

By: Representatives Holland, Flaggs

To: Gaming

HOUSE BILL NO. 569

1 AN ACT TO PROVIDE THAT THE MISSISSIPPI GAMING COMMISSION,
2 ACTING THROUGH THE EXECUTIVE DIRECTOR OF THE COMMISSION, SHALL
3 REPRESENT THE STATE IN ANY GAMING NEGOTIATIONS BETWEEN THE STATE
4 AND INDIAN TRIBES, SUBJECT TO LEGISLATIVE APPROVAL OF ANY GAMING
5 COMPACT; TO REQUIRE THAT SUCH GAMING COMPACTS CONTAIN CERTAIN
6 PROVISIONS; TO CREATE THE JOINT LEGISLATIVE COMMITTEE ON
7 STATE-TRIBAL GAMING COMPACTS; TO SET FORTH THE COMPOSITION AND
8 DUTIES OF THE JOINT COMMITTEE; TO AMEND SECTION 7-1-13,
9 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION
10 75-76-21, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO, AND TO
11 DELETE CERTAIN OBSOLETE LANGUAGE THAT WAS REPEALED ON OCTOBER 1,
12 1993, REFERRING TO THE EMPLOYMENT OF TIME-LIMITED EMPLOYEES BY THE
13 STATE TAX COMMISSION WHEN THE GAMING CONTROL ACT WAS INITIALLY
14 ENACTED; AND FOR RELATED PURPOSES.

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

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

21 (2) The Mississippi Gaming Commission, acting through the
22 executive director of the commission, or his designee, shall
23 represent the State of Mississippi in any gaming negotiations the
24 state is requested to participate in under 25 USCS Section 2701 et
25 seq., subject to legislative approval as described in this
26 subsection.

27 (a) When a tentative agreement with an Indian tribe on
28 a proposed compact is reached, the executive director shall
29 transmit a copy of the proposed compact to the members of the
30 commission and to the joint legislative committee on State-Tribal
31 Gaming Compacts created in Section 2 of this act.

32 (i) The commission may hold public hearings on the
33 proposed compact any time after receiving a copy of the proposed

34 compact. Within forty-five (45) days after receiving the proposed
35 compact, the commission shall vote on whether to return the
36 proposed compact to the executive director with instructions for
37 further negotiation or to recommend execution of the proposed
38 compact.

39 (ii) The joint legislative committee shall review
40 the proposed compact and, within forty-five (45) days, make
41 recommendations to the executive director and the commission as to
42 approval, rejection or modification of the proposed compact. If
43 the joint legislative committee recommends modification of a
44 proposed compact submitted, the executive director or his designee
45 may resume negotiations in accordance with the joint legislative
46 committee's recommended modifications, and the modified proposed
47 compact shall be submitted to the joint legislative committee in
48 the same manner as the original proposed compact.

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

51 (a) A provision recognizing the right of each party to
52 the compact to request that the compact be renegotiated or
53 replaced by a new compact, including the right of the Mississippi
54 State Legislature by concurrent resolution to request
55 renegotiation or replacement of the compact, and a provision
56 setting forth the terms under which the renegotiation of an
57 existing compact, or the negotiation of a new compact, may be
58 requested.

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

62 (c) A provision that, in the event of a request for the
63 renegotiation of an existing compact or the negotiation of a new
64 compact, the existing compact will remain in effect until
65 renegotiated or replaced.

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

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

74 (b) To meet regularly with the State Gaming Commission
75 to compare and analyze the benefits to the state of gaming
76 activities conducted pursuant to a state-tribal gaming compact and
77 the benefits to the state of other state-regulated gaming
78 activities within the state.

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

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

84 (2) The committee shall be composed of the Chairman of the
85 Gaming Committee of the House of Representatives, the Chairman of
86 the Finance Committee of the Mississippi State Senate, four (4)
87 members of the House of Representatives to be named by the Speaker
88 of the House, and four (4) members of the Senate to be named by
89 the Lieutenant Governor.

