

By: Armbrister

S.J.R. No. 7

A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing the operation of
2 video lottery games in this state.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 47, Article III, Texas Constitution, is
5 amended by amending Subsection (a) and adding Subsections (f) and
6 (g) to read as follows:

7 (a) The Legislature shall pass laws prohibiting lotteries
8 and gift enterprises in this State other than those authorized by
9 Subsections (b), (d), [~~and~~] (e), and (f) of this section.

10 (f) The Legislature by general law may authorize the State
11 to control and operate a video lottery system under which
12 individuals may play lottery games of chance on video lottery
13 terminals owned and operated by persons licensed or otherwise
14 authorized by this State in order to generate revenue solely to fund
15 public education and the administration of the video lottery
16 system. The law may allow only the following legal entities to
17 operate video lottery games in this State:

18 (1) an entity selected by this State through an open
19 and competitive process to conduct video lottery games;

20 (2) the Ysleta del Sur Pueblo and Alabama-Coushatta
21 Indian tribes, which, under an agreement with this State in the form
22 prescribed by general law or negotiated by the governor and
23 ratified by the Legislature, operate the games on lands held in
24 trust by the United States for such tribes on May 1, 2004, pursuant

1 to the Restoration Acts, 25 U.S.C. Sections 731 and 1300g, and
2 designated by the tribes for video lottery activity; and

3 (3) the Kickapoo Traditional Tribe of Texas, which,
4 under an agreement with this State in the form prescribed by general
5 law or negotiated by the governor and ratified by the Legislature,
6 operates the games on lands held in trust by the United States for
7 the benefit of the tribe on which Class III gaming is permitted
8 under the Indian Gaming Regulatory Act of 1988 (P.L. 100-497,
9 codified at 18 U.S.C. Section 1166 et seq. and 25 U.S.C. Section
10 2701 et seq.) and designated by the tribe for video lottery
11 activity.

12 (g) An applicant for a license, registration, or other
13 affirmative regulatory approval under a law enacted under
14 Subsection (f) of this section does not have any right to the
15 license, registration, or approval. A license or registration
16 issued or other approval granted to a person in accordance with a
17 law enacted under Subsection (f) of this section is a revocable
18 privilege, and the person does not acquire any vested right in or
19 under the privilege. The courts of this State do not have
20 jurisdiction to review a decision to deny, limit, or condition a
21 license, registration, or request for approval unless the judicial
22 review is sought on the ground that the denial, limitation, or
23 condition is based on a suspect classification, such as race,
24 color, religion, sex, or national origin, in violation of the Equal
25 Protection Clause of the Fourteenth Amendment to the United States
26 Constitution. The court must affirm the denial, limitation, or
27 condition unless the violation is proven by clear and convincing

1 evidence.

2 SECTION 2. This proposed constitutional amendment shall be
3 submitted to the voters at an election to be held November 2, 2004.
4 The ballot shall be printed to permit voting for or against the
5 proposition: "The constitutional amendment authorizing the
6 operation of video lottery games in this state."