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CALIFORNIA STATE ASSOCIATION OF COUNTIES

TESTIMONY
BEFORE THE COMMITTEE ON RESOURCES
UNITED STATES HOUSE OF REPRESENTATIVES

OVERSIGHT HEARING ON
HR 4893
TO AMEND THE INDIAN GAMING REGULATORY ACT
TO RESTRICT OFF-RESERVATION GAMING
1324 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, D.C.

APRIL 5, 2006

- On behalf of the California State Association of Counties, I would like to thank Chairman Pombo, Ranking Member Rahall, and the other distinguished members of the Committee on Resources for providing us with the opportunity to submit testimony on HR 4893. Chairman Pombo, I also want to thank you for your considerable outreach to CSAC throughout the development of this important legislation.
- I am Steven Worthley, Fourth District Supervisor for Tulare County and a member of the CSAC Indian Gaming Working Group. I am in

my second term of office, and am here today representing CSAC.

- CSAC is the single, unified voice speaking on behalf of all 58 California counties, and the issue raised in this hearing, and addressed by this legislation, has direct and unique bearing on counties, more so than any other jurisdiction of local government.
- Because of this, CSAC has devoted considerable staff time and financial resources to address the impacts of Indian Gaming on county services and affected communities.
- CSAC's approach to the issue of Indian gaming is simple: to work on a government-to-government basis with gaming tribes who have followed the provisions of IGRA, and to seek a mechanism that allows local governments to work with tribes to mitigate any off-reservation impacts from proposed casinos.
- Examples of our approach are numerous in California, where comprehensive agreements between tribes and counties – each addressing the unique concerns of the tribe and community – have been negotiated in the past few years.
- I want to quickly mention the model for negotiation between local governments and tribes provided by the most recent State-Tribal Compacts negotiated by the Schwarzenegger Administration. The result of this model has been improved government-to-government

relationships and the successful incorporation of major gaming facilities into counties and communities.

- Now to comments specific to HR 4893.

Judicially Enforcement Agreements

- Chairman Pombo, CSAC is pleased to support your off-reservation gaming legislation, which includes provisions that would require tribes seeking to acquire trust land for purposes of gaming to negotiate judicially enforceable mitigation agreements with counties as a condition of having trust land acquisitions approved by the Department of Interior. This provision largely addresses the overriding principle supported by CSAC in its Tribal Lands Policy.
- Please note that CSAC recommends that the language of HR 4893 be modified to further clarify the legislation's meaning of "direct effects of the tribal gaming activities on the affected county or parish infrastructure and services." We recommend that the definition of infrastructure and services include but not be limited to infrastructure maintenance and improvements, health and welfare services, law enforcement and emergency services, and environmental services such as air quality, watershed management, and erosion control. Enumerating the specific costs and services impacts would help to ensure that sound mitigation agreements are developed between county and tribal governments.

Increased Oversight of Gaming Applications

- In addition to the mitigation agreement requirements of HR 4893, CSAC is supportive of provisions of the Pombo bill that would require more extensive oversight with respect to casino proposals for newly-recognized or landless tribes. While we support giving local communities a seat at the table to decide whether or not a casino should be located in a particular area, CSAC supports giving county boards of supervisors – which represent all county residents – the right to consent to gaming-related trust acquisitions.
- A county-wide advisory referendum – as called for in the bill – represents a prudent step in gauging a community’s support or opposition to a particular gaming proposal. However, CSAC believes that a vote by elected county boards of supervisors represents an equally critical component in the process of determining the viability and suitability of a casino proposal. Because counties would ultimately be responsible for negotiating mitigation agreements with tribes under HR 4893, CSAC urges you to consider modifying the legislation to allow county or parish elected bodies to have the right to concur with the Department of Interior’s prescribed determinations.

Consolidation of Gaming Among Tribes

- With regard to the bill’s tribal gaming consolidation proposal, CSAC is supportive of the legislation’s language that would require all consolidated gaming operations to take place on already existing

reservation lands deemed suitable for such operations in accordance with IGRA.

CSAC also believes that there is an opportunity to clarify HR 4893 to ensure that tribes that are allowed to consolidate gaming operations are required to negotiate judicially enforceable agreements with the affected county for the mitigation of all off-reservation impacts, and that such agreements must be reached each time tribes agree to consolidate gaming operations.

Conclusion:

- In conclusion, CSAC is pleased to support HR 4893, which represents a significant improvement over the provisions of current law.
- Additionally, CSAC believes that with necessary and appropriate revisions – such as enumerating services and costs impacts of mitigation agreements, as well as allowing county boards of supervisors to determine the viability and suitability of a casino proposal – HR 4893 would further the original goals of the IGRA while also helping to minimize abuses that have proven to be detrimental to those tribes in full compliance with all applicable federal laws.
- I want to again thank Chairman Pombo and members of the Committee for their prolonged attention to this important issue. CSAC looks forward to working with you to ensure the best possible

outcome for tribal governments and those communities affected by Indian Gaming.

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