



MAR 14 2001

Denny Hurtado, Chairman  
Skokomish Indian Tribe  
N. 80 Tribal Center Road  
Shelton, WA 98584

Dear Chairman Hurtado:

This letter is in response to your request to the National Indian Gaming Commission ("NIGC") for the review and approval of the amendment to the Skokomish Indian Tribe's tribal gaming ordinance, Resolution No. 2000-74, adopted on August 9, 2000 and submitted on February 20, 2001.

The original ordinance was approved by the Chairman of the NIGC on April 30, 1996 and amended by resolution No. 00-51 on May 18, 2000. This letter constitutes approval of your amendment under the Indian Gaming Regulatory Act ("IGRA").

Thank you for submitting the amendment to the Tribe's gaming ordinance. If you have any questions or require further assistance, please contact our office at 202-632-7003.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Montie R. Deer".

Montie R. Deer  
Chairman



# Skokomish Indian Tribe

Tribal Center (360) 426-4232

N. 80 Tribal Center Road

FAX: (360) 877-5943

Shelton, WA 98584

## SKOKOMISH TRIBAL COUNCIL RESOLUTION NO. 2000-74

A RESOLUTION APPROVING THE RENUMBERING OF ALL TRIBAL ORDINANCES AND AUTHORIZING THE PUBLICATION AND DISTRIBUTION OF THE SKOKOMISH TRIBAL CODE

WHEREAS, the Skokomish Indian Tribe is a federally recognized Indian tribe organized under its Constitution and by-laws first adopted on April 2, 1938 and approved by the Secretary of the Interior May 3, 1938, amended January 15, 1980 as approved by the Secretary of the Interior March 17, 1980; and

WHEREAS, the Skokomish Tribal Council is the governing body of the Skokomish Indian Tribe pursuant to Article IV, Section 1 of the Constitution of the Skokomish Indian Tribe; and

WHEREAS, pursuant to its inherent sovereign authority and Article V, Section 1(j) of the Constitution, the Tribal Council has the power to enact laws and ordinances governing the conduct of individuals and defining offenses against the Tribe, as well as the responsibility to provide for the efficient and effective administration of those laws; and

WHEREAS, by Resolution No. 95-65, the Skokomish Tribal Council approved a numbering system to be adopted for all Tribal Ordinances in order to clearly and specifically identify the Tribal Ordinances to ensure a lack of confusion by eliminating duplication of numbering; and

WHEREAS, the Skokomish Legal Department has conducted a thorough review of the numbering system for Tribal Ordinances and has proposed renumbering of all Tribal Ordinances under a comprehensive Skokomish Tribal Code (S.T.C.); and

WHEREAS, the Skokomish Legal Department has researched the Index of Tribal Council Resolutions to verify the approval of all Tribal Ordinances and amendments in order to certify the Skokomish Tribal Code for publication and distribution.

NOW THEREFORE BE IT RESOLVED, the Skokomish Tribal Council hereby approves and adopts the following numbering system for all laws and ordinances to be included as titles and chapters in a single volume to be known as the "Skokomish Tribal Code" effective October 1, 2000:

### DOCUMENTS

TREATY OF POINT NO POINT, JANUARY 26, 1855

EXECUTIVE ORDER - SKOKOMISH RESERVE, FEBRUARY 25, 1874

CONSTITUTION OF THE SKOKOMISH INDIAN TRIBE, MAY 3, 1938, AS AMENDED  
MARCH 17, 1980

CORPORATE CHARTER OF THE SKOKOMISH INDIAN TRIBE, MAY 3, 1938

COMPACT OF SELF-GOVERNANCE, JULY 20, 1995

TITLE ONE--TRIBAL GOVERNMENT

- S.T.C. 1.01 - SKOKOMISH ENROLLMENT ORDINANCE
- S.T.C. 1.02 - SKOKOMISH TRIBAL ELECTION ORDINANCE
- S.T.C. 1.03 - *GENERAL COUNCIL PROCEDURES (RESERVED)*
- S.T.C. 1.04 - *TRIBAL COUNCIL PROCEDURES (RESERVED)*

TITLE TWO-- ADMINISTRATION AND SERVICES

- S.T.C. 2.01 - *TRIBAL ADMINISTRATIVE PROCEDURES ACT (RESERVED)*
- S.T.C. 2.02 - SKOKOMISH EDUCATION ORDINANCE
- S.T.C. 2.03 - *TRIBAL EMPLOYMENT RIGHTS ORDINANCE (RESERVED)*
- S.T.C. 2.04 - BUDGET PROCESS TIME LINE AND BUDGET ORDINANCE
- S.T.C. 2.05 - HOUSING AUTHORITY ORDINANCE
- S.T.C. 2.06 - EVICTION PROCEDURES ORDINANCE
- S.T.C. 2.07 - SKOKOMISH TRIBAL UTILITY ORDINANCE
- S.T.C. 2.08 - *TRIBAL RECORDS AND FREEDOM OF INFORMATION ACT (RESERVED)*
- S.T.C. 2.09 - SKOKOMISH ECONOMIC DEVELOPMENT ORDINANCE

TITLE THREE--COURTS

- S.T.C. 3.01 - RULES OF THE SKOKOMISH TRIBAL COURT
- S.T.C. 3.02 - SKOKOMISH YOUTH CODE
- S.T.C. 3.03 - *FAMILY AND DOMESTIC RELATIONS (RESERVED)*
- S.T.C. 3.04 - *PROBATE (RESERVED)*
- S.T.C. 3.05 - CIVIL EXCLUSION AND REMOVAL
- S.T.C. 3.06 - *ENFORCEMENT OF JUDGMENTS (RESERVED)*

TITLE FOUR--COMMERCE

- S.T.C. 4.01 - *ENTERPRISES ORDINANCE (RESERVED)*
- S.T.C. 4.02 - SKOKOMISH GAMING CODE
- S.T.C. 4.03 - SKOKOMISH FIREWORKS SALES AND SAFETY ORDINANCE
- S.T.C. 4.04 - SKOKOMISH SEAFOOD PRODUCTS CONTROL AND MANAGEMENT ORDINANCE
- S.T.C. 4.05 - SKOKOMISH LIQUOR ORDINANCE
- S.T.C. 4.06 - SKOKOMISH INDIAN TRIBAL TOBACCO CONTROL AND TAX ORDINANCE
- S.T.C. 4.07 - SKOKOMISH CONSULTING SERVICE CONTROL AND MANAGEMENT ORDINANCE
- S.T.C. 4.08 - *BUSINESS LICENSING (RESERVED)*

TITLE FIVE--TAXATION

- S.T.C. 5.01 - TAX AND LICENSE ADMINISTRATION ORDINANCE
- S.T.C. 5.02 - FISH TAX ORDINANCE
- S.T.C. 5.03 - *BUSINESS AND OCCUPATION TAX (RESERVED)*
- S.T.C. 5.04 - *SALES TAX (RESERVED)*
- S.T.C. 5.05 - *EXCISE TAX (RESERVED)*

TITLE SIX--LAND USE AND NATURAL RESOURCES

- S.T.C. 6.01 - *NATURAL RESOURCES ADMINISTRATION (RESERVED)*
- S.T.C. 6.02 - *ZONING AND DEVELOPMENT PERMITS (RESERVED)*
- S.T.C. 6.03 - SKOKOMISH ENVIRONMENTAL PROTECTION ACT (SKEPA)
- S.T.C. 6.04 - SKOKOMISH RESERVATION FLOOD DAMAGE PREVENTION ORDINANCE
- S.T.C. 6.05 - *WATER QUALITY STANDARDS (RESERVED)*
- S.T.C. 6.06 - SKOKOMISH FOREST DEVELOPMENT AND MANAGEMENT ORDINANCE
- S.T.C. 6.07 - *SOLID WASTE DISPOSAL (RESERVED)*
- S.T.C. 6.08 - *CULTURAL AND ARCHEOLOGICAL SITES (RESERVED)*

TITLE SEVEN--FISHING, HUNTING AND GATHERING

- S.T.C. 7.01 - *GATHERING (RESERVED)*
- S.T.C. 7.02 - SKOKOMISH ON-RESERVATION AND TREATY FISHING ORDINANCE
- S.T.C. 7.03 - SKOKOMISH TRIBAL ON-RESERVATION AND TREATY HUNTING ORDINANCE

TITLE EIGHT--CIVIL TRAFFIC ORDINANCE

- S.T.C. 8.01 - PURPOSE AND AUTHORITY
- S.T.C. 8.04 - DEFINITIONS
- S.T.C. 8.08 - GENERAL PROVISIONS
- S.T.C. 8.12 - CERTIFICATES OF OWNERSHIP AND REGISTRATION
- S.T.C. 8.16 - VEHICLE LICENSES
- S.T.C. 8.20 - DRIVERS' LICENSES - IDENTICARDS
- S.T.C. 8.30 - MANDATORY LIABILITY INSURANCE
- S.T.C. 8.37 - VEHICLE LIGHTING AND OTHER EQUIPMENT
- S.T.C. 8.52 - ACCIDENTS - REPORTS - ABANDONED VEHICLES
- S.T.C. 8.55 - TOWING AND IMPOUNDMENT
- S.T.C. 8.61 - RULES OF THE ROAD
- S.T.C. 8.63 - DISPOSITION OF TRAFFIC INFRACTIONS
- S.T.C. 8.64 - ENFORCEMENT
- S.T.C. 8.70 - UNFAIR BUSINESS PRACTICES - DEALERS' LICENSES
- S.T.C. 8.72 - TRANSPORTATION OF PASSENGERS IN FOR HIRE VEHICLES
- S.T.C. 8.79 - HULK HAULERS AND SCRAP PROCESSORS
- S.T.C. 8.80 - MOTOR VEHICLE WRECKERS

TRAFFIC BAIL/MONETARY PENALTY SCHEDULE

TITLE NINE - SKOKOMISH CRIMINAL CODE

- S.T.C. 9.01 - GENERAL PROVISIONS
- S.T.C. 9.02 - OFFENSES AGAINST THE PERSON
- S.T.C. 9.02A - SEX CRIMES
- S.T.C. 9.02B - SEX OFFENDER NOTIFICATION AND REGISTRATION
- S.T.C. 9.03 - PROPERTY-RELATED OFFENSES
- S.T.C. 9.04 - ALCOHOL-RELATED OFFENSES
- S.T.C. 9.05 - OFFENSES AGAINST THE COMMUNITY PEACE, MORALS, SAFETY AND WELFARE

- S.T.C. 9.06 - FAMILY-RELATED OFFENSES
- S.T.C. 9.07 - OFFENSES RELATED TO ADMINISTRATION OF TRIBAL GOVERNMENT
- S.T.C. 9.08 - CRIMINAL TRAFFIC OFFENSES
- S.T.C. 9.09 - DRUG-RELATED OFFENSES
- S.T.C. 9.10 - OTHER OFFENSES
- S.T.C. 9.11 - SENTENCING, SENTENCING GUIDELINES, AND BAIL SCHEDULE
- S.T.C. 9.12 - JUVENILE JUSTICE
- S.T.C. 9.13 - SEVERABILITY AND AMENDMENT
- S.T.C. 9.14 - LAW AND ORDER COMMITTEE

BE IT FURTHER RESOLVED, the Skokomish Tribal Council approves and adopts the following designations for internal divisions of chapters in the S.T.C.:

Sections	Decimals [i.e. .001, .002, .003, etc.]
Subsections	Lower Case Letters [i.e. (a), (b), (c), etc.]
Paragraphs	Arabic Numerals [i.e. (1), (2), (3), etc.]
Sub-paragraphs	Upper Case Letters [i.e. (A), (B), (C), etc.]
Divisions Within Sub-Paragraphs	Lower Case Roman Numerals [i.e. (i), (ii), (iii), etc.]

BE IT FURTHER RESOLVED, the Skokomish Tribal Council hereby reaffirms the substantive provisions of any Tribal Ordinance adopted by prior resolutions which may have been lost or destroyed, but are referenced in other resolutions or the ordinance itself.

BE IT FURTHER RESOLVED, the Skokomish Tribal Council authorizes the Skokomish Legal Department to certify, publish and distribute the S.T.C., along with the authorizing and amending resolutions and the Tribe's Treaty, Constitution, Corporate Charter, and other organic documents, which shall be regularly updated to incorporate any and all amendments enacted by the Tribal Council.

BE IT FURTHER RESOLVED, the Skokomish Tribal Council authorizes the Tribal Attorney, Richard Guest, or his designee, and/or the Tribal Manager, Debra Rosenbaum, or her designee, to sign all necessary contracts, invoices, or other documents necessary to the publication and distribution of the S.T.C.

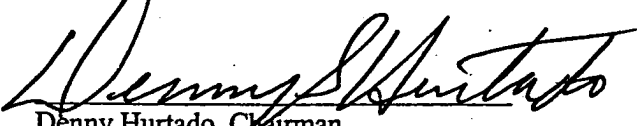
BE IT FURTHER RESOLVED, a complete copy of the S.T.C. shall be distributed at no charge to each member of the Skokomish Tribal Council, the Skokomish General Council President, the Director of Public Safety, the Skokomish Tribal Court Clerk, the Northwest Intertribal Court System (NICS), the Skokomish Tribal Court Judge and the Skokomish Tribal Prosecutor.

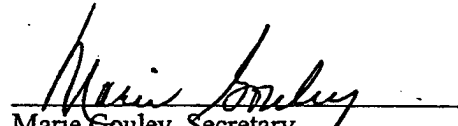
BE IT FURTHER RESOLVED, a complete copy of the S.T.C. shall be made available for reference and copying to all Skokomish Community members and to all parties in the Skokomish Tribal Court and their counsel through the Skokomish Tribal Court Clerk and the Skokomish Legal Department. Complete copies of the S.T.C. shall be available at cost through the Skokomish Legal Department.

