

By: Thompson of Harris

H.J.R. No. 117

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. Section 47(a), Article III, Texas Constitution,
6 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 designated by the applicable tribe for casino gaming
24 operations and held in trust by the United States for the tribes or

1 acquired by the tribes that is not more than five miles from the
2 border of the land held in trust by the tribes;

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

5 (3) provide:

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

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

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

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

25 (5) provide that not less than eight percent of the
26 gross gaming revenue generated from casino gaming operated by an
27 Indian tribe shall be transferred to this state in accordance with

1 the conditions set forth in the compact authorizing the tribe to
2 operate casino gaming operations or as provided by general law.

3 (b) A federally recognized Indian tribe operating casino
4 gaming operations under state law or under a compact with this state
5 may enter into a memorandum of understanding or similar agreement
6 with this state and the National Indian Gaming Commission that, for
7 Class II gaming as defined under the Indian Gaming Regulatory Act
8 (Pub. L. No. 100-497), authorizes the National Indian Gaming
9 Commission to perform the duties imposed under Subsection (a)(3) of
10 this section.

11 (c) In the absence of enabling legislation to implement
12 Subsection (a) of this section, the authority of this state to
13 operate lotteries under Section 47(e) of this article includes the
14 authority of the state agency that operates state lotteries to
15 adopt rules to implement casino gaming operations in accordance
16 with Subsection (a) of this section, and the state agency shall
17 adopt rules to implement casino gaming operations in accordance
18 with Subsection (a) of this section.

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

23 (e) All shipments of casino gaming equipment or other gaming
24 devices into, out of, or within this state authorized under this
25 section or a law enacted under this section are legal shipments of
26 the devices and are exempt from the provisions of 15 U.S.C. Sections
27 1171-1178 prohibiting the transportation of gambling devices.

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

3 TEMPORARY PROVISION. (a) This temporary provision applies
4 to the constitutional amendment proposed by the 83rd Legislature,
5 Regular Session, 2013, authorizing the operation of casino games in
6 this state by federally recognized Indian tribes on certain land.

7 (b) Not later than December 15, 2013, the executive director
8 of the Texas Lottery Commission shall appoint an Indian Gaming
9 Advisory Committee to assist the Texas Lottery Commission with
10 implementing Section 47a, Article III, of this constitution. The
11 advisory committee must include the following:

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

14 (2) one member with experience and knowledge in Indian
15 gaming regulation;

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

18 (4) other members the executive director considers
19 necessary.

20 (c) Not later than December 31, 2013, the Texas Lottery
21 Commission shall adopt the rules, including any emergency rules,
22 necessary to implement Section 47a, Article III, of this
23 constitution.

24 (d) This temporary provision expires January 1, 2015.

25 SECTION 4. This proposed constitutional amendment shall be
26 submitted to the voters at an election to be held November 5, 2013.
27 The ballot shall be printed to permit voting for or against the

H.J.R. No. 117

1 proposition: "The constitutional amendment authorizing the
2 operation of casino games in this state by federally recognized
3 Indian tribes on certain land."