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SENATE BILL 363

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

CARLOS R. CISNEROS

AN ACT

RELATING TO TRIBAL-STATE AGREEMENTS; ESTABLISHING PROCEDURES  
FOR NEGOTIATION, APPROVAL, EXECUTION AND AMENDMENT OF  
AGREEMENTS 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  
"Compact Negotiation Act".

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

A. "committee" means the joint legislative  
committee on compacts;

B. "compact" means an agreement:

(1) entered into between a tribe and the  
state;

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1 (2) entered into pursuant to federal or state  
2 law; and

3 (3) that is not valid unless approved by the  
4 legislature;

5 C. "governor" means the governor of New Mexico;  
6 and

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

9 Section 3. COMPACTS--NEGOTIATION--SUBMISSION TO  
10 COMMITTEE BY GOVERNOR--COMPACT PROVISIONS.--

11 A. A tribe may request the state in writing to  
12 negotiate a compact or to enter into negotiations to amend an  
13 approved and existing compact pursuant to action of its  
14 governing authority or a representative authorized by the  
15 compact to initiate negotiations for amendment of that  
16 compact.

17 B. The legislature by joint resolution or the  
18 governor may request a tribe to negotiate a compact or to  
19 enter into negotiations to amend an approved and existing  
20 compact by submitting a written request to the chief executive  
21 officer of the tribe or a representative authorized by an  
22 existing compact to negotiate modifications to that compact.

23 C. The governor may designate a representative to  
24 negotiate the terms of a compact or an amendment, provided  
25 that no representative has been identified in the wording of

. 122636. 1

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1 the compact to be amended. The designation shall be written,  
2 and a copy of the designation shall be delivered or mailed  
3 within three days of the designation to the attorney general,  
4 the speaker of the house of representatives and the president  
5 pro tempore of the senate. The governor or the governor's  
6 designated representative is authorized to negotiate the terms  
7 of a compact or amendment on behalf of the state, but neither  
8 the representative nor the governor is authorized to execute a  
9 compact or amendment on behalf of the state without  
10 legislative approval granted pursuant to the provisions of  
11 Section 4 of the Compact Negotiation Act.

12 D. If a proposed compact or amendment is agreed  
13 upon through negotiations, it shall be prepared and submitted  
14 by the governor to the committee within five days of the  
15 conclusion of negotiations. The governor shall include in his  
16 submittal document his recommendation for approval of the  
17 proposed compact or amendment and comments about or analysis  
18 of its provisions.

19 Section 4. SUBMITTAL TO COMMITTEE-- COMMITTEE ACTION--  
20 LEGISLATIVE ACTION. --

21 A. Submittal of a proposed compact or amendment  
22 occurs when the compact or amendment and the submittal  
23 document are received for the committee by the legislative  
24 council service.

25 B. The committee shall review the proposed compact

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1 or amendment and within twenty days after its receipt shall:

2 (1) by written report to the legislature,  
3 recommend approval of the proposed compact or amendment; or

4 (2) by written transmittal document, propose  
5 specific modifications to the proposed compact or amendment  
6 and request the governor to resume negotiations with the  
7 tribe.

8 C. If the committee proposes specific  
9 modifications to the proposed compact or amendment, the  
10 governor or his designated representative shall resume  
11 negotiations with the tribe within twenty days of receipt of  
12 the transmittal document unless within that time period either  
13 the governor or the tribe refuses to negotiate further, in  
14 which case the governor shall notify the committee  
15 immediately. If negotiations are resumed and a modified  
16 proposed compact or amendment is agreed to, the governor shall  
17 submit to the committee the modified proposed compact or  
18 amendment, together with any additional analysis or  
19 recommendations. The approval process described in this  
20 section for the originally submitted proposed compact or  
21 amendment shall be followed for consideration of a proposed  
22 modified compact or a proposed modified amendment, except that  
23 the time limitation for review by the committee specified in  
24 Subsection B of this section is reduced to ten days.

25 D. Within five days of being notified that further

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1 negotiations are refused, the committee shall reconsider the  
2 proposed compact or amendment together with any changes agreed  
3 upon by the negotiating parties and submit to the legislature  
4 a written recommendation to approve the proposed compact or  
5 amendment or a written statement expressing no recommendation  
6 on the action that should be taken by the legislature.

