

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Opposing the National Indian Gaming Commission's proposal
to amend the Indian Gaming Regulatory Act to impose fees on
Class III Gaming)**

RESOLUTION NO. 97-264

WHEREAS, the Tohono O'odham Legislative Council recognizes that gaming activities will provide an important economic resource for the Tohono O'odham Nation for the foreseeable future and, therefore, gaming is a vital interest of the Nation; and

WHEREAS, the Nation has followed closely the developments for amending the Indian Gaming Regulatory Act ("IGRA"), because such amendments could dramatically affect the Nation's interests; and

WHEREAS, a declared Congressional policy in enacting IGRA is the establishment of a statutory basis for the operation of gaming by Indian tribes as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments; and

WHEREAS, the Nation has consistently opposed any amendments which do not fulfill that policy and protect the Nation's interests; and

WHEREAS, by Resolution Number 95-147, the Tohono O'odham Legislative Council stated that it is in the Nation's interest to

RESOLUTION NO. 97-264

(Opposing the National Indian Gaming Commission's proposal to amend the Indian Gaming Regulatory Act to impose fees on Class III Gaming)

Page 2 of 6

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continue its participation in the legislative process concerning amendments to IGRA; and

WHEREAS, by Resolution No. 95-147, the Commerce Committee of the Tohono O'odham Legislative Council is authorized to make comments on behalf of the Nation to proposed amendments to the IGRA; and

WHEREAS, the Commerce Committee has considered the proposal of the National Indian Gaming Commission to amend the IGRA to allow the Commission to collect increased fees from class II gaming and to authorize the collection of fees from class III gaming; and

WHEREAS, the Commerce Committee does not support the Commission's amendment as proposed for the following reasons:

- (a) the Commission's proposal, if enacted, would result in a dramatic increase in the fees it collects from Indian gaming activity and would come at the expense of the Nation and other tribal governments;**
- (b) the Commission has not consulted with tribes concerning its proposed amendment to IGRA, and the**

RESOLUTION NO. 97-264

(Opposing the National Indian Gaming Commission's proposal to amend the Indian Gaming Regulatory Act to impose fees on Class III Gaming)

Page 3 of 6

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Commission has not provided empirical data to justify such an enormous increase in its budget; and

- (c) the Commission's own figures illustrating the level of class II gaming revenue generated by tribal gaming activity indicate that class II gaming revenues, if assessed at the highest rate allowable under IGRA, without being capped, would produce significant additional revenue to the Commission sufficient to meet its reasonable operating needs; and**

WHEREAS, the Commerce Committee recommends that if there is to be an amendment to IGRA to increase the fees collected by the Commission, that such increase be limited to class II revenue only, which can be accomplished simply by eliminating the cap now imposed under 25 U.S.C. § 2717(a)(2)(B).

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1. The Nation supports the activities of the National Indian Gaming Commission and supports increasing the level of funding available to the Commission to allow it to continue to perform its functions.**

RESOLUTION NO. 97-264

(Opposing the National Indian Gaming Commission's proposal to amend the Indian Gaming Regulatory Act to impose fees on Class III Gaming)

Page 4 of 6

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- 2. The Nation opposes, however, an amendment to the IGRA to authorize the Commission to impose fees on class III gaming activity, and recommends instead that the Commission seek only to eliminate the cap on its current fees on class II gaming by eliminating from IGRA 25 U.S. C. § 2717(a)(2)(B).**
- 3. The Nation opposes amending IGRA in any other respect as proposed by the Commission.**
- 4. The Nation recommends that any proposal to amend IGRA require full and complete consultation with tribes.**
- 5. The Nation recommends that the United States Congress continue to appropriate funds to operate the Commission on a level commensurate with the level of regulatory activity of the Commission deemed appropriate by Congress.**
- 6. The Nation recommends that President Clinton make a commitment on behalf of his administration to oppose amendments to IGRA which are hostile to Indian tribes and which hinder the promotion of tribal**

RESOLUTION NO. 97-264

(Opposing the National Indian Gaming Commission's proposal to amend the Indian Gaming Regulatory Act to impose fees on Class III Gaming)

Page 5 of 6

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economic development, self-sufficiency, and strong tribal governments.

