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SENATE BILL 684

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

MANNY M ARAGON

AN ACT

RELATING TO GAMING; ESTABLISHING PROCEDURES FOR NEGOTIATION,
APPROVAL AND EXECUTION OF GAMING COMPACTS BETWEEN THE STATE AND
INDIAN TRIBES; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE. -- This act may be cited as the
"Gaming Compact Act".

Section 2. DEFINITIONS. -- As used in the Gaming Compact
Act:

A. "committee" means the joint legislative committee
on compacts created pursuant to Section 4 of the Gaming Compact
Act;

B. "compact" means a tribal-state gaming compact
entered into between a tribe and the state pursuant to IGRA and
includes an ancillary agreement or proposed ancillary agreement

Underscored material = new
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1 related to that compact;

2 C. "gaming" means "class III gaming" as defined in
3 IGRA;

4 D. "IGRA" means the federal Indian Gaming Regulatory
5 Act (25 U. S. C. A. Sections 2701 et seq.); and

6 E. "tribe" means an Indian nation, tribe or pueblo
7 located in whole or in part within the state.

8 Section 3. COMPACTS--NEGOTIATION--SUBMISSION TO
9 LEGISLATURE BY GOVERNOR--APPROVAL OR REJECTION--ATTORNEY GENERAL
10 AS LEGAL COUNSEL--COMPACT PROVISIONS--REPORT OF GOVERNOR TO
11 LEGISLATURE. --

12 A. A request by a tribe to negotiate a compact shall
13 be made by the governing authority of the tribe and shall be
14 submitted to the governor in writing.

15 B. The governor may designate a representative to
16 negotiate the terms of a compact. The designation shall be
17 written, and a copy of the designation shall be delivered or
18 mailed within three days of the designation to the attorney
19 general, the speaker of the house of representatives and the
20 president pro tempore of the senate. The designated
21 representative of the governor is authorized to negotiate the
22 terms of a compact on behalf of the state, but neither the
23 representative nor the governor is authorized to execute a
24 compact on behalf of the state without legislative approval
25 granted pursuant to the provisions of this section.

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1 C. If a proposed compact is agreed upon through
2 negotiations, it shall be prepared and submitted by the governor
3 to the committee within five days of the conclusion of
4 negotiations. The governor shall include in his submittal
5 document his recommendation for approval of the proposed compact
6 and any comments about or analysis of its provisions. Submittal
7 of a proposed compact occurs when the compact and the submittal
8 document are received for the committee by the legislative
9 council service.

10 D. The committee shall review the proposed compact
11 and within thirty days after its receipt shall:

12 (1) by written report to the legislature
13 recommend approval of the compact as proposed; or

14 (2) by written transmittal document propose
15 specific modifications to the compact and request the governor
16 to resume negotiations with the tribe.

17 E. If the committee proposes specific modifications
18 to the proposed compact, the governor or his designated
19 representative shall resume negotiations with the tribe within
20 thirty days of receipt of the transmittal document unless within
21 that time period either the governor or the tribe refuses to
22 negotiate further, in which case the governor shall notify the
23 committee immediately. If negotiations are resumed, the
24 governor shall submit to the committee the modified proposed
25 compact agreed to by the governor and the tribe, together with

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1 any additional analysis or recommendations. The approval
2 process described in this section for the originally submitted
3 proposed compact shall be followed for consideration of a
4 proposed modified compact, except that the time limitation for
5 review by the committee specified in Subsection D of this
6 section is reduced to ten days.

7 F. Within five days of being notified that further
8 negotiations are refused, the committee shall reconsider the
9 proposed compact together with any changes agreed upon by the
10 negotiating parties and submit its written recommendation to the
11 legislature.

12 G. If the legislature is in session when the
13 committee submits its recommendation, the committee shall
14 prepare and introduce in each house a resolution approving the
15 compact within five days of the date the written recommendation
16 is submitted. A single resolution in each house may cover more
17 than one compact if the terms of the compacts are identical
18 except for the name of the tribe and the name of the person
19 executing the compact on behalf of the tribe. A copy of the
20 written recommendation shall be submitted with the resolution.
21 If a majority of the qualified members of each house votes to
22 adopt the resolution, the compact is approved by the
23 legislature, and the governor shall execute it on behalf of the
24 state.

