

BILL ANALYSIS

C.S.H.B. 10
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, certain tribes or tribal organizations are prohibited from conducting gaming operations. Before gaming operations on Ysleta del Sur Pueblo and Alabama-Coushatta lands were shut down, they generated revenue for the tribes or tribal organizations and improved the surrounding areas' economy. Revenues generated by gaming facilities enabled tribes or tribal organizations to pay off debts, to provide housing and social services for tribe or tribal organization members, and to reduce unemployment. Since the closing of these facilities, surrounding areas have seen a decline in the economy and rise in unemployment. The closings have also affected the tribes' or tribal organizations' abilities to serve its members. This bill provides a defense to prosecution for a gambling offense for any federally recognized Indian tribe or tribal organization that conducts gambling or gaming operations, as permitted under the federal Indian Gaming Regulatory Act, on its tribal lands, and also pays the comptroller five percent of the gambling or gaming revenue, which the comptroller will use to fund the TEXAS Grant program.

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

C.S.H.B. 10 amends the Penal Code to provide that it is a defense to prosecution for a gambling offense if the gambling or other gaming activity is of a type that is or may be permitted under the federal Indian Gaming Regulatory Act as long as the gambling or gaming activity is conducted by an Indian tribe or tribal organization that is federally recognized as listed by the United States secretary of interior on January 1, 1998, and is conducted on premises designated by the tribe or tribal organization for gambling or gaming activity on land that is recognized by the federal government as tribal land of that tribe or tribal organization on January 1, 1998.

C.S.H.B. 10 adds language that the tribe or tribal organization pay the comptroller an assessment in an amount equal to five percent of the revenue from the gambling or gaming activity that is to be received for deposit into an account established by the comptroller. The substitute requires that the deposit only be used to fund the TEXAS Grant program.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 10 adds language that a tribe or tribal organization pay the comptroller an assessment equal to five percent of the gambling or gaming revenue into an account established by the comptroller to fund the TEXAS Grant program. The introduced version is a non-Legislative Council draft; whereas, the substitute is a Legislative Council draft. The substitute removes the immediate effective date if it receives a two-thirds vote as provided by the Texas Constitution language from the original bill.