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MEDIA CONTACTS
Jerome Clark | 928.637.5603
Carmenlita Chief | 928.255.3428
Jared Touchin | 928.221.9253
nnlb.communications@gmail.com

**Naabik'iyáti' Committee approves term sheet for
an amendment to the NM tribal-state gaming compact**

Proposed gaming compact on track for consideration by NM State Legislature

WINDOW ROCK – After more than four hours of debate during a special meeting on Thursday, the Naabik'iyáti' Committee voted 13-5 in favor of legislation approving a term sheet for an amendment to the proposed gaming compact between the Navajo Nation and the State of New Mexico.

The current 2001 Gaming Compact the Nation signed onto in 2003 is scheduled to expire in 2015. Along with the Navajo Nation, four other Tribes in New Mexico are also a party to the 2001 compact.

Though Council Delegate Jonathan Hale (Oak Springs, St. Michaels) was the prime sponsor of Legislation No. 0058-13, it was Council Delegate LoRenzo Bates (Nenahnezad, Newcomb, San Juan, T'iis Tsoh Sikaad, Tsé Daa' Kaan, Upper Fruitland) who signed on as co-sponsor of the bill and presented it before the Naabik'iyáti' Committee on Thursday afternoon, and before the Resources and Development Committee on Wednesday morning.

With the Nation's gaming compact set to expire in two years, Delegate Bates said it became a matter of priority for the Nation to negotiate amendments to the 2001 Compact, which includes an extension of the Compact's term, with New Mexico Governor Susana Martinez's administration.

Moreover, it was critical to have the negotiated amendments placed before the New Mexico state legislature for consideration during the 2013 legislative session, which ends Mar. 16.

"Once the state approves the proposed compact, it still needs to go to the U.S. Department of Interior for consideration. That process could take as long as two years. So when you couple all of that together, considering the deadline, there is a lot being put at risk," Delegate Bates said.

Delegate Bates participated in the negotiation discussions with the state as the Chair of the Naabik'iyáti' Gaming Task Force Subcommittee.

The subcommittee, along with appointed members of the Nation's compact negotiations team, pressed for three key positions to be addressed in the proposed gaming compact, and "we got them," Delegate Bates stated.

First, the Nation advocated and is permitted to operate up to five (5) gaming facilities.

Second, the Nation sought a long term extension on the duration of the gaming compact, and as a result the proposed gaming compact will not expire until 2037.

Third, the Nation postured to retain the revenue sharing percentage at the tiered-structure amounts outlined in the 2007 gaming compact the state entered into with other New Mexico gaming Tribes.

The legislation generated considerable committee discussion on sovereign immunity, jurisdiction and revenue sharing.

Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) raised concerns on specific language that included waivers of sovereign immunity, the tribunal in which claims could be heard, and the number of arbitrators that would hear any dispute between the Navajo Nation and the State.

The Navajo Department of Justice assured the Naabik'íyáti' Committee that the proposed amendments to the compact did not expand beyond what was previously approved by the Navajo Nation Council in 2003, and that there was an expansion of tribal jurisdiction to allow tribal courts to apply the tribe's laws, which is not currently provided in the 2001 and 2007 compacts.

Council Delegate Lorenzo Curley (Houck, Klagetoh, Nahata Dziil, Tsé Si ání) also raised concerns on the revenue sharing paid to the State.

The Indian Gaming Regulatory Act requires a State to authorize gaming within the State and negotiate in good faith a Tribal-State Gaming Compact, which includes revenue sharing between the State and the Tribe, before a tribe can conduct Class III gaming on its lands.

Other lauded compacts provisions included criminal jurisdiction over non-member Indians, comps for food and lodging through a player's club program and casinos will be allowed to be open 24 hours, 7 days a week.

Two letters will be sent today from Speaker Johnny Naize (Low Mountain, Many Farms, Nazlini, Tachee/Blue Gap, Tselani/Cottonwood) and President Ben Shelly to Governor Martinez and the Committee on Compacts of the New Mexico Legislature, informing them that the Navajo Nation has approved key principle terms of the proposed compact.

This action signals that the proposed compact is ready for review by the Committee on Compacts. The Committee on Compacts has the authority to review the Compact as required by the New Mexico Compact Negotiations Act.

The Committee on Compacts can offer amendments, up to three times, and each amendment will have to be sent back to the Office of the Governor and the Navajo Nation for approval, disapproval or re-negotiations.

"In the event that the Gaming Task Force Subcommittee hears of any possible amendments, and we voice our position, but the amendments go through and are not in the best interests of the Nation, then we will have to come back before you, to say 'this is what they did,'" said Delegate Bates to Naabik'íyáti' Committee colleagues when explaining the review and approval process at the state level. "At that time, we go back through the negotiations again."

Once the Committee on Compacts approves the proposed compact it is forwarded to the New Mexico state legislature, which can then either approve or disapprove the compact. The legislature, however, cannot offer any further amendments.

If approved, the compact will then be submitted to the Department of the Interior for final approval, as required by the Indian Gaming Regulatory Act.

DOI will then have 45 days to take action, or if no action is taken, the Compact will be deemed approved on the 46th day.

During Thursday's debate, several delegates on the Naabik'íyáti' Committee praised the efforts of the Gaming Task Force Subcommittee for its persistence and diligence throughout the negotiations process with Governor Martinez's office.

Formed in February 2011, the Naabik'íyáti' Committee is comprised of Council Delegates LoRenzo Bates, Edmund Yazzie, Joshua Lavar Butler, Jonathan Hale, and Speaker Johnny Naize.

"The Naabik'íyáti' Committee created the subcommittee to negotiate in the best interest of Navajo. We did that every step of the way," said Delegate Bates, when presenting before the RDC on Wednesday. "We protected Navajo in every possible way."

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