



NEW MEXICO ASSOCIATION OF INDIAN GAMING COMMISSIONS

NM Indian Affairs Committee Meeting November 29, 2017

I. Introduction

Indian Gaming has become an established industry in New Mexico. For Tribes and Pueblos alike, it has proven financially lucrative and provides resources which when reinvested into the tribe, has enhanced community and economic development opportunities. Indian Gaming has become the mainstay for financial stability and sustainability for some tribes and for others it has prompted new business ventures.

Due to the quick growth and established business efforts of tribes, the integrity of such gaming operations and its compliance to established laws, governing ordinances and regulations must be the utmost importance to ensure proper and fair offering of gambling products and services. Each tribe created their own Tribal Gaming Regulatory Authority to promulgate and enforce regulatory oversight ensuring adherence to the Indian Gaming Regulatory Act, the National Indian Gaming Commission's Minimum Internal Control Standards, the New Mexico State-Tribal Gaming Compacts and respective Tribal Gaming Ordinances and Regulations.

However, as such tribe implemented its own regulations in accordance to the IGRA, Compact and Tribal Gaming Ordinances; it faced the challenge of erroneous interpretation. Soon tribes began to search and request from other tribes their position and efforts to enforce such regulations. As the need to continue this collaborative effort, various commission representatives began to openly share and communicate; the formation of the New Mexico Association of Indian Gaming Commissions resulted.

The association experienced typical association growth in that it immediately began to address issues and interpreted various aspects of regulations, ordinances, compacts and laws. Tribes, on the other hand, have the ultimate responsibility of the government-to-government relationship and enforcement of such regulations for their respective tribe.

II. Indian Gaming and New Mexico Gaming

Indian Gaming Regulatory Act (IGRA)

In 1987, the US Supreme Court issued a decision on the California vs. Cabazon Band of Mission Indians case that if state law criminally prohibits a form of gambling, tribes within the state may not engage in gaming. However, if state law allowed legalized gaming activity, tribes could game. In addition, the court ruled that Indian Tribes have authority to conduct gaming activities on reservations unfettered by any state or county regulation. It also recognized the importance of Tribal Self-Governance and Self-Determination. In 1988, Congress established the IGRA with the purpose to provide a statutory basis for the operation of gaming by tribes to promote tribal economic development, self-sufficiency, and strong tribal governments. IGRA provides a basis for the regulation of Indian gaming adequate to: shield if from organized crime and corrupting influences; ensure that the tribe is the primary beneficiary of gaming revenues; and ensure Indian gaming operations are fair and honest for the operator and the players. IGRA also established an independent federal regulatory authority for gaming on Indian lands, Federal standards for gaming on Indian lands, and the creation of the NIGC. With the enactment by Congress of the IGRA, they then created the National Indian Gaming Commission (NIGC) to oversee and regulate gaming activities on Indian lands.

National Indian Gaming Commission (NIGC)

NIGC's primary mission is to regulate gaming activities on Indian lands for the purpose of shielding Indian tribes from organized crime and other corrupting influences; to ensure that Indian tribes are the primary beneficiaries of gaming revenue; and to assure that gaming is conducted fairly and honestly by both operators and players. To achieve these goals, the NIGC is authorized to conduct investigations; undertaken enforcement actions, including the issuance of violation, assessment of civil fines, and/or issuance of closure orders; conduct background investigations; conduct audits; and review and approve Tribal gaming ordinances.

New Mexico Gaming Control Board (NMGCB)

The NMGCB, through appointment of a State Gaming Representative, is responsible for monitoring compliance of the New Mexico gaming tribes under the Tribal/State gaming compacts. The primary goals and objectives of the gaming compacts, according to NMGCB are to promote: Goodwill and cooperation; Effective government-to-



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government relationship; Facilitate the regulation of Class III Gaming; The promotion of Tribal economic development, self-sufficiency and self-governing; Access to Fair and Honest gaming.


III. New Mexico Association of Indian Gaming Commissions (NMAIGC)

The NMAIGC is a compilation of 16 Native American Tribes and Pueblos of New Mexico that conduct gaming activities within their respective native lands. They include:

1. Jicarilla Apache Nation
2. Mescalero Apache Nation
3. Navajo Nation
4. Ohkay Owingeh
5. Pueblo of Acoma
6. Pueblo of Isleta
7. Pueblo of Laguna
8. Pueblo of Nambe
9. Pueblo of Pojoaque
10. Pueblo of San Felipe
11. Pueblo of Sandia
12. Pueblo of Santa Ana
13. Pueblo of Santa Clara
14. Pueblo of Taos
15. Pueblo of Tesuque
16. Southern Ute

NMAIGC members are from the Tribal Regulatory Agencies, Gaming Commissions, Regulatory Staff and Commissioners. The membership promote and support regulatory issues to ensure adequate and proper regulation of gaming, provide advice and guidance to their respective tribal leadership and strategize to support, maintain and protect tribal governmental authority and sovereignty. They participate in meetings to address and share critical issues, regulatory policy, enhance tribe to tribe communication and stay up-to-date on current gaming industry trends.

The association is comprised of the General Association Membership lead by a Chairperson, Vice-Chairperson and a Secretary/Treasurer. The General Membership



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meets quarterly to discuss industry issues, regulatory developments, and receive updates from external agencies (i.e. NIGC, NMGCB).

IV. Revenue Share Paid by all NM Tribes to the State of New Mexico (Past 4 Years)

| YEAR | 1 st Qtr | 2 nd Qtr | 3 rd Qtr | 4 th Qtr | TOTAL AMOUNT PAID |
|-------------|---------------------|---------------------|---------------------|---------------------|----------------------|
| 2017 | \$14,941,024 | \$15,420,232 | \$15,441,502 | Pending | \$45,802,758 |
| 2016 | \$15,721,984 | \$15,786,454 | \$15,371,183 | \$12,251,820 | \$59,131,441 |
| 2015 | \$16,787,781 | \$17,306,042 | \$16,307,344 | \$15,407,340 | \$65,808,507 |
| 2014 | \$17,228,447 | \$16,683,328 | \$16,583,625 | \$15,903,913 | \$66,399,313 |
| | | | | | \$237,142,019 |

V. Conclusion

The New Mexico Association of Indian Gaming Commissions has been a long serving association for the betterment of New Mexico Indian Gaming Tribes and Pueblos. It is apparent the association is needed for the regulatory aspect of Indian Gaming in New Mexico. The need to address critical issues in a timely manner, utilizing the expertise of its membership as well as having access to resources is the foundation of the association.

Resources

National Indian Gaming Commission (NIGC): www.nigc.gov
New Mexico Gaming Control Board (NMGCB): www.nmgcb.org
Former NMAIGC Chairman – Roger Leslie
Former NMAIGC Vice-Chairman – Manny Gallegos