

Sixty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2315

Introduced by

Senators Heckaman, Marcellais

Representatives Boschee, M. Nelson

1 A BILL for an Act to amend and reenact section 54-58-03 of the North Dakota Century Code,
2 relating to 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
8 in 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 being
12 conducted, the chairman and vice chairman of the legislative management or the
13 designee of the chairman or vice chairman may attend all negotiations and brief the
14 legislative management on the status of the negotiations.
- 15 2. If the legislative assembly is in session at the time negotiations are being conducted,
16 the majority and minority leaders of both houses, or their designees, may attend all
17 negotiations and brief their respective houses on the status of the negotiations.
- 18 3. The compact may authorize an Indian tribe to conduct gaming that is permitted in the
19 state for any purpose by any person, organization, or entity.
- 20 4. For the purposes of this chapter, the term "gaming that is permitted in the state for any
21 purpose by any person, organization, or entity" includes any game of chance that any
22 Indian tribe was permitted to conduct under a tribal-state gaming compact that was in
23 effect on August 1, 1997.

- 1 5. ~~The compact may not authorize gaming to be conducted by an Indian tribe at any~~
2 ~~off-reservation location not permitted under a tribal-state gaming compact in effect on~~
3 ~~August 1, 1997, except that in the case of the tribal-state gaming compact between~~
4 ~~the Turtle Mountain Band of Chippewa and the state, gaming may be conducted on~~
5 ~~land within Rolette County held in trust for the Band by the United States government~~
6 ~~which was in trust as of the effective date of the Indian Gaming Regulatory Act of 1988~~
7 ~~[Pub. L. 100-497; 102 Stat. 2467; 25 U.S.C. 2701 et seq.].~~Before concurring in a
8 determination by the secretary of the interior pursuant to 25 U.S.C. 2719(b)(1)(A), after
9 the secretary has consulted with the Indian tribe making the proposal and appropriate
10 state and local officials, including officials of other nearby Indian tribes, and the
11 secretary determines a gaming establishment on newly acquired lands would be in the
12 best interest of the Indian tribe and the tribe's members and would not be detrimental
13 to the surrounding community, the governor shall confirm the proposed gaming
14 establishment is supported by the local government where the proposed gaming
15 establishment will be located.
- 16 6. The compact may not obligate the state to appropriate state funds; provided, however,
17 the state may perform services for reimbursement.
- 18 7. The negotiations between the tribe and the state must address the possibility of a
19 mutual effort of the parties to address the issue of compulsive gambling.
- 20 8. If the legislative assembly is not in session when the negotiations are concluded, the
21 governor shall forward a copy of the compact as finally negotiated to each member of
22 the legislative management at least twenty-one days before the compact is signed.
- 23 9. If the legislative assembly is in session when the negotiations are concluded, the
24 governor shall forward a copy of the compact as finally negotiated to each member of
25 the legislative assembly at least twenty-one days before the compact is signed.
- 26 10. Before execution of any proposed tribal-state gaming compact or amendment thereto,
27 the governor shall conduct one public hearing on the proposed compact or
28 amendment.