\*\*\* CERTIFICATION \*\*\*

I, Denny Hurtado, Chairman of the Skokomish Tribal Council, hereby certify that the above foregoing Resolution No. 2000-74 was adopted at a regular meeting of the Skokomish Tribal Council, held on 8-9-2000, 2000, at which a quorum was present by a vote of 4 FOR, 0 AGAINST, 0 ABSTAINING.

ATTEST

  
Denny Hurtado, Chairman  
Skokomish Tribal Council

  
Marie Gouley, Secretary  
Skokomish Tribal Council

## SKOKOMISH GAMING CODE

*A law to authorize, license and regulate certain forms of gaming within the jurisdiction of the Skokomish Indian Tribe of Washington.*

Adopted by Resolution No. 95-103 (October 18, 1995)  
Amended by Resolution No. 96-12 (February 28, 1996)  
Amended by Resolution No. 00-51 (May 18, 2000)

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#### 4.02.001 Findings

The Skokomish Tribal Council on behalf of the Skokomish Tribe finds that:

- (a) Tribal regulation and control of gaming activity within the jurisdiction of the Skokomish Indian Tribe is essential for the protection of public health and welfare, and the interests of the Tribe and the residents of and visitors to the tribal community.
- (b) The Tribe has the legal authority to license and regulate all gaming activity, not specifically prohibited by federal law, within the jurisdiction of the Tribe.
- (c) Properly licensed and regulated gaming activities conform with announced federal policy promoting Indian self-government and Indian tribal economic self-sufficiency.
- (d) It is essential that the Tribe, through its Tribal Council, regulate gaming in a manner commensurate with applicable federal and tribal law and policy.
- (e) The present needs of the Tribe include increased employment, job and skills training, housing, quality health care, improved nutrition, educational opportunities, social services, law and order, public safety and judiciary, and community and economic development; needs that are not adequately addressed by present tribal, federal and state programs.
- (f) Tribal operation and licensing of gaming activities on the Reservation are appropriate means of generating revenue to address the needs of the Tribe.
- (g) The Tribe is vigorously pursuing its goal of self-sufficiency and self-determination through the development of tribal businesses and enterprises. Because the Skokomish Reservation lacks income-generating natural resources and because the Tribe's tax base is almost non-existent, the Tribe must rely on tribal business development to raise the funds necessary to expand its social, health, and education programs, increase employment and improve its on-reservation economy. This effort has recently become increasingly important as a result of cutbacks in federal and state funding and the increased costs of self-government. It is therefore essential that the Tribe develop new and expanded sources of revenue to support its ever-increasing governmental needs and to provide much needed employment and training for tribal members.
- (h) As a result, the adoption of the following new and expanded gaming law is in the best interest of the Skokomish Indian Tribe.

#### **4.02.002 Purposes**

The purposes of this Code are to:

- (a) Regulate, control, and license the operation of all gaming within the jurisdiction of the Tribe.
- (b) Make clear and explicit that a tribal license to operate a gaming activity is a revocable privilege, not a right or property interest.
- (c) Ensure that the operation of tribally regulated gaming will continue as a means of generating tribal revenue.
- (d) Ensure that tribally regulated gaming is conducted fairly and honestly by both gaming operators and players and that it remain free from corrupt, incompetent, unconscionable and dishonest persons and practices.
- (e) Promote and strengthen tribal economic development and self-determination and enhance employment opportunities for its members.
- (f) Generate revenue to strengthen and improve tribal self-government and the provision of tribal governmental services.
- (g) Ensure that all gaming revenue is used for the benefit of the Tribe and the Reservation community.
- (h) Ensure that tribal gaming laws are strictly and fairly enforced against all persons involved in gaming activities within the jurisdiction of the Tribe.
- (i) Ensure that the Tribe provide a fair and impartial forum for the resolution of gaming disputes.

#### **4.02.003 Tribal Policy of Self-Government**

The Tribe is firmly committed to the principle of tribal self-government. Consistent with federal policy, tribal government provides a wide range of public services on the Reservation, including general governmental services, maintenance of peace and good order, establishment of educational systems and programs, and promotion and regulation of economic activities within the sovereign jurisdiction of the Tribe.

#### **4.02.004 Tribal Gaming Policy**

The establishment, promotion, and operation of gaming is necessary and desirable, provided that such gaming is regulated and controlled by the Tribe pursuant to tribal and federal law and any tribal-state gaming compact entered into pursuant to the Indian Gaming Regulatory Act, and that all proceeds of such gaming are used for the benefit of the Tribe as required by the Indian Gaming Regulatory Act and tribal law. When operated in accordance with the provisions of this Code, such gaming will be conducive to the general welfare of all residents of the Reservation.

## Definitions

In this Code, except where otherwise specifically provided or where the context otherwise requires, the following terms and expressions shall have the following meanings:

### **4.02.010        Adjusted Gross Proceeds**

"Adjusted gross proceeds" means gross proceeds less all cash prizes or the aggregate price of merchandise prizes, except in the case of the games of draw poker and stud poker. Regarding games of draw poker and stud poker, "adjusted gross proceeds" means the time buy-ins or tournament fees collected by the gaming operator.

### **4.02.011        Bingo**

"Bingo" means the game of chance commonly known as bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith) which is played for prizes, including monetary prizes, with cards bearing numbers or other designations, in which the holder of each card covers such numbers or designations when objects similarly numbered or designated are drawn or electronically determined, and in which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards, including (if played in the same location) pull-tabs, lotto, punch boards, tip-jars, instant bingo, and other games similar to bingo.

### **4.02.012        Charitable Gaming Ticket**

"Charitable gaming ticket" means any game piece used in the play of a paper pull tab game, or jar ticket game, or raffle.

### **4.02.013        Cheating**

"Cheating" means operating or playing in any game in a manner in violation of the written or commonly understood rules of the game, with the intent to create for oneself or someone in privity with one an advantage over and above the chance of the game.

### **4.02.014        Code**

"Code" means this Code, the Skokomish Gaming Code, as now or hereafter amended.

### **4.02.015        Compact**

"Compact" means a gaming compact between the Tribe and the State of Washington as authorized by the Indian Gaming Regulatory Act (IGRA), or by tribal or state law.

### **4.02.016        Compensation**

"Compensation" means all wages, salaries, bonuses, and all other forms of remuneration for services rendered.

### **4.02.017        Council or Tribal Council**

"Council" or "Tribal Council" means the governing body of the Skokomish Indian Tribe.

**4.02.018 Educational, Charitable, Patriotic, Veteran's, Fraternal, Religious, Civic, or Public-Spirited Uses**

"Educational, charitable, patriotic, veteran's, fraternal, religious, civic, or public-spirited uses" are:

- (a) Uses benefiting an indefinite number of people by bringing them under the influence of educational or cultural programs.
- (b) Uses otherwise lessening the burden of tribal government.
- (c) Uses benefiting one or more persons suffering from a seriously disabling disease or injury causing severe loss of income or incurring extraordinary medical expense that is uncompensated by insurance.
- (d) Uses for community service projects that promote the common good, enhance the social and economic welfare of the community, and benefit an indefinite number of people.

**4.02.019 Electronic Games of Chance**

"Electronic games of chance" means electronic games featuring coin drop and payout as well as printed tabulations, whereby the software of the device predetermined the presence or lack of a winning combination and payout. Electronic games of chance are microprocessor controlled electronic devices which allow a player to play games of chance, which may be affected by an element of skill, activated by the insertion of a coin or currency, or by the use of a credit, and awards game credits, cash, tokens, or replays, or a written statement of the player's accumulated credits, which written statements are redeemable for cash.

**4.02.020 Eligible Organization**

"Eligible organization" means any nonprofit organization operated for educational, charitable, patriotic, veteran's, fraternal, religious, civic, or public-spirited uses, or for the relief of poverty, distress, or other condition on the Skokomish Reservation.

**4.02.021 Equipment for Games of Chance**

"Equipment for games of chance." See "Gaming Apparatus."

**4.02.022 Game or Game of Chance**

"Game" or "game of chance" means any activity which falls within the broad definition of gaming or gaming activity.

**4.02.023 Gaming Employee**

"Gaming employee" means any natural person employed in the operation or management of each gaming activity or operation, whether employed by or contracted to the Tribe or by any person or enterprise providing on or off-site services to the Tribe within or without the gaming facility regarding any gaming activity or operation, including, but not limited to, gaming operation managers and assistant managers; accounting personnel; surveillance personnel; cashier supervisors; dealers or croupiers; box men; floormen; pit bosses; shift bosses; cage personnel; collection personnel; gaming consultants, management companies and their principals; and any other natural person whose

employment duties require or authorize access to restricted areas of each gaming activity or operation not otherwise open to the public.

**4.02.024 Gaming or Gaming Activity**

"Gaming" or "gaming activity" means any activity, operation or game in which valuable consideration is wagered upon the outcome determined in whole or in part by chance, skill, speed, strength, or endurance or any combination of strength or endurance, and in which something of value is awarded to a person or persons so wagering, and any activity in furtherance thereof, including owning, financing, managing, participating in, conducting, or assisting in any way in any such activity at the site at which it is being conducted, directly or indirectly, whether at the site in person or off the Reservation.

**4.02.025 Gaming Apparatus or Gaming Equipment**

"Gaming apparatus" or "gaming equipment" means any device, machine, paraphernalia, or equipment that is used or usable in the playing phases of any gaming activity, whether or not specifically designed for the purpose, but excluding tables and chairs normally used in the occupancy of any gaming facility.

**4.02.026 Gaming Facility**

"Gaming facility" means any location or structure, stationary or movable, where gaming is permitted, promoted, performed, conducted, or operated. Gaming facility does not include the site of a fair, carnival, exposition, or similar occasion.

**4.02.027 Gaming Operator**

"Gaming Operator" means a person who has obtained a gaming license under this Code or who is otherwise permitted by this Code to perform, promote, conduct, or operate any gaming activity on Indian lands.

**4.02.028 Gross Proceeds**

"Gross proceeds" means any money collected or received from any gaming activity.

**4.02.029 Indian Gaming Regulatory Act or IGRA**

"Indian Gaming Regulatory Act" or "IGRA" means Public Law 100-497, 102 Stat. 2426, 25 U.S.C. §§2701-2721 (1988), as amended.

**4.02.030 Immediate Family**

"Immediate Family" means, with respect to the person under consideration, a husband, wife, father, mother, son, daughter, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

**4.02.031 Indian Lands**

"Indian lands" means:

- (a) land within the limits of an Indian Reservation; or
- (b) land over which an Indian tribe exercises governmental power and that is either:
  - (1) held in trust by the United States for the benefit of any Indian tribe or individual; or
  - (2) held by an Indian tribe or individual subject to restriction by the United States against alienation.

**4.02.032      IRS**

"IRS" means the United States Internal Revenue Service.

**4.02.033      Key Employee**

"Key employee" means:

- (a) A person who performs one or more of the following functions:
  - (1) Bingo caller;
  - (2) Counting room supervisor;
  - (3) Chief of security;
  - (4) Custodian of gaming supplies or cash;
  - (5) Floor manager;
  - (6) Pit boss;
  - (7) Dealer;
  - (8) Croupier;
  - (9) Approver of credit;
  - (10) Custodian of gambling devices including persons with access to cash and accounting records within such devices;
- (b) If not otherwise included, any other person whose total cash compensation derived from gaming subject to this Code is in excess of \$50,000 per year; or,
- (c) If not otherwise included, the four most highly compensated persons in the gaming operation.

**4.02.034 License**

"License" means any official, legal, and revocable permission granted by the Tribal Commission pursuant to this Code to an applicant to conduct any gaming activity on Indian lands.

**4.02.035 Lotto**

"Lotto" means a form of gaming in which all or a part of the proceeds derived from the sale of tickets or chances are pooled and such proceeds are allotted by chance to one or more chance takers or ticket purchasers. The amount of cash prizes or winnings are determined by the gaming operator conducting the "lottery" and a progressive pool is permitted.

**4.02.036 Net Revenues**

"Net revenues" means gross gaming revenues of the tribal gaming operation less amounts paid out as, or paid for prizes and total gaming related operating expenses, excluding management fees.

**4.02.037 Participate**

"Participate" in any gaming activity means to operate, direct, finance, or in any way assist in the establishment or operation of any class of gaming or any site at which such gaming is being conducted, directly or indirectly, whether at the site in person or off the Reservation.

**4.02.038 Person**

"Person" means any individual, partnership, joint venture, corporation, joint stock company, company, firm, association, trust, estate, club, business trust, municipal corporation, society, receiver, assignee, trustee in bankruptcy, political entity, and any owner, director, officer, or employee of any such entity, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, the government of the Tribe, any governmental entity of the Tribe, or any of the above listed forms of business entities that are wholly owned or operated by the Tribe; provided, however, that the term does not include the federal government and any agency thereof.

**4.02.039 Player**

"Player" means a person participating in any game, but does not include a gaming operator.

**4.02.040 Primary Management Official**

"Primary Management Official" means

- (a) The person having management responsibility for a management contract approved by the National Indian Gaming Commission; or
- (b) Any person who has authority:
  - (1) To hire and fire gaming employees; or
  - (2) To set up working policy for a gaming enterprise; or



(c) The chief financial officer or other person who has financial management responsibility for a gaming activity.

**4.02.041 Principal**

"Principal" means with respect to any management contractor:

- (a) each of its officers and directors;
- (b) each of its principal management employees, including any chief executive officer, chief financial officer, chief operating officer, or general manager;
- (c) each of its owners or partners, if it is an unincorporated business;
- (d) each of its shareholders who owns more than ten percent of the shares of the corporation, if a corporation; and
- (e) each person other than a banking institution who has provided financing for the enterprise constituting more than ten percent of the total financing of the enterprise.

**4.02.042 Progressive Gaming**

"Progressive gaming" means any game in which a cash prize not being won by any player during any game is retained and further monetarily enhanced by the gaming operator or eligible organization and offered as a prize to players in the next game.

