

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0046-22\_

SPONSOR: Eugenia Charles-Newton

**TITLE: An Action Relating to the Resources and Development and Naabik'iyáti' Committees and the Navajo Nation Council; Approving and Adopting the Agreement to Amend Compact Between the Navajo Nation and the State of Arizona ("First Amendment to 2021 Arizona Compact")**

***Date posted:*** March 04, 2022 at 6:40PM

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**LEGISLATIVE SUMMARY SHEET**  
**Tracking No. 0046-22**

**DATE:** March 4, 2022

**TITLE OF RESOLUTION:** AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT AND NAABIK'IYATI' COMMITTEES AND THE NAVAJO NATION COUNCIL; APPROVING AND ADOPTING THE AGREEMENT TO AMEND COMPACT BETWEEN THE NAVAJO NATION AND THE STATE OF ARIZONA ("FIRST AMENDMENT TO 2021 ARIZONA COMPACT")

**PURPOSE:** This resolution, if approved, will agree to amend the 2021 Arizona Gaming Compact to clarify and improve issues related to event wagering.

**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.**

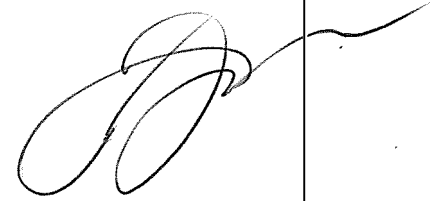
5-DAY BILL HOLD PERIOD: J. Johnson  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 03/09/22  
Eligible for Action: 03/10/22

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

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
2 24<sup>th</sup> NAVAJO NATION COUNCIL – Fourth Year, 2022

3 INTRODUCED BY

4 \_\_\_\_\_  
5  
6 (Prime Sponsor)



7  
8 TRACKING NO. 0046-22

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10 AN ACTION  
11 RELATING TO THE RESOURCES AND DEVELOPMENT AND  
12 NAABIK'IYATI' COMMITTEES AND THE NAVAJO NATION COUNCIL;  
13 APPROVING AND ADOPTING THE AGREEMENT TO AMEND COMPACT  
14 BETWEEN THE NAVAJO NATION AND THE STATE OF ARIZONA ("FIRST  
15 AMENDMENT TO 2021 ARIZONA COMPACT")

16  
17 BE IT ENACTED:

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19 SECTION ONE. AUTHORITY

- 20 A. The Navajo Nation Council is the governing body of the Navajo Nation and  
21 intergovernmental agreements must be reviewed and approved by resolution by the  
22 appropriate standing committee(s) and the Navajo Nation Council. 2 N.N.C. §§ 102(A)  
23 and 164(A).
- 24 B. The Resources and Development Committee is a standing committee of the Navajo  
25 Nation with delegated the authority "to review and recommend to the Naabik'iyati'  
26 Committee Intergovernmental Agreements and agreements between the Navajo Nation  
27 and any governmental entity relating to economic development, community  
28 development, natural resources, roads and transportation, environmental protection and  
29 gaming for efficiency and timely comparison of those projects." 2 N.N.C. § 501(B)(12).
- 30 C. The Naabik'iyati' Committee is a standing committee of the Navajo Nation Council with

1 the delegated authority "[t]o review and continually monitor the programs and activities  
2 of federal and state departments and to assist development of such programs designed  
3 to serve the Navajo People and the Navajo Nation through intergovernmental  
4 relationships between the Navajo Nation and such departments." 2 N.N.C. § 701(A)(7).

5 D. Pursuant to Resolution No. NABIJY-37-19, the Naabik'iyati' Committee authorized the  
6 Naabik'iyati' Gaming Subcommittee "to negotiate all related issues regarding the  
7 separate gaming compacts the Navajo Nation has with the State of Arizona and the  
8 State of New Mexico respectively and to address related issues to protect Navajo  
9 Gaming," including to "submit to the Naabik'iyati' Committee for review and approval  
10 any and all proposed amendments and/or compacts which are the result of such  
11 negotiation." NABIJY-37-19 §§ 3(A) and 3(B)(4).

## 12 13 **SECTION TWO. FINDINGS**

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

17 B. On April 10, 2021, the Navajo Nation Council approved and accepted the Navajo Nation  
18 – State of Arizona Amended and Restated Gaming Compact ("2021 Arizona  
19 Compact") pursuant to Resolution No. CAP-19-21, and on April 15, 2021, the  
20 President of the Navajo Nation signed CAP-19-21, and signed and delivered the 2021  
21 Arizona Compact to the Governor of the State of Arizona.

22 C. On May 24, 2021, the 2021 Arizona Compact took effect when notice of approval by  
23 the Secretary of the Interior was published in the Federal Register (86 FR 27889) in  
24 accordance with the Indian Gaming Regulatory Act, 25 U.S.C. § 2710(d)(3)(B).

25 D. In the course of implementing the 2021 Arizona Compact, the Tribes and the Governor  
26 became aware of a need to clarify certain compact provisions in order to preserve the  
27 intent of the parties regarding event wagering.

28 E. On August 26, 2021, the Yavapai Prescott Indian Tribe ("YPIT") filed a lawsuit in the  
29 Superior Court of Arizona in and for the County of Maricopa, Case No. CV2021-  
30 013497, against the State of Arizona, alleging several constitutional causes of action

1 that challenge and seek to invalidate HB 2772, the statute that enabled state-wide off  
2 reservation event wagering within Arizona (“YPIT Litigation”).

3 F. Under the direction of the Naabik’iyati’ Gaming Subcommittee and with the  
4 involvement of the Navajo Nation Gaming Enterprise and the Navajo Nation  
5 Department of Justice, the Navajo Nation has negotiated the First Amendment to 2021  
6 Arizona Compact, to clarify the intent of the 2021 Arizona Compact parties relating to  
7 event wagering and to facilitate settlement of the YPIT Litigation. The First  
8 Amendment to 2021 Arizona Compact is attached as **Exhibit A** (the Navajo Nation  
9 Attorney General has deemed this document confidential and not subject to disclosure  
10 pursuant to 2 N.N.C. § 164(A)(6)).

11 G. On February 19, 2022, pursuant to Resolution NAGSF-01-22, attached as **Exhibit B**,  
12 the Naabik’iyati’ Gaming Subcommittee recommended that the Naabik’iyati’  
13 Committee approve the First Amendment to 2021 Arizona Compact in a form  
14 substantially the same as **Exhibit A**.

15  
16 **SECTION THREE. APPROVAL AND ADOPTION**

17 A. The Navajo Nation Council hereby approves and accepts the First Amendment to 2021  
18 Arizona Compact in a form substantially the same as **Exhibit A**.

19 B. The Navajo Nation Council hereby authorizes the President of the Navajo Nation to  
20 execute the First Amendment to 2021 Arizona Compact and any other documents  
21 necessary or appropriate to effectuate the purpose of this resolution.  
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