

By: Armbrister

S.J.R. No. 32

A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing the operation of
2 video lottery games by certain Indian tribes on Indian lands.

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), ~~(e)~~, and (f) of this section. This
10 section does not authorize any entity to operate a casino gaming
11 operation in this state or a gaming operation substantially similar
12 to a casino and does not authorize the Legislature to enact a law
13 allowing the operation of casino gaming.

14 (f) The Legislature by general law in accordance with this
15 section may authorize the operation of video lottery games of
16 chance on video lottery terminals owned and operated by persons
17 authorized by this state in order to generate revenue for public
18 purposes. The law must:

19 (1) except as otherwise provided by this section,
20 require the continuous monitoring of the activity of each video
21 lottery terminal and the remote termination of the operation of a
22 terminal as necessary to protect the public health, welfare, or
23 safety or to prevent financial loss to this state;

24 (2) include a comprehensive registration program to

1 govern a person that manufactures, distributes, sells, or leases
2 video lottery terminals for use or play in this state and a process
3 to approve terminals for use in this state in accordance with
4 technical standards established by this state;

5 (3) provide for a comprehensive licensing program to
6 govern a person that owns, manages, or maintains video lottery
7 terminals operated in this state;

8 (4) limit the operation of video lottery games on
9 behalf of this state to only the following legal entities:

10 (A) the Ysleta del Sur Pueblo and
11 Alabama-Coushatta Indian tribes, which, under an agreement with
12 this state in the form prescribed by general law or negotiated by
13 the governor and ratified by the Legislature, may conduct the games
14 only on Indian land designated by the applicable tribe for video
15 lottery activity; and

16 (B) the Kickapoo Traditional Tribe of Texas,
17 which, under an agreement with this state in the form prescribed by
18 general law or negotiated by the governor and ratified by the
19 Legislature, may conduct the games only on Indian land designated
20 by the tribe for video lottery activity;

21 (5) prohibit and impose criminal penalties for the
22 possession and operation of all electronic and mechanical gaming
23 devices other than video lottery terminals authorized by a law
24 enacted under this section;

25 (6) prohibit the operation or possession of a video
26 lottery terminal that is not subject to measures for monitoring and
27 terminating operation of the terminal required by this subsection,

1 except that the law may provide for limited storage of video lottery
2 terminals as authorized and supervised by this state and for
3 possession of video lottery terminals by this state for testing and
4 evaluation; and

5 (7) provide that net revenue generated from video
6 lottery terminals operated by an Indian tribe on Indian lands shall
7 be distributed as set forth in the agreement authorizing the tribe
8 to operate video lottery games.

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

26 SECTION 2. This proposed constitutional amendment shall be
27 submitted to the voters at an election to be held November 8, 2005.

1 The ballot shall be printed to permit voting for or against the
2 proposition: "The constitutional amendment authorizing the
3 operation of video lottery games in this state by certain Indian
4 tribes on Indian lands."