

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

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Please note that it is not entirely certain that the legislature can condition the actions of the governor under 25 USC 2719 (b) (1) (A). That federal law provision authorizes gaming activities on lands held in trust for Indian tribes by the Secretary of the Interior (Secretary) if the Secretary determines that a gaming establishment on the lands would be in the best interest of the Indian tribe and its members, and would not be detrimental to the surrounding community, "but only if the Governor of the State in which the gaming activity is to be conducted concurs in the Secretary's determination." It is unclear what role, if any, the legislature can play in such a concurrence.

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