



NATIONAL TRIBAL GAMING COMMISSIONER/REGULATORS

A RESOLUTION CALLING FOR THE PROMPT APPOINTMENT OF ASSOCIATE COMMISSIONER 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, 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 Associate Commissioner of the National Indian Gaming Commission; and

WHEREAS, the IGRA provides that the National Indian Gaming Commission (NIGC) shall have one Chairman, and Vice Chairman and an Associate Commissioner; and

WHEREAS, since the departure of Associate Commissioner Chuck Choney in 2008, the Commission has not been fully constituted in well over a year; 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 Associate Commissioner should respect the role of tribal gaming commissioners and regulators as the primary regulators of Indian gaming, in accordance with IGRA, and the new Associate Commissioner should immediately engage in positive consultation with tribes and their respective regulator bodies, 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 Secretary Salazar nominate without delay a new Associate Commissioner for the NIGC, and

BE IT FURTHER RESOLVED that the National Tribal Gaming Commissioners/Regulators Association respectfully requests that the nominee for Associate Commissioner 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