

NATIONAL
INDIAN
GAMING
COMMISSION

JUN 24 1994

Carl Walking Eagle
Vice-Chairman & Gaming Commissioner
Devils Lake Sioux Tribal Offices
Devils Lake Sioux Tribe
Fort Totten, North Dakota 58335

Dear Mr. Walking Eagle:

This letter responds to your request to review and approve the tribal gaming ordinance adopted on October 26, 1992, and amended on June 10, 1994, by the Devils Lake Sioux Tribe (Tribe). This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

Under the IGRA and the regulations of the National Indian Gaming Commission (NIGC), the Chairman is directed to review ordinances with respect to the requirements of the IGRA and the implementing regulations. Thus, the scope of the Chairman's review and approval is limited to the requirements of the IGRA and the NIGC regulations. Provisions other than those required under the IGRA or the NIGC regulations that may be included in a tribal ordinance are not subject to review and approval. Also, such approval does not constitute approval of specific games.

It is important to note that the gaming ordinance is approved for gaming only on Indian lands as defined in the IGRA.

With the Chairman's approval of the Tribe's gaming ordinance, the Tribe is now required to conduct background investigations on its key employees and primary management officials. The NIGC expects to receive a completed application for each key employee and primary management official pursuant to 25 C.F.R. § 556.5(a) and an investigative report on each background investigation before issuing a license to a key employee or primary management official pursuant to 25 C.F.R. § 556.5(b).

It is the NIGC's understanding that until North Dakota is granted authority to process fingerprint cards through the Federal Bureau of Investigation for non-law enforcement purposes, the Tribe intends to utilize the NIGC to process fingerprint cards. The Tribe must first execute the enclosed Memorandum of Understanding and return it to the NIGC before any fingerprint cards may be processed.

As discussed in the telephone conversation between Larry

Leventhal and Mai Dinh on June 22, 1994, the Tribe should resubmit an adequate description of procedures to conduct background investigations that will satisfy the NIGC's requirements.

Thank you for submitting the ordinance of the Devils Lake Sioux Tribe for review and approval. The NIGC staff and I look forward to working with you and the Tribe in implementing the IGRA.

Sincerely yours,

Anthony J. Hope

Anthony J. Hope
Chairman

Enclosure

cc: Larry Leventhal, Esq.
Larry Leventhal & Associates
Suite 420, Sexton Building
529 South 7th Street
Minneapolis, Minnesota 55415

DEVILS LAKE SIOUX TRIBE


RESOLUTION NO. A05-93-011

- WHEREAS, the Devils Lake Sioux Tribe of Indians is a Federally recognized American Indian Tribe governed by a revised Constitution dated May 5, 1960, approved by the Acting Commissioner, Bureau of Indian Affairs, July 14, 1961, and subsequently amended July 17, 1969; May 3, 1974; April 16, 1976 and May 4, 1981; and
- WHEREAS, the Tribal Council of the Devils Lake Sioux Tribe is the governing body of the Tribe; and
- WHEREAS, Section 8 of the Tribal Law and Order Code dealing with Gaming was revised and codified on October 13, 1988, by Resolution No. A05-89-030, and further revised on January 31, 1991, by Resolution No. A05-91-089; and
- WHEREAS, the execution by the Tribe and by the State of North Dakota of a Class III Gaming Compact, negotiated by the parties, and further development by the Tribe of its gaming activities, requires that Title 8, Gaming of the Tribe's Law and Order Code be extensively revised; and
- WHEREAS, the Tribal Council has developed a text as a replacement to the Devils Lake Sioux Law and Order Code, Title 8, Gaming, and believes that the replacement provisions, as therein presented, serves the needs of the Tribe.


NOW THEREFORE, BE IT RESOLVED, that the revised Title 8 of the Devils Lake Sioux Law and Order Code entitled "Gaming", attached hereto, is hereby approved and accepted as the Gaming Code of the Devils Lake Sioux Tribe, that said Code shall be codified as Title 8 within the Devils Lake Sioux Law and Order Code, and shall replace in its entirety the text of Title 8 in existence prior to this Resolution.

CERTIFICATION

I, the undersigned as Secretary-Treasurer of the Devils Lake Sioux Tribal Council, do hereby certify that the Tribal Council is composed of six (6) members of whom 6 were present, consisting of a quorum for a Special Meeting, which was duly called and convened on the 7th day of October, 1992, and approved this Resolution by an affirmative vote of 4 in favor, 0 opposed, 0 abstaining, and 0 absent. (The Secretary-Treasurer does not vote, and the Chairperson votes only in the case of a tie.)



Jeannette M. Herald,
Secretary-Treasurer



Peter Belgarde,
Tribal Chairperson

DEVILS LAKE SIOUX TRIBE
RESOLUTION NO. A05-94-176

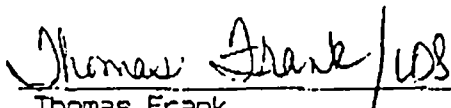
- WHEREAS, The Devils Lake Sioux Tribe of Indians acting under a revised Constitution dated May 5, 1960, approved by the Acting Commissioner, Bureau of Indian Affairs, July 14, 1961, and as subsequently amended July 17, 1969; May 3, 1974; April 16, 1976 and May 4, 1981; and
- WHEREAS, the Constitution of the Devils Lake Sioux Tribe generally authorizes and empowers the Devils Lake Sioux Tribal Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribe and of the enrolled members thereof, and
- WHEREAS, Section 8 of the Tribal Law & Order Code dealing with Gaming was revised and codified on October 23, 1988, by Resolution #A05-89-030, and further revised on January 31, 1991, by Resolution #A05-91-089, and further revised on October 7, 1992, by Resolution #A05-93-011; and
- WHEREAS, the National Indian Gaming Commission has requested Tribal Council consideration of certain changes and additions to the Tribe's Gaming Code as contained in Title 8 of the Devils Lake Sioux Law & Order Code in order to more accurately reflect definitions and requirements within regulations adopted by the Commission; and
- WHEREAS, the Tribal Council has developed a provision to be added to Chapter 4 of Section 8 of the Tribe's Law & Order Code and has further developed a revision of Chapter 15 of Title 8 of the Tribe's Law & Order Code to reflect the concerns brought to the attention of the Tribal Council by the National Indian Gaming Commission; and
- WHEREAS, the proposed addition to Section 8 Chapter 4 numbered as Paragraph 112 is attached hereto; and
- WHEREAS, the proposed revisions to Chapter 15 of Section 8 includes substantive revisions and renumbered sections, a replacement text of Chapter 15 of Title 8 of the Tribe's Law & Order Code has therefore been prepared and is attached hereto; and
- FURTHERMORE, the Tribal Council believes that the additional and replacement provisions of Section 8 of the Tribe's Law & Order Code serves the interests of the Tribe.

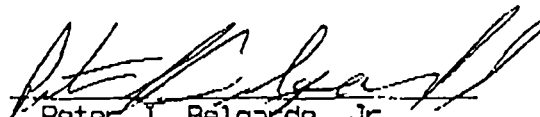
DEVILS LAKE SIOUX TRIBE
RESOLUTION #A05-94-176
Page 2

NOW THEREFORE BE IT RESOLVED, that title 8, "Gaming" of the Devils Lake Sioux Law & Order Code be hereby amended to include the addition of Section 8-4-112, in the form attached hereto and be further amended to incorporate the attached revision of Title 8, Chapter 15 as replacement for Title 8, Chapter 15 as previously codified.

CERTIFICATION

I, the undersigned as Secretary-Treasurer of the Devils Lake Sioux Tribal Council, do hereby certify that the Tribal Council is composed of six (6) members of whom four (4) were present, constituting a quorum for a special meeting duly called and convened on this 10th day of JUNE, 1994, and approved this resolution by an affirmative vote of three (3) in favor, none (0) opposed, two (2) absent. (The Secretary-Treasurer does not vote and the Chairman votes only in case of a tie.)


Thomas Frank
Recording Secretary


Peter J. Belgarde, Jr.
Chairman

8-4-112 Appointment of Agent for Service of Process.

