

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0064-21__

SPONSOR: Eugenia Charles-Newton

TITLE: An Action Relating to the Resources and Development and Naabik'íyáti Committees and the Navajo Nation Council; Approving and Adopting the Navajo Nation – State of Arizona Amended and Restated Gaming Compact (“2021 Arizona Compact Amendments”), Related Appendices, Transfer Pool Agreements, and Memorandums of Understanding with Other Tribal Governments

Date posted: April 1, 2021 at 4:39PM

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LEGISLATIVE SUMMARY SHEET
Tracking No. 0064-21

DATE: March 30, 2021

TITLE OF RESOLUTION: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTÍ COMMITTEES AND THE NAVAJO NATION COUNCIL; APPROVING AND ADOPTING THE NAVAJO NATION – STATE OF ARIZONA AMENDED AND RESTATED GAMING COMPACT (“2021 ARIZONA COMPACT AMENDMENTS”), RELATED APPENDICES, TRANSFER POOL AGREEMENTS, AND MEMORANDUMS OF UNDERSTANDING WITH OTHER TRIBAL GOVERNMENTS

PURPOSE: This resolution, if approved, will approve the Navajo Nation – State of Arizona Amended and Restated Gaming Compact (“2021 Arizona Compact Amendments”), Related Appendices, Transfer Pool Agreements, and Memorandums of Understanding with other Tribal Governments

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: V8redhase
Website Posting Time/Date:
Posting End Date: April 6, 2021
Eligible for Action: April 7, 2021

Resources & Development Committee
Thence
Naabik'iyáti' Committee
Thence
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 24th NAVAJO NATION COUNCIL – Third Year, 2021

3 INTRODUCED BY

4 

5 (Prime Sponsor)

6 TRACKING NO. 0064-21

7 AN ACTION

8 RELATING TO THE RESOURCES AND DEVELOPMENT AND
9 NAABIK'ÍYÁTÍ COMMITTEES AND THE NAVAJO NATION COUNCIL;
10 APPROVING AND ADOPTING THE NAVAJO NATION – STATE OF
11 ARIZONA AMENDED AND RESTATED GAMING COMPACT (“2021
12 ARIZONA COMPACT AMENDMENTS”), RELATED APPENDICES,
13 TRANSFER POOL AGREEMENTS, AND MEMORANDA OF
14 UNDERSTANDING WITH OTHER TRIBAL GOVERNMENTS

15 BE IT ENACTED:

16 SECTION ONE. AUTHORITY

- 17 A. The Navajo Nation Council is the governing body of the Navajo Nation and
18 intergovernmental agreements must be reviewed and approved by resolution by the
19 appropriate standing committee(s) and the Navajo Nation Council. 2 N.N.C. §§ 102
20 (A) and 164 (A).
21 B. The Resources and Development is a standing committee of the Navajo Nation and
22 has power “to review and recommend to the Naabik'iyáti' Committee
23 Intergovernmental Agreements and agreements between the Navajo Nation and any
24 governmental entity relating to economic development, community development,
25 natural resources, roads and transportation, environmental protection and gaming for

1 efficiency and timely comparison of those projects.” 2 N.N.C. § 501
2 (B)(12)(emphasis added).

3 C. The Naabik’íyátí’ Committee is a standing committee of the Navajo Nation Council
4 and has authority “[t]o review and continually monitor the programs and activities of
5 federal and state departments and to assist development of such programs designed to
6 serve the Navajo People and the Navajo Nation through intergovernmental
7 relationships between the Navajo Nation and such departments.” 2 N.N.C. §
8 701(A)(7).

9 D. Pursuant to Resolution No. NABIJY-37-19, the Naabik’íyátí’ Committee authorized
10 the Naabik’íyátí’ Gaming Subcommittee “to negotiate [] all related issues regarding
11 the separate gaming compacts the Navajo Nation has with the State of Arizona and
12 the State of New Mexico respectively and to address related issues to protect Navajo
13 Gaming,” including to “submit to the Naabik’íyátí’ Committee for review and
14 approval any and all proposed amendments and/or compacts which are the result of
15 such negotiation.” NABIJY-37-19 § 3(A) and 3(B)(4).

