

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0137-15\_\_\_\_\_      SPONSOR: Alton Joe Shepherd

**TITLE: An Action Relating To Naabik'iyati' Committee Supporting U.S. Senate Bill S.152 And U.S. House Of Representatives Bill H.R. 308, "Keep The Promise Act Of 2015," Regarding The Arizona Tribal-State Gaming Compact**

*Date posted:* April 23, 2015 at 7:06pm

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**LEGISLATIVE SUMMARY SHEET**  
**Tracking No. 0137-15**

**DATE:** April 23, 2015

**TITLE OF RESOLUTION:** AN ACTION RELATING TO NAA'BIK'ÍYÁTI' COMMITTEE; SUPPORTING U.S. SENATE BILL S. 152 AND U.S. HOUSE OF REPRESENTATIVES BILL H.R. 308, "KEEP THE PROMISE ACT OF 2015," REGARDING THE ARIZONA TRIBAL-STATE GAMING COMPACT

**PURPOSE:** This resolution, if approved, will support Congressional bills S.152 and H.R. 308, Keep the Promise Act, relating to the promises made by Arizona Tribes in the Tribal-State Gaming Compact in 2002 and to protect the interest of Navajo gaming at Twin Arrows.

**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: Janice Jumbo  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 4-28-15  
Eligible for Action: 4-29-15

PROPOSED STANDING COMMITTEE RESOLUTION  
23<sup>rd</sup> NAVAJO NATION COUNCIL -- First Year, 2015

INTRODUCED BY

Alton Joe Shepherd

(Prime Sponsor)



TRACKING NO. 0137-15

AN ACTION

RELATING TO NAA'BIK'ÍYÁTI' COMMITTEE; SUPPORTING U.S. SENATE BILL  
S. 152 AND U.S. HOUSE OF REPRESENTATIVES BILL H.R. 308, "KEEP THE  
PROMISE ACT OF 2015," REGARDING THE ARIZONA TRIBAL-STATE GAMING  
COMPACT

Whereas:

- A. The Navajo Nation established the Naabik'iyáti' Committee as a Navajo Nation Council standing committee and as such empowered the Naabik'iyáti' Committee to address statements of policy and to coordinate with federal programs. 2 N.N.C. §§ 164 (A),(A)(9), 701 (A)(4) (2012).
- B. The Indian Gaming Regulatory Act was developed to structure compacts and jurisdictional powers between Tribes and states encouraging gaming by tribes for economic development.
- C. In 2002, the State of Arizona and Tribes within Arizona negotiated a State-Tribal gaming compact and agreed to a state-wide ballot measure (Proposition 202) whereby Arizona citizens approved for casino gaming rights exclusively for the Tribes.

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D. The Tribes in Arizona agreed to a State-Tribal compact in 2002 providing for casino gaming rights exclusively for Tribes.

E. Included in the 2002 Arizona compacts was a market parity agreement, developed by a consensus of the Tribes, to limit casinos in Maricopa County to seven. This market parity agreement preserved market demand for gaming outside of Maricopa County.

F. The Tohono O’odham Tribe proposed a project in Glendale, Arizona referred to as the Tohono O’odham Glendale Casino Development. The Tohono O’odham Glendale Casino Development is not in conformance with the agreements made by Tribes in 2002. Map of proposed project site, Exhibit A.

G. The Twin Arrows Casino and Resort is important to the Navajo Nation for jobs, income and for its long term development opportunities. It was developed on the premise that the 2002 Compact would protect Twin Arrows from unexpected casino developments within the metropolitan Phoenix area and would prohibit race track and commercial casino development in the Flagstaff area. Loss of these protections will have significant negative impacts to Twin Arrows revenues.

H. Tohono O’odham Glendale Casino Development poses a danger to Navajo’s Twin Arrows project by:

1. Negatively impacting Twin Arrow’s revenues from casino patrons from the Phoenix area which have been projected by market studies to be 10% to 20% of Twin Arrows’ revenues.
2. Encouraging major commercial gaming and race track interests to move aggressively to obtain casino gaming as a result of Tohono O’odham Glendale casino opening. The casino opening will add an additional rational for expanded gaming into urban

1 areas, risking Navajo’s gaming market in the future from Phoenix and Flagstaff.

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3 3. If commercial and track interests entering casino gaming they will become a  
4 significant political power, compromising Tribal interests as they promote their  
5 interests in the Arizona political system related to gaming.

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7 I. U.S. Senate Bill S.152 and U.S. House of Representatives Bill H.R. 308, “Keep the  
8 Promise Act of 2015,” are identical bills in Congress that prohibit casinos in the Phoenix  
9 metropolitan area. These bills do not affect land into trust applications but only restrict  
10 the use of the trust land in the Phoenix urban area to other than casino gaming until 2027,  
11 the expiration of the last current State-Tribal compact. Bill Summary, Exhibit B. S. 152,  
12 Exhibit C. H.R. 308, Exhibit D.

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14 J. The Keep the Promise Act of 2015 enforces the promise imbedded in the compact made  
15 by Tohono O’odham Nation to all other Tribes in Arizona and do not assert any  
16 restriction for the Navajo Nation in law or in precedent, related to Navajo lands or land  
17 acquisitions outside of the Phoenix metropolitan area.

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19 Therefore Be It Resolved

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21 The Navajo Nation supports U.S. Senate Bill S.152 and U.S. House of Representative  
22 Bill H.R.308, now being considered in Congress, in order to maintain the integrity of the  
23 Arizona’s Indian gaming industry and to protect Navajo’s gaming market from  
24 commercial or race track intrusion into it; and which will prohibit additional Tribal  
25 casinos in the Phoenix area until 2027.