

underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 642

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

George K. Munoz

AN ACT

RELATING TO TRIBAL COMPACT NEGOTIATIONS; AMENDING THE COMPACT
NEGOTIATION ACT TO LIMIT THE TIME AN INDIAN NATION, TRIBE OR
PUEBLO MAY OPT INTO A TRIBAL GAMING COMPACT; DECLARING AN
EMERGENCY.

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

SECTION 1. Section 11-13A-4 NMSA 1978 (being Laws 1999,
Chapter 252, Section 4, as amended by Laws 2007, Chapter 311,
Section 1 and by Laws 2007, Chapter 314, Section 1) is amended
to read:

"11-13A-4. SUBMITTAL TO COMMITTEE--COMMITTEE ACTION--
LEGISLATIVE ACTION.--

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

underscoring material = new
~~[bracketed material] = delete~~

1 service.

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

5 (1) recommend approval of the proposed compact
6 or amendment by submitting a joint resolution to approve the
7 compact or amendment to the legislature; or

8 (2) by written transmittal document, propose
9 specific modifications to the proposed compact or amendment and
10 request the governor to resume negotiations with the tribe.

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

18 D. If negotiations are resumed pursuant to
19 Subsection C of this section and a modified proposed compact or
20 amendment is agreed to, the governor shall submit the modified
21 proposed compact or amendment together with any additional
22 analysis or recommendations to the committee. The approval
23 process described in this section for the originally submitted
24 proposed compact or amendment shall be followed for
25 consideration of a proposed modified compact or a proposed

.193757.1GM

underscoring material = new
~~[bracketed material] = delete~~

1 modified amendment, except that the committee shall conduct its
2 review in a timely manner but in not more than thirty days.

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

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

21 G. If the legislature is in session when the
22 committee makes its decision on the proposed compact or
23 amendment, the committee shall prepare and introduce a joint
24 resolution to approve the proposed compact or amendment without
25 delay after reaching its decision. The joint resolution shall

.193757.1GM

underscoring material = new
~~[bracketed material] = delete~~

1 be accompanied by the committee's recommendation to approve or
2 to disapprove or expressing no recommendation. A joint
3 resolution may cover more than one compact or amendment if the
4 terms of the compacts or amendments are identical except for
5 the name of the tribe and the name of the person executing the
6 compact on behalf of the tribe. If a majority in each house
7 votes to adopt the joint resolution, the proposed compact or
8 amendment is approved by the legislature, and the governor
9 shall execute it on behalf of the state.

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

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

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

.193757.1GM

underscoring material = new
~~[bracketed material] = delete~~

1 shall approve and sign the compact or amendment on behalf of
2 the state without submitting the compact for approval pursuant
3 to the provisions of this section; provided that ~~[with respect~~
4 ~~to a compact or amendment approved by the first session of the~~
5 ~~forty-eighth legislature]~~ the request shall be received by the
6 governor by no later than two hundred forty days following the
7 date on which the compact or amendment was approved by the
8 legislature ~~[or, in the case of a request by a tribe that has~~
9 ~~not entered into a compact as of two hundred forty days~~
10 ~~following the date on which the compact or amendment was~~
11 ~~approved by the legislature, two hundred forty days following~~
12 ~~the date the tribe first executes the 2001 tribal gaming~~
13 ~~compact with the state]~~. A compact or amendment signed by the
14 governor pursuant to this subsection is deemed approved by the
15 legislature."

16 SECTION 2. EMERGENCY.--It is necessary for the public
17 peace, health and safety that this act take effect immediately.