

SUBSTANTIVE POLICY STATEMENT

This Substantive Policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties, you may petition the agency under Arizona Revised Statutes section 41-1033 for a review of the statement.

ARIZONA LOTTERY TRIBAL GOVERNMENT POLICY

Arizona Lottery
Executive Director: Gregory R. Edgar
Information: (480) 921-4431
Policy No. 86
2011
Revised June 30, 2018

PURPOSE

This policy establishes the basic principles governing the Arizona State Lottery's (Lottery) relations with Tribal governments in the State of Arizona. It complies with Arizona Revised Statutes (ARS) §41-2051 which requires all executive branch agencies develop and implement tribal consultation policies to guide their work and interactions with Tribes existing within the boundaries of the State. This policy reflects the Lottery's recognition of Tribal sovereignty and the goal of a cooperative relationship between Lottery and the Tribes.

INTRODUCTION

The Arizona State Lottery ("Lottery") is charged with maximizing net revenue consonant with the dignity of the state. The State of Arizona has entered into Compacts with Tribal governments within the State of Arizona. It is the intent of the Lottery to comply with the terms of the compacts and to work cooperatively with the Department of Gaming and Tribal governments. On occasions, various entities that operate on Tribal lands or Tribal governments have sought to become lottery retailers; it is consistent with the statutory duty of the Lottery to cooperate with all persons and entities seeking to become a licensed retailer.

POLICY

Lottery recognizes the sovereignty of Tribal governments and their jurisdiction over lands within Indian Country as defined by federal law. (The definition in federal law includes all lands within reservation boundaries [18 U.S.C.A. § 1151].)

Lottery's interaction with Tribes will be in the interest of the State and will not be used as a basis for assertion of State authority over Tribes, recognizing, however, that the Arizona Lottery must regulate its licensed Lottery retailers. If any entity within Indian Country desires to become a licensed Lottery retailer, no action will be taken, without Tribal consultation in accordance with this policy.

Lottery is committed to developing cooperative relationships with Tribes, and will respect the cultural and economic concerns of Tribes.

RESPONSIBILITY

Responsibility for the enforcement of this policy lies with the Executive Director and the Lottery Tribal Liaison.

PROCEDURES

Tribal Liaison

The Executive Director of Lottery has designated the Deputy Director of Legal Services as the Tribal Liaison for Lottery for matter of policy and as the principal point of contact for tribal affairs, and to help build rapport and communications with the Tribes. In the event the Deputy Director of Legal Services is unavailable, the Executive Director will designate another appropriate staff personnel as Tribal Liaison to provide compliance with this policy and (ARS) §41-2051

Retailer Licenses on Tribal Lands

Applications received for businesses on Tribal lands will not be approved without approval from the Tribe. A Resolution/Agreement (Exhibit A) will be created between the Lottery and the Tribe. Once the Resolution is signed by the Tribe, Lottery will license qualified retailers.

Where Lottery has an existing Resolution with a Tribe, when a new business applies for a Lottery License, Lottery will notify Tribe and require the applicant to notify the Tribe. Each time a licensed retailer on tribal lands renews a license the Tribe will be notified.

Tribal Consultation

Lottery may enter into Intergovernmental Agreements (IGA) or Memoranda of Understanding (MOU) for products and/or services when considered mutually appropriate by ASL and an interested Tribal Government.

Lottery will work with Tribes when possible for the mutual benefit of promoting responsible gaming in accordance with the Lottery's "Please Play Responsibly" and Problem Gambling Programs"

Lottery may recommend Tribal representation, when appropriate, for consideration for appointment by the Governor's Office of Boards & Commissions to the Lottery Commission

Arizona Lottery will provide early notification to Tribes about decisions that may affect them. Arizona Lottery requests reciprocity by Tribes. Arizona Lottery staff will obtain approval from the Executive Director before initiating contact with Tribes.

Reporting

By September 30th of each year, the Lottery Tribal Liaison will submit a summary report, through the Executive Director, to the Governor's Policy Advisor for Tribal Affairs. This report shall include a description of all action undertaken as a result of this Tribal Consultation Policy. The report shall include descriptions of the current areas in which Lottery is actively partnering with the Tribes in agreements, project reviews, training programs, educational programs, participation in Boards and Commissions, and community programs.

APPROVED BY:


Gregory R. Edgar, Executive Director Arizona Lottery