

HCR39, As Adopted by House, August 8, 2007

Reps. Farrah, Wojno, Hopgood, Accavitti, Angerer, Espinoza, Robert Jones, Byrum, Donigan, Byrnes, Gaffney, Ward, Miller, Hammel, Clack, Meadows, Simpson, Vagnozzi, Constan, Leland, Hood, Wenke, Hammon, Alma Smith, Warren, Condino, Bieda, Bennett, Coulouris, Young, Johnson, Gonzales, Polidori, Nofs, Cushingberry, Moore, Virgil Smith, Nitz, Caul, Cheeks, Gillard, Lemmons, Melton, Scott, Jackson, Meisner, Kathleen Law, Griffin, Bauer, Valentine, Meltzer, Garfield, Knollenberg, Sheltroun and McDowell offered the following concurrent resolution:

House Concurrent Resolution No. 39.

A concurrent resolution to concur in a tribal-state gaming compact between the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan (the Gun Lake Band) and the State of Michigan and signed on May 9, 2007.

Whereas, Federally recognized Indian tribes have a right under federal law to operate gaming as a means of economic development within states that allow such gaming for any purpose by any person, organization, or entity. The State of Michigan permits Class III gaming to be operated by non-tribal entities under the Michigan Gaming Control and Revenue Act; and

Whereas, The State of Michigan has entered into tribal-state gaming compacts with 11 of Michigan's 12 federally recognized Indian tribes, the only federally recognized Indian tribe not having a compact being the Gun Lake Band. The Michigan Legislature has approved all 11 tribal-state gaming compacts by resolution. The Michigan Supreme Court has held that the Michigan Legislature has the authority to approve tribal-state gaming compacts by legislative resolution; and

Whereas, The Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan, which is also known as the Gun Lake Band, is a federally recognized Indian tribe. The principles of fairness, equity, and justice dictate that the State of Michigan enter into a Class III gaming compact with the Gun Lake Band on terms consistent with the tribal-state compacts previously approved by the Michigan Legislature; and

Whereas, A new tribal-state gaming compact between the State of Michigan and the Gun Lake Band (the "Gun Lake Compact") has been negotiated by the Governor and the Gun Lake Band and signed on May 9, 2007. This compact has been filed with the Clerk of the Michigan House of Representatives and is available for review. The Gun Lake Compact contains terms and conditions more beneficial to the State of Michigan than the previous 11 compacts; and

Whereas, The Gun Lake Compact contains additional and substantial regulatory provisions governing the Gun Lake Band's proposed gaming facility that are not contained in any of the 11 other tribal-state gaming compacts; and

Whereas, The Gun Lake Compact prohibits the sale of tobacco to minors at the Gun Lake Band's proposed gaming facility; and

Whereas, The Gun Lake Compact provides that persons under 21 years of age may not participate in gaming at the Gun Lake Band's proposed gaming facility; and

Whereas, The Gun Lake Compact provides additional safeguards for revenue payments to the State of Michigan when compared to the prior 11 Class III gaming compacts; and

Whereas, The Gun Lake Compact contains a potential for substantially increased revenue sharing with the State of Michigan when compared to the prior 11 compacts, and also contains a minimum of a 50 percent increase over the prior 11 compacts for payments to the State of Michigan as reimbursement for regulatory costs; and

Whereas, The Secretary of the United States Department of the Interior has issued procedures for the operation of Class III gaming by Indian tribes that permit said tribes to operate Class III gaming facilities in the absence of a tribal-state compact where states have failed to enter into a compact with such tribes; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we concur in the tribal-state gaming compact signed on May 9, 2007, and on file with the Clerk of the House of Representatives between the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan (the Gun Lake Band) and the State of Michigan to govern the establishment of Class III gaming on Eligible Indian Lands; and be it further

Resolved, That copies of this resolution be transmitted to the Governor, representatives of the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan, and the United States Secretary of the Interior.