

**SENATE BILL NO. 2399**

Introduced by

Senator W. Stenehjem

Representative Kretschmar

(Approved by the Delayed Bills Committee)

1 A BILL for an Act to provide approval of amendments and renewals of tribal-state gaming  
2 compacts and for an open records exception for tribal gaming financial information submitted to  
3 a state agency.

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

5 **SECTION 1. Tribal-state gaming compact - Definition.** A tribal-state gaming  
6 compact is a duly executed agreement between the state and a federally recognized Indian  
7 tribe as approved by the secretary of the department of interior of the United States pursuant to  
8 the Indian Gaming Regulatory Act of 1988 [Pub. L. 100-497; 102 Stat. 2467; 25 U.S.C. 2701  
9 et seq.].

10 **SECTION 2. Tribal gaming records not subject to disclosure - Exceptions.** Except  
11 as provided in each tribal-state gaming compact, all tribal gaming records, including trade  
12 secret and proprietary information as defined in section 44-04-18.4, submitted to an agency of  
13 this state are confidential and are not public records subject to section 44-04-18 and section 6  
14 of article XI of the Constitution of North Dakota.

15 **SECTION 3. Tribal-state gaming compact - Creation, renewals, and amendments.**  
16 The governor or the governor's designee may represent the state in any gaming negotiation in  
17 which the state is required to participate pursuant to 25 U.S.C. 2701 et seq. by any federally  
18 recognized Indian tribe and, on behalf of the state, may execute a gaming compact between the  
19 state and a federally recognized Indian tribe, subject to the following:

20 1. If the legislative assembly is not in session at the time gaming negotiations are  
21 being conducted, the chairman and vice chairman of the legislative council or the  
22 designee of the chairman or vice chairman may attend all negotiations and brief  
23 the legislative council on the status of the negotiations.

- 1           2.    If the legislative assembly is in session at the time negotiations are being  
2                    conducted, the majority and minority leaders of both houses, or their designees,  
3                    may attend all negotiations and brief their respective houses on the status of the  
4                    negotiations.
- 5           3.    The compact may authorize an Indian tribe to conduct gaming that is permitted in  
6                    the state for any purpose by any person, organization, or entity.
- 7           4.    For the purposes of this Act, the term "gaming that is permitted in the state for any  
8                    purpose by any person, organization, or entity" includes any game of chance that  
9                    any Indian tribe was permitted to conduct under a tribal-state gaming compact that  
10                   was in effect on the effective date of this Act.
- 11          5.    The compact may not authorize gaming to be conducted by an Indian tribe at any  
12                   off-reservation location not permitted under a tribal-state gaming compact in effect  
13                   on the effective date of this Act, except that in the case of the tribal-state gaming  
14                   compact between the Turtle Mountain Band of Chippewa and the state, gaming  
15                   may be conducted on land within Rolette County held in trust for the Band by the  
16                   United States government which was in trust as of the effective date of the Indian  
17                   Gaming Regulatory Act of 1988 [Pub. L. 100-497, 102 Stat. 2467; 25 U.S.C. 2701  
18                   et seq.].
- 19          6.    The compact may not obligate the state to appropriate state funds; provided,  
20                   however, the state may perform services for reimbursement.
- 21          7.    The negotiations between the tribe and the state must address the possibility of a  
22                   mutual effort of the parties to address the issue of compulsive gambling.
- 23          8.    If the legislative assembly is not in session when the negotiations are concluded,  
24                   the governor shall forward a copy of the compact as finally negotiated to each  
25                   member of the legislative council at least twenty-one days before the compact is  
26                   signed.
- 27          9.    If the legislative assembly is in session when the negotiations are concluded, the  
28                   governor shall forward a copy of the compact as finally negotiated to each member  
29                   of the legislative assembly at least twenty-one days before the compact is signed.

- 1           10.   Before execution of any proposed tribal-state gaming compact or amendment
- 2                    thereo, the governor shall conduct one public hearing on the proposed compact or
- 3                    amendment.