7 E. The committee may return a proposed compact or  
8 amendment with suggested modifications to the governor and the  
9 tribe for renegotiation no more than three times. After the  
10 third submittal for renegotiation, the committee shall submit  
11 a report in writing to the legislature making a recommendation  
12 to approve the proposed compact or amendment or making no  
13 recommendation. The procedure for legislative review and  
14 approval remains the same as set forth in this section.

15 F. If the legislature is in session when the  
16 committee submits its recommendation, it shall at the same  
17 time prepare and introduce a joint resolution approving the  
18 proposed compact or amendment. A joint resolution may cover  
19 more than one compact or amendment if the terms of the  
20 compacts or amendments are identical except for the name of  
21 the tribe and the name of the person executing the compact on  
22 behalf of the tribe. A copy of the written recommendation  
23 shall be submitted with the joint resolution. If a majority  
24 in each house votes to adopt the joint resolution, the  
25 proposed compact or amendment is approved by the legislature,

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1 and the governor shall execute it on behalf of the state.

2 G. If the legislature is not in session when the  
3 recommendation of the committee is submitted, the committee  
4 shall proceed pursuant to the provisions of Subsection E of  
5 this section by no later than the second day of the next  
6 regular or special session of the legislature.

7 H. The legislature may not amend or modify a  
8 resolution submitted to it pursuant to the provisions of this  
9 section except to correct technical errors in the text or  
10 format, and it may not refer the resolution to a committee.

11 I. If a request for negotiation of a compact or  
12 amendment is made and the proposed compact or amendment is  
13 identical to a compact or amendment previously approved by the  
14 legislature except for the name of the compacting tribe and  
15 the names of the persons to execute the compact or amendment  
16 on behalf of the tribe and on behalf of the state, the  
17 governor shall approve and sign the compact or amendment on  
18 behalf of the state without submitting the compact for  
19 approval pursuant to the provisions of this section. A  
20 compact or amendment signed by the governor pursuant to this  
21 subsection is deemed approved by the legislature.

22 Section 5. JOINT LEGISLATIVE COMMITTEE ON COMPACTS--  
23 CREATION-- MEMBERSHIP-- AUTHORITY. --

24 A. The joint legislative "committee on compacts"  
25 is created. Once established it shall continue operating

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1 until specific action is taken by the legislature to terminate  
2 its existence.

3 B. The committee shall have eight members, four  
4 from the house of representatives and four from the senate.  
5 House members shall be appointed annually by the speaker of  
6 the house and senate members shall be appointed annually by  
7 the committees' committee or, if the senate appointments are  
8 made in the interim, by the president pro tempore after  
9 consultation with and agreement of a majority of the members  
10 of the committees' committee. Members shall be appointed from  
11 each house to give the two major political parties in each  
12 house equal representation on the committee. At least one  
13 member appointed from each house shall be Native American, or  
14 if there is no Native American member of a house, shall  
15 represent a district in which Native Americans constitute a  
16 significant percentage of the voting age population.

17 C. The president pro tempore of the senate shall  
18 designate a senate member of the committee to be chairman of  
19 the committee in odd-numbered years and the vice chairman in  
20 even-numbered years. The speaker of the house of  
21 representatives shall designate a house member of the  
22 committee to be chairman of the committee in even-numbered  
23 years and the vice chairman in odd-numbered years.

24 D. The committee shall meet at the call of the  
25 chairman to consider a compact or amendment submitted to it.

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E. The committee may meet during legislative sessions as needed.

F. Staff services for the committee shall be provided by the legislative council service.

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



1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

3  
4  
5  
6 February 5, 1998

7  
8 Mr. President:

9  
10 Your COMMITTEES' COMMITTEE, to whom has been referred

11  
12 SENATE BILL 363

13  
14 has had it under consideration and finds same to be GERMANE, in  
15 accordance with constitutional provisions, and thence referred to the  
16 INDIAN & CULTURAL AFFAIRS COMMITTEE.  
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19 Respectfully submitted,

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25 Manny M. Aragon, Chairman

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(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

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1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

3  
4  
5 February 11, 1998

6  
7 Mr. President:

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9 Your WAYS AND MEANS COMMITTEE, to whom has been referred

10  
11 SENATE BILL 363

12  
13 has had it under consideration and reports same with recommendation  
14 that it DO PASS, and thence referred to the FINANCE COMMITTEE.  
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16  
17 Respectfully submitted,

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22 Carlos R. Cisneros, Chairman  
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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
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Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Duran, Kidd, McSorley

Absent: None

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