

SENATE JOINT RESOLUTION 13

Introduced by Nathe, et al.

2/02	Introduced
2/02	Referred to Judiciary
2/02	First Reading
2/19	Hearing
2/22	Tabled in Committee
2/22	Taken from Judiciary Committee and Rereferred to Taxation Committee Died in Committee

~~Senate~~ JOINT RESOLUTION NO. 13

INTRODUCED BY NATHAN SCHWILLEN

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA GRANTING THE GAMBLING CONTROL DIVISION OF THE DEPARTMENT OF JUSTICE GREATER FLEXIBILITY IN INTERPRETING THE INDIAN GAMING REGULATORY ACT, STATE GAMBLING POLICY, AND STATE GAMBLING LAWS IN NEGOTIATING GAMING COMPACTS WITH MONTANA TRIBAL GOVERNMENTS.

WHEREAS, in 1988, the Indian Gaming Regulatory Act (IGRA), 18 U.S.C. 1166 through 1168 and 25 U.S.C. 2701 through 2721, was enacted by Congress and approved by the President to expressly provide clear standards and to regulate the conduct of gaming on Indian lands when gaming activity is not specifically prohibited by federal law and is conducted within a state that does not through its criminal laws or public policy prohibit a gaming activity; and

WHEREAS, Congress adopted the IGRA to achieve a delicate compromise between the sovereignty of states and the special sovereign status of Indian tribes, acknowledging the need to strictly regulate and control gaming to prevent criminal influence, protect gaming patrons, and promote economic

interests; and

WHEREAS, the IGRA is the product of protracted negotiations among Indian tribes and states authorizing gaming, the gaming industry, the administration, and Congress and is intended to resolve a decade of political and judicial controversy surrounding the legality, regulation, and control of gaming on Indian lands; and

WHEREAS, Congress enacted the IGRA in an attempt to establish a regulatory structure that balances the rights of states to maintain public health and safety with the rights of tribes to promote economic development, self-sufficiency, and strong tribal governments; and

WHEREAS, the IGRA attempts to recognize the existing state role in regulating gaming by dividing Indian gaming into three classes, with Classes I and II under Indian and federal control; and

WHEREAS, Class III or casino-type gaming requires the states and tribes to negotiate compacts that establish the rules by which Class III gaming on tribal lands must be conducted; and

WHEREAS, Indian tribes are prohibited by the IGRA from conducting Class III gaming unless they enter into a compact with the states to operate Class III games; and

WHEREAS, Montana Indian tribes wish to negotiate compacts with the State of Montana to conduct Class III

1 gaming on Indian lands in order to increase tribal revenue
2 and enhance tribal economic self-sufficiency and
3 self-government to better serve the social, economic,
4 educational, and health needs of its members; and

5 WHEREAS, Montana Indian tribes are gravely concerned
6 that if the Montana Legislature does not promptly grant the
7 Gambling Control Division of the Department of Justice
8 discretion to negotiate gaming compacts with tribal
9 governments, the objectives of the IGRA will be irreparably
10 frustrated.

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12 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
13 OF REPRESENTATIVES OF THE STATE OF MONTANA:

14 (1) That the Governor designate the Administrator and
15 Administrative Officer of the Gambling Control Division of
16 the Department of Justice, the Deputy Director of the
17 Department of Commerce, the Governor's Chief Legal Counsel,
18 and the Assistant Attorney General as the state's
19 negotiating team on Indian gaming compacts.

20 (2) That negotiating sessions and meeting sites between
21 governments alternate between locations selected by the
22 tribes and the state in order to foster the development of
23 good government-to-government relationships.

24 (3) That the state negotiating team, through the
25 Gambling Control Division of the Department of Justice, use

1 greater flexibility in interpreting the IGRA, state gambling
2 policy, and state gambling laws in forging gaming compacts
3 with Montana Indian tribes that will benefit all people in
4 the State of Montana.

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