CA Gaming Update: The End of the Brown Administration

By
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I'm not sure I have the lingo down... but I think they are inviting us to a feast called a casino where they have slots, craps and blackjack.
The Role of the Federal Government in Compacts
DOI-BIA-OIG

- Secretary Zinke
- Deputy Bernhardt
- Associate Deputy Cason
- Acting Asst. Sec. of Indian Affairs - Tahsuda
- Deputy ASIA - Carson
- OIG Director - Hart
DOI - OFFICE OF INDIAN GAMING (OIG) GUIDANCE

- OIG -BIA Website - letter from June 15, 2012 - outlines the Policy and procedures for submission and approval of Gaming Compact /Amendment


- Specifically, Part 293.4(b) - IGRA requires the Secretary to review and approve all compacts/amendments
PROVISIONS TO WATCH CAREFULLY

- Exorbitant Revenue Sharing
- Limited or Illusionary Exclusivity
- Revenue Sharing Versus Tax Rates
- Tribe as Primary Beneficiary
- Mitigation Payments-disguised tax
- Tribes as Business not Governments
- Non-Indian Gaming over Indian Gaming
- Smoking Cessations and Regulations
- Side Agreements
- Limits on Number and location of Casinos
- Process for Handling Customer Compliants
DISAPPROVED

- Hunting and Fishing Rights
- Settlement of Land Claims
- Settlement of Water Rights
- Class 11 Gaming
- Reverted Clause
- Illusory Exclusivity
- Taxation of the Tribe =

requiring Tribe to pay revenue sharing event if Exclusivity is lost; -requiring Tribes to pay state before compact can be executed; -increase revenue sharing without benefits to Tribe

- Issues unrelated to gaming
- Compacts that restrict other tribes' right
September 15th 2017 dated letter response

Completed Review - return Amendment back to Tribe

Dealt with Exclusivity Clause of Compacts

The amendment is "premature & likely unnecessary"

Not enough information - no action necessary
OTHER GAMING NEWS

- Consultation on proposed changes to the off-reservation Fee-to-Trust procedures under 25 CFR Part 151

- SCIA Oversight Hearing on IGRA - held on Oct. 4, 2017 - testimony "fair and balanced"

- ASIA's April 6, 2017 memo - Delegated authority for Off-reservation Fee-to-Trust Decisions -- did not change how off-reservation applications are processed

- Gaming Applications - go to OIG - Non-Gaming to ASIA
QUESTIONS

- Thank You - Contact Information

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