

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE DRS35174-RK-36 (03/28)

Short Title: Clarify Indian Gaming Authority.

(Public)

Sponsors: Senator Apodaca.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO CLARIFY THAT THE NORTH CAROLINA GENERAL ASSEMBLY MUST  
3 ACT TO LEGALIZE ANY ADDITIONAL CLASS III GAMING ON INDIAN LANDS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 71A-8 reads as rewritten:

6 "**§ 71A-8. Authorization for federally recognized Indian tribes.**

7 In recognition of the governmental relationship between the State, federally recognized  
8 Indian tribes and the United States, a federally recognized Indian tribe may conduct games  
9 consistent with the Indian Gaming Regulatory Act, Public Law 100-497, that are in accordance  
10 with a valid Tribal-State compact executed by the ~~Governor~~ Governor, ratified by the North  
11 Carolina General Assembly pursuant to G.S. 147-12(14)–G.S. 147-12(a)(14), and approved by  
12 the U.S. Department of Interior under the Indian Gaming Regulatory Act, and such games shall  
13 not be unlawful or against the public policy of the State if the State permits such gaming for  
14 any purpose by any person, organization, or entity."

15 **SECTION 2.** G.S. 147-12(a)(14) reads as rewritten:

16 "(14) To negotiate ~~and enter into~~ Class III Tribal-State gaming compacts, and  
17 amendments thereto, on behalf of the State consistent with State law and the  
18 Indian Gaming Regulatory Act, Public Law 100-497, as necessary to allow a  
19 federally recognized Indian tribe to operate gaming activities in this State as  
20 permitted under federal law. ~~The Governor shall report any gaming compact,~~  
21 ~~or amendment thereto, to the Joint Legislative Commission on~~  
22 Governmental Operations. Immediately following completion of negotiations  
23 and execution of a compact, the Governor shall submit a copy of the  
24 executed Tribal-State compact to the President Pro Tempore of the Senate,  
25 the Speaker of the House of Representatives, and the Secretary of State. To  
26 be effective, the compact must be ratified by both houses of the legislature  
27 by a majority vote of the members present. Upon receipt of an act ratifying a  
28 Tribal-State compact, the Secretary of State shall forward a copy of the  
29 executed compact and the ratifying act to the United States Secretary of the  
30 Interior, in accordance with federal law, for review and approval."

31 **SECTION 3.** This act is effective when it becomes law.



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