 under Section 466.027, shall be deposited to the fund for veterans'
4 assistance; and

5 (4) all prize money subject to this section and not
6 appropriated from the Texas Department of Health state-owned
7 multicategorical teaching hospital account, ~~[or]~~ not appropriated
8 to the Health and Human Services Commission for the purpose
9 specified in Subdivision (2), and not deposited under Subdivision
10 (3), shall be deposited in the general revenue fund and may be
11 appropriated for any purpose as determined by the legislature,
12 including the provision of indigent health care services as
13 specified in Chapter 61, Health and Safety Code.

14 SECTION 9. Subsection (b), Section 2167.001, Government
15 Code, is amended to read as follows:

- 16 (b) This chapter does not apply to:
- 17 (1) radio antenna space;
 - 18 (2) residential space for a Texas Department of Mental
19 Health and Mental Retardation program;
 - 20 (3) residential space for a Texas Youth Commission
21 program;
 - 22 (4) space to be used for less than one month for
23 meetings, conferences, conventions, seminars, displays,
24 examinations, auctions, or similar purposes;
 - 25 (5) district office space for members of the
26 legislature;
 - 27 (6) space used by the Texas Workforce Commission;

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1 (7) residential property acquired by the Texas
2 Department of Housing and Community Affairs or the Texas State
3 Affordable Housing Corporation that is offered for sale or rental
4 to individuals and families of low or very low income or families of
5 moderate income; [~~or~~]

6 (8) except as provided by Section 2167.007, classroom
7 and instructional space for an institution of higher education; or

8 (9) space leased by the Texas Veterans Commission to
9 administer the veterans employment services program.

10 SECTION 10. (a) Section 466.355, Government Code, as
11 amended by this Act, applies only to a transfer from the state
12 lottery account made on or after the effective date of this Act.

13 (b) The Texas Lottery Commission shall establish and begin
14 selling tickets to the lottery game as required by Section 466.027,
15 Government Code, as added by this Act, not later than March 2, 2010.

16 SECTION 11. Subsection (b), Section 2167.001, Government
17 Code, as amended by this Act, applies only to a lease agreement
18 entered into on or after the effective date of this Act. A lease
19 agreement entered into before the effective date of this Act is
20 governed by the law in effect at the time the lease agreement was
21 entered into, and the former law is continued in effect for that
22 purpose.

23 SECTION 12. This Act takes effect immediately if it
24 receives a vote of two-thirds of all the members elected to each
25 house, as provided by Section 39, Article III, Texas Constitution.
26 If this Act does not receive the vote necessary for immediate
27 effect, this Act takes effect September 1, 2009.

File Fee

S.B. No. 1655

David Newkum

President of the Senate

Jon Strom
Speaker of the House

I hereby certify that S.B. No. 1655 passed the Senate on April 16, 2009, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on June 1, 2009, by the following vote: Yeas 26, Nays 5.

Patricia Saw
Secretary of the Senate

I hereby certify that S.B. No. 1655 passed the House, with amendment, on May 20, 2009, by the following vote: Yeas 140, Nays 0, one present not voting.

Robert Haney
Chief Clerk of the House

Approved:

19 JUN '09

Date

RICK PERRY
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2 PM O'CLOCK

JUN 19 2009

Colby Hunter III