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SENATE BILL 737

**44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999**

INTRODUCED BY

Manny M Aragon

AN ACT

RELATING TO TRIBAL-STATE AGREEMENTS; ESTABLISHING A PROCESS FOR NEGOTIATION, APPROVAL, EXECUTION AND AMENDMENT OF CERTAIN 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 a tribal-state class III gaming compact entered into between a tribe and the state pursuant to the federal Indian Gaming Regulatory Act and including any

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1 separate agreement ancillary to that compact;

2 C. "governor" means the governor of New Mexico;

3 and

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

6 Section 3. COMPACTS--NEGOTIATION--SUBMISSION TO  
7 COMMITTEE BY GOVERNOR.--

8 A. A tribe, pursuant to action of its governing  
9 authority, may request the state to negotiate a compact or to  
10 negotiate an amendment to an approved and existing compact.  
11 The request shall be in writing and shall be submitted to the  
12 governor.

13 B. The legislature by joint resolution or the  
14 governor may request a tribe to negotiate a compact or to  
15 negotiate an amendment to an approved and existing compact by  
16 submitting a written request to the chief executive officer of  
17 the tribe or a representative authorized by an existing  
18 compact to negotiate modifications to that compact.

19 C. The governor may designate a representative to  
20 negotiate the terms of a compact or an amendment, unless a  
21 representative has been identified in the wording of the  
22 compact to be amended. The designation shall be written, and  
23 a copy of the designation shall be delivered or mailed within  
24 three days of the designation to the attorney general, the  
25 speaker of the house of representatives and the president pro

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1 tempore of the senate. The governor or the governor's  
2 designated representative is authorized to negotiate the terms  
3 of a compact or amendment on behalf of the state, but neither  
4 the representative nor the governor is authorized to execute a  
5 compact or amendment on behalf of the state without  
6 legislative approval granted pursuant to the provisions of  
7 Section 4 of the Compact Negotiation Act.

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

16 Section 4. SUBMITTAL TO COMMITTEE--COMMITTEE ACTION--  
17 LEGISLATIVE ACTION.--

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

22 B. After its receipt, the committee shall review  
23 the proposed compact or amendment in a timely manner but no  
24 later than forty-five days from receipt and shall:

- 25 (1) recommend approval of the proposed

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1 compact or amendment by submitting a joint resolution to  
2 approve the compact or amendment to the legislature; or

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

7 C. If the committee proposes specific  
8 modifications to the proposed compact or amendment, the  
9 governor or his designated representative shall resume  
10 negotiations with the tribe within twenty days of receipt of  
11 the transmittal document unless within that time period either  
12 the governor or the tribe refuses to negotiate further, in  
13 which case the governor shall notify the committee  
14 immediately.

15 D. If negotiations are resumed pursuant to  
16 Subsection C of this section and a modified proposed compact  
17 or amendment is agreed to, the governor shall submit the  
18 modified proposed compact or amendment together with any  
19 additional analysis or recommendations to the committee. The  
20 approval process described in this section for the originally  
21 submitted proposed compact or amendment shall be followed for  
22 consideration of a proposed modified compact or a proposed  
23 modified amendment, except that the committee shall conduct  
24 its review in a timely manner but in not more than thirty  
25 days.

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1           E. Within thirty days of being notified that  
2 further negotiations are refused, the committee shall meet to  
3 reconsider the proposed compact or amendment together with any  
4 changes agreed upon by the negotiating parties. The committee  
5 shall submit to the legislature the proposed compact or  
6 amendment and a joint resolution to approve the proposed  
7 compact or amendment with the committee's recommendation to  
8 approve it or disapprove it, or expressing no recommendation  
9 on the action that should be taken by the legislature.

10           F. The committee may return a proposed compact or  
11 amendment with suggested modifications to the governor and the  
12 tribe for renegotiation no more than three times. After the  
13 third submittal for renegotiation, the committee shall submit  
14 to the legislature the proposed compact or amendment and a  
15 joint resolution to approve the proposed compact or amendment  
16 with the committee's recommendation to approve it or  
17 disapprove it, or expressing no recommendation on the action  
18 that should be taken by the legislature.

19           G. If the legislature is in session when the  
20 committee makes its decision on the proposed compact or  
21 amendment, the committee shall prepare and introduce a joint  
22 resolution to approve the proposed compact or amendment  
23 without delay after reaching its decision. The joint  
24 resolution shall be accompanied by the committee's  
25 recommendation to approve or to disapprove or expressing no

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1 recommendation. A joint resolution may cover more than one  
2 compact or amendment if the terms of the compacts or  
3 amendments are identical except for the name of the tribe and  
4 the name of the person executing the compact on behalf of the  
5 tribe. If a majority in each house votes to adopt the joint  
6 resolution, the proposed compact or amendment is approved by  
7 the legislature, and the governor shall execute it on behalf  
8 of the state.

9 H. If the legislature is not in session when the  
10 recommendation of the committee is submitted, the committee  
11 shall proceed pursuant to the provisions of Subsection G of  
12 this section by no later than the second day of the next  
13 regular or special session of the legislature.

