

By: Chavez, Quintanilla

H.B. No. 2535

Substitute the following for H.B. No. 2535:

By: Pickett

C.S.H.B. No. 2535

A BILL TO BE ENTITLED

AN ACT

relating to the authority of federally recognized Indian tribes
along the Texas-Mexico border to engage in bingo.

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

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

(11) "Fraternal organization" means:

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

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

(C) a nonprofit organization that:

(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. CHARITABLE BINGO BY TRIBAL FRATERNAL
12 ORGANIZATION. (a) A nonprofit organization in existence for at
13 least 180 days that qualifies as a fraternal organization under
14 Section 2001.002(11)(C) may conduct bingo on the reservation of the
15 Indian tribe under whose tribal law the organization is organized
16 on adoption by the tribe of rules governing the conduct of bingo by
17 the organization that conform to the substantive provisions of this
18 chapter and of Sections 47(b) and (c), Article III, Texas
19 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 (c) A nonprofit organization may not conduct bingo under

1 this section unless the organization transfers to this state on a
2 monthly basis an amount equal to five percent of the organization's
3 gross receipts from bingo in the manner prescribed by the
4 comptroller.

5 SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2007.