

By: Ellis

S.J.R. No. 8

A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing casino gaming and  
2 requiring creation of a Texas Gaming Commission to regulate gaming  
3 and casino-based development projects in this state.

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

5 SECTION 1. Subsection (a), Section 47, Article III, Texas  
6 Constitution, is amended 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), and (e) of this section and Section 47a of  
10 this article.

11 SECTION 2. Article III, Texas Constitution, is amended by  
12 adding Section 47a to read as follows:

13 Sec. 47a. (a) The legislature by general law shall  
14 authorize and regulate casino gaming conducted by a person licensed  
15 by this state.

16 (b) The legislature by general law shall establish a Texas  
17 Gaming Commission to administer the laws regulating gaming  
18 activities authorized by this section or Section 47 of this  
19 article.

20 (b-1) The law enacted under Subsection (b) must abolish the  
21 Texas Racing Commission and the Texas Lottery Commission and merge  
22 the functions of those agencies into the Texas Gaming Commission  
23 not later than January 1, 2009. This subsection expires January 1,  
24 2010.

1       (c) The Texas Gaming Commission established by the  
2 legislature under this section must consist of five members  
3 appointed as follows:

4           (1) one member appointed by the governor;

5           (2) one member appointed by the lieutenant governor;

6           (3) one member appointed by the speaker of the house of  
7 representatives;

8           (4) one member appointed by the attorney general; and

9           (5) one member appointed by the comptroller of public  
10 accounts.

11       (c-1) Not later than January 1, 2008, the initial members of  
12 the Texas Gaming Commission shall be appointed as provided by  
13 Subsection (c) of this section to terms as follows:

14           (1) the initial term of the member appointed under  
15 Subsection (c)(1) of this section expires January 1, 2010;

16           (2) the initial terms of the members appointed under  
17 Subsections (c)(2) and (4) of this section expire January 1, 2012;  
18 and

19           (3) the initial terms of the members appointed under  
20 Subsections (c)(3) and (5) of this section expire January 1, 2014.

21       (c-2) Subsection (c-1) of this section and this subsection  
22 expire January 1, 2015.

23       (d) Members of the Texas Gaming Commission shall serve  
24 staggered terms of six years, with the terms of one or two members  
25 expiring January 1 of each even-numbered year.

26       (e) A vacancy on the Texas Gaming Commission shall be filled  
27 for the unexpired term in the same manner as the original

1 appointment.

2 (f) The general law enacted under Subsection (a) of this  
3 section must authorize the Texas Gaming Commission to license 12  
4 casino-anchored destination attraction development projects in  
5 this state as follows:

6 (1) seven projects in urban areas, allocated by  
7 population;

8 (2) two projects on islands in the Gulf of Mexico that  
9 are tourist destinations with at least 1,000 guest rooms available  
10 for visitors in hotels, motels, or condominiums existing on January  
11 1, 2007; and

12 (3) three additional projects, at locations:

13 (A) determined by the commission to achieve  
14 targeted economic development or permanent new job creation; or

15 (B) selected for other considerations determined  
16 appropriate by the commission.

17 (g) The commission may not award a license for a  
18 casino-anchored destination attraction development project unless  
19 the project meets the major economic development qualifications  
20 established by this subsection. To qualify for a license, a project  
21 must include total land and development costs of at least:

22 (1) \$400 million for an urban area project;

23 (2) \$200 million for an island tourist destination  
24 project; and

25 (3) \$150 million for an additional project.

26 (h) A local option election shall be held in the manner  
27 determined by the commission in each county in which a person

1 applies for a license for a casino-anchored destination attraction  
2 development project. The commission may not award a license for a  
3 project in any county unless a majority of the voters of the county  
4 voting in the election favor selection of that county as the site  
5 for a project. If a majority of the voters in a county voted for the  
6 proposition that added this section to this constitution, the  
7 county is considered to have approved the selection of that county  
8 as the site for a project by local option election as required by  
9 this subsection.

10 (i) The commission may not award a license for a  
11 casino-anchored destination attraction development project to a  
12 person unless at least 51 percent of the project will be owned by  
13 residents of this state who have maintained their principal  
14 residence in this state for not less than the two years preceding  
15 September 1, 2007.

16 (i-1) Not later than January 1, 2008, the governor shall  
17 call a special session of the legislature to establish the Texas  
18 Gaming Commission and enact the laws necessary to implement this  
19 section and regulate casino-anchored destination attraction  
20 development projects. This subsection expires January 1, 2009.

21 (j) The legislature shall provide the initial funding for  
22 the Texas Gaming Commission through an interest-free loan from the  
23 Texas Enterprise Fund in the amount of \$2.5 million. The commission  
24 shall repay the loan from the first money received by the commission  
25 from license fees received for casino-anchored destination  
26 attraction development projects.

27 SECTION 3. This proposed constitutional amendment shall be

1 submitted to the voters at an election to be held November 6, 2007.  
2 The ballot shall be printed to provide for voting for or against the  
3 proposition: "The constitutional amendment authorizing limited  
4 casino gaming in Texas and providing for a Texas Gaming Commission  
5 to regulate gaming and casino-based development projects in this  
6 state."