

By: Thompson

H.J.R. No. 151

A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing the operation of
2 casino games in this state by federally recognized Indian tribes on
3 certain land.

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 by 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 in accordance
14 with this section shall authorize the operation of casino gaming in
15 this state in which individuals for consideration play games of
16 chance that award prizes and are operated by persons licensed or
17 otherwise authorized by this state to conduct casino gaming. The
18 law must:

19 (1) limit casino gaming operations in this state to
20 gaming operated by federally recognized Indian tribes operating
21 under state law or under a compact with this state in the form
22 prescribed by general law or negotiated by the secretary of state,
23 on land held in trust by the United States for such tribes on
24 January 1, 2011, or land acquired by the tribes that is not more

1 than five miles from the border of the land held in trust by the
2 tribes on January 1, 2011, and designated by the applicable tribe
3 for casino gaming operations;

4 (2) provide for the regulation of all casino gaming by
5 agencies of this state and the Indian tribes;

6 (3) provide:

7 (A) a comprehensive certification or licensing
8 program, including necessary background investigations, to govern
9 a person that manages casino gaming operations in this state or that
10 maintains, manufactures, distributes, sells, or leases casino
11 games for use or play in this state;

12 (B) procedures for the state agency responsible
13 for conducting criminal background investigations for the state to
14 provide criminal background information to the state and tribal
15 agencies responsible for certification or licensing under
16 Paragraph (A) of this subdivision; and

17 (C) procedures for the monitoring and inspection
18 of casino gaming operations as necessary to protect the public
19 health, welfare, and safety, to preserve the integrity of this
20 state, the Indian tribes, and gaming operations in the state, and to
21 prevent financial loss to this state and the tribes;

22 (4) prohibit and impose criminal penalties for the
23 possession and operation of all gaming devices other than devices
24 operated in connection with authorized casino gaming operations or
25 gaming devices otherwise authorized by state law; and

26 (5) provide that not less than eight percent of the
27 gross gaming revenue generated from casino gaming operated by an

1 Indian tribe shall be transferred to this state in accordance with
2 the conditions set forth in the compact authorizing the tribe to
3 operate casino gaming operations or as provided by general law.

4 (b) In the absence of enabling legislation to implement
5 Subsection (a) of this section, the authority of this state to
6 operate lotteries under Section 47(e) of this article includes the
7 authority of the state agency that operates state lotteries to
8 adopt rules to implement casino gaming operations in accordance
9 with Subsection (a) of this section, and the state agency shall
10 adopt rules to implement casino gaming operations in accordance
11 with Subsection (a) of this section.

12 (c) The legislature may authorize a portion of the revenue
13 received by this state from the operation of casino gaming under
14 this section to be distributed to counties and municipalities
15 impacted by those activities.

16 (d) All shipments of casino gaming equipment or other gaming
17 devices into, out of, or within this state authorized under this
18 section or a law enacted under this section are legal shipments of
19 the devices and are exempt from the provisions of 15 U.S.C. Sections
20 1171-1178 prohibiting the transportation of gambling devices.

21 SECTION 3. The following temporary provision is added to
22 the Texas Constitution:

23 TEMPORARY PROVISION. (a) This temporary provision applies
24 to the constitutional amendment proposed by the 82nd Legislature,
25 Regular Session, 2011, authorizing the operation of casino games in
26 this state by federally recognized Indian tribes on certain land.

27 (b) Not later than December 15, 2011, the executive director

1 of the Texas Lottery Commission shall appoint an Indian Gaming
2 Advisory Committee to assist the Texas Lottery Commission with
3 implementing Section 47a, Article III, of this constitution. The
4 advisory committee must include the following:

5 (1) one member with understanding and experience
6 working in the Indian gaming industry;

7 (2) one member with experience and knowledge in Indian
8 gaming regulation;

9 (3) three members to represent the federally
10 recognized Indian tribes in this state, one from each tribe; and

11 (4) other members the executive director considers
12 necessary.

13 (c) Not later than December 31, 2011, the Texas Lottery
14 Commission shall adopt the rules, including any emergency rules,
15 necessary to implement Section 47a, Article III, of this
16 constitution.

17 (d) This temporary provision expires January 1, 2013.

18 SECTION 4. This proposed constitutional amendment shall be
19 submitted to the voters at an election to be held November 8, 2011.
20 The ballot shall be printed to permit voting for or against the
21 proposition: "The constitutional amendment authorizing the
22 operation of casino games in this state by federally recognized
23 Indian tribes on certain land."