The Gaming Commissioner of the Devils Lake Sioux Tribe during his or her term of office shall be the official designated as Agent for Service of any official determination, order, or notice of violation. Service of such notice should be made upon:

Gaming Commissioner
Devils Lake Sioux Tribal Offices
Devils Lake Sioux Tribe
Fort Totten, North Dakota 58335

CHAPTER XV

TRIBAL LICENSING

8-15-101 License Required.

All personnel employed or contractors engaged by the Tribe, and/or by any Management Agent under contract with the Tribe, whose responsibilities include the operation or management of Class III games of chance, shall be licensed by the Tribal Gaming Commission. All personnel employed or contractors engaged by the Tribe and/or by any Management Agent under contract with the Tribe, other and apart from the Members of the Tribe, whose responsibilities include the operation or management of Class II Class III games of chance, shall conform to such requirements as are required by Federal law and/or regulation. All personnel employed or contractors engaged by the Tribe and/or by any Management Agent under contract with the Tribe, other and apart from the Members of the Tribe, whose responsibilities include the operation or management of Class II Class III games of chance, shall conform to such requirements as are applied by the State of North Dakota for state licensure.

8-15-102 Tribal License.

The Tribal Gaming Commission shall ensure that the policies and procedures set out in this section are implemented with respect to key employees and primary management officials employed at any Class II or Class III gaming enterprise operated upon trust lands of Tribe.

1. Definitions

(a.) "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; or
- (10) Custodian of gambling devices including person with access to cash and accounting records within such

devices;

(b) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or

(c) If not otherwise included, the four most highly compensated persons in the gaming operation.

(b.) "Primary Management Official" means:

(a) The person having management responsibility for a management contract;

(b) Any person who has authority:

(1) to hire and fire employees; or

(2) To set up working policy for the gaming operation; or

(c) The chief financial officer or other person who has financial management responsibility.

8-15-103 Application for License.

1. Every person seeking a license from the Council shall file an application which shall contain:

a. The name of the applicant and all pertinent information required by Council regulations.

b. A release authorizing the Council to conduct a background investigation of the applicant.

2. The following notice shall be placed on the application form for a key employee or a primary management official before that form is filled out by an applicant:

"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 a gaming operation. 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 when pursuant to a requirement by the Tribal Gaming Commission 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 his notice will result in a tribe's being unable to hire you in a primary management official or key employee position.

The disclosure of your social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application."

3. Existing key employees and primary management officials shall be notified in writing that they shall either:

- a. Complete a new application form that contains a Privacy Act notice; or
- b. Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.

4. The following notice shall be placed on the application form for a key employee or a primary official before that form is filled out by an applicant:

"A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment. (U.S. Code, title 18, section 1001.)"

5. The Tribal Gaming Commission shall notify in writing existing key employees and primary management officials that they shall either:

- a. Complete a new application form that contains a notice regarding false statements; or
- b. Sign a statement that contains the notice regarding false statements.

8-15-104 Form and Display of License.

Every license issued by the Tribal Gaming Commission shall contain the following data:

- a. The name and address of the authorized licensee.
- b. A recital that the licensee is authorized to be employed as a consultant, or as a primary management official or key employee of any gaming enterprise.

c. The signature of the Commissioner.

8-15-105 Display of License.

The license of each primary management official, or key employee of any gaming enterprise operated under this Code, shall be posted in at a location to which the public has access on the premises of associated gaming activity.

8-15-106 Background Investigations - Generally.

(1.) Information Gathering. The Tribal Gaming Commission, prior to hiring a prospective employee or engaging a contractor whose responsibilities include the operation or management of Class II or Class III gaming activities, shall obtain sufficient information and identification from the applicant to permit the conduct of a background investigation.

(2.) Authorization of Background Investigation. Any person who applies for a tribal license shall first submit an application to the Tribal Gaming Commission which includes a written release by the applicant authorizing the Tribal Gaming Commission to conduct a background investigation of the applicant which shall be accompanied by an appropriate fee for such investigation as determined by the Tribal Gaming Commission.

(3.) Background Investigation by the Tribal Gaming Commission. Upon receipt of the application and fee, an investigation shall be commenced under such procedures as the Tribal Gaming Commission finds appropriate to implement. The Tribal Gaming Commission shall utilize the North Dakota Bureau of Criminal Investigations (BCI) and/or the services of the Federal Bureau of Investigation (FBI) through the National Indian Gaming Commission to assist in background investigations as to those seeking licensing in connection with Class II and Class III gaming activity. The Tribal Gaming Commission shall utilize any resource the Tribal Gaming Commission determines appropriate as to Class II and Class III gaming licensing.

(4.) Background Investigations of Employees During Employment. Each person whose responsibilities include the operation or management of Class II or Class III games shall be subject to periodic review by the Tribal Gaming Commission comparable to that required for initial employment. This review shall take place at least annually, commencing with the date of employment. Employees found to have committed disqualifying

violations shall be dismissed.

(5.) Investigation Fees. An applicant shall be responsible for payment of and/or reimbursement of for any and all reasonable expenses associated with background investigations by the Tribal Gaming Commission, the State of North Dakota, and/or the National Indian Gaming Commission.

(6.) Background Investigation Procedures.

- (1) The Tribal Gaming Commission shall request from each primary management official and from each key employee all of the following information:
 - (a) Full name;
 - (b) Other names used;
 - (c) Social Security Number(s);
 - (d) Date and place of birth;
 - (e) Citizenship;
 - (f) Currently and for the previous five (5) years: Business and employment positions held, Ownership interest in those businesses, Business and residence addresses, and Drivers license numbers;
 - (g) The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant for the previous five (5) years;
 - (h) Current business and residence telephone numbers;
 - (i) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
 - (j) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
 - (k) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
 - (l) For each felony conviction or no contest plea for which there has been a conviction at any time or for which there is an ongoing prosecution, the charge, the name and address of the court involved, and the date and disposition if any;

- (m) For each misdemeanor conviction or plea of no contest (excluding minor traffic violations) where the conviction or plea of release from parole, probation, or incarceration occurred within ten (10) years of the date of the application, the name and address of the court involved and the date and disposition;
 - (n) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within ten (10) years of the date of the application and is not otherwise listed, the criminal charge, the name and address of the court involved and the date and disposition;
 - (o) A current photograph;
 - (p) Fingerprints consistent with procedures adopted by the Tribe in accordance with 25 C.F.R. § 522.2(h);
 - (q) All languages spoken or written; and
 - (r) Any other information the Tribal Gaming Commission deems relevant.
- (2) If items are incomplete or if directors were not followed in the applicant's completion of the request for information, the Personnel Director shall contact and advise the applicant to properly complete the request.
 - (3) The applicant shall complete an authorization permitting the Tribe, the State of North Dakota, the Federal Bureau of Investigation, and the National Indian Gaming Commission to seek background information. If this is not signed, the individual will not be considered for employment.
 - (4) The Personnel Director may issue a temporary license after making verbal inquiries of selected past employers, references, or other relevant included information.
 - (5) Forms completed by the applicant, together with the applicable fees paid by the applicant, shall be sent to the North Dakota Bureau of Criminal Investigation and/or the Federal Bureau of Investigation (FBI) through the National Indian Gaming Commission for completion

of its background investigation.

- (6) Forms completed by the applicant shall be made available to the Tribal Gaming Commission, the North Dakota Bureau of Criminal Investigation, the Federal Bureau of Investigation (FBI), and the National Indian Gaming Commission.

8-15-107 Eligibility Determination.

The Tribal Gaming Commission shall review a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a key employee or primary management official for employment in a gaming operation. If the Tribal Gaming Commission determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, a tribal gaming operation shall not employ that person in a key employee or primary management official position.

8-15-108 Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission.

1. When a key employee or primary management official begins work at a gaming operation authorized by this Chapter, the Tribal Gaming Commission shall forward to the National Indian Gaming Commission a completed application for employment and conduct the background investigation and make the eligibility determination according to Section 8-15-107.

2. The Tribal Gaming Commission shall forward the report as required by Section 8-15-109 to the National Indian Gaming Commission within sixty (60) days after an employee begins work or within sixty (60) days of the approval of this ordinance by the Chairman of the National Indian Gaming Commission.

3. The gaming operation shall not employ as a key employee or primary management official a person who does not have a license after ninety (90) days.

