

By: Beckley

H.J.R. No. 78

A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing the operation of
2 six casinos in this state by licensed persons in certain counties
3 that have approved casino gaming to provide funding for certain
4 higher education, public education, mental health, and public
5 safety initiatives; authorizing the licensing of persons engaged in
6 casino gaming occupations, the imposition of fees and a tax, and the
7 provision of criminal 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 six casinos, with not more than one casino

1 in any one county, and only in the following counties:

2 (A) Comal County;

3 (B) Denton County;

4 (C) El Paso County;

5 (D) Hidalgo County;

6 (E) Harris County; and

7 (F) Midland County;

8 (2) impose a tax on casino gaming in this state;

9 (3) require net revenue from the regulation and
10 taxation of casino gaming authorized under this section to be used
11 to fund:

12 (A) tuition subsidization for low income
13 students attending public universities in this state;

14 (B) expansion and improvement of vocational
15 programs in public high schools;

16 (C) programs treating compulsive gambling; and

17 (D) county public safety agencies;

18 (4) provide:

19 (A) a comprehensive licensing program, including
20 necessary background investigations and license fees, to govern a
21 person that manages casino gaming operations in this state or that
22 maintains, manufactures, distributes, sells, or leases casino
23 games for use or play in this state;

24 (B) procedures for the state agency responsible
25 for conducting criminal background investigations for the state to
26 provide criminal background information to the state agency
27 responsible for the licensing program under Paragraph (A) of this

1 subdivision; and

2 (C) procedures for the monitoring and inspection
3 of casino gaming operations as necessary to protect the public
4 health, welfare, and safety, to preserve the integrity of this
5 state and gaming operations in the state, and to prevent financial
6 loss to this state; and

7 (5) prohibit and impose criminal penalties for the
8 possession and operation of all gaming devices other than devices
9 operated in connection with authorized casino gaming operations or
10 gaming devices otherwise authorized by state law.

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

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

1 with Subsection (a) of this section, and the state agency shall
2 adopt rules to implement casino gaming operations in accordance
3 with Subsection (a) of this section.

4 (d) All shipments of casino gaming equipment or other gaming
5 devices into, out of, or within this state authorized under this
6 section or a law enacted under this section are legal shipments of
7 the devices and are exempt from the provisions of 15 U.S.C. Sections
8 1171-1178 prohibiting the transportation of gambling devices.

9 SECTION 3. This proposed constitutional amendment shall be
10 submitted to the voters at an election to be held November 5, 2019.
11 The ballot shall be printed to permit voting for or against the
12 proposition: "The constitutional amendment authorizing the
13 operation of six casinos in this state by licensed persons in
14 certain counties that have approved casino gaming to provide
15 funding for certain higher education, public education, mental
16 health, and public safety initiatives."