**4.02.043 "Pull-Tabs, Punchboards, and Tip Jars"**

"Pull-tabs, punchboards, and tip jars" means any disposable card, board, ticket, or display which accords the player an opportunity to win something of value by opening, pulling, detaching, or otherwise removing or uncovering tabs or covers from the card, board, ticket, or display to reveal a set of numbers, letters, symbols, configurations, or combinations thereof which have been previously specified as a winning combination.

**4.02.044 Raffle**

"Raffle" means any gaming in which each player buys a ticket for a chance to win a prize, with the winner determined by a random method. "Raffle" does not include slot machines.

**4.02.045 Skokomish Tribal Lands**

"Skokomish Tribal Lands" includes all lands lying within the boundaries of Mason County set aside for the Skokomish Indian Tribe under the Point-No-Point Treaty which was concluded on January 26, 1855 and ratified by Congress on March 8, 1895, and all lands added thereto by Executive Order, Act of Congress, or otherwise under federal law, and all lands held in trust for the benefit of the Skokomish Tribe or any of its members contiguous to the Reservation, notwithstanding the issuance of any patent and including rights-of-way running through such lands..

For purposes of Class III gaming only, the term "Skokomish Tribal Lands" shall have the meaning contained in Section (2)(Q) and (3)(F) of the Class III compact, as now or hereafter amended,

between the Skokomish Tribe and the State of Washington for so long as that subsection is legally applicable by its own terms or under applicable law.

**4.02.046 State**

"State" means the State of Washington.

**4.02.047 Tribal Commission**

"Tribal Commission" means the Skokomish Tribal Gaming Commission described in S.T.C. 4.02.080 through 4.02.104.

**4.02.048 Tribe**

"Tribe" means and "Tribal" refers to the Skokomish Indian Tribe of Washington, a federally recognized Indian tribe acting through the duly elected Tribal Council pursuant to the tribal constitution and bylaws, unless the context clearly indicates a general meaning.

**4.02.049 Twenty-one**

"Twenty-one," also known as "blackjack," means a card game played by a maximum of seven players and one dealer where each player plays his hand against the dealer's hand with the object of obtaining a higher total card value than the dealer by reaching 21 or as close to 21 as possible without exceeding that count. The cards have the following value:

- (a) Aces count either one or 11, at the player's option.
- (b) Kings, queens, and jacks each have a count of ten.
- (c) All other cards are counted at their face value.

**4.02.050 Wager**

"Wager" means the bet made or consideration or value given by a player in any game.

**General Provisions**

**4.02.060 Authority and Sovereign Powers and Responsibilities**

This Code is enacted pursuant to the inherent sovereign powers of the Tribe and the powers expressly delegated to the Tribal Council by Article V of the Tribal Constitution.

**4.02.061 Application of Federal Policy**

In 1970, President Nixon announced the policy of the United States government to promote self-determination for Indian tribes. At the heart of this policy is a commitment by the federal government to foster and encourage tribal self-government, economic development, and self-sufficiency. That commitment was signed into law in 1975 as the Indian Self-Determination and Education Assistance Act, Public Law 93-638, 88 Stat. 2203, 25 U.S.C. §§450-450n. In 1983 President Reagan reaffirmed that commitment in his Indian policy statement, encouraged tribes to

reduce their dependence on federal funds by generating more of their own revenues, and pledged to assist tribes in that endeavor.

In 1988 the federal commitment to promote tribal economic development, tribal self-sufficiency, and strong tribal government was expressly legislated in the Indian Gaming Regulatory Act ("IGRA"), Public Law 100-497, 102 Stat. 2426, 25 U.S.C. §§ 2701, *et seq.* (1988), which recognized the inherent sovereign right of tribes to operate and their exclusive right to regulate on Indian lands gaming which is not specifically prohibited by federal law and is conducted within a state which does not, as a matter of criminal law and public policy, prohibit such gaming, and provided a federal statutory basis for operation and regulation of Indian gaming.

#### **4.02.062 Skokomish Tribal Policy of Self-Government**

The Tribe is firmly committed to the principle of tribal self-government. Consistent with federal policy, tribal government provides a wide range of public services on the Reservation, including general governmental services, the maintenance of peace and good order, the establishment of educational systems and programs, and the promotion and regulation of economic activities within the sovereign jurisdiction of the Tribe.

#### **4.02.063 Title, Repeal of Prior Laws, and Effect of Repeal**

This Code may be cited as the Skokomish Gaming Code. The Code shall be appropriately inserted in the Skokomish Tribal Code.

All ordinances of the Tribe and all titles, chapters, and sections of the Tribal Code that pertain to gaming and are in effect as of the effective date of this Code are hereby repealed, and all other tribal laws or parts thereof inconsistent with the provisions of this Code are hereby repealed.

Repeal of this Code or any portion thereof shall not have the effect of reviving any prior tribal law theretofore repealed or suspended.

#### **4.02.064 Classes of Gaming**

There are three classes of gaming on Indian lands under this Code:

(a) "Class I Gaming" means social gaming solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of or in connection with tribal ceremonies or celebration.

(b) "Class II Gaming" means:

(1) The game of chance commonly known as bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith), which is played for prizes, including monetary prizes, with cards bearing numbers or other designations, in which the holder of the card covers such numbers or designations when objects similarly numbered or designated are drawn or electronically determined, and in which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards, including (if played at the same location) pull-tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo; and

(2) All card games operated by the Tribe prior to May 1, 1988.

(3) All other card games explicitly authorized or not explicitly prohibited by the laws of the State and which are played at any location in the State, if played in conformity with State laws and regulations regarding hours or periods of operation of such card games or limitations on wagers or pot size in such card games.

(c) "Class III Gaming" means all forms of gaming that are not Class I or Class II gaming.

#### **4.02.065 Construction**

In construing the provisions of this Code, unless the context otherwise requires, the following rules shall apply:

(a) This Code shall be liberally construed to effect its purpose and to promote substantial justice.

(b) Words in the present tense include the future and past tenses.

(c) Words in the singular number include the plural, and words in the plural number include the singular.

(d) Words of the masculine gender or neuter include masculine and feminine genders and the neuter.

#### **4.02.066 Savings Clause**

If any section of this Code is invalidated by a court of competent jurisdiction, the remaining sections shall not be affected thereby.

### **Tribal Gaming Commission**

#### **4.02.080 Establishment**

The Tribe hereby charters, creates and establishes the Skokomish Tribal Gaming Commission as a governmental subdivision of the Tribe.

#### **4.02.081 Location and Place of Business**

The Tribal Commission shall be a resident of and maintain its headquarters, principal place of business, and offices on the Skokomish Reservation. The Tribal Commission may, however, establish other places of business in such other locations as the Tribal Commission may from time to time determine to be in the best interest of the Tribe.

#### **4.02.082 Duration**

The Tribal Commission shall have perpetual existence and succession in its own name, unless dissolved by the Tribe pursuant to Tribal law.

#### **4.02.083 Attributes**

As a governmental subdivision of the Tribe, the Tribal Commission has been delegated the right to exercise one or more of the substantial governmental functions of the Tribe, including regulation of tribal gaming pursuant to the IGRA and tribal law. It is the purpose and intent of the Tribe in creating the Tribal Commission that the operations of the Tribal Commission be conducted on behalf of the Tribe for the sole benefit and interests of the Tribe, its members, and the residents of the Reservation. In carrying out its purposes under this Code, the Tribal Commission shall function as an arm of the Tribe. Notwithstanding any authority delegated to the Tribal Commission under this Code, the Tribe reserves to itself the right to bring suit against any person or entity in its own right, on behalf of the Tribe or on behalf of the Tribal Commission, whenever the Tribe deems it necessary to protect the sovereignty, rights, and interests of the Tribe or the Tribal Commission.

#### **4.02.084 Recognition as a Political Subdivision of the Tribe**

The Tribe, on behalf of the Tribal Commission, shall take all necessary steps to acquire recognition of the Tribal Commission as a political subdivision of the Tribe, recognized by all branches of the United States Government as having been delegated the right to exercise one or more substantial governmental functions of the Tribe.

#### **4.02.085 Sovereign Immunity of the Tribal Commission**

The Tribal Commission is hereby clothed with all the privileges and immunities of the Tribe, except as specifically limited by this Title or other tribal law, including sovereign immunity from suit in any tribal, federal, or state court. Except as provided in Section 4.02.087, nothing in this Code nor any action of the Tribe or the Tribal Commission shall be deemed or construed to be a waiver of sovereign immunity from suit of the Tribal Commission, or to be a consent of the Tribe or the Tribal Commission to the jurisdiction of the United States or of any state or any other tribe with regard to the business or affairs of the Tribe or the Tribal Commission to any cause of action, case, or controversy, or to the levy of any judgment, lien or attachment upon any property of the Tribe or the Tribal Commission, or to be a consent of the Tribe or the Tribal Commission to suit in respect to any Indian land, or to be a consent of the Tribe or the Tribal Commission to the alienation, attachment, or encumbrance of any such land.

#### **4.02.086 Sovereign Immunity of the Tribe**

All inherent sovereign rights of the Tribe as a federally recognized Indian tribe with respect to the existence and activities of the Tribal Commission are hereby expressly reserved, including sovereign immunity from suit in any tribal, federal or state court. Except as provided in Section 4.02.087, nothing in this Code nor any action of the Tribal Commission shall be deemed or construed to be a waiver of sovereign immunity from suit of the Tribe, or to be a consent of the Tribe to the jurisdiction of the United States or of any state or of any other tribe with regard to the business or affairs of the Tribal Commission or the Tribe, or to be a consent of the Tribe to any cause of action, case, or controversy, or to the levy of any judgment, lien, or attachment upon any property of the Tribe, or to be a consent to suit in respect to any Indian land, or to be a consent to the alienation, attachment, or encumbrance of any such land.

#### **4.02.087 Waiver of Sovereign Immunity of the Tribal Commission**

Sovereign immunity of the Tribal Commission may be waived only by express resolutions of both the Tribal Commission and the Tribal Council after consultation with the Tribe's attorneys. All

waivers of sovereign immunity must be preserved by resolution of the Tribal Commission and the Tribal Council of continuing force and effect. Waivers of sovereign immunity are disfavored and shall be granted only when necessary to secure a substantial advantage or benefit to the Tribal Commission. Waivers of sovereign immunity shall not be general but shall be specific and limited as to duration, grantee, transaction, property, or funds, if any, of the Tribal Commission subject thereto, court having jurisdiction pursuant thereto, and law applicable thereto. Neither the power to sue and be sued provided in S.T.C. 4.02.096(v) nor any express waiver of sovereign immunity by resolution of the Tribal Commission shall be deemed a consent to the levy of any judgment, lien, or attachment upon property of the Tribal Commission other than property specifically pledged or assigned, or a consent to suit in respect of any land within the exterior boundaries of the Reservation or a consent to the alienation, attachment, or encumbrance of any such land.

#### **4.02.088 Credit of the Tribe or Tribal Commission**

Nothing in this Code nor any activity of the Tribal Commission shall implicate or any way involve the credit of the Tribe or the Tribal Commission.

#### **4.02.089 Assets of the Tribal Commission**

The Tribal Commission shall have only those assets specifically assigned to it by the Council or acquired in its name by the Tribe or by the Tribal Commission on its own behalf. No activity of the Tribal Commission nor any indebtedness incurred by it shall implicate or in any way involve or affect any assets of tribal members or the Tribe not assigned in writing to the Tribal Commission.

#### **4.02.090 Membership**

##### **(a) Number of Commissioners**

The Tribal Commission shall be comprised of seven Tribal Gaming Commissioners consisting of the seven elected members of the Tribal Council or their designees appointed by the Tribal Council.

##### **(b) Qualification of Commissioners**

Each Commissioner must be a member of the Tribe.

##### **(c) Background Check**

Prior to the time that any Tribal Commission member takes office on the Tribal Commission, the Tribe shall perform or arrange to have performed a comprehensive background check on each prospective member. No person shall serve as a Commissioner if:

- (1) His prior activities, criminal record, if any, or reputation, habits or associations:
  - (A) Pose a threat to the public interest; or
  - (B) Threaten the effective regulation and control of gaming; or
  - (C) Enhance the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the conduct of gaming; or

(2) He has been convicted of or entered a plea of *nolo contendere* to a felony or any gaming offense in any jurisdiction or to a misdemeanor involving dishonesty or moral turpitude; or

(3) He or any member of his immediate family has a financial interest in any gaming activity or facility; or

(4) A member of his immediate family is employed as an employee in any tribal gaming activity.

(d) Date of Appointment

Each member of the Tribal Commission shall take office no later than one week after a new Tribal Council is sworn in following a tribal election.

The Council's appointment of any Tribal Commission member who is not a member of the Tribal Council shall be by resolution.

**4.02.091 Term of Office**

Each Commissioner shall serve a term to coincide with the term of Tribal Council members. No member shall serve more than five terms. No person shall remain on the Tribal Commission after leaving or being removed from the Council.

**4.02.092 Meetings**

(a) Regular Meetings

The Tribal Commission shall hold at least one regular monthly meeting which shall take place on the first Monday of each month, or as otherwise determined by the Tribal Commission.

(b) Special Meetings

Special meetings may be called at the request of the Tribal Council, the Chairman of the Tribal Commission or 4 or more members of the Tribal Commission.

(c) Compensation of Commissioners

An honorarium may be paid for attendance at each meeting.

(d) Quorum

A quorum for all meetings shall consist of three members and the Chairman or Acting Chairman.

(e) Voting

All questions arising in connection with the action of the Tribal Commission shall be decided by majority vote. The Chairman of the Tribal Commission shall only be entitled to vote to break a tie.

#### **4.02.093      Organization**

The Tribal Commission shall develop its own operating procedures and shall elect from within itself a Chairman to direct meetings, a reporter to be responsible for keeping Tribal Commission minutes and transmitting to the Tribal Council a copy of those minutes, handling correspondence and reporting Tribal Commission decisions, and such other officers as the Tribal Council deems advisable.

