



ATTORNEY GENERAL OF TEXAS
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January 25, 2011

The Honorable Burt R. Solomons
Chair, Committee on State Affairs
Texas House of Representatives
Post Office Box 2910
Austin, Texas 78768-2910

Opinion No. GA-0837

Re: Valuation of a residential dwelling offered as
a prize at a charitable raffle (RQ-0905-GA)

Dear Representative Solomons:

You ask two questions about Occupations Code section 2002.056, a provision of the Charitable Raffle Enabling Act (the "Act"). TEX. OCC. CODE ANN. §§ 2002.001, .056 (West 2004 & Supp. 2010).¹ The Act requires that the "value of a residential dwelling offered or awarded as a prize at a raffle that is purchased by [an] organization or for which [an] organization provides any consideration may not exceed \$250,000." *Id.* § 2002.056(b-1) (West Supp. 2010).² You also discuss JC-0046, an attorney general opinion concluding that a prize offered or awarded at a raffle may exceed the Act's cap if an organization gives no consideration for the prize. Request Letter at 2; Tex. Att'y Gen. Op. No. JC-0046 (1999) at 2, 5. Accordingly, you ask:

- 1) In light of JC-0046, is the cap under [the Act] on the value of a residential dwelling which is not yet constructed, the amount which [the] . . . organization spends to build such a house?
- 2) In light of JC-0046, is the cap under [the Act] on the value of a residential dwelling, which is not yet constructed, the total amount of donated and purchased materials, labor, land, and services or is it solely applicable to the amount purchased by the . . . organization?

Request Letter at 3. Because both questions require the same analysis, we answer them together.

JC-0046 contains no language suggesting that the cap varies according to the amount of donated or purchased items used to construct a residential dwelling. *See* Tex. Att'y Gen. Op.

¹Request Letter at 1-3 (*available at* <http://www.texasattorneygeneral.gov>).

²The term "organization" in the Act refers to a "qualified organization" like a church, volunteer fire department, volunteer emergency medical service, or charity. TEX. OCC. CODE ANN. § 2002.002(2) (West 2004).

No. JC-0046 (1999) at 1–5. The Act contains no such language, either. TEX. OCC. CODE ANN. § 2002.056 (West Supp. 2010). Thus, the cap does not vary according to the amount of donated or purchased items used to construct a residential dwelling. *See Cameron v. Terrell & Garrett, Inc.*, 618 S.W.2d 535, 540 (Tex. 1981) (explaining that courts presume that “every word excluded from a statute [was] . . . excluded for a purpose”). Instead, as JC-0046 notes, the Act states that if an organization gives any consideration for a prize, the cap is the dollar amount that the Act specifies.³ TEX. OCC. CODE ANN. § 2002.056(b)–(b-1) (West Supp. 2010); Tex. Att’y Gen. Op. No. JC-0046 (1999) at 2, 5. Therefore, the cap on the value of a residential dwelling offered or awarded as a prize at a raffle for which an organization provides any consideration is \$250,000, regardless of the amount of the donated and purchased items, or who donated or purchased the items, used to construct the dwelling. TEX. OCC. CODE ANN. § 2002.056(b-1) (West Supp. 2010). *See also Cameron*, 618 S.W.2d at 540 (explaining that courts presume that every word included in a statute was included “for a purpose”).

³Until 2005, section 2002.056 limited the value of a raffle prize to \$50,000. Act of May 13, 1999, 76th Leg., R.S., ch. 388, § 1, sec. 2002.056, 1999 Tex. Gen. Laws 1431, 2362, *amended by* Act of May 27, 2005, 79th Leg., R.S., ch. 929, § 5, 2005 Tex. Gen. Laws 3174, 3175. The Act did not provide a \$250,000 cap on the value of a “residential dwelling” as it does today. *Id.*

S U M M A R Y

Under the Charitable Raffle Enabling Act, the cap on the value of a residential dwelling offered or awarded as a prize at a raffle for which a qualified organization provides any consideration is \$250,000, regardless of the amount of the donated and purchased items, or who donated or purchased the items, used to construct the dwelling.

Very truly yours,


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