8-15-109 Report to the National Indian Gaming Commission.

1. Pursuant to the background investigation procedures adopted in this Chapter, the Tribal Gaming Commission shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation. An investigative report shall include all

of the following:

- a. Steps taken in conducting a background investigation;
 - b. Results obtained;
 - c. Conclusions reached; and
 - d. The bases for those conclusions.
2. The Tribal Gaming Commission shall submit, with the report, a copy of the eligibility determination made according to Section 8-15-107.
3. If a license is not issued to an applicant, the Tribe:
- a. Shall notify the national Indian Gaming Commission; and
 - b. May forward copies of its eligibility determination and investigative report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System.
4. With respect to key employees and primary management officials, the Tribal Gaming Commission shall retain applications for employment and the Chairman of the National Indian Gaming Commission or his or her designee for no less than three (3) years from the date of termination of employment.

8-15-110 Background Investigations by State.

The Tribal Gaming Commission shall obtain a release and other information from each applicant whose responsibilities include the operation or management of Class II or Class III games of chance to permit the State to conduct a background check on the applicant. This information, along with the standard fee, shall be provided in writing to the state which shall report to the Tribe regarding each applicant within thirty (30) days of receipt of the request. The Tribal Gaming Commission may employ any person who represents, in writing, that he or she meets the standards set forth in this section, but must not retain any person who is subsequently revealed to be disqualified. Criminal history data compiled by the State on prospective employees shall, subject to applicable state to federal law, be released to the Tribe as part of the reporting regarding each applicant. The background check of employees and contractors to be conducted pursuant to this paragraph shall be independent of any similar federal requirements.

8-15-111 Granting a Gaming License.

1. If, within a thirty (30) day period after the

National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the tribe that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribal Gaming Commission may issue a license to such applicant.

2. The Tribal Gaming Commission shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the thirty day period under subsection 1 of this section until the Chairman of the National Indian Gaming Commission receives the additional information.

3. If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Tribe with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribal Gaming Commission has provided an application and investigative report to the National Indian Gaming Commission, the Tribal Gaming Commission shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Tribal Gaming Commission shall make the final decision whether to issue a license to such applicant.

8-15-112 License Suspension

1. If, after the issuance of a gaming license, the Tribal Gaming Commission receives from the National Indian Gaming Commission reliable information indicating that a key employee or a primary management official is not eligible for employment under subsection D. above, the Tribal Commission shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.

2. The Tribal Gaming Commission shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.

3. After a revocation hearing, the Tribal Gaming Commission shall decide to revoke or to reinstate a gaming license. The Tribal Gaming Commission shall notify the National Indian Gaming Commission of its decision.

DEVILS LAKE SIOUX TRIBE

RESOLUTION NO. A05-93-011

WHEREAS, the Devils Lake Sioux Tribe of Indians is a Federally recognized American Indian Tribe governed by a revised Constitution dated May 5, 1960, approved by the Acting Commissioner, Bureau of Indian Affairs, July 14, 1961, and subsequently amended July 17, 1969; May 3, 1974; April 16, 1976 and May 4, 1981; and

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Jeannette M. Herald,
Secretary-Treasurer



Peter Belgarde,
Tribal Chairperson

**DEVILS LAKE SIOUX LAW AND ORDER CODE
TITLE 8: GAMING**

TABLE OF CONTENTS

**CHAPTER ONE
INTRODUCTION, LEGISLATIVE FINDINGS,
POLICY AND PURPOSE**

§8-1-101	Title	1
§8-1-102	Repeal of Prior Authority	1
§8-1-103	Sovereign Powers and Responsibilities	1
§8-1-104	Federal Policy of Tribal Self-Determination	1
§8-1-105	Devils Lake Sioux Tribal Policy of Self-Government	2
§8-1-106	Tribal Need for Governmental Revenue and Additional Economic Development	2
§8-1-107	Tribal Gaming Policy	2
§8-1-108	Purposes of Title	3
§8-1-109	Interpretation	3
§8-1-110	Savings Clause	3

**CHAPTER TWO
DEFINITIONS**

§8-2-101	Definitions	4
(1.)	"Act"	4
(2.)	"Bingo"	4
(3.)	"Class I Gaming"	4
(4.)	"Class II Gaming"	4
(5.)	"Class III Gaming"	5
(6.)	"Commissioner"	5
(7.)	"Compact"	5
(8.)	"Council" or "Tribal Council"	5
(9.)	"Credit"	5
(10.)	"Distributor"	5
(11.)	"Electronic Game of Chance"	5
(12.)	"Enterprise"	6
(13.)	"Facility"	6
(14.)	"Gaming"	6
(15.)	"Gaming Establishment"	6
(16.)	"General Manager"	6
(17.)	"IGRA"	6
(18.)	"Immediate Family"	6
(19.)	"Key Employee"	6
(20.)	"Licensee"	7
(21.)	"Management Contract"	7

(22.)	"Manufacturer"	7
(23.)	"National Indian Gaming Commission"	7
(24.)	"Participate" or "Participation"	7
(25.)	"Person"	8
(26.)	"Primary Management Official"	8
(27.)	"Pull-Tab"	8
(28.)	"State"	8
(29.)	"Tribal Gaming Commission"	8
(30.)	"Tribal Police Department"	9
(31.)	"Tribe"	9
(32.)	"Wager"	9

**CHAPTER THREE
GENERAL PROVISIONS**

§8-3-101	Sovereign Immunity and Waiver	10
(1.)	"Sovereign Immunity"	10
(2.)	"Waiver of Sovereign Immunity"	10
(3.)	"Credit of the Tribe"	10
(4.)	"Assets of the Tribe"	11
§8-3-102	Tribal Gaming Account Established	11
§8-3-103	Use of Gaming Revenue	11
§8-3-104	Specified Usage of Gaming Revenue	12
§8-3-105	Regulations of the Council	12
§8-3-106	Gaming Location	13
§8-3-107	Construction, Maintenance and Operation Standards	13

**CHAPTER FOUR
GENERAL REGULATION OF GAMING**

§8-4-101	Gaming Regulated	14
§8-4-102	Tribal Ownership of Class II and Class III Gaming	14
§8-4-103	Council to Regulate Gaming	14
§8-4-104	Annual Budget	14
§8-4-105	Tribal Gaming Commission	14
§8-4-106	Powers of the Council and Tribal Gaming Commission	15
§8-4-107	General Procedures	18
§8-4-108	License Requirements	18
(1.)	"Class I"	18
(2.)	"Class II"	18
(3.)	"Class III"	19
§8-4-109	Investigations	19
§8-4-110	Hearings; Examiner	19
§8-4-111	Appointment of Examiner; Power of Examiner	19

**CHAPTER FIVE
AUTHORIZED TRIBAL GAMES AND LIMITS**

§8-5-101	Authorized Games	21
(1.)	"Class I" traditional games	21
(2.)	"Bingo"	21
(3.)	"Other Class II Gaming"	21
(4.)	"Electronic Games of Chance" with video facsimile displays	21
(5.)	"Electronic Games of Chance" with mechanical rotating reels	21
(6.)	"Blackjack"	21
(7.)	"Poker"	21
(8.)	"Pari-mutuel" and "Simulcast"	21
(9.)	"Sports" and "Calcutta Pools" on professional sporting events	21
(10.)	"Pull-tabs" or "Break-open Tickets"	21
(11.)	"Raffles"	21
(12.)	"Keno"	22
(13.)	"Punchboards" and "Jars"	22
(14.)	"Paddlewheels"	22
(15.)	"Craps"	22
(16.)	"Indian Dice"	22
(17.)	"Games which any other Indian Tribe may legally conduct on trust lands within North Dakota"	22
(18.)	"Other games authorized within the State of North Dakota"	22
§8-5-102	Limits on Wagers	22
(1.)	"General"	22
(2.)	"Maximum Limits"	22
	a. Blackjack	22
	b. Poker	22
	c. Paddlewheels	22
	d. Craps and Indian Dice	23
	e. Electronic Games of Chance	23
(3.)	"Play Permitted to Maximum Authorization unless Council sets other limits	23

