

By: Kuempel

H.J.R. No. 141

A JOINT RESOLUTION

1 proposing a constitutional amendment to authorize online poker
2 gaming regulated under federal law.

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

4 SECTION 1. Section 47(a), Article III, Texas Constitution,
5 is amended to read as follows:

6 (a) The Legislature shall pass laws prohibiting lotteries
7 and gift enterprises in this State other than those authorized by
8 Subsections (b), (d), and (e) of this section and Section 47a of
9 this article.

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

12 Sec. 47a. (a) If a federal law is enacted that establishes
13 a licensing program to license the operation of online poker
14 facilities and that allows any state the option of applying the law
15 to authorize licensed online poker facilities to accept bets for
16 online poker games from individuals located in the state:

17 (1) this state is considered to have opted into the
18 application of the law; and

19 (2) the operation of any Internet gambling facility in
20 this state is subject to the provisions of the federal law.

21 (b) Any state law that conflicts with the federal law
22 described by Subsection (a) of this section is preempted and
23 superseded by the federal law.

24 (c) In the absence of enabling legislation to implement

1 Subsection (a) of this section, the authority of this state to
2 operate lotteries under Section 47(e) of this article includes the
3 authority of the state agency that operates state lotteries to
4 adopt rules to implement Subsection (a) of this section, and the
5 state agency shall adopt rules necessary to implement online poker
6 in accordance with Subsection (a) of this section and the
7 applicable federal law.

8 (d) In this section:

9 (1) "Bet" means an agreement to win or lose something
10 of value solely or partially by chance.

11 (2) "Internet gambling facility" means an Internet
12 website, or similar communications facility, in which
13 transmissions may cross any state's boundaries and through which a
14 bet is initiated, received, or otherwise made and is transmitted by
15 telephone, Internet, satellite, or other wire or wireless
16 communication facility, service, or medium. The term includes an
17 online poker facility that is not operated under a license issued by
18 a licensing program established under federal law.

19 (3) "Licensed online poker facility" means an online
20 poker facility operating under a license issued and authorized by a
21 licensing program established under federal law.

22 (4) "Online poker" means any card game that for
23 consideration offers players of the game the opportunity to:

24 (A) place a bet on cards dealt out of a common
25 deck of cards to two or more players; and

26 (B) compete against each other and not against
27 the person operating the game.

1 (5) "Online poker facility" means an Internet gambling
2 facility through which a bet for a game, hand, tournament, or other
3 contest of online poker is initiated, received, or otherwise made.

4 (6) "Operate" or "operation" means to carry on,
5 maintain, or expose for play.

6 SECTION 3. This proposed constitutional amendment shall be
7 submitted to the voters at an election to be held November 5, 2013.
8 The ballot shall be printed to permit voting for or against the
9 proposition: "The constitutional amendment to authorize online
10 poker gaming regulated under federal law."