#### **4.02.094      Removal of Members or Vacancies**

##### **(a) Removal**

A Commissioner may be removed by the Council for serious inefficiency, neglect of duty, malfeasance, misfeasance, nonfeasance, misconduct in office, or for any conduct which threatens the honesty or integrity of the Tribal Commission or otherwise violates the letter or intent of this Code. Except as provided below, no Commissioner may be removed without notice and an opportunity for a hearing before the Council, and then only after the Commissioner has been given written notice of the specific charges at least ten days prior to such hearing. At any such hearing, the Commissioner shall have the opportunity to be heard in person or by counsel and to present witnesses on his behalf. If the Council determines that immediate removal of a Commissioner is necessary to protect the interests of the Tribe, the Council may immediately remove the Commissioner temporarily, and the question of permanent removal shall be determined thereafter pursuant to Tribal Commission hearing procedures. A written record of all removal proceedings together with the charges and findings thereon shall be kept by the Tribal Secretary. The decision of the Council upon the removal of a Commissioner shall be final.

##### **(b) Vacancies**

If any Commissioner shall die, resign, be removed, or for any reason be unable to serve as a Commissioner, the Council shall declare his position vacant and shall appoint another person to fill the position. The terms of office of each person appointed to replace an initial Commissioner shall be for the balance of any unexpired term for such position, provided, however, that any prospective appointee must meet the qualifications established by this Code. However, at the discretion of the Skokomish Tribal Council, such person need not be a member of the Tribal Council.

#### **4.02.095      Conflict of Interest**

No person shall be appointed or continue serving as a Commissioner if he has any personal, business, or legal relationship that creates a conflict of interest with his duties and responsibilities as a Commissioner.

#### **4.02.096      Powers of the Tribal Commission**

In furtherance, but not in limitation, of the Tribal Commission's purposes and responsibilities, and subject to any restrictions contained in this Code or other applicable law, the Tribal Commission shall have and is authorized to exercise by majority vote the following powers in addition to all powers already conferred by this Code:



- (a) To oversee the day-to-day operation of and to supervise, inspect and regulate all gaming activities within the jurisdiction of the Tribe.
- (b) To promote the full and proper enforcement of this Code and other applicable law regarding gaming activities within the jurisdiction of the Tribe.
- (c) To enact and enforce such rules and regulations regarding its activities and governing its internal affairs as the Tribal Commission may deem necessary and proper to effectuate the powers granted by this Code and the powers granted and duties imposed by applicable law.
- (d) To publish and distribute copies of this Code and Tribal Commission rules and any Council, Tribal Commission, or Tribal Court decisions regarding gaming matters.
- (e) To prepare and submit for Council approval proposals, including budget and monetary proposals, which could enable the Tribe to better carry forth the policies and intent of this Code.
- (f) To work with the staff of any tribal department, program, project, or operation and to cooperate with the Tribal Council or any Council Committee in regard to gaming issues.
- (g) To make or cause to be made by its agents or employees, an examination or investigation of the place of business, equipment, facilities, tangible personal property, and the books, records, papers, vouchers, accounts, documents, and financial statements of any game or gaming activity operating, or suspected of operating, within the jurisdiction of the Tribe. In undertaking such examination or investigation, the Tribal Commission may request the assistance of tribal gaming staff, federal and local law enforcement officials, legal counsel, and other third parties.
- (h) To maintain and keep current a record of new developments in the area of Indian gaming.
- (i) To request the assistance of the Tribal Court or Tribal Appellate Court in conducting gaming hearings, defining terms used in this Code or other tribal laws, or in any other matter in which the Tribal Commission deems such assistance to be necessary or proper.
- (j) To consider any gaming matter brought before it by any person, organization or business, and all matters referred to it by the Tribal Council.
- (k) To obtain and publish a summary of federal revenue laws relating to gaming and to insure compliance with the same.
- (l) To arrange for training of Tribal Commission members, tribal employees and others in areas relating to the regulation or operation of gaming.
- (m) Upon prior explicit written approval of the Council, to employ such advisors as it may deem necessary. Advisors may include, but shall not be limited to, law enforcement specialists and gaming professionals, the Tribe's general or special counsel, and the Tribe's accountants.

(n) To make recommendations to the Council on the hiring of all supervisory gaming employees.

(o) To promulgate rules and regulations to implement and further the provisions of this Code.

(p) To approve or disapprove any application for a tribal gaming license.

(q) To consult with and make recommendations to the Tribal Council regarding changes in tribal gaming laws and policies.

(r) To examine under oath, either orally or in writing, in hearings or otherwise, any person or agent, officer or employee of any person, or any other witness, with respect to any matters related to this Code, including enforcement of tribal gaming laws, regulations, and policies, and to compel by subpoena the attendance of witnesses and the production of any books, records, and papers with respect thereto.

(s) When necessary or appropriate, to request the assistance and utilize the services of the courts, law enforcement and government officials and agencies, and private parties in exercising its powers and carrying out its responsibilities.

(t) To delegate to an individual member or members of the Tribal Commission, or, with the approval of the Tribal Council, to Tribal Commission staff, such of its functions as may be necessary to administer this Code efficiently; provided that the Tribal Commission may not re-delegate its power to exercise any substantial governmental function of the Tribe or its power to promulgate rules and regulations; and provided further that the Tribal Commission may not delegate to anyone the power to permanently revoke a tribal gaming license.

(u) To permanently close, after notice and hearing, any game or games which are operating in violation of tribal law.

(v) To sue or be sued in courts of competent jurisdiction within the United States, subject to the provisions of this Code and other tribal laws relating to sovereign immunity; provided that no suit shall be brought by the Tribal Commission without the prior explicit written approval of the Tribal Council.

(w) To use the seal of the Tribe with the approval of the Tribal Council.

(x) To purchase, lease, take by gift, devise or bequest, or otherwise acquire, own, hold, improve, and use property and assets of every description, real and personal, tangible or intangible, including money, securities, or any interests therein, rights and services of any kind and description or any interest therein; provided that the Tribal Commission shall have authority to purchase any interest in real property, whether located on or off the Reservation, only with the express, prior written consent of the Tribal Council as to each such action, and that title to such real property and property which is to become a fixture or permanent improvement or part of the real property shall be taken in the name of the Tribe or in the name of the United States in trust for the Tribe, and title to all trust and restricted real property shall remain in trust or restricted status.

(y) To sell, convey, mortgage, pledge, lease, exchange, transfer, and otherwise dispose of all or any part of its personal property and assets.

(z) To deal in inventions, copyrights, and trademarks; to acquire by application, assignment, purchase, exchange, lease, hire, or otherwise; and to hold, own, use, license, lease and sell, either alone or in conjunction with others, the absolute or any partial or qualified interest in and to inventions, improvements, letters patent and applications therefor, licenses, formulas, privileges, processes, copyrights and applications therefor, trademarks and applications therefor, and trade names, provided that title to all such interests shall be taken in the name of the Tribe.

(aa) With the prior permission of the Tribal Council, to borrow money and to make, accept, endorse, execute and issue bonds, debentures, promissory notes, guarantees, and other obligations of the Tribal Commission for moneys borrowed, or in payment for property acquired or for any of the purposes of the Tribal Commission and to secure payment of any obligations by secured interest, mortgage, pledge, deed, indenture, agreement, or other instrument of trust or by other lien upon, assignment of, or agreement in regard to all or any part of the property, rights, or privileges of the Tribal Commission.

(bb) To arbitrate, compromise, negotiate, or settle any dispute to which it is a party relating to the Tribal Commission's authorized activities.

(cc) To enter into, make, perform, and carry out any agreement, partnership, joint venture contract, or other undertaking with any federal, state, or local governmental agency, tribe, person, partnership, corporation, or other association or entity for any lawful purpose pertaining to the business of the Tribal Commission or which is necessary or incidental to the accomplishment of the purposes of the Tribal Commission.

(dd) To invest and reinvest its funds in such mortgages, bonds, notes, debentures, shares of preferred and common stock, and any other securities of any kind whatsoever, and property, real, personal or mixed, tangible or intangible, as the Tribal Commission shall deem advisable and as may be permitted under applicable law, provided that the Tribal Commission shall have authority to invest or reinvest in real property, whether located on or off the Reservation, subject to the restrictions set forth in subsection (aa) above.

(ee) To exercise the tribal power to tax authorized by the Skokomish Tribal Constitution in accordance with a Tribal Council resolution delegating such power to the Tribal Commission and in accordance with this Code and other applicable law.

(ff) To purchase insurance from any stock or mutual company for any property, or against any risk or hazard.

(gg) To engage in any and all activities which directly or indirectly carry out the purposes of the Tribe as set forth in this Code.

(hh) With prior approval of the Tribal Council, to make application and accept grants and other awards from private and governmental sources in carrying out or furthering the purposes of the Tribal Commission or the Tribe.

(ii) To exercise all authority delegated to it or conferred upon it by law and to take all action which shall be reasonably necessary and proper for carrying into execution the foregoing powers and all of the powers vested in this Code as permitted by the purposes and powers

herein stated and which are deemed to be in the best interests of the Tribe, exercising prudent management and good business judgment, all in compliance with applicable law.

(jj) To establish and maintain such bank accounts as may be necessary or convenient.

(kk) To require by regulation the filing of any records, forms, and reports and all other information desired by the Council for implementation of this Code relating to any gaming activity or operation or any investigation as required by tribal law and the IGRA.

(ll) To provide for an internal system of recordkeeping with adequate safeguards for preserving confidentiality as deemed necessary by the Tribal Commission. All applications, background investigations and Tribal Commission decisions shall be retained in Tribal Commission files for a period of at least 10 years.

(mm) To adopt a schedule of fees to be charged for gaming licenses issued pursuant to this Code.

(nn) To adopt a schedule of fees and charges for services rendered relating to transcripts and the furnishing or certifying of copies of proceedings, files, and records.

(oo) To conduct background investigations of all persons who propose to participate in any gaming activity or operation.

(pp) To compel obedience of its lawful orders by proceedings of mandamus or injunction or other proper proceedings in the name of the Tribe in Tribal Court or in any other court having jurisdiction of the parties and of the subject matter; provided that no suit shall be brought by the Tribal Commission without the prior explicit written approval of the Tribal Council after consultation with the Tribal attorneys.

(qq) To discipline any licensee or other person participating in any gaming activity by ordering immediate compliance with this Code or Tribal Commission regulations and to issue an order of temporary suspension of any license issued under this Code, whenever the Tribal Commission is notified of a violation by any such person of this Code or any other applicable law.

(rr) To issue an order of temporary closure of any gaming activity or operation in the event the Tribal Commission determines that immediate closure is necessary to protect assets or interests of the Tribe, pursuant to Tribal Commission regulations, or whenever the Tribal Commission shall receive information from the National Indian Gaming Commission that a primary management official or key employee of an licensee does not meet the standards for being licensed under the IGRA.

(ss) To become self-regulating whenever the Tribe becomes eligible for a certificate of self-regulation under the IGRA.

#### **4.02.097      Annual Budget**

The Tribal Commission shall prepare an annual operating budget for all Tribal Commission activities and present it to the Council by August 15th of each year.

#### 4.02.098 Tribal Commission Regulations

- (a) Tribal Commission regulations necessary to carry out the orderly performance of its duties and powers shall include, but shall not be limited to:
- (1) Internal operational procedures of the Tribal Commission and its staff;
  - (2) Interpretation and application of this Code as may be necessary to carry out the Tribal Commission's duties and exercise its powers;
  - (3) A regulatory system for all gaming activity, including accounting, contracting, management, and supervision;
  - (4) The findings of any reports or other information required by or necessary to implement this Code; and
  - (5) The conduct of inspections, investigations, hearings, enforcement actions, and other powers of the Tribal Commission authorized by this Code.
- (b) No regulation of the Tribal Commission shall be of any force or effect unless it is adopted by the Tribal Commission by written resolution and subsequently approved by a resolution of the Tribal Council and filed for record both in the office of the Tribal Secretary and in the Office of the Clerk of the Tribal Court.
- (c) The Tribal Court and any other court of competent jurisdiction shall take judicial notice of all Tribal Commission regulations adopted pursuant to this Code.

#### 4.02.099 Right of Entrance; Monthly Inspection

The Tribal Commission and duly authorized officers and employees of the Tribal Commission, during regular business hours, may enter upon any premises of any gaming operator or gaming facility for the purpose of making inspections and examining the accounts, books, papers, and documents of any such gaming operator or gaming facility. Such gaming operator shall facilitate such inspection or examinations by giving every reasonable aid to the Tribal Commission and to any properly authorized officer or employee.

A Commissioner or a member of the Tribal Commission's staff shall visit each tribally owned or tribally operated gaming facility at least once every two weeks during normal business hours for the purpose of monitoring its operation. Such visits shall be unannounced.

#### 4.02.100 Investigations

The Tribal Commission, upon complaint or upon its own initiative or whenever it may deem it necessary in the performance of its duties or the exercise of its powers, may investigate and examine the operation and premises of any person who is subject to the provisions of this Code. In conducting such investigation, the Tribal Commission may proceed either with or without a hearing as it may deem best, but it shall make no order without affording any affected party notice and an opportunity for a hearing pursuant to Tribal Commission regulations.

#### **4.02.101 Hearings; Examiner**

Pursuant to regulations, the Tribal Commission may hold any hearing it deems to be reasonably required in administration of its powers and duties under this Code. Whenever it shall appear to the satisfaction of the Tribal Commission that all of the interested parties involved in any proposed hearing have agreed concerning the matter at hand, the Tribal Commission may issue its order without a hearing.

The Tribal Commission may designate one of its members to act as examiner for the purpose of holding any such hearing or the Tribal Commission may appoint another person to act as examiner under Section 4.02.102 below. The Tribal Commission shall provide reasonable notice and the right to present oral or written testimony to all people interested therein as determined by the Tribal Commission.

