



NATIONAL TRIBAL GAMING COMMISSIONER/REGULATORS

**A RESOLUTION CALLING FOR THE PROMPT APPOINTMENT OF
CHAIRMAN OF THE NATIONAL INDIAN GAMING COMMISSION**

WHEREAS, the National Tribal Gaming Commissioners/Regulators Association (NTGCR) is established for the purposes of promoting cooperative relationships amongst the commissioners/regulators of tribal gaming enterprises and other organization, promoting the exchange of thoughts, information and ideas which foster regulatory standards and enforcement that lead to consistent regulatory practices and methods of operations among the NTGCR members and acting as a gaming regulatory advisory group to tribal gaming organizations and others, pursuant to its amended NTGCR By-Laws amended in 2004; and

WHEREAS, that the Indian Gaming Regulatory Act (IGRA), at 25 U.S.C. 2701 states that Congress finds that “5) Indian tribes have the exclusive right to regulate gaming activity on Indian lands if the gaming activity is not specifically prohibited by Federal law and is conducted within a State which does not, as a matter of criminal law and public policy, prohibit such gaming activity.”

WHEREAS, the National Tribal Gaming Commissioners/Regulators Association met at the Mohegan Sun for their annual meeting and their NTGCR Board meeting on March 9-11, 2009; and

WHEREAS, various Tribal Gaming Commissioners and Regulators brought concerns to the attention of those regulatory bodies present at the annual meeting that there has not yet been the appointment of the Chairman of the National Indian Gaming Commission; and

WHEREAS, the Indian Gaming Regulatory Act (IGRA) provides that the Chairman of the National Indian Gaming Commission (NIGC) shall serve a term of three (3) years; and

WHEREAS, the term of the current NIGC Chairman officially expired in December, 2005, yet no successor has been nominated or confirmed, thus the current NIGC Chairman, Philip N. Hogen has served as a holdover official for nearly three-and-one-half (3.5) years; and

WHEREAS, during the three-and-one-half (3.5) years that current NIGC Chairman Hogen has served as a holdover official, he has proposed numerous new and amended regulations, many of which have been unanimously opposed by tribal governments because of the unnecessary negative economic impacts without positive regulatory qualities; and

WHEREAS, current NIGC Chairman Hogen has proposed to increase the NIGC budget by up to fifty-percent (50%), including opening three (3) new offices and hiring additional staff, without consulting with the tribes and Congress in accordance with the Government Performance Results Act; and which new increased budget will tie the hands of the next NIGC Chairman; and

WHEREAS, the national Indian gaming industry reported gross revenues of \$26 billion in 2007, revenues that supplement inadequate budgets to meet the Federal Trust responsibilities and provide for the health, education, housing, transportation and general welfare of Indian communities; and

WHEREAS, the NIGC and the Tribes are responsible to insure that tribal governments are the primary beneficiaries of Indian gaming revenues; and

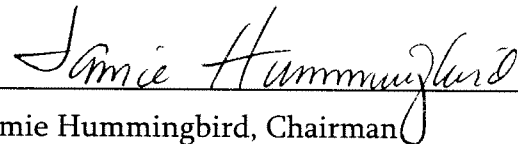
WHEREAS, the new Chairman of the NIGC should respect the role of tribal gaming commissioners and regulators as the primary regulators of Indian gaming, in accordance with IGRA, and the new Chairman should immediately engage in positive consultation with tribes, in accordance with Executive Order 12866 – Regulatory Planning and Review, to insure effective regulation in accordance with IGRA.

NOW THEREFORE BE IT RESOLVED, that the National Tribal Gaming Commissioners/Regulators Association respectfully requests that President Obama nominate without delay a new Chairman for the NIGC, and that the United States Senate confirm without delay such new Chairman for the NIGC; and

BE IT FURTHER RESOLVED that the National Tribal Gaming Commissioners/Regulators Association respectfully requests that the nominee for Chairman commit to respect the primacy of tribal gaming regulation and to immediately engage in positive consultation with tribes and their respective gaming regulatory bodies.

CERTIFICATION

The foregoing resolution was adopted by consensus of the National Tribal Gaming Commissioners/ Regulators membership at a duly called meeting on the 11th day of March, 2009.



Jamie Hummingbird, Chairman
National Tribal Gaming
Commissioners/Regulators

ATTEST:



Barbara Kyser-Collier, Secretary
National Tribal Gaming Commissioners/Regulators