90 (3) The chairmanship of the committee shall alternate for
91 twenty-four-month periods, beginning on May 1, 2007, between the
92 Chairman of the Gaming Committee of the House of Representatives
93 and the Chairman of the Finance Committee of the Mississippi State
94 Senate, with the Chairman of the House Gaming Committee serving as
95 the first chairman and the Chairman of the Senate Finance
96 Committee serving as the first vice chairman.

97 (4) There shall be no business transacted, including
98 adoption of rules of procedure, without the presence of a quorum

99 of the committee. A quorum shall be six (6) members, to consist
100 of three (3) members of the House of Representatives and three (3)
101 members of the Senate. No action shall be valid unless approved
102 by the majority of those members present and voting, entered upon
103 the minutes of the committee and signed by the chairman and vice
104 chairman. The committee may meet at any time and at any place on
105 the call of the chairman.

106 (5) In addition to their legislative salaries as provided by
107 law, the members of the committee shall receive per diem
108 compensation as authorized by law for their services in carrying
109 out the duties of the committee, and in addition thereto, shall
110 receive a daily expense allowance equal to the maximum daily
111 expense rate allowable to employees of the federal government for
112 travel in the high rate geographical area of Jackson, Mississippi,
113 as may be established by federal regulations, including mileage as
114 authorized by Section 25-3-41. However, in no case shall the
115 members of the committee receive per diem compensation for
116 attending meetings conducted while the Legislature is in regular
117 or extraordinary session.

118 (6) The Directors of the House and Senate Legislative
119 Services Offices shall assist the committee with regard to
120 staffing the committee, and shall appoint one (1) attorney from
121 each of their respective offices to serve as cocounsel for the
122 committee.

123 (7) Upon the request of the committee, the Attorney General
124 shall provide legal assistance or representation to the committee
125 regarding any matter within the jurisdiction of the committee,
126 including bringing suits on behalf of the committee and
127 representing the committee in any suits brought against the
128 committee.

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

131 7-1-13. The Governor shall transact all the business of the
132 state, civil and military, with the United States government or
133 with any other state or territory, except in cases otherwise
134 specially provided by law, including as otherwise provided in
135 Section 1 of this act with regard to gaming compacts between the
136 state and a federally recognized Indian tribe.

137 **SECTION 4.** Section 75-76-21, Mississippi Code of 1972, is
138 amended as follows:

139 75-76-21. (1) The executive director, in pursuit of the
140 attainment of the objectives and the purposes of this chapter, has
141 the following powers and duties:

142 (a) To sue and be sued on behalf of the commission;

143 (b) To acquire real property in accordance with
144 statutory procedure and make improvements thereon on behalf of the
145 commission;

146 (c) To make, execute and effectuate any and all
147 agreements or contracts, including contracts for the purchase of
148 goods and services as are necessary;

149 (d) To employ the services of such persons as he
150 considers necessary for the purposes of consultation or
151 investigation and fix the salaries of or contract for the services
152 of such legal, professional, technical and operational personnel
153 and consultants, subject to applicable provisions of the State
154 Personnel Board. For the purpose of implementing the provisions
155 of this chapter, additional legal assistance may be retained only
156 with the approval of the Attorney General;

157 (e) To acquire such furnishings, equipment, supplies,
158 stationery, books, and all other things as he may deem necessary
159 or desirable in carrying out his functions; * * *

160 (f) To act on behalf of the commission, in representing
161 the State of Mississippi in any gaming negotiations the state is
162 requested to participate in under 25 USCS Section 2701 et seq.,

163 subject to legislative approval as described in Section 1 of this
164 act; and

165 (g) To perform such other duties which he may deem
166 necessary to effectuate the purposes of this chapter.

167 (2) Except as otherwise provided in this chapter, all costs
168 of administration incurred by the executive director and his
169 employees shall be paid out on claims from the State Treasury in
170 the same manner as other claims against the state are paid.

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172 **SECTION 5.** This act shall take effect and be in force from
173 and after its passage.