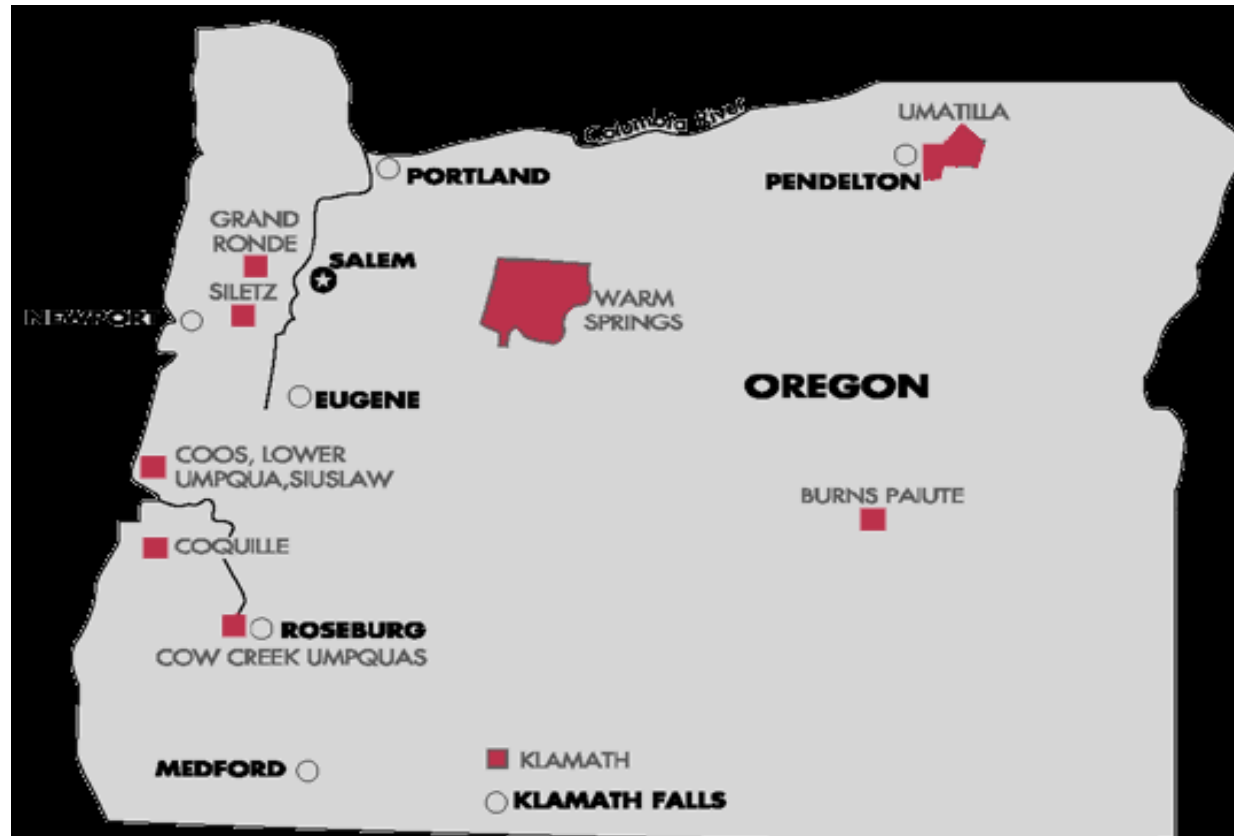


# Oregon Tribal Gaming – The one tribe, one casino policy discussion

## House Gaming Committee

March 21, 2023

Daniel P. Santos, Governor's Tribal Affairs Consultant



As my administration gets underway, I remain committed to my campaign pledge to establish a Tribal Affairs Office and a Director's position in my office to focus solely on tribal issues.

This commitment to creating a Tribal Affairs Office within an Oregon Governor's Office will be historic for Tribes, the State, and my office. I recognize the importance of enhancing and properly conducting true consultation. While we as sovereign governments share some challenges, we also have so many opportunities. Whether challenges or opportunities, we can work as partners for the betterment of all our peoples.