14 I. The legislature may only amend or modify the  
15 joint resolution submitted to it pursuant to the provisions of  
16 this section so as to correct technical errors in the text or  
17 format. Neither house may refer the joint resolution to a  
18 committee other than a committee of the whole in each house.

19 J. If a request for negotiation of a compact or  
20 amendment is made and the proposed compact or amendment is  
21 identical to a compact or amendment previously approved by the  
22 legislature except for the name of the compacting tribe and  
23 the names of the persons to execute the compact or amendment  
24 on behalf of the tribe and on behalf of the state, the  
25 governor shall approve and sign the compact or amendment on

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1 behalf of the state without submitting the compact for  
2 approval pursuant to the provisions of this section. A  
3 compact or amendment signed by the governor pursuant to this  
4 subsection is deemed approved by the legislature.

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

7 A. The joint legislative "committee on compacts"  
8 is created. Once established it shall continue to exist until  
9 specific action is taken by the legislature to terminate its  
10 existence.

11 B. The committee shall consider the requirements  
12 of the federal Indian Gaming Regulatory Act, provisions of  
13 existing state law and the best interests of the tribes and  
14 the citizens of the state in considering any compact or  
15 amendment submitted to it.

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

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1 authorities shall consider appointing to the committee a  
2 Native American member or a member who represents a district  
3 in which Native Americans constitute a significant percentage  
4 of the voting age population.

5 D. The president pro tempore of the senate shall  
6 designate a senate member of the committee to be chairman of  
7 the committee in odd-numbered years and the vice chairman in  
8 even-numbered years. The speaker of the house of  
9 representatives shall designate a house member of the  
10 committee to be chairman of the committee in even-numbered  
11 years and the vice chairman in odd-numbered years.

12 E. The committee shall meet at the call of the  
13 chairman to consider a compact or amendment submitted to it.

14 F. The committee may meet during legislative  
15 sessions as needed.

16 G. Staff services for the committee shall be  
17 provided by the legislative council service.

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

1 FORTY-FOURTH LEGISLATURE  
2 FIRST SESSION, 1999  
3  
4

5  
6 March 12, 1999

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8 Mr. President:

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10 Your JUDICIARY COMMITTEE, to whom has been referred

11  
12 SENATE BILL 737

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14 has had it under consideration and reports same with  
15 recommendation that it DO PASS.  
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17  
18 Respectfully submitted,

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23 \_\_\_\_\_  
24 Michael S. Sanchez, Chairman  
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Adopted \_\_\_\_\_ Not

1 Adopted \_\_\_\_\_

2 (Chief Clerk)

(Chief Clerk)

3

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6 Date \_\_\_\_\_

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9 The roll call vote was 3 For 2 Against

10 Yes: 3

11 No: Davis, McSorley

12 Excused: Payne, Stockard, Tsosie

13 Absent: None

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FORTY- FOURTH LEGISLATURE

FIRST SESSION

March 13, 1999

SENATE FLOOR AMENDMENT number \_\_\_\_\_ to SENATE BILL 737

Amendment sponsored by Senator Manny M Aragon

1. On page 7, line 16, strike "eight members, four" and insert in lieu thereof "sixteen members, eight".

2. On page 7, line 17, strike "four" and insert in lieu thereof "eight".

FORTY- FOURTH LEGISLATURE  
FIRST SESSION

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Page 12

Manny M Aragon

Adopted \_\_\_\_\_ Not Adopted

(Chi ef Clerk)

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Date \_\_\_\_\_

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**FORTY- FOURTH LEGISLATURE  
FIRST SESSION**

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**FORTY- FOURTH LEGISLATURE  
FIRST SESSION, 1999**

**March 16, 1999**

**SENATE FLOOR AMENDMENT number \_\_\_\_\_ to SENATE BILL 737, as  
amended,**

**with emergency clause**

**AMENDMENT sponsored by SENATOR DAVIS**

**1. On page 6, lines 14 through 17, strike "The legislature  
may only amend or modify the joint resolution submitted to it  
pursuant to the provisions of this section so as to correct**

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**FORTY-FOURTH LEGISLATURE  
FIRST SESSION**

**SF1/737**

**Page 14**

technical errors in the text or format."

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**Senator William F. Davis**

**Adopted** \_\_\_\_\_

**Not Adopted** \_\_\_\_\_

**(Chief Clerk)**

**(Chief Clerk)**

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**FORTY-FOURTH LEGISLATURE  
FIRST SESSION**

**SF1 /737**

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**Date** \_\_\_\_\_

**S0737FS2**

**129082. 1**

1 FORTY-FOURTH LEGISLATURE  
2 FIRST SESSION, 1999  
3  
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6 March 15, 1999  
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8 Mr. Speaker:  
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10 Your JUDICIARY COMMITTEE, to whom has been referred  
11

12 SENATE BILL 737, as amended  
13

14 has had it under consideration and reports same with  
15 recommendation that it DO PASS, amended as follows:  
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- 17 1. Strike Senate Floor Amendment 2.  
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19 Respectfully submitted,  
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22 \_\_\_\_\_  
23 R. David Pederson, Chairman  
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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

HJC/SB737aa

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 10 For 0 Against

Yes: 10

Excused: Luna, Sanchez

Absent: None

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J: \99BillSWP\s0737

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