**CHAPTER SIX
GAMING OFFICIALS**

§8-6-101	Appointment	24
§8-6-102	Gaming Officers to be Appointed	24
§8-6-103	Gaming Commissioner	24
§8-6-104	General Manager	25
§8-6-105	Chief Financial Officer	25
§8-6-106	Tribal Inspection	26
§8-6-107	Training Manager	26

§8-6-108	Chief Legal Officer	26
§8-6-109	Promotion Manager	26
§8-6-110	Personnel Manager	26
§8-6-111	Security Manager	27
§8-6-112	Chief Engineer	27
§8-6-113	Other Officers	27
§8-6-114	Gaming Commissioner May Be Member of Tribal Council	27

**CHAPTER SEVEN
GENERAL REGULATIONS - APPLICABLE TO GAMING**

§8-7-101	Odds and Prize Structure	28
§8-7-102	No Credit Extended	28
§8-7-103	Age Restrictions	28
	(1.) Participation in Class III game	28
	(2.) Presence on premises	28
	(3.) Class II games	28
§8-7-104	Player Disputes	29
§8-7-105	Prohibition Against Intoxication	29
§8-7-106	Regulations to be Posted	29
§8-7-107	Exclusion	29
§8-7-108	Equal Opportunity to Win by Each Player	29
§8-7-109	Determination of Winners	30

**CHAPTER EIGHT
ACCOUNTING, AUDIT AND RECORD KEEPING**

§8-8-101	Accounting and Audit Procedures	31
	(1.) Accounting Standards	31
	(2.) Systems	31
	(3.) Audits	31
	(4.) Supplies, Services and Concessions Audits	31
	(5.) Accounting Records and Audits Concerning Class III Gaming by Tribe	31
§8-8-102	Tribal Record Keeping	31
	(1.) Record Maintenance	31
	a. Revenues, Expenses, Assets, Liabilities and Equity	31
	b. Daily Cash Transactions	32
	c. Individual and Statistical Game Records	32
	d. Records of Tribal Enforcement Activities	32
	e. Audits	32
	f. Returned Checks	32
	g. Personnel Information	32

§8-8-103	Access to Records	32
(1.)	National Indian Gaming Commission	32
(2.)	State of North Dakota	32
(3.)	Confidentiality	32
§8-8-104	Tax Reporting Matters	33
(1.)	United States Internal Service Form	33
(2.)	Employee Income Withholding	33

**CHAPTER NINE
BINGO**

§8-9-101	Sale of Bingo Cards	34
§8-9-102	Method of Play	34
§8-9-103	Verification of Winners	35
§8-9-104	Award of Prizes	35
§8-9-105	Personnel	36
§8-9-106	Operation as Part of Network	36
§8-9-107	Participation in Tribal Bingo Events	36

**CHAPTER TEN
PULL-TABS**

§8-10-101	Conduct and Licensing	37
§8-10-102	Standards and Limitations	37
§8-10-103	To Be Dispensed by Machine	37
§8-10-104	Participation by Tribal and Charitable Organizations	37

**CHAPTER ELEVEN
ELECTRONIC GAMES OF CHANCE -
REGULATORY AND TECHNICAL STANDARDS**

§8-11-101	Hardware Requirements for Electronic Games of Chance	38
(1.)	Physical Hazard	38
(2.)	Surge Protector	38
(3.)	Battery Backup	38
(4.)	On/Off Switch	38
(5.)	Static Discharge	38
(6.)	Approved Coin and Bill Acceptors	38
(7.)	Electronic Game Management/Reporting System	38
(8.)	Cabinet Security	39
(9.)	Repairs and Service	39
(10.)	Microprocessor Compartment	39
(11.)	Secure Electronic Components	39
(12.)	Secure Cash Compartment	40
(13.)	Hardware Switches Prohibited	40

	(14.)	Printing of Written Statement of Credits	40
	(15.)	Operation of Part of a Network	40
\$8-11-102		Software Requirements for Video Games of Chance	41
	(1.)	Randomness Testing	41
		a. Chi-Square Analysis	41
		b. Runs Test	41
		c. Correlation Analysis	41
		d. Serial Correlation Analysis	42
		e. Live Game Correlation	42
	(2.)	Percentage Payout	42
	(3.)	Minimum Probability Standard for Maximum Payout	42
	(4.)	Continuation of Game After Malfunction	42
	(5.)	Play Transaction Records	43
	(6.)	No Automatic Clearing of Accounting Meters	43
	(7.)	Display of Information	43
	(8.)	Rules Display	43
\$8-11-103		Transitional Provision	43
\$8-11-104		Amendments to Regulatory and Technical Standards for Electronic Games of Chance	44

**CHAPTER TWELVE
ELECTRONIC GAMES OF CHANCE -
REPORTING AND TESTING**

\$8-12-101		Machine Reporting and Display	45
	(1.)	Reporting System	45
	(2.)	Record Keeping	45
	(3.)	Display	45
\$8-12-102		Conformity to Technical Standards and Identification	45
	(1.)	Conformity to Technical Standards	45
	(2.)	Machine Identification	45
\$8-12-103		Testing	46
	(1.)	Testing and Approval of Electronic Games of Chance	46
	(2.)	Application for Approval of Prototype Video Games of Chance	46
	(3.)	Testing of Video Games of Chance	46
	(4.)	Report of Test Results	47
	(5.)	Modifications of Approved Electronic Games of Chance	47
\$8-12-104		Tribal Reports to State	47
	(1.)	Installation and Operation	47
	(2.)	Removal from Play	48
	(3.)	Transitional Provision as To Existing Games	48

**CHAPTER THIRTEEN
OTHER GAMES**

§8-13-101	Rules of Play	49
	(1.) Blackjack, Poker, and Keno	49
	(2.) Craps and Indian Dice	49
	(3.) Paddlewheels	49
	(4.) Sports and Calcutta Pools on Professional Sporting Events	49
	(5.) Raffles	49
	(6.) Punchboards and Jars	50
	(7.) Parimutuel and Simulcast Betting	50
§8-13-102	Regulations of Play	50
	(1.) Gaming Table Bank	50
	(2.) Drop Box	50
	(3.) Gaming Room Bank	50
	(4.) Rules to be Posted	50

**CHAPTER FOURTEEN
PERSONNEL**

§8-14-101	Prohibitions in Hiring Employment and Contracting	51
§8-14-102	Conditions of Employment	52
	(1.) Procedural Manual	52
	(2.) Limitation of Participation in Games by Employees	52
	(3.) Employee Disqualifications	52

**CHAPTER FIFTEEN
TRIBAL LICENSING**

§8-15-101	License Required	53
§8-15-102	Tribal License	53
	(a.) "Key Employee"	53
	(b.) "Primary Management Official"	54
§8-15-103	Application for License	54
§8-15-104	Form and Display of License	55
§8-15-105	Display of License	56
§8-15-106	Background Investigation - Generally	56
	(1.) Information Gathering	56
	(2.) Authorization of Background Investigation	56
	(3.) Background Investigation by the Tribal Gaming Commission	56
	(4.) Background Investigations by State Prior to Employment	57
	(5.) Background Investigations of Employees During Employment	57
	(6.) Investigation Fees	57

§8-15-107	Eligibility Determination	59
§8-15-108	Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission	59
§8-15-109	Report to the National Indian Gaming Commission	60
§8-15-110	Background Investigations by State	60
§8-15-111	Granting a Gaming License	61
§8-15-112	License Suspension	62

**CHAPTER SIXTEEN
MANAGEMENT AGREEMENTS**

§8-16-101	Option for Tribe	63
§8-16-102	Receipt of Information by Tribe	63
§8-16-103	Provisions of Management Agreement	63
§8-16-104	Fee	65
§8-16-105	Background Check	65

**CHAPTER SEVENTEEN
QUALIFICATIONS OF PROVIDERS OF CLASS III
GAMING EQUIPMENT OR SUPPLIES**

§8-17-101	Purchase of Equipment and Supplies	66
§8-17-102	Required Information	66
§8-17-103	No Business Dealings with Disqualified Parties	67
§8-17-104	Receipt of Gaming Equipment	67

