

## **BILL ANALYSIS**

Senate Research Center  
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S.J.R. 54  
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### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Historians have called the Kickapoo Traditional Tribe of Texas (Tribe) the “most traditional of all North American Indian groups” and virtually the only one that has never mixed with Western civilization during its 400 years of encounters with Anglos. The Kickapoo's reservation is in a geographically isolated region of the state, near Eagle Pass. The 2000 U.S. Census socio-economic indicators show that 74.3 percent of individuals in the geographic area of the Kickapoo reservation live below the poverty level. The Tribe is federally recognized and is subject to the Indian Gaming Regulatory Act, 25 U.S.C., Section 2701-2721 and 18 U.S.C., Section 1166-1168. The Act specifically protects the Tribe and recognizes and affirms its right to conduct gaming if the state permits such gaming for any purpose by any person, organization or entity. Stated purposes of that Act include promoting strong tribal economies and self-sufficiency. The Act requires the Tribe to use gaming revenues to, among other things, provide services to its members.

The Texas Legislature is currently considering legislation that could allow other persons, organizations or entities to offer video lottery terminals, slot machines, or other forms of gaming within 200 nautical miles of the Tribe's reservation. If such legislation were to be enacted, it would have a devastating impact on the economic well-being of the Tribe because its reservation is so geographically isolated. Allowing gaming to occur in the surrounding larger metropolitan areas and other more accessible, less isolated regions would render it impossible for the Tribe to maintain the level of services to its members and to achieve self-sufficiency as intended by the United States Congress. In order for the Kickapoo to be placed on equal footing with other entities that would be authorized to conduct gaming under such proposed legislation, it is imperative that that Tribe conduct such gaming activity both on its own lands and, if gaming by others is permitted within 200 nautical miles of the Tribe's reservation, at a location not within the Tribe's geographically isolated reservation.

S.J.R. 54 proposes a constitutional amendment to authorize, upon approval by the legislature and voters, a gaming agreement between the state and the Tribe, allowing the Tribe to conduct certain gaming activity under the Indian Gaming Regulatory Act on the Tribe's Indian lands, as defined by the Indian Gaming Regulatory Act. The agreement provides for the regulation of such gaming activity, dispute resolution between the Tribe and the state, and a share of the net win from the gaming activity from the Tribe to the state in consideration of substantial exclusivity of gaming. If the state permits after January 1, 2009, any person, organization or entity to offer video lottery terminals, slot machines or other forms of gaming within 200 nautical miles of the Tribe's reservation, S.J.R. 54 authorizes the Tribe to offer such games at a location not within the Tribe's reservation.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Kickapoo Traditional Tribe of Texas in SECTION 1 (Section 47a, Article III, Texas Constitution) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 47(a), Article III, Texas Constitution, to require the Legislature to pass laws prohibiting lotteries and gift enterprises in this State other than those authorized by Subsections (b) (relating to the Legislature's authority to authorize and regulate bingo games), (d) (relating to the Legislature's authority to permit charitable raffles), and (e) (relating to the

Legislature's authority to authorize the state to operate lotteries) of this section and Section 47a of this article.

SECTION 2. Amends Article III, Texas Constitution, by adding Section 47a, as follows:

Sec. 47a. (a) Authorizes the chairman of the federally recognized Kickapoo Traditional Tribe of Texas (Tribe) to execute a gaming agreement containing the terms set forth in Subsection (c) of this section on receipt of a duly enacted resolution of the governing body of the Tribe authorizing the chairman to execute the agreement and on provision of a copy of the resolution to the governor. Provides that the governor or State is not required to take any further action before the gaming agreement becomes effective. Provides that the executed gaming agreement constitutes a gaming compact between the state and the Tribe for purposes of the federal Indian Gaming Regulatory Act. Provides that the Tribe is responsible for providing a copy of the executed agreement to the governor and submitting a copy of the executed agreement to the Secretary of the Interior (Secretary) for approval and publication in the Federal Register.

(b) Authorizes the Tribe, if, after January 1, 2009, video lottery terminals, slot machines, or other forms of gaming are permitted within 200 nautical miles of the boundary of the Kickapoo Traditional Tribe's reservation near Eagle Pass, Texas, to offer an equal number of games or devices at a location selected by the Tribe. Requires that the location be within 300 nautical miles of the boundary of the Kickapoo Traditional Tribe's reservation but prohibits the location from being within 30 nautical miles of a licensed racetrack in operation on the effective date of the agreement executed under Subsection (a) of this section. Requires that the gaming be regulated by the Tribe and the Secretary of State. Provides that a regulation on gaming conducted by the Tribe that is adopted by the Secretary of State may not be more restrictive than a regulation applicable to other comparable gaming licensed by the state of Texas.

(c) Requires that a gaming agreement executed under Subsection (a) of this section be in a certain form and contain certain provisions.

SECTION 3. Requires the proposed constitutional amendment to be submitted to the voters at an election to be held November 3, 2009. Sets forth the required language of the ballot.