

State of Arizona
House of Representatives
Forty-second Legislature
Second Regular Session
1996

FILED

**Jane Dee Hull
Secretary of State**

CHAPTER 203

HOUSE BILL 2081

AN ACT

AMENDING SECTION 5-601, ARIZONA REVISED STATUTES; RELATING TO GAMBLING ON INDIAN RESERVATIONS.

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 5-601, Arizona Revised Statutes, is amended to
3 read:

4 5-601. Gambling on Indian reservations; tribal-state compacts

5 A. Notwithstanding any other law, this state, through the governor,
6 may enter into negotiations and execute tribal-state compacts with Indian
7 tribes in this state pursuant to the Indian gaming regulatory act of 1988 (25
8 United States Code sections 2701 through 2721 and 18 United States Code
9 sections 1166 through 1168). Notwithstanding the authority granted to the
10 governor by this subsection, this state specifically reserves all of its
11 rights, as attributes of its inherent sovereignty, recognized by the tenth
12 and eleventh amendments to the United States Constitution. The governor
13 shall not execute a tribal-state compact which waives, abrogates or
14 diminishes these rights.

15 B. The governor shall not concur in any determination by the United
16 States secretary of the interior that would permit gaming on lands acquired
17 after October 17, 1988 pursuant to 25 United States Code section 2719.

18 C. The department of gaming is authorized to carry out the duties and
19 responsibilities of the state gaming agency in compacts executed by the state
20 and Indian tribes of this state pursuant to the Indian gaming regulatory act.

21 D. IN CARRYING OUT ITS DUTIES UNDER TRIBAL-STATE GAMING COMPACTS, the
22 department of gaming ~~shall adopt administrative rules pursuant to title 41,~~
23 ~~chapter 6, consistent with the tribal state compacts to carry out the~~

1 ~~purposes of subsection C of this section, to ensure the integrity and honesty~~
2 ~~of gaming activities authorized by a tribal state compact and to promote~~
3 ~~tribal economic development~~ IS EXEMPT FROM THE RULE MAKING REQUIREMENTS OF
4 TITLE 41, CHAPTER 6.

5 E. Indian tribes of this state which have executed compacts with the
6 state shall pay to the department of gaming their share of the regulatory
7 costs necessary to carry out the duties required by any executed tribal-state
8 compact authorized by the Indian gaming regulatory act. The department of
9 gaming shall collect from each of the tribes that have executed a compact
10 with the state their share of the costs incurred by the department pursuant
11 to this chapter. The dates and methods of payment shall be as specified in
12 the tribal-state compacts.

13 F. A permanent tribal-state compact fund is established in the state
14 treasury consisting of monies received pursuant to subsection E of this
15 section and other monies received pursuant to this chapter. The department
16 of gaming shall administer the fund. The director of the department of
17 gaming shall make an annual report to the governor, the president of the
18 senate, the speaker of the house of representatives and each tribe which has
19 executed a compact with the state disclosing in detail the activities of the
20 department of gaming pursuant to this chapter including a full and complete
21 statement of revenues deposited in and expenditures from the permanent
22 tribal-state compact fund. Monies paid by the tribes shall only be used for
23 reimbursement of administrative and regulatory expenses incurred by the
24 department pursuant to this chapter.

25 G. Monies received by the department of gaming and deposited in the
26 permanent tribal-state compact fund pursuant to this chapter on or before
27 June 30, 1993 are appropriated to the department of gaming for the purposes
28 of carrying out the duties of the director of the department of gaming under
29 this section. Monies deposited in the permanent tribal-state compact fund
30 after June 30, 1993 are subject to legislative appropriation.

31 H. All monies in the fund are exempt from the provisions of section
32 35-190, relating to lapsing of appropriations.

APPROVED BY THE GOVERNOR APRIL 18, 1996

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 19, 1996