The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 07TH day of JULY, 1997 at a meeting at which a quorum was present with a vote of 1,927.0 FOR; -0- AGAINST; - 0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(j) of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Albert Manuel P.
FOR **Dennis Ramon, Legislative Chairman**
10th day of July, 1997

ATTEST:

Julianna Saraficio
Julianna Saraficio, Acting Legislative Secretary

9th day of July, 1997.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 10th day of July, 1997 at 12:03 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

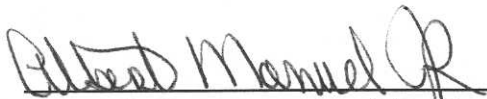
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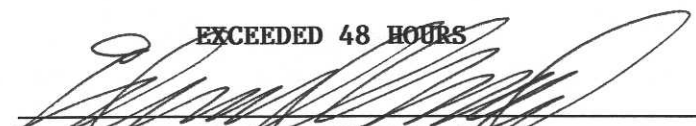
Page 6 of 6

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

FOR 
Dennis Ramon, Legislative Chairman

APPROVED on the 14th day of July, 1997
 DISAPPROVED at 6:06 o'clock, P.M.

EXCEEDED 48 HOURS

EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 15th day of
July, 1997, at 3:52 o'clock, P.M.


Julianna Saraficio, Acting Legislative Secretary

ACTION: OPPOSING THE NATIONAL INDIAN GAMING COMMISSION'S PROPOSAL TO AMEND THE INDIAN GAMING REGULATORY ACT TO IMPOSE FEES ON CLASS III GAMING

MOVED: COUNCILWOMAN GLORIA MONTANA

SECOND: COUNCILWOMAN FERN SALCIDO

DATE: JULY 7, 1997

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 189.0	1. DAVID GARCIA** (Marvin Thomas)	94.5	X			
	2. KENNETH WILLIAMS (Arnold F. Smith Sr.)	94.5	X			
HICKIWAN 146.0	1. ALEX JOSE ()	73.0	X			
	2. LLOYD FRANCISCO (Susan Sam)	73.0	X			
GU VO 142.0	1. FERN SALCIDO (Larry Montana)	71.0	X			
	2. GLORIA MONTANA (Phillip Antone)	71.0	X			
SAN LUCY 114.0	1. JOHN RENO (Mary Hoffman)	57.0	X			
	2. ALBERT MANUEL, JR. (Jana Montana)	57.0	X			
PISINEMO 139.0	1. BARBARA SALVICIO ()	69.5	X			
	2. JOHNSON JOSE ()	69.5	X			
GU ACHI 190.0	1. LOUIS JOHNSON ()	95.0	X			
	2. ALEX J. RAMON** ()	95.0	X			
BABOQUIVARI 258.0	1. FRANCES MIGUEL** ()	129.0	X			
	2. FRANCES G. ANTONE (Edward N. Kisto)	129.0	X			
SAN XAVIER 146.0	1. TONY BURRELL ()	73.0	X			
	2. DENNIS RAMON ()	73.0	X			
SCHUK TOAK 120.0	1. JOSEPH JUAN ()	60.0	X			
	2. AMBROSE ENCINAS ()	60.0	X			
SELLS 322.0	1. LUCILLE ENCINAS (Cynthia Chico)	161.0	X			
	2. EVELYN JUAN (Dennis Jose)	161.0	X			X
SIF OIDAK 161.0	1. RITA MARTINEZ (Maxine Norris)	80.5	X			
	2. MARY ANN ANTONE (Darlene Andrew)	80.5	X			
TOTAL		1,927.0	1,927.0	-0-	-0-	[01]

**PASSED VOTES