

*Time*

"Under provisions of Proposition 1 A, passed by the voters of California in March 2000, Native Americans can buy property anywhere and establish a gaming business." Section 20 of the Indian Gaming Regulatory Act (IGRA 25 U.S.C. 2719) generally prohibits gaming on lands acquired by the Secretary of the Interior in Trust for a Tribe after October 17, 1988. However, Section 20 does contain exceptions. Paragon is seeking the gaming under two exceptions: 1) the establishment of the initial reservation of a Tribe acknowledged or recognized by the Secretary of the Interior, and 2) the Secretary, after consultation with the Indian Tribe and appropriate State and local officials (including officials of other nearby tribes) determines that the gaming establishment on newly acquired lands is in the best interest of the Indian Tribe and would not be detrimental to the surrounding community. For this 2nd option, the Governor of the State must concur with the Secretary's determination.

Under U.S. Code: Title 25, Section 2710 (d) (3) (C) "Any Tribal-State compact negotiated may include--- (iii) the assessment by the State of such activities in such amounts as are necessary to defray the costs of regulating such activity." (4) Except for any assessment that maybe agreed to under (3) (C) (iii) -- nothing in this section shall be interpreted as conferring upon a State or any of its political subdivisions authority to impose any tax, fee, charge, or other assessment upon an Indian tribe or upon any other person or entity authorized by an Indian tribe to engage in a class III gaming activity."

Cities are limited in what they can receive from Indian gambling casinos by the Indian Gaming Regulatory Act (IGRA) adopted by Congress as of 1/05/99. The assessment by the State of such activities "in such amounts as are necessary to defray the costs of regulating such activity may be allowed." Cities or State cannot impose any tax, fee, charge, or other assessment upon an Indian tribe. The negotiated State-Tribal compact is between the Governor and the Tribe and must be approved by the Tribes officials. The only role of the city seems to be that the Secretary of the Interior will not put the land in Trust for a tribe if the local officials oppose it. The land would belong to a Sovereign State not under the jurisdiction of the city or State except for the compact.

*Jane Tomach*