

By: González of El Paso

H.J.R. No. 156

A JOINT RESOLUTION

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

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 Section 47a
12 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) In this section:

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

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

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

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

22 (A) the Alabama-Coushatta Tribe of Texas;

23 (B) the Kickapoo Traditional Tribe of Texas; or

24 (C) the Ysleta del Sur Pueblo.

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

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

5 (b) At the request of a federally recognized Indian tribe in
6 this state, the governor shall negotiate in good faith a
7 Tribal-State compact with the requesting Indian tribe to govern
8 class III gaming activity conducted by the Indian tribe on Indian
9 lands under the Indian Gaming Regulatory Act. In negotiating the
10 Tribal-State compact, the governor is bound by 25 U.S.C. Section
11 2710(d). At the conclusion of negotiations, the governor and the
12 elected leader of the requesting Indian tribe shall execute the
13 Tribal-State compact and submit the compact to the United States
14 secretary of the interior for approval and publication in the
15 Federal Register.

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

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

27 (e) If either the Alabama-Coushatta Tribe of Texas or the

1 Ysleta del Sur Pueblo are not authorized to conduct gaming under the
2 Indian Gaming Regulatory Act at the time this amendment is approved
3 by a majority of the voters at an election called for that purpose,
4 that Indian tribe may offer any form of gaming authorized by this
5 amendment or any future amendment without being subject to or
6 complying with any gaming regulations prescribed by the state.

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