**CHAPTER EIGHTEEN
ESCROW ACCOUNT FOR STATE EXPENSES**

§8-18-101	Escrow Fund	68
§8-18-102	Procedure and Challenge	68

**CHAPTER NINETEEN
INSPECTION AND COMPLIANCE**

§8-19-101	Inspection	69
(1.)	Periodic Inspection and Testing	69
(2.)	Receipt of Reports of Non-Compliance	69
(3.)	State Inspection of Operations	69
(4.)	Inspection of Electronic Games of Chance	69
(5.)	Removal and Correction	70
§8-19-102	Compliance	70

(1.)	Report of Suspected Violation by Parties	70
(2.)	Response to Complaints by Third Parties	70
(3.)	Non-Complying Class III Games	70
(4.)	Demand for Remedies for Non-Complying Games of Chance	70

**CHAPTER TWENTY
LICENSING FOR GAMES CONDUCTED BY
ORGANIZATIONS OTHER THAN THE TRIBE**

§8-20-101	Prohibition Against Non-Tribal Games	72
§8-20-102	Tribally Licensed Games - Generally	72
§8-20-103	License Applications	73
§8-20-104	Additional Application Documents	75
§8-20-105	Investigation	75
§8-20-106	Selection of Licensees	75
§8-20-107	Requirements of Licensees	76
§8-20-108	Reports and Finances of Licensees	76
§8-20-109	Records Improperly Filed	78
§8-20-110	Gaming Activities Assessed	78
§8-20-111	Payment of Assessment	78
§8-20-112	Exemption from Assessment	79
§8-20-113	Right of Entrance; Inspection	79
§8-20-114	Investigations	79
§8-20-115	Hearings	80
§8-20-116	Appointment of Examiner; Power of Examiner	80
§8-20-117	Gaming Account	80
§8-20-118	Bookkeeping and Accounting	80
§8-20-119	Suspension and Revocation of Licenses	81
§8-20-120	Non-Applicability	82
§8-20-121	Monitoring	82

DEVILS LAKE SIOUX LAW AND ORDER CODE

TITLE 8: GAMING

CHAPTER I

INTRODUCTION, LEGISLATIVE FINDINGS, POLICY AND PURPOSE

8-1-101 Title.

This Title shall be known as the "Devils Lake Sioux Gaming Code".

8-1-102 Repeal of Prior Authority.

This Title hereby repeals all other previously enacted gaming codes to the extent that the previous gaming codes are inconsistent with this Title.

8-1-103 Sovereign Powers and Responsibilities.

This Title is enacted pursuant to the inherent sovereign tribal powers expressly delegated to the Tribal Council in the Constitution of the Devils Lake Sioux Tribe, which authorizes the Tribal Gaming Commission to represent the Tribe and to negotiate with federal, state and local governments, to employ legal counsel subject to Secretarial approval, to regulate the conduct of trade and the use and disposition of property upon the Reservation, to promulgate and enforce ordinances providing for the maintenance of law and order and the administration of justice on the Reservation, to administer all tribal funds, to manage and otherwise deal with tribal lands and property, to engage in any business that will further the economic well being of members of the Tribe, and to regulate tribal agencies and tribal officials.

8-1-104 Federal Policy of Tribal Self-Determination.

A commitment by the United States government to foster and encourage Tribal self-government, economic development and self sufficiency was signed into law in 1975 as the Indian Self-Determination and Education Assistance Act, Public Law 93-638, 88 Stat. 2204, 25 U.S.C. §§450-450n.

The federal commitment was furthered in 1988 by passage of Public Law 100-497, 102 Stat. 2426, 25 U.S.C. §§2701 et seq. (1988), through which the federal government recognized the inherent sovereign right of tribes to conduct and regulate gaming on their reservations and preempted state authority in the area of Indian gaming.

8-1-105 Devils Lake Sioux Tribal Policy of Self-Government.

The Tribe is firmly committed to the principal 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, the maintenance of various social welfare programs, such as the Tribe's Alcohol and Rehabilitation Program, the Tribes Land Consolidation Program to consolidate and increase its trust land base, and the promotion and regulation of economic activities within the sovereign jurisdiction of the Tribe.

8-1-106 Tribal Need for Governmental Revenue and Additional Economic Development.

The Tribe is vigorously pursuing its goal of self-determination through the development of manufacturing and farming enterprises. The tribal farm enterprise requires a vastly expanded land base for increased efficiency and productivity, expansion of its programs and increased employment and training of tribal members. Because of the modest income level of the Tribe and because of cutbacks in federal funding and increasing costs of self-government, it is essential that the Tribe develop additional economic activities on the Reservation to support programs, such as those set forth above and to provide employment for Tribal members.

8-1-107 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 Tribal-State compact, and that the proceeds of such gaming are directed to the benefit of the Tribe and its members. When operated in accordance with the provisions of this Title, such gaming will be conducive to the general welfare of all residents of the Reservation.

8-1-108 **Purposes of Title.**

The purposes of this Title are:

(1.) To regulate, control and license the operation of all gaming within the territorial jurisdiction of the Tribe.

(2.) To promote and strengthen tribal economic development, independence and self-determination.

(3.) To generate revenue to strengthen and improve tribal self-government and the provision of governmental services.

(4.) To enhance employment opportunities for tribal members.

8-1-109 **Interpretation.**

The provisions of this Code:

(1.) Shall be liberally construed in favor of effectuating the purposes set forth above.

(2.) Shall be construed to be consistent with the provisions of the National Indian Gaming Regulatory Act, 25 U.S.C. §2701, et seq., and the 1992 Tribal-State Gaming Compact (governing Class III games) between the Tribe and the State of North Dakota.

(3.) Shall be liberally constructed to be consistent with any Gaming Management Agreement entered into by the Tribe.

(4.) The Tribe asserts immunity on its part and that of its agencies, employees, and/or agents from any action or damages that may occur as a result of reliance upon and conformance with this Code.

8-1-110 **Savings Clause.**

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

CHAPTER II

DEFINITIONS

8-2-101 Definitions.

Except where otherwise specifically provided or the context otherwise requires, the following terms and expressions shall have the following meanings:

(1.) "Act" shall mean the Indian Gaming Regulatory Act, P.L. 100-497, 25 U.S.C. sec. 2701, et seq.

(2.) "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 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 instant bingo and other games similar to bingo.

(3.) "Class I Gaming" means:

- a. Social games played solely for prizes of minimal value;
- b. Traditional forms of Indian gaming engaged in as a part of, or for the promotion of tribal ceremonies, celebrations, or powwows, provided that total gross receipts from such gaming, including bingo, do not exceed fifty thousand dollars (\$50,000.00) in any year for any single ceremony, celebration or powwow.

(4.) "Class II Gaming" means:

- a. Bingo - The game of chance 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 designed, are drawn or

electronically determined, and in which the game is won by the first person

Electronic, computer or technological aids--such as computer-generated number sequences-- can be used in connection with Class II bingo, so long as all players are playing against each other to achieve the same sequences.

- b. Other games of chance - Games similar to bingo, including, if played at the same location as bingo, pull-tabs, lotto, punch boards, tip jars, and "instant bingo", in which prizes are awarded on the basis of a designated winning number or number, color or colors, symbol or symbols determined by chance.

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

(6.) "Commissioner" means the Tribal Gaming Commissioner appointed pursuant to this Title.

(7.) "Compact" means the Class III Gaming Compact between Tribe and the State of North Dakota executed October 7, 1992 together with all amendments and codicils, thereto and any subsequent gaming compacts between the parties.

(8.) "Council" or "Tribal Council" means the Tribal Council or Governing Body of the Devils Lake Sioux Tribe.

(9.) "Credit" means the smallest unit of value that may be used to play a game on a video game of chance or that may be redeemed in currency.

(10.) "Distributor" means a person who obtains an electronic game of chance from a manufacturer and who intends to furnish it to the Tribe.

(11.) "Electronic Game of Chance" means a microprocessor-controlled electronic device which allows a player to play games of chance, some of which are affected by skill, which device is activated by the insertion of a coin or currency, or by the use of a credit, and which awards game credits, cash, tokens, or replays, or a written statement of the player's accumulated credits, which written statements are redeemable for cash. The term "electronic game of

chance" does not include the operation and play of devices which utilize mechanical or optical sensors to evaluate reel positions when they come to rest after being spun for game play.