#### **4.02.102 Appointment of Examiner; Power of Examiner**

The Tribal Commission may appoint any person qualified in the law or possessing knowledge or expertise in the subject matter of the hearing to act as examiner for the purpose of holding any hearing which the Tribal Commission or any member thereof has power or authority to hold. Any such appointment shall constitute a delegation to such examiner of all powers of a Commissioner under this Code with respect to any such hearing.

#### **4.02.103 Bank Account for Tribally Owned or Tribally Managed Gaming Facility**

The Tribal Commission shall ensure that the Tribe opens a separate bank account for each tribally owned or tribally managed gaming activity, and all money of such facility shall be deposited in that account. The Tribal Commission shall determine who shall have check writing authority from such account.

#### **4.02.104 Quarterly Report of Gaming Manager Reports**

The Tribal Commission shall file a quarterly report with the Council summarizing reports received from each manager of any tribally owned or managed gaming activity and make such comments as it deems necessary to keep the Council fully informed as to the status of its various gaming activities.

### **Gaming and Gaming Licenses**

#### **4.02.110 Applicability**

This Code applies to all persons engaged in gaming within the jurisdiction of the Tribe. The Tribe will perform background investigations and issue licenses to key employees and primary management officials according to requirements at least as stringent as those in 25 CFR Parts 556 and 558. Any application for license pursuant to this Code and participation in any gaming activity within the jurisdiction of the Tribe shall be deemed to be a consent to the jurisdiction of the Tribe and the Tribal Court in all matters arising from the conduct of such gaming and all matters arising under any of the provisions of this Code or other tribal laws.

**4.02.111 Gaming Prohibited**

All gaming within the reservation is hereby prohibited unless in compliance with this code and other applicable laws of the Skokomish Tribe. No person shall engage in gaming or any activity except in compliance with this code.

**4.02.112 License Required**

No person shall operate Class II or Class III gaming within the jurisdiction of the Tribe unless such gaming is licensed by the Tribe. A separate tribal gaming license shall be obtained for each game authorized by Section 4.02.190.

**4.02.113 Types of Licenses**

The Tribe shall issue each of the following types of gaming licenses:

(a) Tribally Owned or Tribally Operated Class II

This license shall be required of all tribally owned or tribally operated gaming activity operating one or more Class II games of chance.

(b) Tribally Owned or Tribally Operated Class III

This license shall be required for all tribally owned or operated gaming activity operating any games of chance other than Class I or Class II gaming.

**4.02.114 No License Requirement for Class I Gaming**

A tribal license shall not be required for any Class I gaming activity or operation provided, however, that each Class I gaming activity or operation must have written permission of the Tribal Commission, and such permission must be on file with the Tribal Secretary before any such Class I gaming is conducted.

**4.02.115 Application Procedures**

(a) Application for Gaming License

For any proposed Class II or Class III gaming activity, the Council shall file with the Tribal Commission an application for a tribally owned or tribally operated Class II or Class III gaming license, whichever is appropriate, which shall contain the name of the proposed enterprise, its location, and all other pertinent information required by this Code and Tribal Commission regulations.

(b) Tribally Owned and Tribally Operated Class II

Before issuing a license to a tribally owned or operated Class II gaming activity the Tribal Commission shall:

- (1) Review the proposed gaming activity to ensure that all criteria required by this Code shall be met.

- (2) Perform the necessary background checks on management contractors, primary management officials, and key employees required by this Code.
- (3) Review and approve the accounting procedures to be used in such gaming activity.
- (4) Take any additional steps necessary to ensure the integrity of such gaming activity.

(c) Tribally Owned and Tribally Operated Class III

Before issuing a license to a tribally owned or operated Class III gaming activity the Tribal Commission shall:

- (1) Review the proposed gaming activity to ensure that all criteria required by this Code shall be met.
- (2) Perform the necessary background checks on management contractors, primary management officials, and key employees required by this Code.
- (3) Review and approve the accounting procedures to be used in such gaming activity.
- (4) Take any additional steps necessary to ensure the integrity of such gaming activity.
- (5) Review all aspects of the proposed gaming operation to ensure that it will be in compliance with the provisions of the applicable tribal-state gaming compact.

**4.02.116 Criteria Which a Potential Gaming Operator Must Meet**

The Tribal Commission shall issue the above license to any tribally owned or tribally operated Class II or Class III proposed gaming activity only if all of the following criteria are met:

- (a) The proposed gaming activity or facility is to be located on "Indian lands" as defined under Section 4.02.031 of this Code and 25 U.S.C. § 2703(4), and shall be in compliance with 25 U.S.C. § 2719.
- (b) The proposed gaming activity is to be played as Class II gaming as defined by this Code and the IGRA or as Class III gaming authorized by a tribal-state gaming compact.
- (c) The proposed gaming activity is authorized by a Tribal Council resolution.
- (d) The Tribe will have the sole proprietary interest and the exclusive responsibility for the conduct of the proposed gaming activity.
- (e) The resolution authorizing the proposed gaming activity provides that:
  - (1) The revenues of the proposed gaming activity shall be audited annually and copies of those audits will be provided to the Tribal Commission and the National Indian Gaming Commission.



- (2) The proposed gaming activity shall comply with all IRS reporting and filing requirements.
- (3) All of the net proceeds of the proposed gaming activity shall be used for the purposes stated in Section 4.02.181.
- (4) All contracts for supplies, services, or concessions for an amount in excess of \$25,000 annually (except contracts for legal and consulting services) shall be subject to an annual independent audit.
- (5) The construction or maintenance of the gaming facility and the operation of the proposed gaming activity shall be conducted in a manner which the Tribal Commission finds will adequately protect the environment and the public health and safety.
- (6) The general manager, all primary management officials, and all key employees have passed the background investigations and obtained the tribal gaming employee licenses required by this Code. Each application must state in writing that all future management officials and key employees will be required to pass background investigations and obtain tribal gaming employee licenses before they are hired.
- (7) The Tribal Commission shall have the authority to regulate the proposed gaming activity.
- (8) The proposed gaming activity shall pay to the National Indian Gaming Commission such fees as federal law may require to be paid.
- (9) If the gaming activity is Class III gaming, such gaming activity meets all other criteria established by the tribal-state gaming compact.

**4.02.117 License Application Fees**

No application fee shall be required for a tribally owned or tribally operated Class II or Class III gaming activity.

**4.02.118 License Tax**

No annual license tax shall be required for a tribally owned or tribally operated Class II or Class III gaming operation.

**4.02.119 Form of Gaming License.**

Every gaming license issued by the Tribal Commission shall include the name and address of the authorized licensee and the signature of an authorized officer of the Tribal Commission.

**4.02.120 Scope of Gaming License**

A gaming license issued by the Tribal Commission shall be effective only for the gaming activity and location specified in the application. Such license may be transferred only upon prior approval of

the Tribal Commission upon written request that details the proposed new gaming activity, its location, and proposed gaming operator.

#### **4.02.121 Terms of License**

A tribally owned and tribally operated Class II and Class III gaming license shall be valid for a period of one year from the date of issuance.

#### **4.02.122 Posting of Licenses**

Each gaming operator shall post its tribal gaming license in a conspicuous location at the gaming operator's gaming facility. If a gaming operator has more than one gaming facility, the gaming operator must obtain and post a separate license for each gaming facility. A gaming operator licensed to sell raffle tickets outside a gaming facility shall carry a copy of the gaming license under which such person is employed.

#### **4.02.123 Gaming License Renewals**

Each tribal gaming license must be renewed annually. No renewal fee shall be required for a tribally owned or tribally operated Class II or Class III license. In order to obtain a renewal of a license, the gaming operator shall submit a written renewal application to the Tribal Commission on the form provided by the Tribal Commission. No renewal application shall be approved until the annual report required by Section 4.02.124 has been properly filed. All renewal applications submitted by a tribally owned Class II or Class III gaming activity shall be approved within a reasonable time unless the Commission determines, based on reasonable grounds, that the enterprise has been or will be operated in violation of tribal, federal, or other applicable law or the terms of the tribal-state gaming compact.

#### **4.02.124 Annual Reports**

Each gaming operator who possesses a Class II or Class III tribal gaming license must file an annual report with the Tribal Commission and the Tribal Council between the 15th day and the last day of the 12th month of the duration of each such license. The report shall be submitted to the Tribal Commission on the annual report form provided by the Tribal Commission and shall include the following information:

- (a) The name, address, and telephone number of the gaming operator;
- (b) The names, addresses, and titles of its current general manager and all submanagers;
- (c) A description of each gaming activity that it is operated and the total gross proceeds of each;
- (d) A written copy of any changes the gaming operator proposes to initiate in its rules;
- (e) A statement of the specific dates and times during which the gaming activity will be operated during the next license period;
- (f) The name and address of the person who will be the general manager and the names and addresses of all persons who will be the primary management officials during the next license period;

- (g) A statement of any changes in the general manager or in the primary management officials or key employees who will operate the gaming activity over the next license period;
- (h) The names and addresses of any employees who the Tribal Commission may determine to be key employees during review of the application;
- (i) Written proof that the gaming operator has paid to the National Indian Gaming Commission such fees as federal and tribal law may require it to pay, and will continue to do so;
- (j) A sworn statement that the gaming operator has complied with the Internal Revenue Code and regulations, including written notice of customer winnings, and a statement that the gaming operator shall continue to obey all tribal and federal laws and shall hold the Tribal Commission and the Tribe harmless for failure to do so;
- (k) The description of any location at which the gaming activity has been conducted and any new location which is expected to be established during the next license period;
- (l) The number of full-time equivalent persons, on an annualized basis, employed by the operation during the past 12 months, together with a projection of the number of full-time equivalent persons who are expected to be employed during the next license period;
- (m) The total gross proceeds of the gaming operator attributable directly or indirectly to tribally licensed gaming activity over the preceding 12 months;
- (n) A sworn statement that the gaming operator will continue to comply with all tribal and federal laws applicable to the gaming operator's gaming operation;
- (o) A sworn statement that the gaming operator and all of its key employees and management contractors continue to consent to Tribal Court jurisdiction and service of process in all matters arising from the conduct of tribally licensed gaming activity;
- (p) The name, address, and signature of the agent who will accept service of process on behalf of the gaming operator, who must reside on the Reservation; and
- (o) If the gaming operator is a corporation, a copy of any amendment to its articles of incorporation, properly certified by the incorporating government, unless a current copy has already been filed with the Tribal Commission.

#### **4.02.125 Procedure to Remedy Gaming License Violation**

If the Tribal Commission finds that a tribally owned or operated gaming activity is being operated in violation of this Code or otherwise presents a threat to the Tribe or to the public, the Tribal Commission shall immediately take all necessary steps to bring such activity into compliance, including, but not limited to, closing down such activity temporarily or permanently pursuant to enforcement procedures and regulations duly promulgated by the Tribal Commission under this Code. Nothing contained in this Section or in this Code shall be construed as limiting, restraining or effecting a waiver of the Tribe or the Tribal Council's right and authority to take appropriate action to remedy any gaming violation pursuant to tribal and federal law.

## Gaming Employee Licenses

### **4.02.130 Current and Valid Gaming Employee License Required**

Every primary management official and every key employee of any Class II or Class III gaming activity subject to this Code shall possess a current, valid gaming employee license.

### **4.02.131 Application for Gaming Employee License**

(a) A person seeking a tribal gaming employee license must be at least 18 years of age. All applicants shall submit an application to the Tribal Commission on such form and in such manner as the Tribal Commission may require.

(b) Such application shall include the following information:

(1) The applicant's name, including all other names used, current home and work addresses and telephone numbers, social security number, place of birth, date of birth, citizenship, and driver's license number, as well as the address of his personal residences over the past five years. If the applicant has resided at his current address for less than two years, his previous address.

(2) The name, address, and telephone number of the gaming facility and of the gaming operator for whom the applicant intends to work and the specific location in which the applicant will be employed.

(3) The name and job description of the applicant's position.

(4) The names and addresses of the applicant's living parents, grandparents, spouse, children, brothers, and sisters.

(5) A statement as to whether or not the applicant has ever been charged with a crime, and if so, the charge, the name and address of the court involved, and the applicant's explanation of the outcome of the case, including the date of final disposition.

(6) The names, current addresses, and telephone numbers of three references who are not related to the applicant and who were acquainted with the applicant when the applicant was residing at each of the addresses listed in subsection (b)(1) of this section.

(7) A list of the applicant's previous jobs over the preceding five years, including the name, address and telephone number of his employer, and the position held.

(8) The names and addresses and a brief description of all businesses in which the applicant currently holds, or has within the last five years held, an ownership interest.

(9) A description of any previous employment relationship with an Indian tribe, including the employee position held, name of the tribe involved and the name and address of a person who can attest to the accuracy of the information provided.

(10) A description of any current or past non-employee business arrangement which the applicant has had with an Indian tribe, including the name of the tribe involved and the name and address of a person who can attest to the accuracy of the information provided.

(11) A statement as to whether the applicant has had any past employment with, or ownership interest in, any gaming business. If so, the applicant shall provide a written statement describing his position, the dates during which that position was held, a description of the applicant's ownership interest or job responsibilities, the name, address, and phone number of the business, and the name of a person who can attest to the accuracy of the information provided.

(12) A list of all gaming-related licenses the individual has ever applied for, whether or not those licenses were granted, and the name, address, and phone number of the regulatory agency involved.

(13) A list of all professional or business licenses the applicant has applied for, whether or not those licenses were granted, and the name, address, and phone number of the regulatory agency involved.

(14) A statement of all languages written or spoken.

(15) A sworn statement that neither the applicant nor any member of his immediate family has a past or current financial interest, other than a salary interest, in any gaming-related enterprise anywhere. If the applicant has any relative who has such a relationship, the applicant shall fully disclose that relative's name and the nature of the relationship.

(16) Written permission giving the Tribal Commission or its designee the right to investigate the applicant's background, including his criminal record, civil and criminal judgments, and credit history.

(17) A complete disclosure of any pending or anticipated civil or criminal action against the applicant, including the name and address of the police department and court involved.

(18) A disclosure of any civil or criminal judgments rendered against the applicant, including the case number, a description of the judgment, and the name and address of the court involved.