25 H. If the legislature is not in session when the

Underscored material = new
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1 recommendation of the committee is submitted, the committee
2 shall proceed pursuant to the provisions of Subsection G of this
3 section by no later than the third day after the legislature
4 convenes in a regular session or in a special session called for
5 the purpose of considering a compact.

6 I. The legislature may not amend or modify a
7 resolution submitted to it pursuant to the provisions of this
8 section, and it may not refer the resolution to a committee.

9 J. The attorney general shall be legal counsel for
10 the governor or the governor's representative in compact
11 negotiations.

12 K. A compact negotiated pursuant to the provisions
13 of this section shall contain a provision recognizing the right
14 of each party to the compact to request that the compact be
15 amended or renegotiated, including the right of the legislature
16 by concurrent resolution to request that the compact be amended
17 or renegotiated. This provision shall state that each party has
18 an obligation to negotiate in good faith if a request is made.
19 Proposed amendments to or renegotiation of a compact shall
20 follow the same procedures as specified in this section for
21 initial negotiation of a compact. Any amendment to a compact or
22 renegotiated compact agreed to shall be submitted for
23 legislative approval in the same manner as specified in
24 Subsection G of this section.

25 L. If a request for negotiation of a compact is made

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1 and the proposed compact is identical to a compact previously
2 approved by the legislature except for the name of the
3 compacting tribe and the names of the persons to execute the
4 compact on behalf of the tribe and on behalf of the state, the
5 governor shall approve and sign the compact on behalf of the
6 state without submitting the compact for approval pursuant to
7 the provisions of this section. A compact signed by the
8 governor pursuant to this subsection is deemed approved by the
9 legislature.

10 Section 4. JOINT LEGISLATIVE COMMITTEE ON COMPACTS--
11 CREATION-- MEMBERSHIP-- AUTHORITY. --

12 A. The "joint legislative committee on compacts" is
13 created. Once established it shall continue operating until
14 specific action is taken by the legislature to terminate its
15 existence.

16 B. The committee shall have eight members, four from
17 the house of representatives and four from the senate. House
18 members shall be appointed by the speaker of the house of
19 representatives, and senate members shall be appointed by the
20 committees' committee of the senate or, if the senate
21 appointments are made in the interim, by the president pro
22 tempore of the senate after consultation with and agreement of a
23 majority of the members of the committees' committee. Members
24 shall be appointed from each house to give the two major
25 political parties in each house equal representation on the

1 committee.

2 C. In addition to its duty to review proposed
3 compacts, the committee may establish and transmit to the
4 governor proposed guidelines reflecting the public policies and
5 state interests, as embodied in the constitution of New Mexico,
6 state laws and case law of the state, that are consistent with
7 IGRA and that will be used by the committee in reviewing
8 proposed compacts.

9 D. The president pro tempore of the senate shall
10 designate a senate member of the committee to be chairman of the
11 committee in odd-numbered years and the vice chairman in even-
12 numbered years. The speaker of the house of representatives
13 shall designate a house member of the committee to be chairman
14 of the committee in even-numbered years and the vice chairman in
15 odd-numbered years.

16 E. The committee shall meet at the call of the
17 chairman.

18 F. The committee may meet during legislative
19 sessions as needed.

20 G. Staff services for the committee shall be
21 provided by the legislative council service.

22 Section 5. ACCESS TO DOCUMENTS--LIMITATION.-- Reports,
23 records, data compilations, documents or other information
24 received by a state agency or office from a tribe or any of its
25 agencies, offices or enterprises pursuant to an approved compact

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1 are public records of the state and may be inspected or copied
2 by the public, except that the following documents are
3 confidential and shall not be made available to the public
4 without the express consent of the tribe or except as is
5 otherwise provided in an approved compact:

6 A. reports containing results of background
7 investigations of individuals employed at tribal gaming
8 enterprises, vendors, contractors and management officials and
9 any other documents pertaining to those investigations;

10 B. documents showing income and expenses of tribal
11 gaming facilities;

12 C. documents pertaining to complaints or allegations
13 of violations of applicable laws or compact provisions and
14 investigations into those complaints or allegations;

15 D. documents pertaining to licensing of or
16 investigation into gaming devices and documents containing
17 proprietary information concerning the devices, including
18 information concerning payouts of individual gaming devices; and

19 E. documents pertaining to security and surveillance
20 systems, operations and procedures at gaming facilities.

21 Section 6. EMERGENCY.--It is necessary for the public
22 peace, health and safety that this act take effect immediately.

