

**AGREEMENT BETWEEN
THE STATE OF ARIZONA AND THE PASCUA YAQUI TRIBE**

WHEREAS it is the objective of the State of Arizona and the Pascua Yaqui Tribe to execute a Tribal-State Gaming Compact pursuant to the Indian Gaming Regulatory Act of 1988, Pub.L. 100-497 (25 U.S.C. §§ 2701 - 2721 and 18 U.S.C. §§ 1166 - 1168, hereinafter, the "Act"); and

WHEREAS this Agreement is made by and between the State of Arizona and the Pascua Yaqui Tribe for the purpose of mutually acknowledging those objectives sought to be achieved by the State of Arizona, the Pascua Yaqui Tribe and the Secretary of the Interior, in a Tribal-State Gaming Compact; and

WHEREAS the Constitution of the Pascua Yaqui Tribe authorizes the Tribal Council to enter into and approve agreements with other governments, including the State of Arizona; and

WHEREAS the Tribal Council of the Pascua Yaqui Tribe has authorized Tribal Council Chairman Albert V. Garcia to enter into an Agreement with the State of Arizona; and

WHEREAS upon the occurrence of the contingencies set forth below, the Pascua Yaqui Tribe will execute a Tribal-State Gaming Compact consistent with Exhibit A attached hereto ; and

WHEREAS Article 3, Chapter 7, Title 11, Arizona Revised Statutes (A.R.S. §§ 11-951 - - 11-954) authorizes the State of Arizona to participate in a joint exercise of powers with public agencies, including any federally recognized Indian Tribe, through the execution of intergovernmental agreements and contracts; and

WHEREAS pursuant to the foregoing authority the State of Arizona agrees that upon the occurrence of the contingencies set forth below, it will execute a Tribal-State Gaming Compact consistent with Exhibit A attached hereto; and

WHEREAS this Agreement shall remain in effect from the date of its execution until a Tribal-State Gaming Compact is approved by the Secretary of the Interior and notification of such is published in the Federal Register; provided, that this Agreement shall terminate upon the publication of notification of approval of such Tribal-State Compact in the Federal Register or in the event the Arizona Legislature fails to enact the legislation set forth below within the time prescribed therein.

BE IT RESOLVED by the Pascua Yaqui Tribe and the State of Arizona as follows:

1. On or before June 1, 1993, the State of Arizona and the Pascua Yaqui Tribe shall execute a Tribal-State Gaming Compact consistent with Exhibit A attached hereto, if, by such date:

- (a) The Arizona Legislature has enacted legislation that:
- (1) Repeals, in its entirety, SB1001 (Chapter 1, First Special Session, 41st Legislature, 1993); and
 - (2) Amends A.R.S. Section 5-601 to authorize the Governor to execute Tribal-State Gaming Compacts under the Indian Gaming Regulatory Act which contain Class III gaming as specified in Exhibit A attached hereto;
- (b) The State of Arizona dismisses, with prejudice, its appeal in *Yavapai-Prescott Indian Tribe, et al. v. State of Arizona, et al.*, No. 92-16954, pending in the United States Court of Appeals for the Ninth Circuit in which the State of Arizona has appealed the judgment of the District Court of Arizona under the Tenth Amendment to the United States Constitution.

2. Dismissal pursuant to Paragraph 1(b) of this Agreement and execution of the Tribal-State Gaming Compact which is the subject of this Agreement shall be performed concurrently.

3. In the event that the Arizona Legislature fails to enact the legislation described in Paragraph 1 of this Agreement with an effective date on or before June 1, 1993, the Pascua Yaqui Tribe may terminate this Agreement.

4. This Agreement may be cancelled by either party upon written notice to the other party.

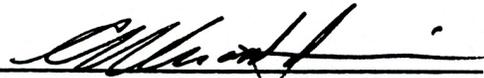
5. This Agreement is effective upon filing with the Office of the Secretary of State of Arizona.

DATED this 7th day of May, 1993.

PASCUA YAQUI TRIBE

STATE OF ARIZONA

BY


Albert V. Garcia, Chairman

BY:


Fife Symington, Governor

EXHIBIT A

MAJOR COMPACT PROVISIONS

1. Four-tiered system, based on tribal populations as follows:

POPULATION	GAMING DEVICES
1 - 4,000	400
4,001 - 8,000	600
8,001 -16,000	800
16,000 and above	1,300

2. Maximum of 500 gaming devices per gaming facility location.
3. Two live keno games per reservation.
4. Ten-year Compact duration, with one five-year renewal option.
5. State and Tribes will dismiss all pending lawsuits.
6. Maximum of two to four gaming facility locations depending on tribal population.
7. 24-hour operation.
8. State and Tribes will share regulatory duties on a statewide basis.
9. If State authorizes the use of gaming devices off-reservation, then Tribes will be authorized to conduct Class III table games (maximum of 12 per gaming facility location).