(19) Any other information which might bring into question his fitness to serve as a primary management official or key employee of a licensed gaming operation.

(c) Each application shall be accompanied by a sworn statement that if the license is issued, the applicant will submit to the jurisdiction of the Tribe and the Tribal Court.

(d) Each application shall be accompanied by a photograph of the applicant taken within the last year.

(e) Each application shall be accompanied by a sworn statement that the applicant will abide by this Code and all other applicable laws.

(f) Each application shall be accompanied by a written statement that the applicant has read, understands and approves of the following Privacy Act notice:

In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 *et seq.* The purpose of the requested information is to determine the eligibility of individuals to be employed in gaming activities. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate federal, tribal, state, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal, or regulatory investigations or prosecutions or pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a primary management official or key employee position.

(g) Each application for a gaming employee license shall be accompanied by a non-refundable application fee. The amount of this fee shall be determined by the Skokomish Tribal Gaming Commission to recover the costs of processing gaming license applications.

(h) The disclosure of an applicant's social security number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing the application.

#### **4.02.132 Review Procedure for Gaming Employee License Application**

Before issuing a gaming employee license, the Tribal Commission shall:

(a) Perform or arrange to have performed the necessary background investigation of the applicant required by this Code. Such investigation shall include contacting each reference provided in the application and taking all appropriate steps to verify the accuracy of information contained in the application, and arranging for a law enforcement agency to take the applicant's fingerprints and forward them directly to the National Indian Gaming Commission to be forwarded to the Federal Bureau of Investigation, National Criminal Information Center, for a criminal records search. There shall be a written report of the findings and conclusions of the investigation. The Tribal Commission shall then review the findings and conclusions and either grant or deny the license. The applicant shall be notified in writing of the Commission's decision. If the Tribal Commission votes to deny the license, it shall include in such notice the specific reasons for its decision.

(b) Forward to the National Indian Gaming Commission a copy of the application, the results of the background checks performed, and the Tribal Commission's findings and decision.

(c) All applications, background checks, and Tribal Commission decisions shall be retained in the Tribal Commission files for a period of at least 10 years.

**4.02.133 Standards For Denial of A Key Employee or Primary Management Official License**

The Commission shall not license, hire, or employ as a key employee or primary management official in connection with Class II or Class III gaming, any person who:

- (a) Is under the age of 18; provided, however, that if liquor is sold on the premises that age limitation is raised to 21.
- (b) Has been convicted of or entered a plea of no contest to a gambling offense, fraud or misrepresentation; or
- (c) Has been convicted of or entered a plea of guilty or no contest to any offense in subsection (b) of this section within the immediately preceding five years; this provision shall not apply if that person has been pardoned by the Governor of the State where the conviction occurred or, if a tribal member, has been determined by the Tribe to be a person who is not likely again to engage in any offensive or criminal course of conduct and the public good does not require that the applicant be denied a license as a key employee or primary management official; or
- (d) If the Tribal Gaming Commission determines, after notice and hearing, that the person has participated in organized crime or unlawful gambling or is a person whose prior activities, criminal record, reputation, habits, and/or associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming or to the carrying on of the business and financial arrangements incidental to the conduct of gaming.
- (e) If the applicant is found to have supplied false or misleading information or has omitted material information on his license application.
- (f) Provided further that the Tribal Gaming Commission may, by regulations, add additional limitations and conditions for denial of said license.

**4.02.134 Scope of Gaming Employee License**

A gaming employee license shall be effective only for the person to whom it is issued and only with respect to the gaming facility specified in the application. Any such license may be transferred to a new gaming facility only upon prior approval of the Tribal Commission, upon written request of the licensee identifying the proposed new gaming facility, its location, and the proposed gaming operator thereof.

**4.02.135 Licensing Period**

An employee gaming license issued pursuant to this Code shall be effective for a period of one year from the date of issuance and shall state on its face the date that the license became effective and the date that it expires.

**4.02.136 Renewals**

A holder of an employee gaming license shall apply to the Tribal Commission for a renewal before his original license has expired, updating all information contained in the original application.

**4.02.137 Requirement to Produce License Upon Request**

Any person receiving a employee gaming license must carry that license upon his person during all working hours and must produce that license upon the request of any law enforcement official with jurisdiction over the gaming activity or any agent of the Tribe, the Tribal Commission, or the National Indian Gaming Commission.

**4.02.138 Permanent License Revocation of Employee Gaming License**

**(a) Grounds for Permanent Revocation**

The Tribal Commission may permanently revoke an employee gaming license, after notice and an opportunity for a hearing, for any of the following reasons:

- (1) The employee has withheld pertinent information on his application;
- (2) The employee has made false statements on the application;
- (3) The employee has participated in gaming activity which was not authorized by any tribal gaming license;
- (4) The employee has attempted to bribe a Tribal Council member, Tribal Commissioner, or other person in an attempt to avoid or circumvent this Code or any other applicable law;
- (5) The employee has offered something of value or accepted a loan, financing, or other thing of value from a Tribal Commission member a subordinate employee or any person participating in any gaming activity;
- (6) The employee has knowingly promoted, played, or participated in any gaming activity operated in violation of this Code or any other applicable law;
- (7) The employee has been knowingly involved in the falsification of books or records which relate to a transaction connected with the operation of gaming activity;
- (8) The employee has violated any provision of this Code or the rules and regulations of the Tribal Commission;
- (9) The employee has been convicted of, or has entered a plea of *nolo contendere* to, any crime involving gaming, fraud, theft, embezzlement, or other activity which, if perpetrated at his gaming operator's place of employment, would injure or pose a threat to the public interest, or the integrity of the gaming activity, or the effective regulation of gaming or enhance the dangers of unfair, unsuitable, or illegal gaming practices;



(10) The employee has been convicted of, or entered a plea of *nolo contendere* to, a crime involving the sale of illegal narcotics or controlled substances;

(11) The employee has failed to comply with any lawful order, inquiry or directive of the Tribal Commission, the Tribal Council, or any administrative or judicial body of competent jurisdiction, arising from any gaming activity whether or not subject to this Code; or

(12) The employee is determined to have present or prior activities, including criminal record, or reputation, habits or associations which pose a threat to the public interest or to the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming.

**(b) Procedure for Permanent Revocation**

Whenever the Tribal Commission has reasonable cause to believe that an employee has violated any of the conditions in S.T.C. 4.02.138, or has failed to comply with any condition of his tribal gaming license, or has failed to obtain a license, the Tribal Commission or its designee may either undertake an investigation, or serve upon such employee an order to show cause why the employee's license should not be revoked, or why the employee should not be enjoined from conducting gaming activities within the jurisdiction of the Tribe. The order shall state the grounds for which such revocation or injunction is sought and that the employee shall have an opportunity to present testimony and to cross examine opposing witnesses, and to present any other evidence as to why revocation or injunction should not be issued. The hearing shall be set for not less than ten days nor more than 14 days from the date of notice. The hearing shall be governed in all respects in accordance with tribal law and Tribal Commission regulations.

**4.02.139      Temporary Suspension of Employee Gaming License**

**(a) Grounds for Temporary Suspension**

The Tribal Commission may temporarily suspend an employee gaming license for not more than thirty days for any of the following reasons:

- (1) The employee has been charged with a violation of any gaming law;
- (2) The employee's continued employment as a primary management official or key employee of a game or gaming activity poses a threat to the general public;
- (3) The employee has made a material false statement in his license application;
- (4) The employee has participated in gaming activity unauthorized by his tribal gaming license;
- (5) The employee has refused to comply with any lawful order of the Tribal Commission, the Tribal Council, the Tribal Court, or the National Indian Gaming Commission arising from or relating to gaming.

**(b) Immediate Temporary Suspension**

The Tribal Commission shall immediately temporarily suspend an employee gaming license for not more than thirty days upon receipt of notification from the National Indian Gaming Commission pursuant to 25 C.F.R. § 558.5 that reliable information exists that such gaming employee is not eligible for employment. Upon receipt of such notification, the Commission shall notify the gaming employee of the suspension and proposed revocation and the time and place for hearing under subsection (c) of this section.

(c) Procedure for Temporary Suspension

Whenever the Tribal Commission has reasonable cause to believe that a person has violated any of the conditions in subsection (a) of this section, or has failed to comply with any condition of his employee gaming license or of this Code constituting a direct and immediate threat to the peace, safety, morals, or health or welfare of the community, or whenever the Tribal Commission receives the notification referred to in subsection (b) of this section, the Tribal Commission or its designee shall issue a notice of temporary suspension of such person's employee gaming license, which shall be served upon the employee. The notice shall state the grounds upon which such temporary suspension is ordered and that the employee shall have an opportunity to present testimony and to cross-examine opposing witnesses, and to present any other evidence as to why suspension should not be issued. The employee shall immediately cease and desist operating in his management position or in his capacity as a key employee upon receipt of the order, but such person may file a notice of appeal with the Tribal Commission within five days of such receipt. Upon receipt of such notice of appeal, the Tribal Commission shall hold a hearing on the order within fourteen calendar days of its receipt of the appeal. At the hearing, the employee shall have the opportunity to present testimony and cross-examine witnesses, and present any other evidence as to why a temporary suspension order should not be issued. Such hearing shall be governed in all respects by tribal law and Tribal Commission regulations.

**4.02.140 Tribal Non-Gambling Related Offenses**

(a) Notwithstanding anything herein to the contrary, in the absence of other violations, it should not be automatic grounds for revocation, suspension or denial of a gaming license for an Indian from a federally recognized Indian Tribe to have been charged and convicted of the following non-gaming related offenses, the occasion of which occurred prior to Supreme Court rulings on the subject:

- (1) fishing or hunting offenses;
- (2) cigarette, fireworks or alcohol sales offenses; or
- (3) cases involving the exercise of trust or treaty rights

(b) In the absence of other violations, activities or factors which would warrant denial, revocation or suspension, these Indian individuals shall not be barred from licensing solely as a result of such activities.

**Provisions of General Applicability to All Gaming Operators**

**4.02.150 Provisions of General Applicability to All Gaming Operators**

- (a) Each Class II or Class III gaming activity within the jurisdiction of the Tribe shall be conducted only by a gaming operator who possesses a current and valid tribal gaming license.
- (b) Each tribal gaming license shall be applicable only to one gaming site and the gaming operator named on such license.
- (c) No tribal gaming license shall be sold, lent, assigned or otherwise transferred.
- (d) Each management and key employee of a licensed gaming activity shall possess a current and valid tribal gaming employee license.
- (e) A tribal gaming license shall be issued only to a person who qualifies therefor under this Code, or to the Tribe or a tribal subdivision.
- (f) Each gaming operator shall have a copy of this Code and regulations readily available for inspection by any person at each authorized gaming facility or activity.
- (g) Each gaming facility shall post, in a prominent place in each room where gaming is conducted, a sign stating the following:

This facility is regulated by the National Indian Gaming Commission and the Skokomish Indian Tribe of Washington.

- (h) Each facility that houses one or more card games shall post, in a prominent place in each card room, the rules of each card game played. These rules shall notify the public of the following:
  - (1) The maximum rake-off percentage, time buy-in and other fees charged;
  - (2) The number of raises allowed;
  - (3) The monetary limit of each raise
  - (4) The amount of ante; and
  - (5) Other rules as may be necessary.
- (i) No Class III gaming equipment or supplies shall be operated, purchased, leased or otherwise acquired by the Tribe unless that Class III equipment or supplies meet the technical equipment standards of either the State of Nevada or the State of New Jersey.
- (j) All accounting records of each tribally licensed gaming facility shall be kept on a double entry system of accounting, maintaining detailed, supporting, subsidiary records. The operator and the Tribe shall maintain the following records for not less than three (3) years:
  - (1) Revenues, expenses, assets, liabilities and equity for each location at which Class II and Class III gaming is conducted;

(2) Daily cash transactions for each Class II and Class III game at each location at which gaming is conducted, including but not limited to transactions relating to each gaming table bank, game drop box, and gaming room bank;

(3) All markers, IOU's, returned checks, hold checks or other similar credit instruments;

(4) Individual and statistical game records (except card games) to reflect statistical drop and statistical win; for electronic, computer, or other technologically assisted games, analytic reports which show the total amount of cash wagered and the total amount of prizes won;

(5) Contracts, correspondence and other transaction documents relating to all vendors and contractors;

(6) Records of all tribal gaming enforcement activities;

(7) All gaming related audits prepared by or on behalf of the Tribe or one of its subdivisions; and

(8) Personnel information on all Class II and Class III gaming employees or agents including rotation sheets, hours worked, employee profiles and background checks.

(k) No person under the age of 21 shall be employed as a key employee or primary management official of any Class III game, if the facility serves alcoholic beverages.

(l) No person under the age of 21 years shall be permitted to conduct, assist in, or play any gaming activity conducted at any location having an alcoholic beverage license of any type or class.

(m) Each gaming operator shall post in a conspicuous location near where each gaming activity is being played or shall otherwise provide the public with an explanation of the rules of play of every game he operates.

(n) A gaming operator is prohibited from renting or lending gaming equipment to any person without the prior written approval of the Tribal Commission.

(o) A gaming operator is prohibited from exchanging pull-tabs, punch-boards, sports pools, and twenty-one boxes (shoes) without the approval of the Tribal Commission. All other gaming equipment may be exchanged without prior approval. Any request for approval shall be made to the Tribal Commission at least 5 days prior to the exchange.

(p) Each gaming operator who anticipates the printing, manufacture, or construction of any equipment for gaming activity shall first notify the Tribal Commission of his intention and shall have the finished product approved by the Tribal Commission before it is placed in service.

(q) Gaming chips and other tokens of value may be sold and redeemed only by the gaming operator and only for full value.

(r) Every licensed gaming operation shall maintain and keep for not less than 10 years permanent books of accounts and records, including inventory records of gaming supplies, sufficient to establish the gross and net income, deductions, expenses, receipts, and disbursements of the enterprise.