(12.) "Enterprise" is a commercial enterprise of the Tribe authorized to engage in:

(a) gaming of every variety defined as Class II Gaming by the IGRA; (b) gaming defined as Class III Gaming pursuant to the Compact and any other lawful commercial activity related to Gaming and permitted by the Tribe on the Property.

(13.) "Facility" shall mean the buildings, including related or connected modular, tent-like or other structures, and associated and adjacent real property, within which the Enterprise will be housed, and the parking areas serving the Facility, all as located on the Property.

(14.) "Gaming" shall mean activities defined as Class I Gaming, Class II Gaming and Class III Gaming under the IGRA and the Compact.

(15.) "Gaming Establishment" means any site within the territorial jurisdiction of the Tribe at which any gaming activity or operation is conducted, whether by a licensee or not.

(16.) "General Manager" shall mean the person or entity selected by the Tribal Council to be responsible for and possessing the necessary authority for general operations of the Tribe, subject to Tribal Supervisor of the General Gaming Operations, subject to Tribal Oversight.

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

(18.) "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.

(19.) "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; or
- (10) Custodian of gambling devices including person with access to cash and accounting records within such devices.

(b) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or

(c) If not otherwise included, the four most highly compensated persons in the gaming operation.

(20.) "Licensee" means a person licensed by the Council as a consultant, primary management official or key employee under the provisions of this Title.

(21.) "Management Contract" means an agreement covering the overall management and operation of a Tribal game or gaming facility by an entity other than the Tribe or its employees, including all collateral agreements to such agreement that relate to gaming activity.

(22.) "Manufacturer" means a person who manufactures, produces, or assembles an electronic game of chance, and who intends to furnish it to a distributor or the Tribe.

(23.) "National Indian Gaming Commission" means the National Indian Gaming Commission established by the IGRA.

(24.) "Participate" or "Participation" or "Participating" in any gaming activity or operation means operating, directing, financing or in any way assisting in the establishment of 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.

(25.) "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, 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.

(26.) "Primary Management Official" means:

(a) The person having management responsibility for a management contract;

(b) Any person who has authority:

(1) to hire and fire employees; or

(2) To set up working policy for the gaming operation; or

(c) The chief financial officer or other person who has financial management responsibility.

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

(28.) "State" means the State of North Dakota, its authorized officials, agents and representatives.

(29.) "Tribal Gaming Commission" means the Corporate Tribal entity established by the Tribal Council to address issues and operations, on behalf of the Tribe, associated with gaming and related activities. When the Tribal Council sits on matters relating to consideration and/or determination of existing, previous or proposed gaming activity of the Tribe, it shall be regarded as sitting as the General Membership of the Tribal Gaming Commission.

(30.) "Tribal Police Department" means the Agency, Bureau of Indian Affairs Police Department or police officers serving as part of it, each with a tribal commission.

(31.) "Tribe" means the Devils Lake Sioux Tribe.

(32.) "Wager" means an initial bet made in any game.

CHAPTER III

GENERAL PROVISIONS

8-3-101 Sovereign Immunity and Waiver.

(1.) Sovereign Immunity. The Tribe expressly reserves all its inherent sovereign rights as a federally-recognized Indian Tribe with respect to the administration of this Title, including sovereign immunity from suit in any state or federal court.

Nothing in this Chapter shall be deemed or construed to be a waiver of sovereign immunity of the Tribe from suit or to be a consent of the Tribe to any such waiver of sovereign immunity, which may only be waived pursuant to Subsection (2). Except as provided in Subsection (2), nothing in this Chapter shall be deemed or construed to be a consent of the Tribe, to the jurisdiction of the United States or of any state with regard to the business or affairs of the Tribe or to any cause of action, case or controversy.

(2.) Waiver of Sovereign Immunity. Sovereign immunity of the Tribe may be waived only by express resolution of the Tribal Council after consultation with Legal Counsel. All waivers of sovereign immunity shall be preserved with the resolutions of the Council. Waivers of sovereign immunity are disfavored and shall be granted only when necessary to secure a substantial advantage or benefit to the Tribe. 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 Tribe subject thereto, court having jurisdiction pursuant thereto and law applicable thereunder.

Neither the power to sue and be sued specified within this Title, nor any activity of the Council, nor any express waiver of sovereign immunity by resolution of the Council, shall be deemed a consent to the levy of any judgement, lien or attachment upon property of the Tribe other than property specifically pledged or assigned, or to be 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.

(3.) Credit of the Tribe. Nothing in this Chapter, nor any activity of the Council, nor any indebtedness incurred by it, shall implicate or in any

way involve the credit of the Tribe, except as provided herein.

(4.) Assets of the Tribe. Nothing in the administration of this Title, nor any indebtedness incurred thereby, shall implicate or in any way involve any assets of the Tribe other than property specifically pledged or assigned, or shall implicate or in any way involve any assets of tribal members not assigned in writing to the Tribe.

8-3-102 Tribal Gaming Account Established.

(1.) There is hereby authorized and directed to be established one or more accounts in federally-insured financial institutions to be known as Tribal Gaming Accounts.

(2.) Tribal Gaming Accounts shall be an interest-bearing account and the funds therein may be invested and reinvested by the Council.

(3.) No monies shall be released or expended from the Tribal Gaming Account except pursuant to established policy enacted by Council, upon written resolution of the Council or Tribal Gaming Commission appropriating a specific amount of the monies contained therein for the use of a particular department, agency, or program of the Tribe. Such appropriated amount shall be directly transferred to the account of the receiving department, agency, or program named in the appropriation resolution.

(4.) All income, fees, penalties, interest, charges, or other monies collected by the Council in the administration and enforcement of this Tribe shall be deposited in the Tribal Gaming Commission Account.

8-3-103 Use of Gaming Revenue.

Revenue from tribal gaming shall be used only for the following purposes:

- (1.) To promote tribal economic development;
- (2.) To provide for social welfare of Tribal Members;
- (3.) To fund tribal government operations or programs;

(4.) To provide for the general welfare of the Tribe and its members;

(5.) To provide donations for charitable organizations;

(6.) To help fund operations of local government agencies.

(7.) To promote the growth and development of the Tribes Gaming and related activities and enterprises.

8-3-104 Specified Usage of Gaming Revenue.

The Council has determined that it is in the interest of the Tribe that designated portions of revenue derived from gaming operations be guaranteed for usage within Tribal programs for economic development, other than gaming, and social welfare. In accordance therewith, at least twenty-five (25%) percent of Adjusted Gross Revenues from Class III gaming operations, not including monies paid out as prizes or winnings, shall be directed to, and utilized within, economic development and social welfare programs of the Tribe. Adjusted Gross Revenues shall be considered all revenue from Class III gaming operations, except those specifically excluded above, and shall be inclusive of monies directed to any Management Agent engaged by the Tribe.

8-3-105 Regulations of the Council.

(1.) The Council shall prepare and adopt such regulations as are necessary and/or appropriate to carry out the orderly performance of duties and powers under this Title, including but not limited to regulations relating to:

a. Internal operational procedures of the Council and its staff;

b. Interpretation and application of this Title as may be necessary to carry out its duties and exercise its powers;

c. A regulatory system for all gaming activities and operations, including accounting, contracting, management and supervision.

d. The findings of any reports or other information required by or necessary to implement this Title; and

e. The conduct of inspections, investigations, hearings, enforcement actions and other powers of the Council authorized by this Title.

(2.) No gaming regulation of the Council shall be of any force or effect unless it is adopted by the Council by written resolution and copies of the regulation and resolution have been filed for record in the office of the Secretary of the Tribe.

(3.) The Tribal Court and any other court of competent jurisdiction shall take judicial notice of all Council regulations adopted pursuant to this Title.

(4.) The Council may delegate as it finds appropriate the development of procedures and policies.

8-3-106 Gaming Location.

Gaming activities and operations shall be conducted only as designated by the Council, through Council resolution, or sitting as the Tribal Gaming Commission, and only upon trust lands of the Devils Lake Sioux and waters adjacent thereto, together with such lands, and waters adjacent thereto, as may be acknowledged by the parties to be lands of the Devils Lake Sioux, or may be transferred to the Devils Lake Sioux as a result of any Court determination or agreement between the parties in Devils Lake Sioux v. State of North Dakota, pending at the time of enactment of this Code in United States District Court, District of North Dakota, File No. A2-86-87.

