

By: Chavez

H.J.R. No. 86

A JOINT RESOLUTION

1 proposing a constitutional amendment providing that gambling or
2 other gaming activity by federally recognized Indian tribes on
3 tribal land is not prohibited by Texas law.

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

5 SECTION 1. Section 47, Article III, Texas Constitution, is
6 amended by amending Subsection (a) and adding Subsection (f) to
7 read as follows:

8 (a) The Legislature shall pass laws prohibiting lotteries
9 and gift enterprises in this State other than those authorized by
10 Subsections (b), (d), [~~and~~] (e), and (f) of this section.

11 (f) No law of this State, including Subsection (a) of this
12 section, may be applied or construed to:

13 (1) prohibit or prevent the Ysleta del Sur Pueblo, a
14 federally recognized Indian tribe from conducting any type of
15 gambling or other gaming activity on the tribe's federally
16 recognized tribal land in El Paso County, Texas or prohibit or
17 prevent the Alabama-Coushatta Tribe, a federally recognized Indian
18 tribe from conducting any type of gambling or other gaming activity
19 on the tribe's federally recognized tribal land in Polk County,
20 Texas; or

21 (2) serve as the basis of any criminal or civil action
22 in State or federal court that prohibits, prevents, punishes, or
23 imposes a sanction on conduct described by Subdivision (1) of this
24 subsection.

1 SECTION 2. This proposed constitutional amendment shall be
2 submitted to the voters at an election to be held November 3, 2009.
3 The ballot shall be printed to permit voting for or against the
4 proposition: "The constitutional amendment providing that
5 gambling and other gaming activity by certain federally recognized
6 Indian tribes on federally recognized tribal land in El Paso County
7 and in Polk County is not prohibited by Texas law."