(s) A gaming operator who conducts a gaming activity at a site in which the operator does not have a legal ownership interest shall file with the Tribal Commission, prior to conducting any gaming activity at such site, a written agreement, attested to by both the gaming operator and the owner of such site, setting forth the terms under which the operator is permitted the use of such site.

(1) Such agreement shall contain all of the following information:

(A) The name of the legal owner of the site. If the gaming operator is to be a sub-lessee, then the name of the lessee must also be included.

(B) The name and gaming license number of the gaming operator.

(C) The term of such use of the site.

(D) The monetary consideration to be paid for such use of the site, if any.

(E) A precise description of the location or premises.

(F) A prohibition of advertising of the gaming activity by the owner.

(G) The following provision:

The (grantor/lessor) hereby agrees that neither (he), (his) spouse, nor any employee or agent of the (grantor/lessor) shall participate in the selling, distributing, conducting, assisting, or participating in gaming activity at the site herein (granted/leased) without the prior written approval of the Tribal Commission.

(2) Any rent or lease provision of such agreement shall include a fixed monthly rental dollar amount, unless otherwise approved in writing by the Tribal Commission.

(3) A graduated lease rate for use of the site is prohibited unless approved in writing by the Tribal Commission.

(4) Other remuneration in lieu of money for use of the site is prohibited unless approved in writing by the Tribal Commission.

(5) A percentage lease rate for use of the site is prohibited unless approved in writing by the Tribal Commission.

(6) No game of chance shall be operated in conjunction with the conduct of the grantor's business operation unless approved in writing by the Tribal Commission.

(7) Any renegotiated agreement shall be submitted to the Tribal Commission for approval prior to its effective date.

(t) There shall be no sale of liquor at any gaming site without the prior approval of the Tribal Council.

(u) Consideration for the chance to play in any gaming activity shall only be cash or, if allowed by the gaming operator, personal check and shall be presented at the time the game is played. No other form of consideration shall be allowed unless the Tribal Commission gives prior written approval.

(v) Evidence of any win or loss incurred by a player must, upon request, be provided to such player in such form as will be acceptable to the IRS.

All Class III gaming must comply with the applicable provisions of the Bank Secrecy Act, P.L. 91-508, October 26, 1970, 31 U.S.C. §§ 5312-5314.

(w) Each gaming operator shall pay all fees and file all reports required by law within the time prescribed.

(x) Each gaming operator shall respond immediately to and obey all inquiries, subpoenas, or orders of the Tribal Commission, the Tribal Council, the Tribal Court, or the National Indian Gaming Commission.

(y) Each gaming operator shall prominently display at each gaming site a current, valid tribal gaming license.

(z) Each gaming operator shall at all times maintain an orderly, clean, and neat gaming facility, inside and out.

(aa) Each gaming operator shall provide adequate security to protect the public before, during, and after any gaming activity.

(bb) Each licensed gaming activity shall be subject to patrol by the tribal police force for the purpose of enforcing tribal law, and each gaming operator shall cooperate at all times with the tribal police force.

(cc) Each gaming operator shall make its premises and books and records available for inspection during normal business hours by the Tribal Commission and members of the Tribal Council or their designee.

(dd) No gaming shall be conducted on tribal election days, or on any day on which any tribal referendum is held, or on special days of observance designated by the Tribal Council or by the Tribal Commission.

(ee) No gaming operator may discriminate on the basis of sex, race, color, or creed in the conduct of any licensed gaming activity.

(ff) Each gaming operator shall keep accurate books and records of all moneys received and paid out and provide the Tribal Commission or its designee with copies of or access to the same upon request.

(gg) All net revenues of any gaming activity shall be used only in a manner prescribed by this Code.

(hh) Every gaming operator shall comply with all applicable tribal and federal revenue reporting laws.

(ii) Each gaming operator shall immediately suspend any employee who is charged with a crime of theft, embezzlement, fraud or other gaming crime, or any offense related to the sale, possession, manufacture, or transport of illegal drugs. The gaming operator shall also immediately notify the Tribal Commission in writing of the name of the person and the pending charge and advise the Tribal Commission of the outcome of the case. If the employee is convicted or pleads *nolo contendere* to the charge, the employee's employment shall be terminated.

### Enforcement

#### **4.02.160 Jurisdiction**

Except as provided in this Code or in any tribal-state gaming compact under the IGRA, the Tribal Law Enforcement and the Tribal Court shall have jurisdiction over all violations of this Code.

#### **4.02.161 Prohibited Acts**

In addition to other civil and criminal offenses provided for in this Code or under other applicable law, the following acts are prohibited and subject any violator to the civil or criminal penalties specified herein:

- (a) Knowingly making a false statement in an application for employment with any gaming operator or with the Tribal Commission.
- (b) Knowingly making a false statement in connection with any contract to participate in any gaming activity.
- (c) Attempting to bribe any person participating in any gaming activity.
- (d) Offering or accepting a loan, financing, or other thing of value between a Tribal Commission member or employee and any person participating in any gaming activity.
- (e) Failing to keep sufficient books and records to substantiate receipts, disbursements, and expenses incurred or paid from any gaming activity authorized pursuant to this Code.
- (f) Falsifying any books or records which relate to any transaction connected with any gaming activity pursuant to this Code.
- (g) Conducting or participating in any gaming activity which in any manner results in cheating or misrepresentation or which allows any other disreputable tactics that detract from the fair nature and equal chance of participation between gaming players, or which otherwise creates an advantage over and above the chance of such gaming activity and which affects its outcome.

(h) To conduct a gaming activity with or to allow participation in a gaming activity by an intoxicated or disorderly player.

(i) To allow or participate in the sale of liquor at gaming sites when such sale is prohibited by tribal law.

(j) To accept consideration other than money, personal checks, or other approved consideration for the chance to play or participate in any gaming activity.

(k) To solicit, directly or indirectly, or to use inside information on the nature or status of any gaming activity for the benefit of any person.

(l) To tamper with a gaming device or conspire to tamper or manipulate the outcome or the payoff of a gaming device, or otherwise interfere with the proper functioning of the machine.

(m) To alter or counterfeit a gaming license.

(n) To aid, abet, or conspire with another person knowingly or knowingly to cause any person to violate any provision of this Code or any rules and regulations adopted hereunder.

(o) To operate, use, or make available to the public any illegal gaming device, apparatus, material, or equipment.

(p) To sell or hold out for sale or transport into or out of the jurisdiction of the Tribe any illegal gaming device, apparatus, material, or equipment.

(q) To assist or allow a person who is under age to participate in any gaming activity.

(r) To possess any illegal narcotics or controlled substances on any licensed gaming site.

(s) To steal or attempt to steal funds or other items of value from any gaming facility or from the Tribal Commission.

(t) To employ any person at a licensed gaming facility whom the gaming operator knows has been convicted of a gaming crime or a crime of fraud.

(u) To conspire with or induce any person to violate any of the provisions of this Code or any tribal or federal law.

(v) For an operator or any of his employees or agents to engage in any act, practice, or course of operation which could result in a fraud or deceit upon any person.

(w) To use bogus or counterfeit chips or charitable gaming tickets, or to substitute or use any game, cards, charitable gaming tickets, or gaming equipment that have been marked or tampered with.

(x) To employ or have on the Reservation any device to facilitate cheating in any game of chance.



- (y) To knowingly use any fraudulent scheme or technique, or to solicit, provide, or receive inside information about any gaming activity with the intent of benefiting any person.
- (z) To take, solicit, or encourage any action which undermines the integrity of any game of chance.
- (aa) For a gaming operator to knowingly employ any person who has been convicted of or entered a plea of *nolo contendere* to a crime of theft, embezzlement, fraud, or other gaming crime.

#### **4.02.162 Criminal Violation**

Any Indian who violates or fails to comply with any provision of this Code, or who fails to comply with any order or decision of the Tribal Commission, shall be guilty of a crime and shall be required to pay a maximum fine of \$5,000 or 1 year imprisonment, or both. Each day during which such violation or failure to comply continues shall constitute a separate violation of this Code.

#### **4.02.163 Civil Violation**

Any person who violates or fails to comply with any provision of this Code, or who fails or neglects to comply with any order of the Tribal Commission, shall be liable for a civil fine not to exceed \$5,000 for each violation thereof. Each day during which such violation or failure to comply continues shall constitute a separate violation of this Code. The amount of any such civil fine may be recovered in a civil action in the Tribal Court.

#### **4.02.164 Cumulative Fines**

All civil fines accruing under this Code shall be cumulative, and a suit for the recovery of one fine shall not bar or affect the recovery of any other fine, judgment, penalty, forfeiture, or damages, nor bar the power of the Tribal Court to punish for contempt, nor bar any criminal prosecution.

#### **4.02.165 Purpose of Civil Penalties**

The civil fines imposed under this Code are intended to be remedial and not punitive, and are designed to compensate the Tribe for the damage done to the peace, security, economy, and general welfare of the Tribe and the Reservation, and to compensate the Tribe for costs incurred by the Tribe in enforcing this Code. The civil fines under this Code are also intended to coerce persons into complying with this Code and Tribal Commission regulations and not to punish such persons for violation of such laws and regulations.

#### **4.02.166 Civil Action for Penalties**

In enforcing the civil infraction provisions of this Code, the Tribal Commission shall proceed, in the name of the Tribe, by civil complaint pursuant to the provisions of this Code. The Tribal Commission in such action shall have the burden of showing, by the preponderance of the evidence, that such person violated the applicable provision of this Code.

#### **4.08.167 Seizure and Forfeiture of Property**

All property utilized in violation of this Code shall be subject to seizure and forfeiture by order of the Tribal Court pursuant to S.T.C. 3.01.065.

**4.08.168 Reporting of Offenders.**

Upon final order of the Tribal Court in any action for criminal or civil violation under this Section, the Clerk of the Tribal Court shall notify the Tribal Commission in writing of the final court disposition.

**Operation of Tribally Owned or Tribally Operated Games**

**4.02.180 Management by a General Manager**

(a) The Tribal Council may appoint one person to serve as General Manager of each tribally owned or tribally operated gaming facility. Each General Manager shall undergo a background check by the Tribal Commission and shall obtain an employee gaming license before commencing work. The Tribal Commission shall be the direct supervisor of the General Manager. However, the Tribal Council shall retain the authority to suspend or dismiss the General Manager as it deems necessary.

(b) The General Manager shall be responsible for managing and overseeing the day-to-day operations of the gaming operation. The General Manager shall have such authority as the Tribal Commission may delegate.

(c) The General Manager shall provide a written monthly report to the Tribal Commission which details the number of patrons served, the amount of income generated, the numbers of employees working at the facility, a detailed description of any patron complaints and other problems experienced at the facility, and a written statement of any changes in key employees or primary management officials and all bills which are 30 days or more past due.

(d) The General Manager shall propose and the Tribal Commission shall approve a patron's complaint process. Each tribally owned and tribally operated gaming facility shall post at least one sign in each gaming room informing patrons that they may file complaints directly with the Tribal Commission, and advising them of the Tribal Commission's address and phone number.

(e) The General Manager shall be personally responsible for seeing that all gaming activities are managed in accordance with tribal and federal law and that all gaming activities comply with all IRS reporting requirements.

**4.02.181 Use of Net Revenues of Tribally Owned or Tribally Operated Gaming Activities**

(a) All net revenues of a tribally owned or tribally operated gaming activity shall be held in the name of the Tribe. Such net revenues may only be expended by the Tribal Council by resolution and only for the following purposes:

- (1) To fund tribal government operations or programs.
- (2) To provide for the general welfare of the Tribe and its members.
- (3) To promote tribal economic development.

- (4) To donate to charitable organizations.
- (5) To help to fund operations of local government agencies.

**4.02.182 Maintenance of Records**

The Tribal Gaming Commission shall insure that all accounting records of each tribally licensed gaming facility is kept on a double entry system of accounting, maintaining detailed, supporting, subsidiary records. The Tribal Gaming Commission shall also insure that both the operator and the Tribal Gaming Commission maintain the following records for not less than three (3) years:

- (a) Revenues, expenses, assets, liabilities and equity for each location at which Class II and Class III gaming is conducted;
- (b) Daily cash transactions for each Class II and Class III game at each location at which gaming is conducted, including but not limited to transactions relating to each gaming table bank, game drop box, and gaming room bank;
- (c) All markers, IOU's, returned checks, hold checks or other similar credit instruments;
- (d) Individual and statistical game records (except card games) to reflect statistical drop and statistical win; for electronic, computer, or other technologically assisted games, analytic reports which show the total amount of cash wagered and the total amount of prizes won;
- (e) Contracts, correspondence and other transaction documents relating to all vendors and contractor's;
- (f) Records of all tribal gaming enforcement activities;
- (g) All gaming related audits prepared by or on behalf of the Tribe or one of its subdivisions.
- (h) Personnel information on all Class II and Class III gaming employees or agents including rotation sheets, hours worked, employee profiles and background checks.

**4.02.183 Audit Requirements**

- (a) The Tribal Commission and the General Manager of each tribally owned or tribally operated gaming activity shall obtain an annual independent audit of such gaming activity. A copy of such audit shall be provided to the Tribal Commission, the Tribal Council, and the National Indian Gaming Commission.
- (b) Each contract for supplies, services (other than legal and accounting services) or concessions for a contract amount in excess of \$25,000 annually shall be subject to an independent audit. A copy of such audit will be provided to the Tribal Commission, the Tribal Council, and the National Indian Gaming Commission.

4.02.184 Management Contracts

(a) National Indian Gaming Commission Approval

Each management contract shall fully comply with and is subject to the prior approval of the National Indian Gaming Commission.

(b) Tribal Council Approval

Before submission to the National Indian Gaming Commission, each management contract shall be approved by the Council with the advice and comment of the Tribal Commission.

Before giving final consideration to any proposed management contract, the Council shall direct the Tribal Commission to conduct a complete background investigation of persons and entities with a financial interest in, or having management responsibility for, the management contract, including requiring the submission of all information required under 25 C.F.R. § 537.1, as amended, incorporated herein by this reference.

