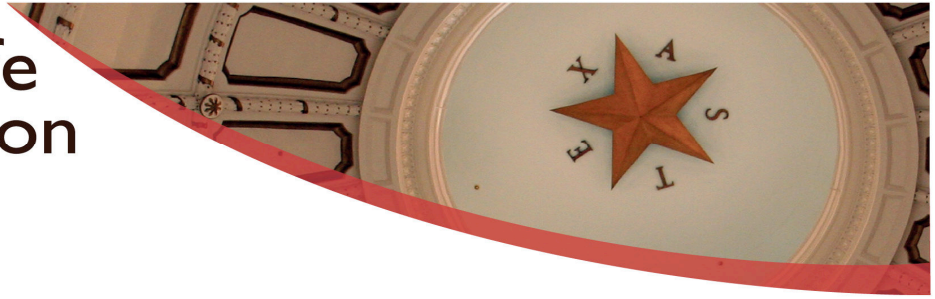


Christian Life Commission



Vote No on House Bill 222

Poker is a Game of Chance that Requires a Constitutional Amendment

House Bill 222 erroneously purports that poker is a game solely of skill, and has no element of chance... This is of course outrageous....Poker cannot be played without cards...how cards are dealt to a player is determined solely by chance through the shuffling of the deck of cards prior to the deal.... The presence of chance in poker is also demonstrated in the proposed electronic poker tables through the existence of a random number generator program that shuffle the electronic facsimiles of the playing cards.

Attorney General Greg Abbott in Opinion GA-0335 opined that the question of whether poker is predominantly a game of chance or skill is “irrelevant” . General Abbott noted, “If an element of chance is involved in a particular game, it is embraced within the definition of ‘bet.’ There is no Texas authority holding that there is no element of chance involved in a game played with cards, including poker, other than the chance attendant upon every human endeavor.” Accordingly, poker meets the three elements of a illegal lottery (consideration, chance, prize) and is prohibited by the Texas Constitution.

Electronic Poker is a Class III Game in Accordance with the Indian Gaming Regulatory Act (IGRA), and if approved Indian Gaming in Texas will Expand.

Any consideration on House Bill 222 must include a complete understanding of the Indian Gaming Regulatory Act (IGRA), and how the introduction of Electronic Poker, a Class III game, will automatically trigger the expansion of Indian Gaming. The electronic Poker in HB 222 is class III because it would authorize an electronic and mechanical facsimile of a game of chance. Accordingly, IGRA would allow an Indian tribe to engage in class III games if the state in which it is located “permits such gaming for any purpose by any person, organization, or entity” 25 U.S.C.§ 2710(d)(1)(B). Additionally, Federally Recognized Indian Tribes from Oklahoma are poised to leverage “Historical Properties” in Texas if House Bill 222 passes and Class III games are Authorized.

Federally Recognized Indian Tribes cannot be taxed as contemplated in HB 222. Any payments from Indian Tribes to the State of Texas generated from gambling would have to come from a revenue sharing agreement derived from an exclusivity agreement for an Indian Tribe...

In addressing revenue sharing provisions, the Department of Interior generally has only approved revenue sharing provisions when a compact provides “substantial economic benefits” to a tribe through “more favorable terms than any rights of non-Indians to conduct similar gaming activities in the state.” In the opinion of the Department of Interior, without a corresponding economic benefit, a revenue sharing provision is merely a tax that is prohibited by IGRA Sec. 11 (d)(4).

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