



Navajo Nation Council approves 2021 Arizona gaming compact amendments and agreements

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WINDOW ROCK, Ariz. — Legislation No. 0064-21, sponsored by Naabik'iyáti' Committee Gaming Sub-Committee Chair Eugenia Charles-Newton (Shiprock), was approved by the Navajo Nation Council on Saturday. The legislation approves an amended gaming compact with the State of Arizona after the Council initiated renegotiations in 2016. Under the federal Indian Gaming Regulatory Act, the Navajo Nation and state are required to enter into gaming compacts to conduct certain types of gaming activities.

The legislation, introduced Apr. 1 with cosponsors Council Delegates Jamie Henio (Alamo, Ramah, Tóhajiilee), Otto Tso (Tónaneesdizi) and Pernell Halona (Coyote Canyon, Mexican Springs, Naschitti, Tohatchi, Bahastl'áá), amends and restates the Navajo Nation's gaming compact with the State of Arizona.

“On behalf of the Gaming Sub-Committee, I thank the leadership of the Navajo Nation Council, Vice President Lizer, the Navajo Nation Gaming Enterprise and the leaders of Arizona's Tribal Nations for coming together on this forward-thinking gaming compact,” said Charles-Newton. “The Navajo Nation's position as a growing provider of opportunities and better revenues has been strengthened with this approval of the 2021 Arizona Gaming Compact. This has been a long-time in the making and, as Navajo leaders, we want to convey to the Navajo People that these agreements honor our commitment to improve Navajo gaming rights for the benefit of our communities and future generations.”

Charles-Newton also recognized the Navajo Nation Department of Justice and the Navajo Nation Gaming Enterprise's legal counsel Lewis Roca Rothgerber Christie for their contributions to the Gaming Subcommittee's renegotiation process.

Speaker Seth Damon (Bááhaalí, Chichiltah, Manuelito, Red Rock, Rock Springs, Tséyatoh) added: “Now that the 2021 Arizona Gaming Compact is ready to go, the Navajo Nation has a more solid foundation for our economy and future job growth. We thank Governor Doug Ducey for his leadership in this process and we also thank Madame Chair Charles-Newton, the Gaming Sub-Committee members and Vice President Lizer for working on this monumental compact. The Navajo Nation was a key voice in these discussions and, along with all Arizona Tribal Nations, a negotiated agreement was arrived at among the gaming tribes. This was no small accomplishment. ‘Thank You’ to our partners and advocates whose work on behalf of the Navajo Nation and the Navajo people will help our Nation grow in the coming decades.”

The current gaming compact between the Navajo Nation and the State of Arizona was established under the Navajo Nation Council's former Intergovernmental Relations (IGR) Committee through Resolution No. IGRD-250-02 on Dec. 31, 2002. The compact was amended

in 2009 through approval of Resolution No. IGRJA-004-09.

Under the previous Council, the Naabik'iyáti' Committee initiated renegotiation of the compact. That effort was reestablished under the 24th Navajo Nation Council.

At the beginning of the renegotiation process in 2016, the Council established several priorities for an amended gaming compact in Arizona. Among the major priorities were:

- an extended compact period that would help to establish certainty for longer-term investments;
- protection of tribal gaming exclusivity in the state;
- maintain or improve the revenue share payments required by the compact; and
- a general expansion of available gaming opportunities for Tribal Nations.

Alongside the Navajo Nation Council's legislation, proposed legislation in the Arizona Legislature is being considered for updated gaming compacts with all Arizona Tribal Nations. The state legislation proposes uniform compacts in place of separate formats currently in place.

Notably, the state has proposed making up to 10 mobile event wagering licenses available to Arizona Tribal Nations that have approved the updated compact. If granted to the Navajo Nation, gaming operations could be allowed to extend beyond the borders of the Nation in the state through mobile devices.

The Council also approved an updated Memorandum of Understanding and Cooperation between the Navajo Nation and the Yavapai-Apache Nation, and amendments to the Gaming Device Operating Rights Transfer Pool Agreements between the Navajo Nation and Tohono O'odham Nation and the Navajo Nation and the Fort McDowell Yavapai Nation.

Those agreements relate to the Navajo Nation and other Tribal Nations' rights to lend available gaming machines between themselves for the purpose of maximizing revenues without altogether losing the number of machines they may operate.

The legislation provides the Navajo Nation's additional approval of the 2021 Arizona Compact Appendices, which contain further regulatory language, and the Poker Memorandum of Understanding.

The Council also approved one amendment to the legislation to emphasize neither the state nor the Nation have granted waivers of sovereign immunity, as it relates to dispute resolution, by approving the compact.

Legislation No. 0064-21 was approved with a vote of 19 in favor and two opposed. Upon certification, the final resolution will be forwarded to the Navajo Nation President for enactment or veto. If fully ratified by the state, the new gaming compact will be sent to the Secretary of the Interior for final approval as trustee for the Navajo Nation.

The full text of the 2021 Arizona Gaming Compacts among Tribal Nations and related documents will be available once they are fully approved as a condition of the ongoing legal negotiation process.

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