

BILL ANALYSIS

C.S.H.B. 2797

By: Chavez

Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In 1980, the voters of the State of Texas amended Section 47 of Article 3 of the Texas Constitution to permit bingo games conducted by a church, synagogue, religious society, volunteer fire department, nonprofit veterans organizations, fraternal organizations, or nonprofit organization supporting medical research or treatment programs. However, Indian Tribes are not specifically mentioned.

C.S.H.B. 2797 would permit the Ysleta del Sur Pueblo and the Alabama-Coushattas Indian tribes to conduct charitable bingo on its reservation in accord with the substantive provisions of Texas law.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 2001.002 (11), Occupations Code, by adding (C) to the definition of "fraternal organization, as follows:

(C) a nonprofit organization that:

- (i) is organized under tribal law by a federally recognized Indian tribe that is not subject to the Indian Gaming Regulatory Act (18 U.S.C. Section 1166 et seq. and 25 U.S.C. Section 2701 et. seq.) and that exercises tribal authority over a reservation, as defined by 25. U.S.C. Section 1300g, that is located in a county on the international border with Mexico; and
- (ii) is organized to perform and is engaged primarily in performing charitable, benevolent, patriotic, employment-related, or educational functions.

SECTION 2. Amends Subchapter C, Chapter 2001, Occupations Code, by adding Section 2001.1015, as follows:

Sec. 2001.1015. CERTAIN TRIBAL ORGANIZATIONS EXEMPT FROM REGULATORY JURISDICTION AND LICENSE REQUIREMENTS.

- (a) Authorizes a nonprofit organization in existence for at least 180 days that qualifies as a fraternal organization in existence for at least 180 days that qualifies as a fraternal organization under Section 2001.002(11)(C) to conduct bingo on the reservation of the Indian tribe under whose law the organization is organized on adoption by the tribe of rules governing the conduct of bingo by the organization that conform to the substantive provisions of this chapter and of Sections 47(b) and (c), Article III, Texas Constitution.
- (b) Authorizes an organization, described by Subsection (a), to conduct bingo activities in accordance with the tribe's rules adopted under Subsection (a), in accordance with Section 107(b), Ysleta del Sur Pueblo and Alabama-Coushatta Indian Tribes of Texas Restoration Act (25 U.S.C. Section 1300g-6), without submitting to the regulatory jurisdiction, including licensing requirements, of this state.

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SECTION 3. Effective date.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original was a non-Legislative Council draft. The substitute adds language to include as a nonprofit organization the Yselta del Sur Pueblo and Alabama-Coushattas Indian tribes under the definition of "fraternal organization."

Additionally, the substitute adds language authorizing a nonprofit organization in existence for at least 180 days that qualifies as a fraternal organization under Sec. 2001.002(11)(C) to conduct bingo and exempts the Ysleta del Sur Pueblo and Alabama-Coushattas Indian Tribes of Texas Restoration Act from regulatory jurisdiction and license requirements relating to bingo.