

By: Gutierrez

H.J.R. No. 100

A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing the operation of  
2 12 casinos in this state by licensed persons in counties that have  
3 approved casino gaming; authorizing the licensing of persons  
4 engaged in casino gaming occupations, the imposition of fees, and  
5 the provision of criminal penalties.

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

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

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

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

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

20 (1) limit casino gaming operations in this state to  
21 gaming operated by persons licensed in this state to operate casino  
22 gaming at not more than 12 licensed casinos;

23 (2) provide:

24 (A) a comprehensive licensing program, including

1 necessary background investigations and license fees, to govern a  
2 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 the licensing program under Paragraph (A) of this  
9 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 licensing persons to operate casino gaming may not  
23 award a license for casino gaming in any county unless a majority of  
24 the voters of the county voting in the election favor the  
25 authorization of casino gaming in that county. If a majority of the  
26 voters in a county voted for the proposition that added this section  
27 to this constitution, the county is considered to have approved the

1 authorization of casino gaming in that county by local option  
2 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 5, 2019.  
18 The ballot shall be printed to permit voting for or against the  
19 proposition: "The constitutional amendment authorizing the  
20 operation of 12 casinos in this state by licensed persons in  
21 counties that have approved casino gaming."