1 FORTY- SECOND LEGI SLATURE
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5 JANUARY 31, 1996

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7 Mr. Presi dent:

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9 Your COMMI TTEES' COMMI TTEE, to whom has been referred

10
11 SENATE BILL 684

12
13 has had it under consideration and finds same to be GERMANE, PURSUANT
14 TO CONSTITUTIONAL PROVISIONS, and thence referred to the SELECT
15 GAMING COMMI TTEE.

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17 Respectfully submi tted,

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23 SENATOR MANNY M. ARAGON, Chai rman
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FORTY-SECOND LEGISLATURE

SECOND SESSION

February 12, 1996

SENATE FLOOR AMENDMENT number _____ to SENATE BILL 684

Amendment sponsored by Senator Manny M Aragon

1. On page 2, line 20, between "The" and "designated", insert
'governor or the governor' s".

2. On page 2, line 21, strike "of the governor".

3. On page 3, line 11, strike "thirty" and insert in lieu thereof
"forty-five".

4. On page 4, line 7, strike "five" and insert in lieu thereof
"ten".

5. On page 4, line 13, before "shall" insert ", within five days
of the date the written recommendation is submitted,".

FORTY-FIRST LEGISLATURE
SECOND SESSION

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6. On page 4, line 15, after "compact" insert a period, strike the remainder of line 15 and on line 16, strike "is submitted."

7. On page 5, line 16, strike "concurrent".

8. On page 6, strike all of line 13 following the period and strike all of lines 14 and 15.

Manny M. Aragon

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FORTY-SECOND LEGISLATURE

SECOND SESSION

February 12, 1996

SENATE FLOOR AMENDMENT number _____ to SENATE BILL 684

Amendment sponsored by Senator Roman M Maes III

1. On page 1, line 13, after the semicolon insert "LIMITING SOLICITATION OR ACCEPTANCE OF CAMPAIGN CONTRIBUTIONS FROM GAMING INTERESTS;".

2. On page 8, between lines 20 and 21, insert the following section:

"Section 6. A new section of the Campaign Reporting Act is enacted to read:

"[NEW MATERIAL] SOLICITING OR ACCEPTING CAMPAIGN CONTRIBUTIONS FROM GAMING INTERESTS LIMITED. --No candidate shall solicit or accept a campaign contribution in excess of two hundred fifty dollars (\$250)

FORTY-FIRST LEGISLATURE
SECOND SESSION

SF1/SB 684

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from:

A. an Indian nation, tribe or pueblo that engages in gaming or an officer, employee, member of a governing body or representative of that Indian entity;

B. a person who is a contractor that operates gaming activities on behalf of an Indian nation, tribe or pueblo or an officer, employee or representative of that person; or

C. a person who is a manufacturer or distributor of gaming devices for use by or on behalf of an Indian nation, tribe or pueblo that engages in gaming in New Mexico. "".

3. Renumber the succeeding section.

Roman M Maes III

FORTY-FIRST LEGISLATURE
SECOND SESSION

SFI/SB 684

Page 15

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FORTY-FIRST LEGISLATURE
SECOND SESSION

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FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

February 13, 1996

SENATE FLOOR AMENDMENT number _____ to SENATE BILL 684,
with emergency clause

AMENDMENT sponsored by SENATOR DUNCAN SCOTT

1. On page 5, delete Subsection J in its entirety and reletter accordingly.

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FORTY-FIRST LEGISLATURE
SECOND SESSION

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Senator Duncan Scott

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FORTY-FIRST LEGISLATURE
SECOND SESSION

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FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

February 13, 1996

SENATE FLOOR AMENDMENT number _____ to SENATE BILL 684,
with emergency clause

AMENDMENT sponsored by SENATOR JANICE D. PASTER

1. On page 4, line 10, after "recommendation", insert "for approval, if any,".

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FORTY-FIRST LEGISLATURE
SECOND SESSION

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Senator Janice D. Paster

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FORTY-FIRST LEGISLATURE
SECOND SESSION

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FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

February 13, 1996

SENATE FLOOR AMENDMENT number _____ to SENATE BILL 684,
with emergency clause

AMENDMENT sponsored by SENATOR JANICE D. PASTER

1. Delete Section 5 of the bill in its entirety.
2. Renumber succeeding sections accordingly.

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FORTY-FIRST LEGISLATURE
SECOND SESSION

SF1/SB 684

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Senator Janice D. Paster

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