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Governor Tina Kotek

Letter to Tribal Chairs

March 7, 2023



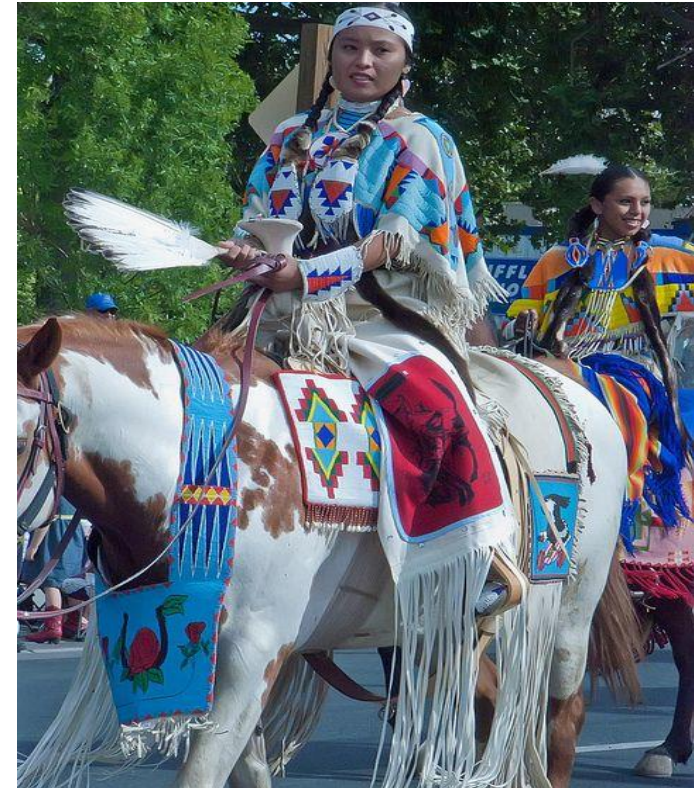
# Tribal Matters in Oregon

Fundamentals of Federal & State Tribal Law, Policies, and How Oregon Approaches our Government To Government Relations.

House Gaming Committee

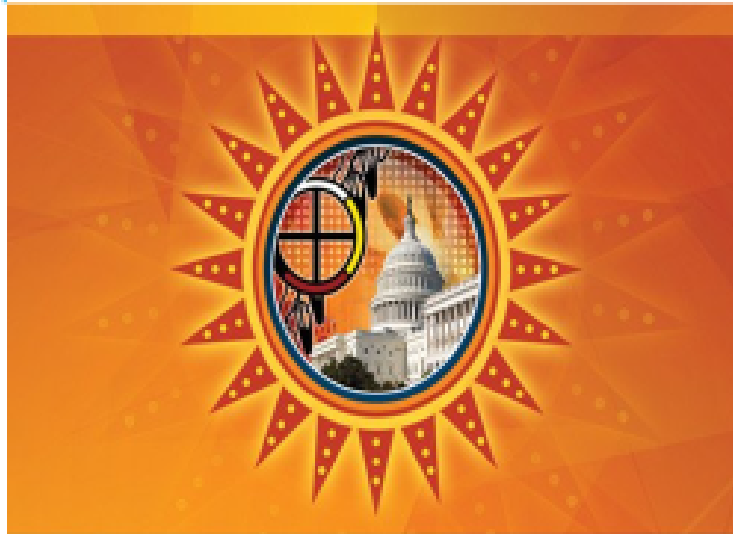
March 21, 2023

**Daniel P. Santos**



# THE BIRTH OF LEGALIZED INDIAN GAMING

## CALIFORNIA V. CABAZON BAND OF MISSION INDIANS, 480 U.S. 202 (1987)



NATIONAL INDIAN  
GAMING ASSOCIATION  
2018 SUMMER LEGISLATIVE SUMMIT

JULY 17-18, 2018

STANLEY CROOKS SHAKOPEE INDIAN/CANTON SIOUX COMMUNITY CONFERENCE CENTER  
224 SECOND ST SE WASHINGTON, DC

- The Cabazon and Morongo Bands of Mission Indians are two Indian tribes that occupy reservation lands near Palm Springs. During the mid-1980s, both the Cabazon and Morongo Bands each owned and operated on their reservation lands, a small bingo parlor. In addition, the Cabazon Band operated a card club for playing poker and other card games. Both the bingo parlors and the Cabazon card club were open to the public and frequented predominantly by non-Indians visiting the reservations. In 1986, California State officials sought to shut down the Cabazon and Morongo Band's games, arguing that the high-stakes bingo and poker games violated state regulations. The case made it all the way to the Supreme Court before a decision was rendered on February 25, 1987.
- The Supreme Court held, as the Cabazon band argued, that because California State law did not prohibit gambling as a criminal act – and in fact encouraged it via the state lottery – they must be deemed regulatory in nature. As such, the authority to regulate gaming activities on tribal lands was found to fall outside those powers granted by the Public Law 280 (states' authority to enforce criminal laws on reservations).
- Court ruled that Native gaming was to be regulated exclusively by Congress and the federal government, not state government; with tribal sovereignty upheld, the benefits of gaming became available to many tribes.
- The Supreme Court's decision effectively overturned the existing laws restricting gaming/gambling on U.S. Indian reservations.

