

By: Thompson of Harris

H.J.R. No. 129

A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing the Ysleta del Sur
2 Pueblo Tribe and the Alabama-Coushatta Tribe of Texas to conduct
3 all forms of gaming on certain tribal land and requiring the tribes
4 to annually pay five percent of net proceeds from gaming to the
5 comptroller of public accounts for deposit in the general revenue
6 fund.

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

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

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

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

16 Sec. 47a. (a) This section and the Ysleta del Sur Pueblo and
17 Alabama and Coushatta Indian Tribes of Texas Restoration Act (Pub.
18 L. No. 100-89) do not prohibit the Ysleta del Sur Pueblo Tribe and
19 Alabama-Coushatta Tribe of Texas from conducting all forms of
20 gaming, including gambling, betting, lottery, and bingo, on land
21 that is part of the tribe's reservation as that term is defined by
22 25 U.S.C. Section 1300g(3) or 25 U.S.C. Section 731(3), as
23 applicable, or prohibit the conduct of gaming on that land. This
24 state does not have any civil or criminal regulatory jurisdiction

1 over any form of gaming conducted by a tribe on that land, provided
2 the tribe:

3 (1) submits the tribe's gaming ordinances under which
4 the tribe will conduct gaming on that land to the assistant
5 secretary for Indian affairs of the United States Department of the
6 Interior and receives approval of the gaming ordinances from the
7 assistant secretary;

8 (2) is under the regulatory jurisdiction of the United
9 States Department of the Interior or another federal agency for all
10 gaming activities conducted on that land; and

11 (3) annually pays to the comptroller of public
12 accounts of this state for deposit in the general revenue fund an
13 amount equal to five percent of the net proceeds the tribe receives
14 from all gaming conducted on that land.

15 (b) In this section, "net proceeds" means the amount of
16 money remaining after deducting all expenses necessary to conduct
17 gaming, manage the tribal gaming organization, and pay prizes,
18 fees, and other related expenses.

19 (c) All shipments of gaming equipment or other gaming
20 devices into, out of, or within this state authorized under this
21 section or a law enacted under this section are legal shipments of
22 the devices and are exempt from the provisions of 15 U.S.C. Sections
23 1171-1178 prohibiting the transportation of gambling devices.

24 (d) It is a defense to prosecution under Chapter 47, Penal
25 Code, or any subsequent amendment, revision, or recodification of
26 that chapter, that the gaming was conducted on land of the Ysleta
27 del Sur Pueblo Tribe or the Alabama-Coushatta Tribe of Texas as

1 authorized under this section.

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

4 TEMPORARY PROVISION. (a) This temporary provision applies
5 to the constitutional amendment proposed by the 84th Legislature,
6 Regular Session, 2015, authorizing the Ysleta del Sur Pueblo Tribe
7 and the Alabama-Coushatta Tribe of Texas to conduct all forms of
8 gaming on certain tribal land.

9 (b) Not later than June 1, 2017, the legislature by general
10 law shall enact legislation to amend Chapter 47, Penal Code, to
11 provide a defense to prosecution under that chapter for gaming
12 conducted on land of the Ysleta del Sur Pueblo Tribe or the
13 Alabama-Coushatta Tribe of Texas as authorized under Section 47,
14 Article III, Texas Constitution.

15 (c) This temporary provision expires January 1, 2018.

16 SECTION 4. 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 provide for voting for or against the
19 proposition: "The constitutional amendment authorizing the Ysleta
20 del Sur Pueblo Tribe and the Alabama-Coushatta Tribe of Texas to
21 conduct all forms of gaming on certain tribal land and requiring the
22 tribes to annually pay five percent of net proceeds from gaming to
23 the comptroller of public accounts for deposit in the general
24 revenue fund."