

By: Pacheco

H.J.R. No. 67

A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing the operation of
2 five casinos in this state by licensed persons in certain
3 municipalities that have approved casino gaming to provide funding
4 for public education and public community colleges; providing for
5 the requirement of occupational licenses, the authorization of
6 fees, the imposition of a tax, and the provision of criminal
7 penalties.

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

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

11 (a) The Legislature shall pass laws prohibiting lotteries
12 and gift enterprises in this State other than those authorized by
13 Subsections (b), (d), (d-1), and (e) of this section and by Section
14 47a of this article.

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

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

22 (1) limit casino gaming operations in this state to
23 gaming operated by persons licensed in this state to operate casino
24 gaming at not more than five casinos, with not more than one casino

1 in any one municipality, and not more than one casino in any one of
2 the following geographic areas:

3 (A) a municipality located in the metropolitan
4 area of Dallas and Fort Worth;

5 (B) El Paso;

6 (C) a municipality located in the Houston and
7 Galveston area;

8 (D) San Antonio; and

9 (E) Port Isabel;

10 (2) impose a tax on casino gaming operations in this
11 state;

12 (3) require net revenue from the regulation and
13 taxation of casino gaming authorized under this section to be used
14 to fund public education and public community colleges;

15 (4) provide:

16 (A) a comprehensive licensing program, including
17 necessary background investigations and license fees, to govern a
18 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 agency
24 responsible for the licensing program under Paragraph (A) of this
25 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 and gaming operations in the state, and to prevent financial
3 loss to this state; and

4 (5) 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.

8 (b) A local option election shall be held in the manner
9 determined by general law in each municipality described by
10 Subsection (a)(1) of this section in which a person applies for a
11 license to operate casino gaming. The state agency responsible for
12 licensing persons to operate casino gaming may not award a license
13 for casino gaming in any municipality unless a majority of the
14 voters of the municipality voting in the election favor the
15 authorization of casino gaming in that municipality. If a majority
16 of the voters in a municipality voted for the proposition that added
17 this section to this constitution, the municipality is considered
18 to have approved the authorization of casino gaming in that
19 municipality by local option election as required by this
20 subsection.

21 (c) In the absence of enabling legislation to implement
22 Subsection (a) of this section, the authority of this state to
23 operate lotteries under Section 47(e) of this article includes the
24 authority of the state agency that operates state lotteries to
25 adopt rules to implement casino gaming operations in accordance
26 with Subsection (a) of this section, and the state agency shall
27 adopt rules to implement casino gaming operations in accordance

1 with Subsection (a) of this section.

2 (d) All shipments of casino gaming equipment or other gaming
3 devices into, out of, or within this state authorized under this
4 section or a law enacted under this section are legal shipments of
5 the devices and are exempt from the provisions of 15 U.S.C. Sections
6 1171-1178 prohibiting the transportation of gambling devices.

7 SECTION 3. This proposed constitutional amendment shall be
8 submitted to the voters at an election to be held November 5, 2019.
9 The ballot shall be printed to permit voting for or against the
10 proposition: "The constitutional amendment authorizing the
11 operation of five casinos in this state by licensed persons in
12 certain municipalities that have approved casino gaming to provide
13 funding for public education and public community colleges."