

LEGISLATIVE SUMMARY SHEET

Tracking No. 0092-16

DATE: March 17, 2016

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK' ÍYÁTTI; SUPPORTING NEW MEXICO HOUSE BILL 85 THAT PLACES A CAP ON THE REVENUE PERCENTAGE OF A TRIBAL-STATE CLASS III GAMING COMPACT AT THE SAME PERCENTAGE AS THE CORPORATE INCOME TAX RATES

PURPOSE: This resolution, if approved, will support New Mexico House Bill 85. This Bill will have no effect on the existing Navajo Nation gaming compact with the State of New Mexico.

This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: Ratanya Barbell

Website Posting Time/Date: _____

Posting End Date: 3/23/16

Eligible for Action: 3/24/16

Resources & Development Committee

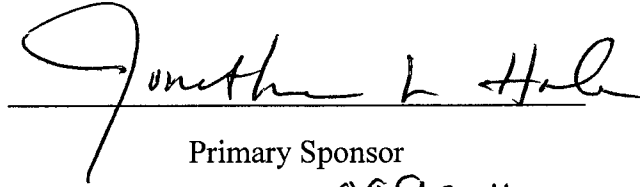
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Naa'bik'íyáti' Committee

PROPOSED STANDING COMMITTEE RESOLUTION

23RD NAVAJO NATION COUNCIL—SECOND YEAR, 2016

INTRODUCED BY



Primary Sponsor

TRACKING NO. 0092-16

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI'; SUPPORTING
NEW MEXICO HOUSE BILL 85 THAT PLACES A CAP ON THE REVENUE
PERCENTAGE OF A TRIBAL-STATE CLASS III GAMING COMPACT AT THE SAME
PERCENTAGE AS THE CORPORATE INCOME TAX RATES

WHEREAS:

- A. The Navajo Nation established the Resources and Development (RDC) as a Navajo Nation Council standing committee and as such empowered RDC to review and recommend resolutions regarding gaming. 2 N.N.C. §§ 164 (A)(9), 500 (A), 500 (C) (2012); *see also* CO-45-12.
- B. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee and as such empowered Naabik'íyáti' Committee to coordinate all state programs, including those of the state of New Mexico. 2 N.N.C. §§ 164 (A)(9), 700 (A), 701 (A)(4) (2012); *see also* CO-45-12.
- C. The Navajo Nation has a government-to-government relationship with the State of New Mexico.
- D. New Mexico House Bill 85 (HB 85) would cap the percentage of tribal gaming revenue shared with the state under any new tribal gaming compacts at the corporate income tax rate. This would not apply to the existing compacts, only to newly negotiated compacts. This bill would not prohibit the gaming tribes with existing compacts from requesting new negotiations. *See text attached as Exhibit "A".*

1 E. It is in the best interest of the Navajo Nation to support the enactment of New Mexico
2 HB 85.
3

4 NOW THEREFORE, BE IT RESOLVED:

- 5 A. The Navajo Nation supports New Mexico HB 85, *An Act Relating to Compact*
6 *Negotiations; Capping the Revenue-Sharing Percentage of a Tribal-State Class III*
7 *Gaming Compact at the Same Percentage as the Corporate Income Tax Rates.*
8
9 B. The Navajo Nation hereby authorizes the Navajo Nation President, the Navajo Nation
10 Speaker, the Navajo Nation Chief Justice and their designees, to advocate for New
11 Mexico HB 85, and state the official position of the Navajo Nation.
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HOUSE BILL 85

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

Patricia Roybal Caballero

AN ACT

RELATING TO COMPACT NEGOTIATIONS; CAPPING THE REVENUE-SHARING
PERCENTAGE OF A TRIBAL-STATE CLASS III GAMING COMPACT AT THE
SAME PERCENTAGE AS THE CORPORATE INCOME TAX RATES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 11-13A-1 NMSA 1978 (being Laws 1999,
Chapter 252, Section 1) is amended to read:

"11-13A-1. SHORT TITLE.--~~[This act]~~ Chapter 11, Article
13A NMSA 1978 may be cited as the "Compact Negotiation Act".

