

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 7, 2009

TO: Honorable Edmund Kuempel, Chair, House Committee on Licensing & Administrative Procedures

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HJR129 by Gonzalez Toureilles (Proposing a constitutional amendment authorizing the state to operate video lottery games at certain horse and greyhound racetracks and providing that federally recognized Indian tribes are not prohibited from conducting gaming on certain Indian lands.), **As Introduced**

Depending on the specifics of any video lottery, there could be an indeterminate fiscal impact to the state.

The cost to the state for publication of the resolution is \$90,882.

The resolution would propose a constitutional amendment to Section 47, Article III of the Texas Constitution to allow gaming by federally recognized Indian tribes on Indian lands, to include gaming that would be authorized by this resolution elsewhere.

The resolution would propose new Section 47a to Article III of the Texas Constitution to authorize the Legislature to allow the operation of video lottery games at licensed horse and greyhound race tracks. The state would be required to register, license, and monitor video lottery games and would prohibit the possession and operation of unlicensed video lottery terminals. Political subdivisions would not be allowed to repeal or revoke wagering at an approved video lottery operation.

Section 47 of the Texas Constitution would not prohibit Indian tribes in the State from gaming activities. The fiscal impact of this provision cannot be determined.

The proposed amendment would require enabling legislation to implement the provisions, except that in the case of the enabling legislation not becoming law, the Texas Lottery Commission could implement rules to conduct video lottery as part of the state lottery. However, as specifics of any video lottery are unknown, the fiscal impact of video lottery implemented by rule cannot be determined.

The proposed constitutional amendment would be submitted to the voters on November 3, 2009.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 362 Texas Lottery Commission

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