

HOUSE RESOLUTION NO.257

Rep. LaFave offered the following resolution:

1 A resolution to reaffirm the sovereignty of tribal nations and
2 to encourage the Michigan Attorney General to not infringe on that
3 sovereignty.

4 Whereas, Article I, Section 8 of the U.S. Constitution
5 recognizes tribal nations as sovereign governments. Tribal nations'
6 right to self-governance has been repeatedly reaffirmed by
7 treaties, the U.S. Supreme Court, executive orders, and laws
8 enacted by Congress; and

9 Whereas, The Indian Gaming Regulatory Act of 1988 permits
10 tribes to operate Class III casino-style gaming activities on
11 Indian reservations. The state of Michigan has entered into tribal-
12 state compacts with twelve federally-recognized tribes to authorize
13 Class III casino-style gaming. The state of Michigan has no



1 authority to regulate Indian gaming, except to ensure compliance
2 with the provisions of each tribal-state compact; and

3 Whereas, In response to the novel coronavirus (COVID-19), the
4 Governor has issued a number of executive orders to limit the
5 operation of businesses and require people to stay home, with
6 exceptions, through May 28, 2020. Despite most cases of COVID-19
7 being reported in the southern part of the state, far from a
8 majority of Indian casinos, tribal governments followed federal and
9 state guidelines to close Class III casino-style gaming facilities
10 under their jurisdiction; and

11 Whereas, After weeks of economic closure and staying at home,
12 the number of COVID-19 cases has steadily declined. Tribal
13 governments, often relying on casino revenue to fund services and
14 infrastructure, announced plans to reopen casinos before the
15 Governor's most recent stay-at-home order expires. The Hannahville
16 Indian Community announced plans to reopen a casino in the Upper
17 Peninsula in phases beginning May 6, 2020; and

18 Whereas, On May 5, 2020, in a letter addressed to the
19 Hannahville Indiana Community Tribal Chairperson, the Michigan
20 Attorney General warned that casino employees and patrons who visit
21 the casino prior to the expiration of the Governor's stay-at-home
22 order would be subject to civil and criminal penalties. Although
23 the letter acknowledges the tribe's right to self-governance, which
24 includes the right to reopen its casinos at any date, it serves as
25 a veiled-threat to control the actions of a sovereign tribal
26 nation; now, therefore, be it

27 Resolved by the House of Representatives, That we reaffirm the
28 sovereignty of tribal nations and encourage the Michigan Attorney
29 General to not infringe on that sovereignty; and be it further



1 Resolved, That copies of this resolution be transmitted to the
2 Governor and the Michigan Attorney General.
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