

REFERENCE TITLE: gaming; trust fund; technical correction

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1721

Introduced by
Senator Gonzales

AN ACT

AMENDING SECTION 5-605, ARIZONA REVISED STATUTES; RELATING TO TRIBAL GAMING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 5-605, Arizona Revised Statutes, is amended to
3 read:

4 5-605. Tribal-state compacts; 2021 compact trust fund; annual
5 report; definition

6 A. The 2021 compact trust fund is established for the exclusive
7 purposes of mitigating impacts to Indian tribes from gaming authorized by
8 the 2021 gaming compact amendment and providing economic benefits to
9 beneficiary tribes, including those ~~with~~ THAT HAVE an effective gaming
10 compact that includes the 2021 amendments and THAT do not engage in
11 gaming. The trust fund consists of contributions from Indian tribes
12 designated in the 2021 gaming compact amendments. The trust fund shall
13 not include tribal contributions made pursuant to section 5-601.02,
14 subsection H.

15 B. The department of gaming shall administer the 2021 compact trust
16 fund as trustee in accordance with the terms of section 12.1 of the 2021
17 gaming compact amendment. The state treasurer shall accept, separately
18 account for and hold in trust any monies deposited in the state treasury,
19 which are considered to be trust monies as defined by section 35-310 and
20 which shall not be commingled with any other monies in the state treasury
21 except for investment purposes. On notice from the director of the
22 department of gaming, the state treasurer shall invest and divest any
23 trust fund monies deposited in the state treasury as provided by sections
24 35-313 and 35-314.03, and monies earned from the investment shall be
25 credited to the trust fund.

26 C. The beneficiaries of the trust fund are federally recognized
27 Indian tribes with a 2021 gaming compact amendment that are eligible to
28 receive payments from the trust fund according to the terms of the 2021
29 gaming compact amendment.

30 D. Monies in the trust fund shall be disbursed exclusively for the
31 purposes prescribed in this article and in accordance with the 2021 gaming
32 compact amendment. Surplus monies, including any unexpended and
33 unencumbered balance at the end of the fiscal year, shall be carried
34 forward to the following year and shall not revert or be transferred to
35 any other fund, including the state general fund. Monies in the trust
36 fund are exempt from the provisions of section 35-190 relating to lapsing
37 of appropriations.

38 E. On or before September 30 of each year, the department of gaming
39 shall issue a report to the governor, the president of the senate, the
40 speaker of the house of representatives and each tribe that has executed a
41 2021 gaming compact amendment that discloses all monies deposited in and
42 disbursed from the trust fund during the prior fiscal year.

43 F. For the purposes of this section, "2021 gaming compact
44 amendment" means a tribal-state gaming compact amendment that becomes
45 effective after January 1, 2021.