16
17 **SECTION TWO. FINDINGS**

18 A. Pursuant to the Indian Gaming Regulatory Act, 25 U.S.C. § 2710 (d)(1)(c), federal
19 law requires the Navajo Nation to enter into a Tribal-State Gaming Compact with a
20 State in order for the Navajo Nation to conduct Class III gaming activities within
21 that State.

22 B. On December 31, 2002, the Navajo Nation Council, through the Intergovernmental
23 Relations Committee, first approved the 2003 Arizona Gaming Compact by adoption
24 of Resolution No. IGRD-250-02 “Approving a Compact By and Between the Navajo
25 Nation and the State of Arizona by Passage of Proposition 202 and Authorizing the
26 President of the Navajo Nation to Sign a Compact with the State of Arizona.”

27 **Exhibit A.**

28 C. On January 5, 2009, the Navajo Nation Council through the Intergovernmental
29 Relations Committee adopted Resolution No. IGRJA-004-09 “Approving and
30

1 Accepting the Agreement to Amend Compact Between the Navajo Nation and the
2 State of Arizona.” **Exhibit B**.

3 D. In October of 2016, pursuant to Resolution No. NABI-92-16, the Navajo Nation
4 commenced negotiations with the Arizona Governor and other Arizona Indian Tribes
5 to amend the Arizona Tribal-State Gaming Compact after finding “the need for a
6 longer term of the Gaming Compact, increase in the scope of gaming and
7 streamlining the regulatory processes are a necessity and serve the best interest of
8 the Navajo Nation.”. **Exhibit C**.

9 E. Under the direction of the Naabik’iyáti’ Gaming Subcommittee and with the
10 involvement of the Navajo Nation Gaming Enterprise and the Navajo Nation
11 Department of Justice, the Navajo Nation has negotiated the 2021 Arizona Compact
12 Amendments and related appendices, which, among other benefits to the Navajo
13 Nation, extend the term of the compact, increase the scope of gaming, and streamline
14 the regulatory processes in accordance with Resolution No. NABIN-92-16.

15 F. As part of negotiations regarding the 2021 Arizona Compact Amendments, the
16 Arizona State Legislature is considering the 2021 Arizona Gaming Act, HB 2772
17 attached as **Exhibit D**, which includes an opportunity for up to ten (10) Indian tribes
18 to obtain a license to conduct mobile event wagering (e.g., sports betting) throughout
19 the State of Arizona, outside of the Navajo reservation. The license may be issued to
20 “an Indian tribe, or an entity fully owned by an Indian tribe, or its designee
21 contracted to operate only mobile event wagering outside the boundaries of its
22 Indian lands and throughout the state if it has signed the most recent tribal-state
23 gaming compact and any applicable appendices or amendments”.

24 G. On February 28, 2021, the Naabik’iyáti’ Gaming Subcommittee voted to recommend
25 approval of the 2021 Arizona Compact Amendments, attached in redline as **Exhibit**
26 **E** and in final form as **Exhibit F**, and the Amended and Restated Memorandum of
27 Understanding and Cooperation between the Navajo Nation and the Yavapai-Apache
28 Nation, attached as **Exhibit G**, to the Naabik’iyáti’ Committee and the Navajo
29 Nation Council; and on March 12, 2021, the Naabik’iyáti’ Gaming Subcommittee
30 also voted to recommend approval of the 2021 Arizona Compact Appendices,

1 including the Poker Memorandum of Understanding, attached as **Exhibit H** and
2 amendments to the Gaming Device Operating Rights Transfer Pool Agreements
3 between the Navajo Nation and Tohono O’odham Nation and the Navajo Nation and
4 the Fort McDowell Yavapai Nation, attached as **Exhibits I and J**.
5

