

Fifty-ninth
Legislative Assembly
of North Dakota

Introduced by

Legislative Council

(Budget Committee on Human Services)

1 A BILL for an Act to amend and reenact section 54-58-03 of the North Dakota Century Code,
2 relating to the approval of tribal-state gaming compacts.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 54-58-03 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **54-58-03. Tribal-state gaming compact - Creation, renewals, and amendments.**

7 The governor or the governor's designee may represent the state in any gaming negotiation in
8 which the state is required to participate pursuant to 25 U.S.C. 2701 et seq. by any federally
9 recognized Indian tribe and, on behalf of the state, may execute a gaming compact between the
10 state and a federally recognized Indian tribe, subject to the following:

- 11 1. ~~If the legislative assembly is not in session at the time gaming negotiations are~~
12 ~~being conducted, the chairman and vice chairman of the legislative council or the~~
13 ~~designee of the chairman or vice chairman may attend all negotiations and brief~~
14 ~~the legislative council on the status of the negotiations.~~
15 2. ~~If the legislative assembly is in session at the time negotiations are being~~
16 ~~conducted, the majority and minority leaders of both houses, or their designees,~~
17 ~~may attend all negotiations and brief their respective houses on the status of the~~
18 ~~negotiations. Before entering, renewing, amending, or extending any compact~~
19 negotiated under this section, the governor shall submit the proposed compact to
20 the legislative assembly for approval. The governor may not enter, renew, amend,
21 or extend any compact until the legislative assembly approves the proposed
22 compact by concurrent resolution. If the legislative assembly does not approve the
23 proposed compact without change, the compact must be returned to the governor
24 for renegotiation.

- 1 ~~3.~~ 2. The compact may authorize an Indian tribe to conduct gaming that is permitted in
2 the state for any purpose by any person, organization, or entity.
- 3 ~~4.~~ 3. For the purposes of this chapter, the term "gaming that is permitted in the state for
4 any purpose by any person, organization, or entity" includes any game of chance
5 that any Indian tribe was permitted to conduct under a tribal-state gaming compact
6 that was in effect on August 1, 1997.
- 7 ~~5.~~ 4. The compact may not authorize gaming to be conducted by an Indian tribe at any
8 off-reservation location not permitted under a tribal-state gaming compact in effect
9 on August 1, 1997, except that in the case of the tribal-state gaming compact
10 between the Turtle Mountain Band of Chippewa and the state, gaming may be
11 conducted on land within Rolette County held in trust for the Band by the United
12 States government which was in trust as of the effective date of the Indian Gaming
13 Regulatory Act of 1988 [Pub. L. 100-497; 102 Stat. 2467; 25 U.S.C. 2701 et seq.].
- 14 ~~6.~~ 5. The compact may not obligate the state to appropriate state funds; provided,
15 however, the state may perform services for reimbursement.
- 16 ~~7.~~ 6. The negotiations between the tribe and the state must address the possibility of a
17 mutual effort of the parties to address the issue of compulsive gambling.
- 18 ~~8.~~ ~~If the legislative assembly is not in session when the negotiations are concluded,~~
19 ~~the governor shall forward a copy of the compact as finally negotiated to each~~
20 ~~member of the legislative council at least twenty one days before the compact is~~
21 ~~signed.~~
- 22 ~~9.~~ ~~If the legislative assembly is in session when the negotiations are concluded, the~~
23 ~~governor shall forward a copy of the compact as finally negotiated to each member~~
24 ~~of the legislative assembly at least twenty one days before the compact is signed.~~
- 25 ~~10.~~ 7. Before execution of any proposed tribal-state gaming compact or amendment
26 thereto, the governor shall conduct one public hearing on the proposed compact or
27 amendment.