# GAMING AS ECONOMIC DEVELOPMENT

- Large-scale gaming sponsored by tribal governments started in the early 1980s at the same time that state lotteries began to proliferate. Gaming provides jobs, improves economic growth on reservations, and strengthens regional economies.
- Passage of the National Indian Gaming Regulatory Act in 1988 created the opportunity to build gaming centers on reservation and trust lands. Besides providing employment opportunities for tribal members and citizens of surrounding communities, revenues from these tribal enterprises fund health clinics, education, scholarships, housing and other services. Gaming and other enterprises have made these tribal governments some of the largest employers in their counties—generating employment for tax-paying employees, benefiting local communities and the entire state. All Oregon tribal governments are striving to diversify their revenue streams and are actively pursuing other avenues of generating revenue.
- As of 2012, nearly 240 tribes across 29 states operated gaming establishments representing roughly a \$30 billion industry. Many Indian tribes use gaming revenues to fund economic development activities on reservations and more effective provision of tribal government services, including health services, early education programs and language and cultural preservation activities.





Governor Barbara Roberts  
January 1991 to January 1995

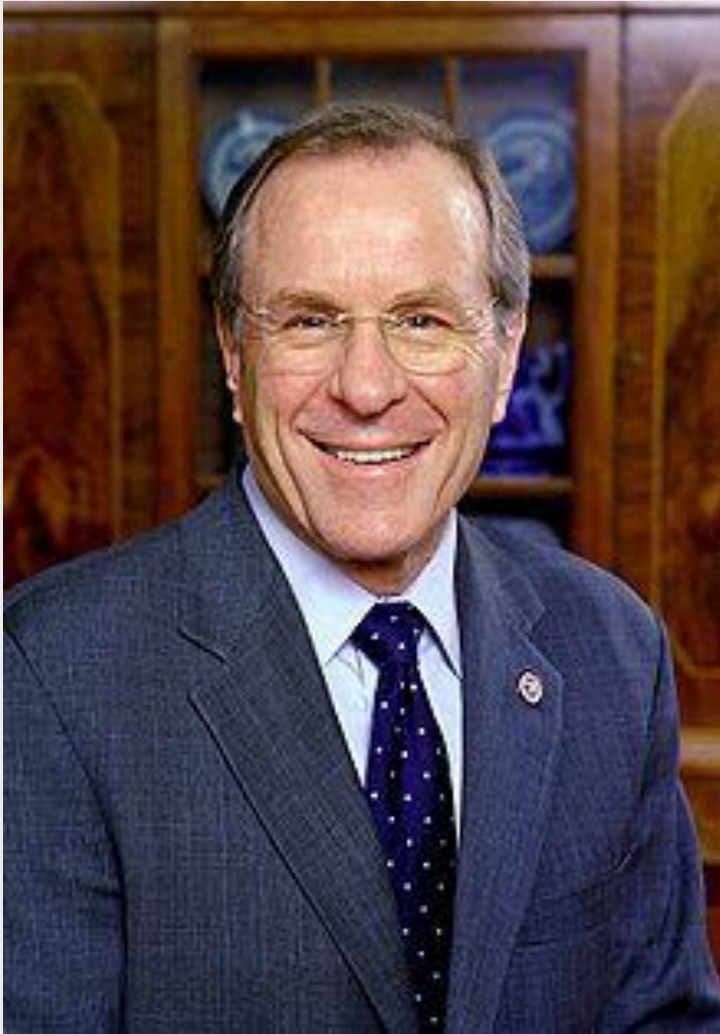
- First compact signed in 1992 with the Cow Creek
- One casino per tribe on reservation land policy
- 1992 the Siletz applied to the Department of Interior and Bureau of Indian Affairs to take land in Salem into trust for the purpose of Class III gaming
  - Two part determinations
    - That it would benefit the tribe and not be detrimental to the community
    - That the Governor concurs
    - Governor Roberts did not concur and U.S. Federal Courts upheld the Governor's concurrence requirement