SECTION 2. A new section of the Compact Negotiation Act
is enacted to read:

"[NEW MATERIAL] REVENUE-SHARING CAP.--The governor shall
not submit to the committee, and the legislature shall not
approve, a compact or amendment that provides for a
revenue-sharing percentage paid by a tribe to the state that

.202548.1

underscored material = new
[bracketed material] = delete

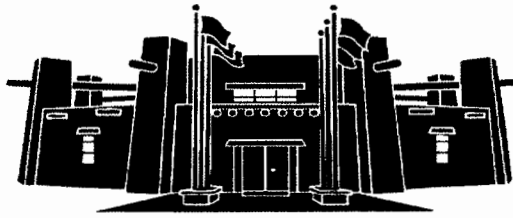
underscored material = new
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1 exceeds the corporate income tax rates pursuant to Section
2 7-2A-5 NMSA 1978."

3 SECTION 3. EFFECTIVE DATE.--The effective date of the
4 provisions of this act is July 1, 2016.

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MEMORANDUM

TO: Honorable Jonathan Hale
Navajo Tribal Council

FROM:


Stacy Allison, Attorney
Office of Legislative Counsel

DATE: March 17, 2016

SUBJECT: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND
NAABIK'ÍYÁTI; SUPPORTING NEW MEXICIO HOUSE BILL 85 THAT
PLACES A CAP ON THE REVENUE PERCENTAGE OF A TRIBAL-
STATE CLASS III GAMING COMPACT AT THE SAME PERCENTAGE
AS THE CORPORATE INCOME TAX RATES

Pursuant to your request, attached is the above-referenced proposed resolution and associated legislative summary sheet. Based on existing law, the resolution as drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of a challenge.

The Office of Legislative Council confirms the appropriate standing committee(s) reviews based on the standing committees powers outlined in 2 N.N.C. §§ 301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. § 164(A)(5).

Please review the proposed resolution to ensure it is drafted to your satisfaction. If this proposed resolution is acceptable to you, please sign it where it indicates "Prime Sponsor", and submit it to the Office of Legislative Services for the assignment of a tracking number and referral to the Speaker.

If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of changes you would like made to the proposed resolution. You may contact me at (928) 871-7166. Thank you.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0092-16_____

SPONSOR: Jonathan Hale

**TITLE: An Action Relating To Resources and Development and Naa'bik'iyati';
Supporting New Mexico House Bill 85 That Places A Cap On The Revenue Percentage Of
A Tribal-State Class III Gaming Compact At The Same Percentage As The Corporate
Income Tax Rates**

Date posted: March 18, 2016 at 4:28pm

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

**Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7590**

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0092-16

SPONSOR: Honorable Jonathan L. Hale

TITLE: An Action Relating To Resources and Development and Naa'bik'iyati'; Supporting New Mexico House Bill 85 That Places A Cap On The Revenue Percentage Of A Tribal-State Class III Gaming Compact At The Same Percentage As The Corporate Income Tax Rates.

Posted: March 18, 2016 at 4:28pm

5 DAY Comment Period Ended: March 23, 2016

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inclusive Comments	1. Lorenzo Curley



**Executive Director
Office of Legislative Services**

3/24/2016 - 9:10 AM

Date/Time

legislation0092-16

Lorenzo Curley <lcurley@nndoj.org>

Wed 3/23/2016 1:40 PM

To: comments <comments@navajo-nsn.gov>;

Comment to legislation 0092-16. Navajo Nation pays State of New Mexico a tax on gaming revenue that by misnomer is called compact percentage rate. This legislation will rightly deem the compact percentage payment to NM from NN a Tax by using corporate tax rate as baseline indicator.

If the corporate tax rate is lower than compact rate by all means renegotiate the annual payments NN remits to State of NM..