

LEGISLATURE OF NEBRASKA
NINETY-NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 405

Introduced by Schimek, 27; Connealy, 16; Janssen, 15

Read first time January 12, 2005

Committee: General Affairs

A BILL

1 FOR AN ACT relating to Indian gaming; to amend section 9-1,106,
2 Reissue Revised Statutes of Nebraska; to change
3 provisions relating to negotiation and adoption of a
4 tribal-state gaming compact; and to repeal the original
5 section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 9-1,106, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 9-1,106. (1) The Legislature finds that the State of
4 Nebraska and the federally recognized Indian tribes within the
5 State of Nebraska, in recognition of the sovereign rights of each
6 party and in a spirit of cooperation to promote the best interests
7 of the citizens of the state and the members of the tribes, shall
8 engage in good faith negotiations for a tribal-state compact
9 regarding Class III gaming on Indian lands pursuant to the federal
10 Indian Gaming Regulatory Act and this section.

11 (2) Upon written request of an Indian tribe having
12 jurisdiction over Indian lands in Nebraska, the Governor or his or
13 her designated representative or representatives shall, pursuant to
14 25 U.S.C. 2710 of the federal Indian Gaming Regulatory Act,
15 negotiate with such Indian tribe in good faith for the purpose of
16 entering into a tribal-state compact governing the conduct of Class
17 III gaming as defined in the act. A compact which is negotiated
18 pursuant to this section shall be executed by the Governor.
19 ~~without ratification by the Legislature.~~

20 ~~(2)~~ (3) (a) It shall be the policy of this state that any
21 compact negotiated pursuant to this section shall ~~(a)~~ (i) protect
22 the health, safety, and welfare of the public, (ii) ~~and~~ ~~(b)~~ promote
23 tribal economic development, tribal self-sufficiency, and strong
24 tribal government, and (iii) promote a strong working relationship
25 between the state and the federally recognized tribes.

26 (b) Compact negotiations shall include, but not be
27 limited to, the following topics:

28 (i) Compact duration;

- 1 (ii) Compact renewal process;
2 (iii) Location of a gaming facility;
3 (iv) Number of gaming machines at the negotiated
4 location;
5 (v) Mandatory minimum gaming age for patrons; and
6 (vi) Reimbursement of the state by the tribe for any
7 costs incurred by any state agency subject to reimbursement in
8 accordance with the compact.

9 (4) A compact negotiated pursuant to this section shall
10 contain a provision recognizing the right of each party to the
11 compact to request that the compact be renegotiated or replaced by
12 a new compact, including the right of the Legislature by resolution
13 to request renegotiation or replacement of the compact, and
14 providing the terms under which either party, including the
15 Legislature, may request a renegotiation of the compact or the
16 negotiation of a new compact. Upon the request for a renegotiation
17 of a new compact, the then existing compact remains in effect until
18 renegotiated or replaced.

19 ~~(3)~~ (5) Such compact negotiations shall be conducted
20 pursuant to the provisions of 25 U.S.C. 2710 of the federal Indian
21 Gaming Regulatory Act and shall be completed within one hundred
22 eighty days after receipt of the tribe's written request by the
23 Governor.

24 Sec. 2. (1) If the Legislature is in session upon
25 completion of a negotiated compact under section 9-1,106, the
26 Governor shall submit the compact to the Legislature for approval
27 or rejection. The Legislature shall vote on the compact within ten
28 legislative days after its introduction. If a majority of the

1 members of the Legislature vote to adopt the compact, the proposed
2 compact shall be considered to have been approved by the
3 Legislature and the Governor may then execute the compact on behalf
4 of the state.

5 (2) If the Legislature is not in session upon completion
6 of a negotiated compact under section 9-1,106, the Governor shall
7 submit the compact to the Executive Board of the Legislature. The
8 executive board shall have thirty working days in which to vote on
9 the proposed compact. If a majority of the members of the
10 executive board vote in favor of the compact, the Governor may then
11 execute the compact on behalf of the state.

12 (3) Neither the Legislature nor the Executive Board of
13 the Legislature shall have the authority to amend or otherwise
14 modify any proposed compact submitted for approval.

15 Sec. 3. Original section 9-1,106, Reissue Revised
16 Statutes of Nebraska, is repealed.