6 **SECTION THREE. APPROVAL AND ADOPTION**

7 A. The Navajo Nation Council hereby approves and accepts the 2021 Arizona Compact
8 Amendments, **Exhibit E** (the Navajo Nation Attorney General has deemed this
9 document as confidential and not subject to disclosure pursuant to 2 N.N.C. §
10 164(6)), and the following related supporting documents:

- 11 1. “The Navajo Nation – State of Arizona Amended and Restated Gaming
12 Compact”, attached as **Exhibit F** (the Navajo Nation Attorney General has
13 deemed this document as confidential and not subject to disclosure pursuant to
14 2 N.N.C. § 164(6)).
- 15 2. “Amended and Restated Memorandum of Understanding and Cooperation
16 between the Navajo Nation and the Yavapai-Apache Nation”, attached as
17 **Exhibit G** (the Navajo Nation Attorney General has deemed this document as
18 confidential and not subject to disclosure pursuant to 2 N.N.C. § 164(6)).
- 19 3. 2021 Arizona Compact Amendment Appendices 1 through 13 (Vendor
20 Certification and Licensing Procedures; Baccarat; Roulette; Craps; Blackjack;
21 House Banked Poker; Promotional Award Poker; Gaming Devices;
22 Surveillance and Security; Sic Bo; Big Six; Pai Gow Tiles; and Dealer
23 Controlled Electronic Table Games) and Poker Memorandum of
24 Understanding, attached as **Exhibit H** (the Navajo Nation Attorney General
25 has deemed these documents as confidential and not subject to disclosure
26 pursuant to 2 N.N.C. § 164(6)).
- 27 4. “Amendment to Gaming Device Operating Rights Transfer Pool between
28 Navajo Nation and Tohono O’odham Nation”, attached as **Exhibit I** (the
29 Navajo Nation Attorney General has deemed this document as confidential
30 and not subject to disclosure pursuant to 2 N.N.C. § 164(6)).

1 5. “Amendment to Gaming Device Operating Rights Transfer Pool between
2 Navajo Nation and Fort McDowell Yavapai Nation”, attached as **Exhibit J**
3 (the Navajo Nation Attorney General has deemed this document as
4 confidential and not subject to disclosure pursuant to 2 N.N.C. § 164(6)).

5 6. “Agreement to Extend Gaming Device Operating Rights Transfer Pool
6 Agreement between Navajo Nation and Gila River Indian Community”,
7 attached as **Exhibit K** (the Navajo Nation Attorney General has deemed this
8 document confidential and not subject to disclosure pursuant to 2 N.N.C. §
9 164(6)).

10 B. The Navajo Nation Council hereby authorizes the President of the Navajo Nation to
11 execute the Navajo Nation – State of Arizona Amended and Restated Gaming
12 Compact of 2021, **Exhibit F**, and related Appendices, Transfer Pool Agreements and
13 Memorandums of Understanding and Cooperation, **Exhibits G** through **K**, and any
14 other documents necessary or appropriate to effectuate the purpose of this resolution,
15 including, upon approval of the Naabik’íyátí’ Committee, an appendix or appendices
16 for event wagering, fantasy sports, keno, and/or minimum internal controls.

17 C. To continue efficient regulation of gaming and address future circumstances, the
18 Naabik’íyátí’ Committee, upon recommendation of the Naabik’íyátí’ Gaming
19 Subcommittee, is authorized to approve other modified or new appendices to the
20 2021 Arizona Compact Amendments, provided such modified or new appendices are
21 agreed to by the Arizona Department of Gaming and the Navajo Nation Gaming
22 Regulatory Office.

23
24 **SECTION FOUR. DIRECTIVE TO NAVAJO NATION GAMING ENTERPRISE**

25 On behalf of the Navajo Nation, the Navajo Nation Gaming Enterprise is authorized and
26 hereby directed to comply with applicable regulations and to take such actions as may be
27 necessary to secure applicable license(s) to conduct event wagering activities pursuant to
28 the 2021 Arizona Gaming Act if such legislation is enacted and becomes effective.