



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

October 27, 1988

Honorable Bob Bullock
Comptroller of Public Accounts
L.B.J. State Office Building
Austin, Texas 78774

LO-88-124

Dear Mr. Bullock:

You ask the following question:

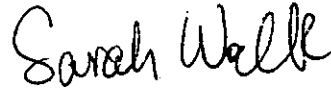
May the Comptroller, by rule, place a ceiling or limit on the number of licensees in a county that may conduct bingo on premises leased by a licensed commercial lessor that is not a licensee permitted to conduct bingo (for-profit commercial lessor)[.]

The conduct of bingo is governed by the Bingo Enabling Act, Article 179d, V.T.C.S. The act contains several provisions regulating the number of organizations that may conduct bingo at a particular time or at a particular location. Section 18 of article 179d provides that no more than two organizations may conduct a game of bingo in one place on one day. Section 11(i) provides that bingo games may not be conducted at more than one location on property owned or leased by a licensed authorized organization. Section 11(j) provides that no more than two affiliated organizations may be licensed to conduct bingo at the same location. We find nothing in the act that would give the comptroller implied authority to adopt by rule additional limitations on the number of licensees that conduct bingo at a particular location. See Attorney General Opinion JM-971 (1988) (concluding that the Racing Commission has no authority to limit the number of race tracks that may receive class 2 and class 3 licenses).

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If you believe that such a rule would help prevent the commercialization of bingo, you should address your concern to the legislature.

Very truly yours,



Sarah Woelk, Chief
Letter Opinion Section
Opinion Committee

SW/bc

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