8-3-107 Construction, Maintenance and Operation Standards.

The construction and maintenance of every gaming establishment and the conducting of any gaming activity or operation therein shall be done in a manner which adequately protects the environment and the public health and safety.

CHAPTER IV

GENERAL REGULATION OF GAMING

8-4-101 Gaming Regulated.

All Class I, II and III gaming activities or operations are subject to the provisions of this Title.

8-4-102 Tribal Ownership of Class II and Class III Gaming.

The Tribe shall have the sole proprietary interest in all Class II and Class III gaming activities and operations authorized under this title subject to such contractual obligations as the Tribe may enter into.

8-4-103 Council to Regulate Gaming.

The Council, pursuant to this Title, acting on its own behalf and, as authorized, acting as or through the Tribal Gaming Commission, shall have exclusive authority to regulate all tribal gaming.

8-4-104 Annual Budget.

The Council shall approve an annual operating budget for all tribal licensed gaming activities pursuant to this Title.

8-4-105 Tribal Gaming Commission.

(1.) The Tribal Council at all times that it sits on matters relating to consideration and/or determination of existing, previous, or proposed gaming activities of the Tribe, shall be considered to be sitting both as the Tribal Council and the General Membership of the Tribal Gaming Commission.

(2.) It shall be unnecessary to convene, adjourn, reconvene, or take separate quorum counts, associated with portions of Tribal Council meetings wherein gaming matters are considered with the Tribal Council sitting as the General Membership of the Tribal Gaming Commission.

(3.) References to the Council or to the Tribal Council herein, unless specified otherwise, refer to the

Devils Lake Tribal Council also sitting as the General Membership of the Tribal Gaming Commission.

(4.) The Tribal Gaming Commission shall be constituted as a Tribal Corporation pursuant to Title 10, Chapter 4 of the Devils Lake Sioux Law and Order Code - Corporations and Tribal Entities, and shall address issues and operations, on behalf of the Tribe associated with gaming and related activities.

8-4-106 Powers of the Council and Tribal Gaming Commission.

In addition to its other powers and duties, the Council, sitting as the Tribal Council and/or the General Membership of the Tribal Gaming Commission, shall have the following general powers and duties in the administration of this Title:

(1.) To exercise all powers delegated to or which are authorized to be exercised by the Tribe under IGRA.

(2.) To exercise all powers delegated to or which are authorized to be exercised by the Tribe under the Compact.

(3.) To exercise the sovereign powers of the Devils Lake Sioux Tribe in all matters impacting upon gaming.

(4.) To supervise, inspect and regulate any phase of any gaming activity or operations.

(5.) To investigate the operation and premises of any person who is subject to the provisions of this Title.

(6.) To examine the financial books and other records of any person or entity participating in gaming.

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

(8.) To adopt a schedule of fees to be charged for gaming licenses pursuant to the IGRA.

(9.) 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.

(10.) To issue tribal gaming licenses to consultants, primary management officials and key employees pursuant to the IGRA.

(11.) To adopt an annual operating budget and such operational budgets as it finds appropriate.

(12.) To establish by regulation tribal gaming licensing criteria.

(13.) To employ and fix the compensation of such advisors, gaming experts, management agents, and other expert help and assistance for carrying out its duties and developing business operations relating to gaming activities as it deems appropriate.

(14.) To delegate to an individual Council member, or to the Commissioner or other members of the Council staff or to Tribal staff such of its functions as may be necessary to administer this Title efficiently, subject to limitations set forth within this Title.

(15.) To cooperate with and receive technical and financial assistance from the United States or the State for any purposes relating to gaming laws that deal with matters subject to the jurisdiction of the Council, and to file reports and hold any hearing for any such purposes.

(16.) To adopt regulations.

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

(18.) To provide to the Indian Gaming Commission and to the State the results of background checks upon proposed management entities, all owners, directors, primary management officials and key employees thereof, and all persons proposed for employment as tribal employees in any Class III gaming activity or operation before any such entity or person is employed either by the Tribe or any licensee.

(19.) To hold hearing as appropriate on issues associated with this Title.

(20.) To examine under oath either orally or in writing any person, agent, officer, or employee of any

person subject to the provisions of this Title, or any other witness with respect to any enforcement action authorized by this Title.

(21.) To discipline any licensee or other person participating in any gaming activity or operation by ordering immediate compliance with this Title or Council regulations and taking such other action as may be appropriate including the issuance of an order for temporary suspension of any license issued under this Title, whenever Council is notified of circumstances indicating disqualification.

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

(23.) To compel obedience to its lawful orders by proceedings of mandamus or injunction or other proper proceedings, in the name of the Tribe in the Tribal Court or any other court having jurisdiction of the parties or of the subject matter.

(24.) To name an arbitrator in connection with any arbitration proceeding instituted pursuant to the Compact.

(25.) To sue and be sued in any court of competent jurisdiction, subject, however, to the provisions of this Title including 8-3-101(2).

(26.) To exercise all other authority delegated to it by law or inherent within the sovereignty of the Devils Lake Sioux Tribe for the implementation of any provisions of this Title.

(27.) To effectuate policy associated with tribal gaming.

(28.) To delegate authority as appropriate to tribal officers and other instrumentalities of tribal government.

(29.) To promulgate rules relating to the issuance, renewal, amendment, suspension and revocation of gaming licenses and the conduct of such activity upon

Devils Lake Sioux lands.

(30.) To approve, license, and suspend tribal licensees as to gaming activities.

(31.) To establish terms and conditions as to the distribution of lottery tickets associated with the tribal lottery.

(32.) To appoint key personnel, including Tribal Games Manager, and Gaming Enforcement Officer.

(33.) To determine appeals from actions of tribal officers associated with gaming.

(34.) To determine the powers and duties of the Board in addition to those set forth under this Code.

(35.) To designate areas on the reservation on which the selling of gaming supplies and equipment may be purchased and sold by approved suppliers to licensees.

(36.) To investigate and approve suppliers of gaming supplies and equipment.

8-4-107 General Procedures.

The Council, sitting as the Tribal Council, and/or the General Membership of the Tribal Gaming Commission, shall, in all cases conduct its proceedings in the administration of this Title in the manner most conducive to the proper dispatch of business and to the ends of justice pursuant to such general rules as it deems necessary for the orderly regulation of proceedings before it, including forms of notice and the service thereof, which as to hearings, shall conform as nearly as possible to those in use in the Tribal Court.

8-4-108 License Requirements.

(1.) Class I. 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 Community in which it is conducted, and such permission must be on file with the Tribal Secretary before any such Class I gaming is conducted.

(2.) Class II. A separate tribal license shall be required by organizations conducting Class II Gaming

and by every consultant, primary management official and key employee associated with any ongoing Class II gaming activity or operation.

(3.) Class III. A separate tribal license shall be required for every consultant, primary management official and key employee associated with any Class III gaming activity or operation.

8-4-109 Investigations.

The Tribal Gaming Commission, upon complaint or upon its own initiative and 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 or entity who is subject to the provisions of this Title. In conducting such investigation, the Tribal Gaming Commission, or such officer as may be appointed pursuant to this code, may proceed either with or without a hearing as it may deem appropriate, but it shall make no order revoking any existing license or permit without affording the affected parties notice and an opportunity for a hearing pursuant to Council regulations.

8-4-110 Hearings; Examiner.

Pursuant to regulations, the Tribal Gaming Commission or such officers as may be appointed pursuant to this code may hold such hearings and may be deemed to be reasonably required in administration of powers and duties under this Title.

8-4-111 Appointment of Examiner; Power of Examiner.

The Council, Tribal Gaming Commission, or the Gaming Commissioner 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 Council, the Tribal Gaming Commission, or any member thereof, or the Gaming Commissioner, has power or authority to hold. Any such appointment shall constitute a delegation to such examiner of powers under this Title with respect to any such hearing.

8-4-112 Appointment of Agent for Service of Process.

