

Stand Up For California!

“Citizens making a difference”

standupca.org

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Steve Hardy
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RE: Opposition to Morongo, Pechanga, Agua Caliente, Sycuan and San Manuel Compacts

The Compact amendments for the Morongo, Pechanga, Agua Caliente, Sycuan and San Manuel lack a sufficient regulatory framework, patron and worker protections, and a voice for local government to address current environmental and public safety impacts prior to approving second and third casino expansions, some of which are on newly acquired lands.

- These agreements, much like the former agreements, presume primary regulatory and oversight will be performed by the National Indian Gaming Commission (NIGC). However, the United States Court of Appeals for the District of Columbia Circuit affirmed the Washington D.C. Federal District Court’s August 2005 ruling in Colorado River Indian Tribes v. NIGC, (D.D.C. Aug. 2005). The Court held that the NIGC does *not* have authority to promulgate or enforce regulatory oversight. Therefore, all regulatory oversight of gaming is left to each *state* to include in their tribal state compacts.
- These agreements fail to include meaningful worker protections because they fail to require the tribes to participate in the California State Workers' Compensation system and submit to Cal OSHA jurisdiction.
- These agreements fail to provide adequate tort protections for the patrons and allow for a tribal court to exercise authority over non-Indian U.S. citizens without legislative debate or public input regarding the relinquishment of the protections of the California Constitution.
- These agreements fail to require the Tribes to allow annual, independent audits of the casinos books and payments to the State.
- These agreements fail to provide for consultation or discussion with affected jurisdictions regarding **land acquisitions** for second and third casinos to address current impacts before the expansion of additional slot machines.
- These agreements fail to include regulatory language to keep abreast of technological advances of gaming machines and server based systems. In particular, Section 7.5 fails to provide the means for spot-checking the integrity of the software of server-based slot systems. This lack of oversight invites disputes rather than resolving them.

- These agreements fail to specifically address the issue of whether player winnings from “free” slot-play will be counted so as to ultimately reduce revenues to the State.
- These agreements fail to include provisions requiring tribal casinos to withhold and remit wage garnishments for child or spousal support (as all other employers are required to do).

It is up to the Legislature to establish statewide gaming policy which ensures that Tribal State Compacts include comprehensive regulations, provide for environmental concerns, patron and employee protections, and provide a voice for local government in the ongoing development of tribal gaming expansion. Lacking such basic regulations, the growing public, local government and industry tensions over the tribal gaming industry in California will not subside.

Please list Stand Up For California in opposition to Agua Caliente, San Manuel, Pechanga, Sycuan and Morongo Tribal State compacts for the stated reasons.

Sincerely,

Cheryl Schmit – Director
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