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## **Law and Order Committee hears report on the status of current tribal-state gaming compact negotiation discussions with New Mexico**

WINDOW ROCK – The Law and Order Committee accepted a report on Dec. 17 by the Navajo Nation Department of Justice and learned more about the direction the Navajo Nation might be headed in early 2013 as it continues to negotiate a tribal-state gaming compact with the State of New Mexico. The report was accepted with a vote of 4-0.

The current 2001 Compact the Nation signed onto with four other tribes in New Mexico is set to expire in June 2015, reported DOJ attorneys Karis Begaye and LaTonia Becenti Johnson, both members of the Nation’s compact negotiations team.

The Nation’s goal during the negotiations process, said Begaye, is to have the new gaming compact amendments formally prepared in time for consideration by New Mexico State Legislature during its 2013 Regular Session, which begins next month on Jan 15 and ends on Mar.16.

Johnson said since November the Nation’s negotiations team has been meeting weekly with New Mexico Governor Susana Martinez’s appointed Lead Negotiator, Jessica Hernandez, in anticipation of the 2013 legislative session.

Before the negotiated compact amendments can be considered for approval or disapproval by the full New Mexico State Legislature, the Naa’bik’iyati’ Committee will need to approve them first.

“We’re here today to get you to start thinking about this, and get it on your radar,” explained Begaye, who added that there is large concern with getting the compact amendment legislation reviewed by the Naa’bik’iyati’ Committee in time.

The urgency to get the amendments considered during the 2013 regular session exists because the following year, the 2014 regular session is scheduled to only be a short 30-day budget session. During that session, state lawmakers will only consider fiscal budget items.

DOJ advised against aiming for the 2015 session because there is a possibility that a new governor will be elected in office and may not want to sign a compact agreement that was negotiated on by the prior governor’s administration. At that point, negotiations would have to restart from the beginning.

In response to a question posed by Council Delegate Duane Tsinigine (Bodaway/Gap, Coppermine, K'ai Bii'Tó, LeChee, Tonalea/Red Lake) on what would happen if the Nation does not have a compact in place by the expiration date, Navajo Nation Gaming Enterprise chief executive officer Derrick Watchman said there is a “remote chance” that the Department of Interior will “step in and force a compact.”

“That is most likely what’s going to happen” if the 2015 deadline is not met, said Watchman. “But we’re going to get this done this January, February, and March,” he reassured.

Council Delegate Russell Begaye (Shiprock) was of the opinion that the State of New Mexico should be negotiating an exclusive compact with the Navajo Nation because the Nation's gaming situation differs from those of other New Mexico tribes and, in addition, has a larger land base.

Responding to Delegate Begaye, Heather Clah, general counsel for the Office of the President and Vice-President, stated that it is still the Nation's position that a "true government-to-government" negotiation dialogue would mean that the state should negotiate an individual compact with the Nation, instead of one general compact to which the Nation would be party to with other tribes.

However, Clah said if the Nation were to negotiate an individual compact with the State, according to the New Mexico Compact Negotiation Act, other tribes have the opportunity to sign onto that compact. At that point, the compact would not be exclusive between the Nation and New Mexico.

"Our sovereignty means a lot on the Navajo Nation," said Council Delegate Alton Joe Shepherd (Cornfields, Ganado, Jeddito, Kin Dah Łichíí', Steamboat), after thanking the compact negotiations team for continuing to push the Nation's positions on the gaming issues that are unique on the Navajo Nation.

The Naa'biik'iyati' Gaming Task Force subcommittee is comprised of Council Delegates LoRenzo Bates (Chair), Edmund Yazzie (Vice-Chair), Speaker Johnny Naize, Joshua Lavar Butler, and Jonathan Hale.

Along with the Gaming Task Force and DOJ, other key representatives from the Navajo Nation who have been involved in the New Mexico gaming compact negotiations include the Office of President and Vice-President, the Office of Legislative Counsel, Office of the Speaker, Office of Legislative Services, Navajo Nation Gaming Enterprise, and the Navajo Gaming Regulatory Office.

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