

By: Thompson

H.J.R. No. 152

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 and by licensed operators at horse and greyhound
4 racetracks and licensed locations.

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

6 SECTION 1. Subsection (a), Section 47, Article III, Texas
7 Constitution, is amended to 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) of this section and by Section 47a of
11 this article.

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

14 Sec. 47a. (a) The legislature by general law in accordance
15 with this section shall authorize the operation of casino gaming in
16 this state in which individuals for consideration play games of
17 chance that award prizes and are operated by persons licensed or
18 otherwise authorized by this state to conduct casino gaming. The
19 law must:

20 (1) limit casino gaming operations in this state to
21 gaming operated by:

22 (A) federally recognized Indian tribes operating
23 under state law or under a compact with this state in the form
24 prescribed by general law or negotiated by the secretary of state,

1 on land held in trust by the United States for such tribes on
2 January 1, 2011, or land acquired by the tribes that is not more
3 than five miles from the border of the land held in trust by the
4 tribes on January 1, 2011, and designated by the applicable tribe
5 for casino gaming operations;

6 (B) a person licensed in this state to operate a
7 horse or greyhound racetrack at which pari-mutuel wagering on horse
8 or greyhound racing is authorized, provided that the law may permit
9 casino gaming operations only at the location licensed as of
10 January 1, 2011, for conducting pari-mutuel wagering; and

11 (C) a person licensed in this state to operate
12 casino gaming at a licensed location;

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

15 (3) provide:

16 (A) a comprehensive certification or licensing
17 program, including necessary background investigations, to govern
18 a person that manages casino gaming operations in this state or that
19 maintains, manufactures, distributes, sells, or leases casino
20 games for use or play in this state;

21 (B) procedures for the state agency responsible
22 for conducting criminal background investigations for the state to
23 provide criminal background information to the state and tribal
24 agencies responsible for certification or licensing under
25 Paragraph (A) of this subdivision; and

26 (C) procedures for the monitoring and inspection
27 of casino gaming operations as necessary to protect the public

1 health, welfare, and safety, to preserve the integrity of this
2 state, the Indian tribes, and gaming operations in the state, and to
3 prevent financial loss to this state and the tribes;

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

8 (5) provide that not less than eight percent of the
9 gross gaming revenue generated from casino gaming operated by an
10 Indian tribe shall be transferred to this state in accordance with
11 the conditions set forth in the compact authorizing the tribe to
12 operate casino gaming operations or as provided by general law.

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 casino gaming operations in accordance
18 with Subsection (a) of this section, and the state agency shall
19 adopt rules to implement casino gaming operations in accordance
20 with Subsection (a) of this section.

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

25 (d) All shipments of casino gaming equipment or other gaming
26 devices into, out of, or within this state authorized under this
27 section or a law enacted under this section are legal shipments of

1 the devices and are exempt from the provisions of 15 U.S.C. Sections
2 1171-1178 prohibiting the transportation of gambling devices.

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

5 TEMPORARY PROVISION. (a) This temporary provision applies
6 to the constitutional amendment proposed by the 82nd Legislature,
7 Regular Session, 2011, authorizing the operation of casino games in
8 this state by federally recognized Indian tribes on certain land
9 and by licensed operators at horse and greyhound racetracks and
10 licensed locations.

11 (b) Not later than December 15, 2011, the executive director
12 of the Texas Lottery Commission shall appoint an Indian Gaming
13 Advisory Committee to assist the Texas Lottery Commission with
14 implementing Section 47a, Article III, of this constitution. The
15 advisory committee must include the following:

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

18 (2) one member with experience and knowledge in casino
19 gaming regulation;

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

22 (4) one member with understanding and experience
23 working in the horse or greyhound racing industry; and

24 (5) other members the executive director considers
25 necessary.

26 (c) Not later than December 31, 2011, the Texas Lottery
27 Commission shall adopt the rules, including any emergency rules,

1 necessary to implement Section 47a, Article III, of this
2 constitution.

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

4 SECTION 4. This proposed constitutional amendment shall be
5 submitted to the voters at an election to be held November 8, 2011.
6 The ballot shall be printed to permit voting for or against the
7 proposition: "The constitutional amendment authorizing the
8 operation of casino games in this state by federally recognized
9 Indian tribes on certain land and by licensed operators at horse and
10 greyhound racetracks and licensed locations."