- Governor Kitzhaber expanded the scope of gaming (types and numbers of games allowed)
- He maintained the one casino per tribe of reservation land policy



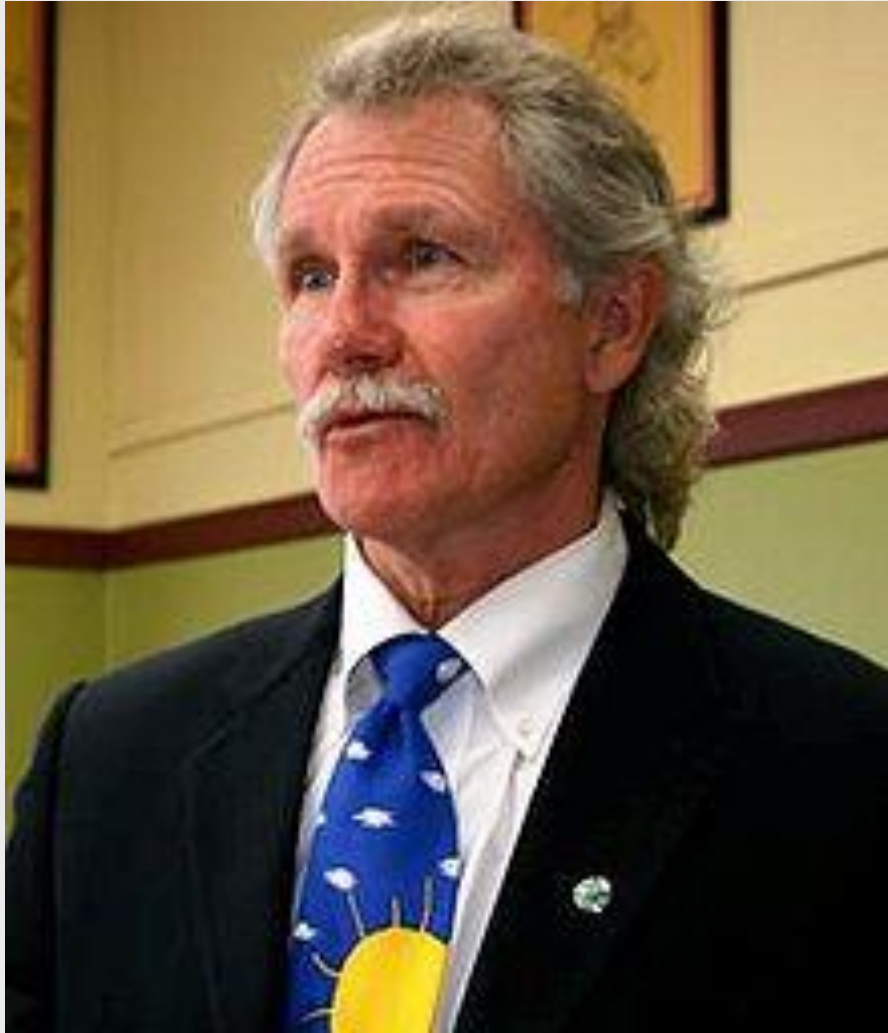
Governor John A. Kitzhaber  
January 1995 to January 2003



Governor Theodore R. Kulongoski  
January 2003 to January 2011

- Maintained the one casino per tribe on reservation land policy
- He did state his willingness to concur on a Warm Spring application to DOI – BIA to take land in Cascade Locks into trust for purposes of Class III gaming
  - The DOI and BIA did not make the first part of it two part determinations during Governor Kulongoski's administration





Governor John A. Kitzhaber  
January 2011 to February 2015

- When Governor Kitzhaber was elected for his third term, he made it clear that he maintained the one casino per tribe on reservation land policy
- The Warm Spring - Cascade Locks application processed ended

Governor Kate Brown  
February 2015 to January 2023



- Maintained the one casino per tribe on reservation land policy
- She did communicate to tribes a willingness to consider other options but only if all tribes agreed on how to change that policy
- No changes were made

- While Speaker, on the campaign trail, and now as Governor, Governor Kotek has made it clear in her conversations with tribes and others that she does not favor the expansion of gaming
- From the March 16<sup>th</sup> Cow Creek and Grand Ronde letter, it correctly cited the October 2022 campaign statement that Governor Kotek would like to maintain the status quo from past Governors of “one casino per tribe on reservation land.”



Governor Tina Kotek  
January 2023 -