

By: Chavez

H.B. No. 2797

Substitute the following for H.B. No. 2797:

By: Chisum

C.S.H.B. No. 2797

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to authorizing certain nonprofit organizations organized  
3 by recognized Indian tribes to conduct bingo.

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

5 SECTION 1. Section 2001.002(11), Occupations Code, is  
6 amended to read as follows:

7 (11) "Fraternal organization" means:

8 (A) a nonprofit organization organized to  
9 perform and engaged primarily in performing charitable,  
10 benevolent, patriotic, employment-related, or educational  
11 functions that meet the other requirements of this chapter; ~~or~~

12 (B) a nonprofit National Historical District  
13 Association representing the owners and lessees of a majority of  
14 the real property located in a National Historical District  
15 designated for not less than five years by the National Register of  
16 Historic Places, Heritage Conservation and Recreation Service of  
17 the United States Department of the Interior, if the association's  
18 net proceeds are used for restoration, construction, maintenance,  
19 and security in the district. The term "fraternal organization"  
20 does not include an organization whose members are predominantly  
21 veterans or dependents of veterans of the armed services of the  
22 United States; or

23 (C) a nonprofit organization that:

24 (i) is organized under tribal law by a

1 federally recognized Indian tribe that is not subject to the Indian  
2 Gaming Regulatory Act (18 U.S.C. Section 1166 et seq. and 25 U.S.C.  
3 Section 2701 et seq.) and that exercises tribal authority over a  
4 reservation, as defined by 25 U.S.C. Section 1300g, that is located  
5 in a county on the international border with Mexico; and

6 (ii) is organized to perform and is engaged  
7 primarily in performing charitable, benevolent, patriotic,  
8 employment-related, or educational functions.

9 SECTION 2. Subchapter C, Chapter 2001, Occupations Code, is  
10 amended by adding Section 2001.1015 to read as follows:

11 Sec. 2001.1015. CERTAIN TRIBAL ORGANIZATIONS EXEMPT FROM  
12 REGULATORY JURISDICTION AND LICENSE REQUIREMENTS. (a) A nonprofit  
13 organization in existence for at least 180 days that qualifies as a  
14 fraternal organization under Section 2001.002(11)(C) may conduct  
15 bingo on the reservation of the Indian tribe under whose tribal law  
16 the organization is organized on adoption by the tribe of rules  
17 governing the conduct of bingo by the organization that conform to  
18 the substantive provisions of this chapter and of Sections 47(b)  
19 and (c), Article III, Texas Constitution.

20 (b) In accordance with Section 107(b), Ysleta del Sur Pueblo  
21 and Alabama-Coushatta Indian Tribes of Texas Restoration Act (25  
22 U.S.C. Section 1300g-6), an organization described by Subsection  
23 (a) may conduct bingo activities in accordance with the tribe's  
24 rules adopted under Subsection (a) without submitting to the  
25 regulatory jurisdiction, including licensing requirements, of this  
26 state.

27 SECTION 3. This Act takes effect immediately if it receives

1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2005.