

HOUSE BILL NO. 1294

Introduced by

Representative Dosch

1 A BILL for an Act to amend and reenact sections 54-58-03, 57-51.2-01, subsection 3 of section
2 57-51.2-02, and section 57-51.2-04 of the North Dakota Century Code, relating to negotiation of
3 tribal-state gaming contracts and the three affiliated tribes oil and gas agreement.

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

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

7 **54-58-03. Tribal-state gaming compact - Creation, renewals, and amendments.**

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

- 13 ~~1. If the legislative assembly is not in session at the time gaming negotiations are being~~
14 ~~conducted, the chairman and vice chairman of the legislative management or the~~
15 ~~designee of the chairman or vice chairman may attend all negotiations and brief the~~
16 ~~legislative management on the status of the negotiations.~~
- 17 ~~2. If the legislative assembly is in session at the time negotiations are being conducted,~~
18 ~~the majority and minority leaders of both houses, or their designees, may attend all~~
19 ~~negotiations and brief their respective houses on the status of the negotiations.~~
- 20 ~~3.1.~~ The compact may authorize an Indian tribe to conduct gaming that is permitted in the
21 state for any purpose by any person, organization, or entity.
- 22 ~~4.2.~~ For the purposes of this chapter, the term "gaming that is permitted in the state for any
23 purpose by any person, organization, or entity" includes any game of chance that any

1 Indian tribe was permitted to conduct under a tribal-state gaming compact that was in
2 effect on August 1, 1997.

3 ~~5.3.~~ The compact may not authorize gaming to be conducted by an Indian tribe at any
4 off-reservation location not permitted under a tribal-state gaming compact in effect on
5 August 1, 1997, except that in the case of the tribal-state gaming compact between
6 the Turtle Mountain Band of Chippewa and the state, gaming may be conducted on
7 land within Rolette County held in trust for the Band by the United States government
8 which was in trust as of the effective date of the Indian Gaming Regulatory Act of 1988
9 [Pub. L. 100-497; 102 Stat. 2467; 25 U.S.C. 2701 et seq.].

10 ~~6.4.~~ The compact may not obligate the state to appropriate state funds; provided, however,
11 the state may perform services for reimbursement.

12 ~~7.5.~~ The negotiations between the tribe and the state must address the possibility of a
13 mutual effort of the parties to address the issue of compulsive gambling.

14 ~~8.6.~~ If the legislative assembly is not in session when the negotiations are concluded, the
15 ~~governor~~legislative management shall forward a copy of the compact as finally
16 negotiated to each member of the legislative ~~management~~assembly at least
17 twenty-one days before the compact is signed.

18 ~~9.7.~~ If the legislative assembly is in session when the negotiations are concluded, the
19 ~~governor~~legislative management shall forward a copy of the compact as finally
20 negotiated to each member of the legislative assembly at least twenty-one days before
21 the compact is signed.

22 ~~10.8.~~ Before execution of any proposed tribal-state gaming compact or amendment thereto,
23 the ~~governor~~legislative management shall conduct one public hearing on the proposed
24 compact or amendment.

25 **SECTION 2. AMENDMENT.** Section 57-51.2-01 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **57-51.2-01. Authority to enter agreements.**

28 The ~~governor~~legislative management, in consultation with the tax commissioner, may enter
29 agreements with the Three Affiliated Tribes relating to taxation and regulation of oil and gas
30 exploration and production within the boundaries of the Fort Berthold Reservation.

1 **SECTION 3. AMENDMENT.** Subsection 3 of section 57-51.2-02 of the North Dakota
2 Century Code is amended and reenacted as follows:

3 3. The state's oil extraction tax under chapter 57-51.1 as applied to oil and gas
4 production attributable to trust lands on the Fort Berthold Reservation may not exceed
5 six and one-half percent but may be reduced through negotiation between the
6 ~~governor~~legislative management and the Three Affiliated Tribes.

7 **SECTION 4. AMENDMENT.** Section 57-51.2-04 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **57-51.2-04. Reports.**

10 After entering an agreement under this chapter, the ~~governor~~legislative management shall
11 file a report with the legislative ~~council~~assembly describing the agreement's negotiations and
12 terms and thereafter shall file biennial reports with the legislative ~~council~~assembly describing
13 the agreement's implementation and any difficulties in its implementation.