

**FILE COPY**

**NATIONAL  
INDIAN  
GAMING  
COMMISSION**

**AUG 23 1996**

Samuel N. Penney  
Chairman  
Nez Perce Tribe  
P.O. Box 305  
Lapwai, ID 83540-0305

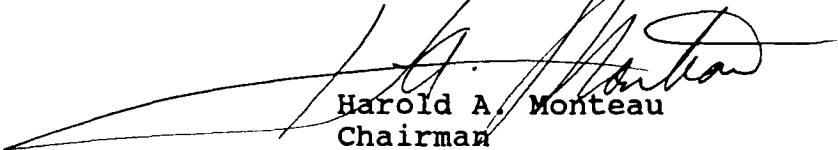
Dear Chairman Penney:

This letter responds to your request to review and approve the amendment to the Nez Perce Tribe's tribal gaming ordinance submitted on July 25, 1996. The amendment was adopted by Resolution on January 9, 1995. The ordinance was approved by the Chairman of the National Indian Gaming Commission (NIGC) on February 16, 1995. The amendment does not require approval by the NIGC because the amendment addresses issues not raised in the IGRA or the NIGC's regulations.

Under the IGRA and the regulations of the NIGC, the Chairman is directed to review ordinances and amendments with respect to the requirements of the IGRA and the implementing regulations. Thus, the scope of the Chairman's review and approval is limited to the requirements of the IGRA and the NIGC regulations. Provisions other than those required under the IGRA or the NIGC regulations that may be included in a tribal ordinance or gaming commission procedures are not subject to review and approval.

Thank you for submitting the Nez Perce Tribe's amendment for review. If you have questions or require further assistance, please contact Jessica Roff at (202) 632-7003.

Sincerely yours,

  
Harold A. Monteau  
Chairman

R E S O L U T I O N

JUL 25 1996

WHEREAS, the Nez Perce Tribal Executive Committee has been empowered to act for and in behalf of the Nez Perce Tribe, pursuant to the Revised Constitution and By-Laws, adopted by the General Council of the Nez Perce Tribe, on May 6, 1961, and approved by the Acting Commissioner of Indian Affairs on June 27, 1961; and

WHEREAS, the Nez Perce Tribal Executive Committee has promulgated a Gaming Ordinance and Procedures for Investigating Key Employees and Management Officials as required by the National Indian Gaming Commission; and

WHEREAS, there are two provisions that conflict with each other as well as with the Gaming Compact entered into with the State of Idaho; and

WHEREAS, the Law and Order & Intergovernmental Affairs Subcommittee has recommended that the inconsistent provisions regarding the qualifications of Gaming Commissioners and the term of office be clarified;

NOW, THEREFORE, BE IT RESOLVED that the following provisions shall be amended as follows:

NEZ PERCE TRIBAL GAMING COMMISSION INVESTIGATIVE PROCEDURES FOR KEY EMPLOYEES AND PRIMARY MANAGEMENT OFFICIALS (NP 95-102):

Paragraph A.1. shall now read:

The Nez Perce Tribal Gaming Commission, hereinafter referred to as "the Commission: shall consist of five individuals appointed by the Nez Perce Tribal Executive Committee.

(Amended language in bold.)

Paragraph A.2. shall now read:

Each Commission member shall serve for a term of three years, with the term beginning on January 1 of the year of the appointment and ending on December 31 of the third year; **except that for the initial group of Commissioners, two positions will be for a term of three years, two positions will be for a term of two years and one position will be for a term of one year allowing for a staggered term process thereafter.**

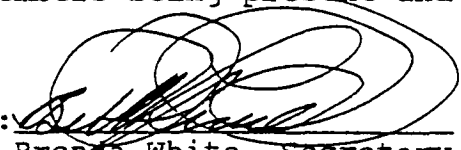
(Amended/additional language in bold.)

BE IT FURTHER RESOLVED that these two provisions shall supersede

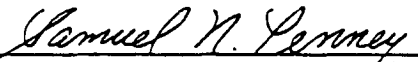
any prior provisions that may conflict with the amended language set forth in these provisions.

C E R T I F I C A T I O N

The foregoing resolution was duly adopted by the Nez Perce Tribal Executive committee meeting in Regular Session, January 9, 1995, in the Richard A. Halfmoon Council Chambers, Lapwai, Idaho, a quorum of its members being present and voting.

BY:   
Brenda White, Secretary

ATTEST:

  
Samuel N. Penney, Chairman