

By: Dutton

H.J.R. No. 105

A JOINT RESOLUTION

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

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), (d-1), and (e) of this section and by Section
13 47a of this article.

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

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

21 (1) limit casino gaming operations in this state to
22 gaming operated by persons licensed in this state to operate casino
23 gaming at not more than five casinos, with not more than one casino
24 in any one county, and only in the following counties:

1 (A) Bexar County;

2 (B) Dallas County;

3 (C) El Paso County;

4 (D) Galveston County; and

5 (E) Harris County;

6 (2) impose a tax on casino gaming operations in this
7 state;

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

11 (4) provide:

12 (A) a comprehensive licensing program, including
13 necessary background investigations and license fees, to govern a
14 person that manages casino gaming operations in this state or that
15 maintains, manufactures, distributes, sells, or leases casino
16 games for use or play in this state;

17 (B) procedures for the state agency responsible
18 for conducting criminal background investigations for the state to
19 provide criminal background information to the state agency
20 responsible for the licensing program under Paragraph (A) of this
21 subdivision; and

22 (C) procedures for the monitoring and inspection
23 of casino gaming operations as necessary to protect the public
24 health, welfare, and safety, to preserve the integrity of this
25 state and gaming operations in the state, and to prevent financial
26 loss to this state; and

27 (5) prohibit and impose criminal penalties for the

1 possession and operation of all gaming devices other than devices
2 operated in connection with authorized casino gaming operations or
3 gaming devices otherwise authorized by state law.

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

16 **(c)** In the absence of enabling legislation to implement
17 Subsection (a) of this section, the authority of this state to
18 operate lotteries under Section 47(e) of this article includes the
19 authority of the state agency that operates state lotteries to
20 adopt rules to implement casino gaming operations in accordance
21 with Subsection (a) of this section, and the state agency shall
22 adopt rules to implement casino gaming operations in accordance
23 with Subsection (a) of this section.

24 **(d)** All shipments of casino gaming equipment or other gaming
25 devices into, out of, or within this state authorized under this
26 section or a law enacted under this section are legal shipments of
27 the devices and are exempt from the provisions of 15 U.S.C. Sections

1 1171-1178 prohibiting the transportation of gambling devices.

2 SECTION 3. This proposed constitutional amendment shall be
3 submitted to the voters at an election to be held November 7, 2023.
4 The ballot shall be printed to permit voting for or against the
5 proposition: "The constitutional amendment authorizing the
6 operation of five casinos in this state by licensed persons in
7 certain counties that have approved casino gaming to provide
8 funding for public education."