

By: Gutierrez

H.J.R. No. 105

A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing the operation of
2 casino games in this state by licensed persons in counties that have
3 approved casino gaming; providing for certification or licensing of
4 persons engaged in occupations related to casino gaming.

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

6 SECTION 1. Section 47(a), Article III, Texas Constitution,
7 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 a person licensed in this state to operate casino
22 gaming at a licensed location;

23 (2) provide:

24 (A) a comprehensive certification or licensing

1 program, including necessary background investigations, to govern
2 a person that manages casino gaming operations in this state or that
3 maintains, manufactures, distributes, sells, or leases casino
4 games for use or play in this state;

5 (B) procedures for the state agency responsible
6 for conducting criminal background investigations for the state to
7 provide criminal background information to the state agency
8 responsible for certification or licensing under Paragraph (A) of
9 this subdivision; and

10 (C) procedures for the monitoring and inspection
11 of casino gaming operations as necessary to protect the public
12 health, welfare, and safety, to preserve the integrity of this
13 state and gaming operations in the state, and to prevent financial
14 loss to this state; and

15 (3) prohibit and impose criminal penalties for the
16 possession and operation of all gaming devices other than devices
17 operated in connection with authorized casino gaming operations or
18 gaming devices otherwise authorized by state law.

19 (b) A local option election shall be held in the manner
20 determined by general law in each county in which a person applies
21 for a license to operate casino gaming. The state agency
22 responsible for certifying or licensing persons to operate casino
23 gaming may not award a license for casino gaming in any county
24 unless a majority of the voters of the county voting in the election
25 favor the authorization of casino gaming in that county. If a
26 majority of the voters in a county voted for the proposition that
27 added this section to this constitution, the county is considered

1 to have approved the authorization of casino gaming in that county
2 by local option election as required by this subsection.

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

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

16 SECTION 3. This proposed constitutional amendment shall be
17 submitted to the voters at an election to be held November 3, 2015.
18 The ballot shall be printed to permit voting for or against the
19 proposition: "The constitutional amendment authorizing the
20 operation of casino games in this state by licensed persons in
21 counties that have approved casino gaming."