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By:  González of El Paso H.J.R. No. 156

A JOINT RESOLUTION

proposing a constitutional amendment to require the governor to negotiate and execute gaming compacts with the Alabama-Coushatta Tribe of Texas, the Kickapoo Traditional Tribe of Texas, and the Ysleta del Sur Pueblo and to authorize those tribes to sue this state if the governor fails to negotiate in good faith.

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

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

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

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

Sec. 47a.  (a) In this section:

(1)  "Class III gaming" means class III gaming:

(A)  as defined by 25 U.S.C. Section 2703(8); and

(B)  as prescribed by the regulations of the National Indian Gaming Commission.

(2)  "Federally recognized Indian tribe in this state" means:

(A)  the Alabama-Coushatta Tribe of Texas;

(B)  the Kickapoo Traditional Tribe of Texas; or

(C)  the Ysleta del Sur Pueblo.

(3)  "Indian Gaming Regulatory Act" means the federal Indian Gaming Regulatory Act (Pub. L. No. 100-497).

(4)  "Indian lands" has the meaning assigned by 25 U.S.C. Section 2703(4).

(b)  At the request of a federally recognized Indian tribe in this state, the governor shall negotiate in good faith a Tribal-State compact with the requesting Indian tribe to govern class III gaming activity conducted by the Indian tribe on Indian lands under the Indian Gaming Regulatory Act. In negotiating the Tribal-State compact, the governor is bound by 25 U.S.C. Section 2710(d). At the conclusion of negotiations, the governor and the elected leader of the requesting Indian tribe shall execute the Tribal-State compact and submit the compact to the United States secretary of the interior for approval and publication in the Federal Register.

(c)  If the governor fails to negotiate a Tribal-State compact under Subsection (b) of this section with a requesting Indian tribe, the Indian tribe may seek relief as provided by 25 U.S.C. Section 2710(d), including by suing the governor and the state for failing to conduct negotiations in good faith as required under Subsection (a) of this section and the Indian Gaming Regulatory Act.

(d)  The sovereign immunity of the state is waived for the purpose of any legal proceeding relating to the governor's alleged failure to negotiate in good faith under Subsection (b) of this section or the Indian Gaming Regulatory Act.

(e)  If either the Alabama-Coushatta Tribe of Texas or the Ysleta del Sur Pueblo are not authorized to conduct gaming under the Indian Gaming Regulatory Act at the time this amendment is approved by a majority of the voters at an election called for that purpose, that Indian tribe may offer any form of gaming authorized by this amendment or any future amendment without being subject to or complying with any gaming regulations prescribed by the state.

SECTION 3.  This proposed constitutional amendment shall be submitted to the voters at an election to be held November 7, 2023. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to require the governor to negotiate and execute gaming compacts with the Alabama-Coushatta Tribe of Texas, the Kickapoo Traditional Tribe of Texas, and the Ysleta del Sur Pueblo and to authorize those tribes to sue this state if the governor fails to negotiate in good faith."