(1) Background information on the proposed management contractor including: its name, its address, the names and addresses of each person or entity having a direct financial interest or management responsibility for the proposed management contractor and, in the case of a corporation, the names and addresses of each member of its board of directors and all stockholders who hold directly or indirectly 10 percent or more of its issued or outstanding stock.

(2) A description of any previous experience that each person listed in subsection (b)(1) of this section has had with other gaming contracts with Indian tribes or with any gaming activity or operation wherever located, including the name and address of any tribal government or licensing agency with which such person has had a contract, license, or other agreement or permit relating to gaming.

(3) A complete financial statement of each person listed in subsection (b)(1) of this section.

(4) The Tribal Commission shall contact each of the tribal governments and licensing agencies listed in compliance with subsection (b)(2) of this section to determine the performance history of the proposed management contractor.

(5) The Tribal Commission shall arrange to have each proposed management contractor investigated to learn of his personal attributes and to determine whether he has a prior criminal record or any pending criminal charges.

(6) The Tribal Commission shall obtain an independent verification of the completed financial statements of the proposed management contractor.

(7) The Tribal Commission shall undertake any additional steps it can to determine the character and reputation of the proposed management contractor and each person listed in compliance with subsection (b)(2) of this section.

(8) If the Tribal Council, after reviewing the above described information, still desires to enter into a management contract with the proposed management

contractor, such management contract shall be made in writing and submitted to the Tribe's attorneys for review.

- (c) Any management contract approved by the Council must include at a minimum, with respect to the gaming activity to which the contract is applicable, all of the required provisions contained in 25 C.F.R. §53.1, as amended, incorporated herein by this reference.

(d) All persons who possess an ownership interest or management position in the proposed management contract shall apply for a gaming employee license under this Code. No management contract shall be approved by the Council until all gaming employee license applications have been reviewed and the Tribal Commission has submitted written findings on such applications to the Council.

(e) If the Council is satisfied with the information it receives it shall submit the proposed contract along with all of the above described information to the Chairman of the National Indian Gaming Commission for approval.

#### 4.02.186 Financier Contracts

(a) Each financing agreement shall fully comply with and is subject to the prior approval of the Tribal Commission and ratification by the Council.

(b) Before submission to the Council for final ratification, each financing contract shall be approved by the Tribal Commission. Before giving final consideration to any proposed financing agreement the Tribal Council shall direct the Tribal Commission to conduct a complete background investigation of persons and entities with the financial interest in, or having financing responsibility for, the financing contract, including requiring the submission of all information required under 25 C.F.R. § 537.1, as amended, incorporated herein by this reference.

(1) Background information on the proposed financier including: its name, its address, the names and addresses of each person or entity having a direct financial interest and, in the case of a corporation, the names and addresses of each member of its board of directors and all stockholders who hold directly or indirectly 10 percent or more of its issued or outstanding stock.

(2) A description of any previous experience that each person listed in subsection (b)(1) of this section has had with other gaming contracts with Indian tribes or with any gaming activity or operation wherever located, including the name and address of any tribal government or licensing agency with which such person has had a contract, license, or other agreement or permit relating to gaming.

(3) A complete financial statement of each person listed in compliance with subsection (b)(1) of this section.

(4) The Tribal Commission shall contact each of the tribal governments and licensing agencies listed in compliance with subsection (b)(2) of this section to determine the performance history of the proposed financier.

(5) The Tribal Commission shall arrange to have each proposed financier investigated to learn of his personal attributes and to determine whether he has a prior criminal record or any pending criminal charges.

(6) The Tribal Commission shall obtain an independent verification of the completed financial statements of the proposed financier.

(7) The Tribal Commission shall undertake any additional steps it can to determine the character and reputation of the proposed financier and each person listed in compliance with subsection (b)(2) of this section.

(8) If the Council, after reviewing the above described information, still desires to enter into a financing agreement with the proposed financier, such agreement shall be made in writing and submitted to the Tribe's attorneys for review.

(c) Any financing agreement approved by the Tribal Council must include at a minimum, with respect to the gaming activity to which the agreement is applicable, all of the required provisions contained in 25 C.F.R. § 537.1, as amended, incorporated herein by this reference.

(d) All persons who possess an ownership interest or management position in the proposed financing contract shall apply for a gaming employee license under this Code. No financing agreement shall be approved by the Tribal Council until all gaming employee license applications have been reviewed and the Tribal Commission has submitted written findings on such applications to the Tribal Council.

(e) If the Tribal Commission is satisfied with the information it receives it shall submit the proposed agreement language to the Tribal Council for final approval.

**4.02.186 Additional Requirements for Operation of Tribally Owned or Tribally Operated Games**

(a) Any cash winning of an amount under \$500 shall be paid in cash or check and shall be paid on the date it is won. Each patron's winnings of an amount over \$500 shall be paid by check and shall be paid within 72 hours after it is won.

(b) Each tribally owned or tribally operated gaming facility shall carry sufficient liability insurance to protect the public in the event of an accident. The Tribal Commission shall determine the amount of liability insurance required for each gaming facility.

(c) Each tribally owned or tribally operated gaming activity shall post the rules of play of each game in a conspicuous place where gaming is conducted and shall make written copies of such rules available to any member of the general public upon request.

## Authorized Games

### **4.02.190 Authorized Games**

Consistent with applicable law, the Tribe authorizes the licensing of the following games of chance:

- (a) Bingo.
- (b) Twenty-one or Blackjack.
- (c) Poker.
- (d) All other games of chance authorized under a tribal-state gaming compact with the State of Washington pursuant to the IGRA.

## Severability

### **4.02.200 Severability**

In the event that any section or provision of this Code is held invalid, it is the intent of the Tribal Council that the remaining sections or provisions of this Code shall continue in full force and effect.



# Skokomish Indian Tribe

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## SKOKOMISH TRIBAL COUNCIL RESOLUTION NO. 95-103

WHEREAS, the Skokomish Tribal Council is the governing body of the Skokomish Indian Tribe pursuant to the Constitution and By-laws of the Skokomish Tribe, approved by the Secretary of the Interior, March 17, 1980; and,

WHEREAS, the Skokomish Tribe recognizes the need to enhance and strengthen the development of their human and natural resources, and encourages development of the Reservation, supporting community values and goals for achieving complete self-determination as a Nation; and,

WHEREAS, the Skokomish Tribal Council recognizes the need to enact a gaming ordinance to shield the community from organized crime and to assure that gaming is conducted fairly and honestly by both the operator and players in a safe environment.

NOW THEREFORE BE IT RESOLVED, that the Skokomish Tribal Council approves and adopts Title 14 -- Gaming Code of the Skokomish Indian Tribe as presented October 18, 1995.

BE IT FURTHER RESOLVED, that the Skokomish Tribal Council authorizes and directs the Skokomish Gaming Commission to enforce this code and the Skokomish Tribal Court to hear cases resulting from violations thereof.

### \* \* \* CERTIFICATION \* \* \*

I, Gordon James, Chairman of the Skokomish Tribal Council, hereby certify that the foregoing Resolution No. 95-103, was adopted at a regular meeting of the Skokomish Tribal Council, held on October 18, 1995, at which a quorum was present by a vote of 3 FOR, 0 AGAINST, 0 ABSTAINING.

ATTEST:

Gordon James  
Gordon James, Chairman  
Skokomish Tribal Council

Gale Longshore  
Gale Longshore, Secretary  
Skokomish Tribal Council





# Skokomish Indian Tribe

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## SKOKOMISH TRIBAL COUNCIL RESOLUTION NO. 00- 51

*A RESOLUTION AMENDING THE GAMING CODE OF THE SKOKOMISH INDIAN TRIBE OF WASHINGTON STATE TO PERMIT GAMING ACTIVITIES AND FACILITIES ON INDIAN LANDS IN CONFORMITY WITH THE PROVISIONS OF THE INDIAN GAMING REGULATORY ACT*

WHEREAS, the Skokomish Tribal Council is the governing body of the Skokomish Indian Tribe pursuant to the Constitution of the Skokomish Indian Tribe, approved by the Secretary of the Interior, March 17, 1980; and

WHEREAS, the Skokomish Indian Tribal Council recognizes the need to enhance and strengthen the development of the Tribe's human and natural resources, and encourages development of the Reservation, supporting community values and goals for achieving complete self-determination as a Nation; and

WHEREAS, on May 25, 1995, the Skokomish Indian Tribe and the State of Washington executed a Class III Gaming Compact pursuant to the Indian Gaming Regulatory Act of 1988, Pub.L.100-497, codified at 25 U.S.C. Section 2701 *et seq.* And 18 U.S.C. Section 1166-1168; and

WHEREAS, pursuant to Resolution No. 95-73 dated July 31, 1995, the Skokomish Tribal Council approved the Class III Gaming Compact, and such compact has been approved by the Secretary of the Interior and is in full force and effect; and

WHEREAS, on February 28, 1996, the Skokomish Tribal Council enacted the Gaming Code of the Skokomish Indian Tribe of Washington State, approved by the National Indian Gaming Commission on April 30, 1996; and

WHEREAS, the Indian Gaming Regulatory Act (IGRA), Public Law 100-497, 102 Stat. 2426, 25 U.S.C. §§ 2701-2721 (1988), as amended, governs the conduct of gaming on Indian lands; and

WHEREAS, 25 U.S.C. § 2710 authorizes Class II and Class III gaming activities on Indian lands and 25 U.S.C. § 2703(4) defines "Indian lands" as:

- (A) all lands within the limits of any Indian reservation; and
- (B) any lands title to which is either held in trust by the United States for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to restriction by the United States against alienation and over which an Indian tribe exercises governmental power; and

WHEREAS, 25 U.S.C. § 2719, provides that gaming shall not be conducted on lands taken into trust after October 17, 1988 unless (in pertinent part), "the lands are located within or contiguous to the boundaries of the reservation . . . on October 17, 1988"; "the lands are taken into trust as part of a settlement of a land claim"; or the Secretary of the Interior and the governor of the state, after consultation with the tribe and state and local officials concur in a determination "that a gaming establishment on newly acquired lands would be in the best interest" of the tribe and its members and "would not be detrimental to the surrounding community"; and

WHEREAS, § 14.2.220 of the Gaming Code defines "Indian lands" to mean:

- (1) land within the limits of an Indian Reservation; or
- (2) land over which an Indian tribe exercise governmental power and that is either:
  - (a) held in trust by the United State for the benefit of any Indian tribe or individual; or
  - (b) held by an Indian tribe or individual subject to restriction by the United States against alienation.

WHEREAS, § 14.5.070(1) of the Gaming Code unduly restricts the location of Tribal gaming facilities contrary to the provisions of IGRA to the following lands:

- (1) The proposed gaming activity or facility is to be located on land which was held in trust for the Tribe prior to October 17, 1988 or on trust lands which were located within or contiguous to the boundaries of the Reservation on October 17, 1988 or on lands taken into trust after October 17, 1988 as settlement of a claim.

NOW THEREFORE BE IT RESOLVED, the Skokomish Tribal Council hereby strikes the former provision and amends § 14.5.070(1) of the Gaming Code to read as follows:


- (1) The proposed gaming activity or facility is to be located on "Indian lands" as defined under § 14.2.220 of this Code and 25 U.S.C. § 2703(4), and shall be in compliance with 25 U.S.C. § 2719.

BE IT FURTHER RESOLVED, that the Skokomish Tribal Council authorizes Debra Rosenbaum, Skokomish Tribal Manager, or her designee, and/or Richard Guest, Skokomish Tribal Attorney, or his designee, to sign any and all letters, reports, amendments or other documents necessary to the enactment and implementation of this amendment.

\*\*\*CERTIFICATION\*\*\*

I, Denny Hurtado, Chairman of the Skokomish Tribal Council, do hereby certify that the foregoing Resolution No. 00-51 was adopted at a regular meeting of the Skokomish Tribal Council held on May 18, 2000 at which a quorum was present by a vote of 4 FOR 0 AGAINST 0 ABSTAINING.

ATTEST:

  
Denny Hurtado, Chairman  
Skokomish Tribal Council

  
Roslynne L. Reed, Secretary  
Skokomish Tribal Council

Skokomish Tribal Council Resolution No. 00-51

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# Skokomish Indian Tribe

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## SKOKOMISH TRIBAL COUNCIL RESOLUTION NO. 96-12

WHEREAS, the Skokomish Tribal Council is the governing body of the Skokomish Indian Tribe pursuant to the Constitution and By-laws of the Skokomish Tribe, approved by the Secretary of the Interior, March 17, 1980; and,

WHEREAS, the Skokomish Tribe recognizes the need to enhance and strengthen the development of their human and natural resources, and encourages development of the Reservation, supporting community values and goals for achieving complete self-determination as a Nation; and,

WHEREAS, the Skokomish Tribal Council recognizes the need to enact a gaming ordinance to shield the community from organized crime and to assure that gaming is conducted fairly and honestly by both the operator and players in a safe environment.

NOW THEREFORE BE IT RESOLVED, that the Skokomish Tribal Council approved and adopts Title 14 -- Gaming Code of the Skokomish Indian Tribe as amended February 28, 1996.

BE IT FURTHER RESOLVED, that the Skokomish Tribal Council authorizes and directs the Skokomish Gaming Commission to enforce this code and the Skokomish Tribal Court to hear cases resulting from violations thereof.

### \*\*\* CERTIFICATION \*\*\*

I, Gordon James, Chairman of the Skokomish Tribal Council, hereby certify that the foregoing Resolution No. 96-12, was adopted at a regular meeting of the Skokomish Tribal Council, held on February 28, 1996, at which a quorum was present by a vote of 3 FOR, 0 AGAINST, 0 ABSTAINING.

ATTEST:

Gordon James  
Gordon James, Chairman  
Skokomish Tribal Council

Gale Longshore  
Gale Longshore, Secretary  
Skokomish Tribal Council