

By: Representative Flaggs

To: Gaming

HOUSE BILL NO. 478

1 AN ACT TO PROVIDE THAT THE GOVERNOR MAY REPRESENT THE STATE
2 IN NEGOTIATING GAMING COMPACTS BETWEEN THE STATE AND INDIAN
3 TRIBES, SUBJECT TO LEGISLATIVE APPROVAL OF ANY GAMING COMPACT; TO
4 REQUIRE THAT SUCH GAMING COMPACTS CONTAIN CERTAIN PROVISIONS; TO
5 CREATE THE JOINT LEGISLATIVE COMMITTEE ON STATE-TRIBAL GAMING
6 COMPACTS; TO SET FORTH THE COMPOSITION AND DUTIES OF THE JOINT
7 COMMITTEE; TO AMEND SECTION 7-1-13, MISSISSIPPI CODE OF 1972, IN
8 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10 **SECTION 1.** (1) The negotiation process for compacts with
11 federally recognized Indian tribes for conducting Class III
12 gaming, as defined in the Indian Gaming Regulatory Act, 25 USCS
13 Section 2701 et seq., on federal Indian lands is governed by this
14 section.

15 (2) The Governor, or his designee, may represent the State
16 of Mississippi in any gaming negotiations the state is requested
17 to participate in under 25 USCS Section 2701 et seq., subject to
18 legislative approval as described in this subsection.

19 (a) When a tentative agreement with an Indian tribe on
20 a proposed compact is reached, the Governor shall transmit a copy
21 of the proposed compact to the Joint Legislative Committee on
22 State-Tribal Gaming Compacts created in Section 2 of this act.
23 The committee shall review the proposed compact and, within thirty
24 (30) days, make recommendations as to approval, rejection or
25 modification of the proposed compact.

26 (b) If the committee recommends modification of a
27 proposed compact submitted by the Governor, the Governor or his
28 designee may resume negotiations in accordance with the
29 committee's recommended modifications, and the modified proposed

30 compact shall be submitted to the committee in the same manner as
31 the original proposed compact.

32 (3) A gaming compact negotiated on behalf of the state under
33 this section shall contain:

34 (a) A provision recognizing the right of each party to
35 the compact to request that the compact be renegotiated or
36 replaced by a new compact, including the right of the Mississippi
37 State Legislature by concurrent resolution to request
38 renegotiation or replacement of the compact, and a provision
39 setting forth the terms under which the renegotiation of an
40 existing compact, or the negotiation of a new compact, may be
41 requested.

42 (b) A provision that the duration of the compact shall
43 be limited to a period of seven (7) years, except as otherwise
44 provided in paragraph (c) of this subsection.

45 (c) A provision that, in the event of a request for the
46 renegotiation of an existing compact or the negotiation of a new
47 compact, the existing compact will remain in effect until
48 renegotiated or replaced.

49 **SECTION 2.** (1) There is created the Joint Legislative
50 Committee on State-Tribal Gaming Compacts. The committee shall
51 have the following powers and duties:

52 (a) To oversee and approve gaming compacts and
53 agreements between the state of Mississippi and any federally
54 recognized Indian tribe that seeks to conduct Class III gaming, as
55 defined in the Indian Gaming Regulatory Act, 25 USCS Section 2701
56 et seq., on federal Indian lands within the state.

57 (b) To meet regularly with the State Gaming Commission
58 to compare and analyze the benefits to the state of gaming
59 activities conducted pursuant to a state-tribal gaming compact and
60 the state benefits of other state-regulated gaming activities
61 within the state.

62 (c) To recommend such legislation as it considers
63 necessary in performing its functions.

64 (d) To take such other action as may be necessary or
65 convenient in relation to gaming compacts as described in
66 paragraph (a) of this subsection.

67 (2) The committee shall be composed of the Chairman of the
68 Gaming Committee of the House of Representatives, the Chairman of
69 the Finance Committee of the Mississippi State Senate, four (4)
70 members of the House of Representatives to be named by the Speaker
71 of the House, and four (4) members of the Senate to be named by
72 the Lieutenant Governor.

73 (3) The chairmanship of the committee shall alternate for
74 twenty-four-month periods, beginning on May 1, 2007, between the
75 Chairman of the Gaming Committee of the House of Representatives
76 and the Chairman of the Finance Committee of the Mississippi State
77 Senate, with the Chairman of the House Gaming Committee serving as
78 the first chairman and the Chairman of the Senate Finance
79 Committee serving as the first vice chairman.

80 (4) There shall be no business transacted, including
81 adoption of rules of procedure, without the presence of a quorum
82 of the committee. A quorum shall be six (6) members, to consist
83 of three (3) members of the House of Representatives and three (3)
84 members of the Senate. No action shall be valid unless approved
85 by the majority of those members present and voting, entered upon
86 the minutes of the committee and signed by the chairman and vice
87 chairman. The committee may meet at any time and at any place on
88 the call of the chairman.

89 (5) In addition to their legislative salaries as provided by
90 law, the members of the committee shall receive per diem
91 compensation as authorized by law for their services in carrying
92 out the duties of the committee, and in addition thereto, shall
93 receive a daily expense allowance equal to the maximum daily
94 expense rate allowable to employees of the federal government for

95 travel in the high rate geographical area of Jackson, Mississippi,
96 as may be established by federal regulations, including mileage as
97 authorized by Section 25-3-41. However, in no case shall the
98 members of the committee receive per diem compensation for
99 attending meetings conducted while the Legislature is in regular
100 or extraordinary session.

101 (6) The Directors of the House and Senate Legislative
102 Services Offices shall assist the committee with regard to
103 staffing the committee, and shall appoint one (1) attorney from
104 each of their respective offices to serve as cocounsel for the
105 committee.

106 (7) Upon the request of the committee, the Attorney General
107 shall provide legal assistance or representation to the committee
108 regarding any matter within the jurisdiction of the committee,
109 including bringing suits on behalf of the committee and
110 representing the committee in any suits brought against the
111 committee.

112 **SECTION 3.** Section 7-1-13, Mississippi Code of 1972, is
113 amended as follows:

114 7-1-13. The Governor shall transact all the business of the
115 state, civil and military, with the United States government or
116 with any other state or territory, except in cases otherwise
117 specially provided by law, including as otherwise provided in
118 Section 1 of this act with regard to gaming compacts between the
119 state and a federally recognized Indian tribe.

120 **SECTION 4.** This act shall take effect and be in force from
121 and after its passage.