

By: Gonzalez Toureilles

H.J.R. No. 129

A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing the state to
2 operate video lottery games at certain horse and greyhound
3 racetracks and providing that federally recognized Indian tribes
4 are not prohibited from conducting gaming on certain Indian lands.

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

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

9 (a) The Legislature shall pass laws prohibiting lotteries
10 and gift enterprises in this State other than those authorized by
11 Subsections (b), (d), [~~and~~] (e), and (f) of this section and Section
12 47a of this article.

13 (f) This section does not prohibit a federally recognized
14 Indian tribe from conducting gaming on land in this state that was
15 held in trust or recognized as tribal land of the tribe by the
16 United States on January 1, 1998. The prohibitions provided by
17 Section 47a of this article do not apply to gaming by an Indian
18 tribe on such land.

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

21 Sec. 47a. (a) The Legislature by general law in accordance
22 with this section may authorize this state to control and operate a
23 video lottery system under which individuals may play lottery games
24 of chance on video lottery terminals owned and operated by persons

1 licensed or otherwise authorized by this state at locations
2 determined as provided by this subsection in order to generate
3 revenue to provide additional money to fund state governmental
4 programs. The law authorizing a video lottery system must:

5 (1) except as otherwise provided by this section,
6 require this state to continually monitor the activity of each
7 video lottery terminal and remotely terminate the operation of a
8 terminal as necessary to protect the public health, welfare, or
9 safety or the integrity of the state lottery or to prevent financial
10 loss to this state;

11 (2) include a comprehensive registration program to
12 govern a person that manufactures, distributes, sells, or leases
13 video lottery terminals for use or play in this state and a process
14 to approve terminals for use in the video lottery system in
15 accordance with technical standards established by this state;

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

19 (4) limit the operation of video lottery games on
20 behalf of this state to a person licensed in this state to operate a
21 horse or greyhound racetrack at which wagering on horse or
22 greyhound racing is permitted, provided that the person may be
23 licensed to conduct video lottery games only at the location
24 licensed for conducting that wagering;

25 (5) prohibit and impose criminal penalties for the
26 possession and operation of all electronic and mechanical gaming
27 devices other than:

1 (A) video lottery terminals operated in
2 connection with the video lottery system; or

3 (B) a gaming device expressly authorized under
4 other state law; and

5 (6) prohibit the operation or possession of a video
6 lottery terminal that is not subject to this state's measures for
7 monitoring and terminating operation of the terminal required by
8 this subsection and does not generate revenue for this state,
9 except that the law may provide for limited storage or transport of
10 video lottery terminals as authorized by this state and for
11 possession of video lottery terminals by this state for testing and
12 evaluation.

13 (b) In the absence of enabling legislation to implement
14 Subsection (a) of this section, the authority of this state to
15 operate lotteries under Section 47(e) of this article includes the
16 authority of the state agency that operates state lotteries to
17 adopt rules to implement video lottery in accordance with
18 Subsection (a) of this section as part of the state lottery.

19 (c) All shipments of video lottery terminals or gaming
20 devices into, out of, or within this state authorized under this
21 section or a law enacted under this section are legal shipments of
22 the devices and are exempt from the provisions of 15 U.S.C. Sections
23 1171-1178, prohibiting the transportation of gambling devices.

24 (d) The governing body of a political subdivision of this
25 state may not take any action regarding the repeal or revocation of
26 a previous authorization by the voters of the political subdivision
27 to approve the legalization or conduct of pari-mutuel wagering on

1 horse races or greyhound races at a racetrack in that political
2 subdivision if the racetrack may be authorized under this section
3 to operate video lottery games on behalf of this state.

4 SECTION 3. This proposed constitutional amendment shall be
5 submitted to the voters at an election to be held November 3, 2009.
6 The ballot shall be printed to permit voting for or against the
7 proposition: "The constitutional amendment authorizing a state
8 video lottery system to operate video lottery games at certain
9 horse and greyhound racetracks and providing that federally
10 recognized Indian tribes are not prohibited from conducting gaming
11 on certain Indian lands."