

HOUSE RESOLUTION NO. 42

Rep. Hauck offered the following resolution:

1 A resolution to oppose the unchecked proliferation of off-
2 reservation gaming in the state of Michigan and to urge the
3 Governor to oppose any off-reservation effort that is not in
4 complete conformance with Indian gaming compacts as approved by the
5 tribes, the state of Michigan, and the United States Department of
6 the Interior.

7 Whereas, Twelve federally recognized Indian Tribes in the
8 state of Michigan conduct gaming pursuant to the Indian Gaming
9 Regulatory Act (IGRA) and an approved gaming compact between each
10 tribe and the state; and

11 Whereas, IGRA provides that tribes may only conduct Class III
12 gaming as provided under a gaming compact negotiated between the
13 tribe and the state and approved by the United States Department of

1 the Interior; and

2 Whereas, Class III gaming under IGRA includes, but is not
3 limited to, slot machines; and

4 Whereas, All gaming compacts between the tribes and the state
5 of Michigan expressly limit tribal Class III gaming to the tribes'
6 reservation and/or on eligible lands on or near the tribes'
7 reservation as specifically described in the gaming compact; and

8 Whereas, In recent years, there has been an increase in the
9 number of tribes pursuing off-reservation Class III gaming that
10 does not comply with the requirements of the tribes' gaming
11 compacts as approved by the tribe, the state of Michigan, and the
12 United States Department of the Interior; and

13 Whereas, Many of these off-reservation gaming proposals and
14 schemes are made and pursued by tribes with successful on-
15 reservation gaming operations but seek to establish additional
16 casinos on lands outside their reservation or eligible lands and
17 within the aboriginal lands of other tribes. This process, known as
18 "reservation shopping", is highly controversial and is opposed by
19 much of Indian Country; and

20 Whereas, In 2004, Michigan voters overwhelmingly approved an
21 amendment to the Michigan Constitution to limit the expansion of
22 casino gambling similar to limits placed in tribal gaming compacts
23 and to require any expansion of non-Indian gaming to be approved by
24 a statewide and local vote; and

25 Whereas, Any approval of off-reservation gaming proposals that
26 do not fully conform to the limitations provided by the approved
27 gaming compacts will undermine and invalidate the will of the
28 voters in limiting gaming in the state of Michigan; and

29 Whereas, Off-reservation casinos in the Detroit area would

1 have a devastating negative impact on the finances of the city of
2 Detroit; and

3 Whereas, The gaming compacts between the tribes and the state
4 are the law in the state of Michigan and should be followed and
5 enforced; and

6 Whereas, The Governor does not have the authority to
7 unilaterally waive a provision of a tribal gaming compact without
8 the approval of the Michigan Legislature unless such authority is
9 expressly provided to the Governor by the gaming compact; now,
10 therefore, be it

11 Resolved by the House of Representatives, That we oppose off-
12 reservation gaming that does not conform to the express
13 requirements of the Indian gaming compacts as approved by the
14 tribes, the state of Michigan, and the United States Department of
15 the Interior; and be it further

16 Resolved, That we urge the Governor to deny and take all legal
17 action necessary to defeat any request or attempt by a tribe to
18 establish an off-reservation casino unless all requirements and
19 conditions for such casino have been met, as required in the gaming
20 compacts as negotiated and approved with the state of Michigan; and
21 be it further

22 Resolved, That copies of this resolution be transmitted to the
23 Governor.