The Council appoints the Gaming Commissioner as the

official designated as Agent for Service of any official determination, order, or notice of violation. Service of such notice should be made upon:

Gaming Commissioner
Devils Lake Sioux Tribal Council
Devils Lake Sioux Tribe
Fort Totten, North Dakota 58335

CHAPTER V

AUTHORIZED TRIBAL GAMES AND LIMITS

8-5-101 Authorized Games.

The Council may, in its discretion, and subject to the limitations set forth within the Compact, IGRA and those contained within this Code, offer to the public opportunities to participate in the following games of chance:

- (1.) All Class I traditional games;
- (2.) Bingo, including traditional bingo, and video bingo;
- (3.) All other Class II gaming;
- (4.) Electronic games of chance with video facsimile displays. Machines featuring coin drop and payout, and machines featuring printed tabulations shall both be permitted;
- (5.) Electronic games of chance with mechanical rotating reels whereby the software of the device predetermines the stop positions and the presence or lack thereof, of a winning combination and pay out, if any. Machines featuring coin drop and payout, and machines featuring printed tabulations shall both be permitted;
- (6.) Blackjack;
- (7.) Poker; including Pai Gai Poker and Caribbean Stud Poker;
- (8.) Pari-mutuel and simulcast betting pursuant to a separate agreement between the Tribe and the State of North Dakota as an addendum to the Compact;
- (9.) Sports and Calcutta pools on professional sporting events as defined by North Dakota law, except as to bet limits and except that play may be conducted utilizing electronic projections or reproductions of a sports pool board;
- (10.) Pull-tabs or break-open tickets, subject to the limitations set forth at Section 3.4 of the Gaming Compact;
- (11.) Raffles;

- (12.) Keno;
- (13.) Punchboards, and jars;
- (14.) Paddlewheels;
- (15.) Craps;
- (16.) Indian dice;

(17.) All games which any other Indian Tribe may legally conduct, or utilize, on trust lands located within North Dakota, whether by compact with the State, or through action by the United States Secretary of Interior, or determination of any court maintaining jurisdiction, subject to the requirements of Section 3.3 of the Compact;

(18.) All games of chance and/or skill, authorized to be conducted by any group or individual under any circumstances within the State of North Dakota, subject to good faith negotiation with the State of North Dakota as to rules of play.

8-5-102 Limits on Wagers.

(1.) The Council may establish, and from time to time alter and/or revise, limits upon wagers by customers within Tribal gaming, or may provide that betting may proceed with no limits, except that no monetary limits may be established in excess of those contained within this Section.

(2.) Maximum wager limits shall not, as to games specified below, exceed the amounts specified below:

a. Wagers on blackjack shall not exceed fifty and no/100 (\$50.00) dollars per individual hand.

b. Wagers on poker shall not exceed ten and no/100 (\$10.00) dollars per individual bet per round, with a three raise maximum per round being applicable.

c. Individual bets on paddlewheels shall not exceed twenty-five and no/100 (\$25.00) dollars for either a single bet or overall multiple bets by an individual player per spin of the wheel.

d. Individual bets placed during the play of craps and Indian dice shall not exceed twenty-five and no/100 (\$25.00) dollars per bet.

e. Electronic games of chance shall not process individual bets in excess of five and no/100 (\$5.00) dollars per bet. However, play may be conducted upon individual machines which process simultaneously, up to three (3) bets, each not exceeding five and no/100 (\$5.00) Dollars.

(3.) Unless the Council shall set other limits, games may be presented with wagers permitted up to the maximum amount specified above.

CHAPTER VI

GAMING OFFICIALS

8-6-101 Appointment.

In order to carry out the purposes of this Code and to assure the proper operation of gaming by the Devils Lake Sioux Tribe, the Council shall appoint or arrange for the appointment by the Tribal Gaming Council or through a Management Agreement, such gaming officers to direct the Tribes Gaming operations as are deemed appropriate.

8-6-102 Gaming Officers to be Appointed.

Among the officers to be appointed shall be:

- a. Gaming Commissioner
- b. General Manager
- c. Chief Financial Officer
- d. Tribal Inspector
- e. Training Manager
- f. Chief Legal Officer
- g. Promotion Manager
- h. Personnel Manager
- i. Security Manager
- j. Chief Engineer

8-6-103 Gaming Commissioner.

The Gaming Commissioner shall perform the following duties:

- a. Direct planning and development for the Tribe of gaming and gaming related activities and facilities.
- b. Oversee implementation of all aspects of Tribal gaming pursuant to plans approved by

Tribal Council.

c. Conduct or supervise the conduct of negotiations on behalf of the Tribe with government entities and existing or proposed significant contractors of the Tribe.

d. Perform the duties of the other officers listed above, or arrange for the performance of such duties, prior to the appointment of such officers, or at such time as a specified position is vacant.

e. Co-ordination of all aspects of gaming with the Tribal Council.

8-6-104 General Manager.

The General Manager shall perform the following duties:

a. General responsibility for overall operations of the Tribes gaming operations.

b. Oversee operations of games offered by the Tribe.

c. Insure the integrity of all gaming operations under his or her supervision.

d. Insure that all aspects of operations are satisfactorily presented in accordance the Compact, all applicable law, and agreements.

e. Provide for adequate staffing.

f. Provide for adequate promotion and advertising.

g. Insure adequate planning and development.

h. Supervise purchasing and allocation of resources.

8-6-105 Chief Financial Officer.

The Chief Financial Officer shall perform the following duties:

a. General responsibility for the accounting

and auditing of all receipts, disbursements, and cash management of the Tribes gaming operations and associated Enterprises.

b. Provide for proper and adequate financial records of gaming operations, including submitting periodic reports to the Board and appropriate outside audits of gaming operations to the Board and to the Commission.

8-6-106 Tribal Inspection.

The Tribal Inspector shall periodically inspect and review on behalf of the Tribe all aspects of the Tribes gaming operations and related Enterprises and advise the Tribal Gaming Commission and Tribal officials as to pertinent information. He or she shall work with the General Manager and other gaming officials in addressing Tribal concerns.

8-6-107 Training Manager.

The Training Manager shall implement and carry out a program of instruction for employees and for job applicants accepted for employment and to supervise and instruct such individuals in job related skills and shall provide opportunity for upward mobility in employment.

8-6-108 Chief Legal Officer.

The Chief Legal Officer shall be in charge of and responsible for addressing legal issues relating to gaming operations of the Tribe and associated enterprises.

8-6-109 Promotion Manager.

The Promotion Manager shall oversee and direct all promotion, advertising, marketing, and public relations activities associated with the Gaming and related activities of the Tribe.

8-6-110 Personnel Manager.

The Personal Manager shall supervise the selection of gaming and related personnel, other than officers; shall oversee personnel; develop appropriate personal

rules and procedures consistent with personal policies adopted by the Tribal Council; and maintain an efficient and satisfied work force.

8-6-111 Security Manager.

The Security Manager shall oversee all aspects of gaming security, building security, and security of monies and records associated with gaming and related activities. He or she shall cause to have put in place such equipment, personnel, and procedures as to efficiently and effectively promote the security of all operations subject to this Title.

8-6-112 Chief Engineer.

The Chief Engineer shall oversee all aspects of maintenance and repair, as may be necessary and/or advisable, of all facilities, equipment and machines utilized in connection with gaming operations of the Tribe.

8-6-113 Other Officers.

Other gaming officers shall be appointed as appropriate with duties to be defined. Such appointments may be as appropriate be made by the Tribal Council; a Management Agent, should one be engaged; or by an appropriate gaming officer, including those specified within this Section.

8-6-114 Gaming Commissioner may be Member of Tribal Council.

The Gaming Commissioner may be a member of Tribal Council. Other gaming officers shall not be a member of Tribal Council, unless Tribal Council, without dissenting vote, waives such disqualification.

CHAPTER VII

GENERAL REGULATIONS - APPLICABLE TO GAMING

8-7-101 Odds and Prize Structure.

The odds and prize structure of each Class III game shall be prominently displayed throughout every gaming facility maintained by the Tribe.

8-7-102 No Credit Extended.

All gaming shall be conducted on a cash basis. Except as herein provided, no person shall be extended credit for gaming by any gaming facility operated within the Reservation, and no operation shall permit any person or organization to offer such credit for a fee. This restriction shall not restrict the right of the Tribe, or any other person or entity authorized by the Tribe, to offer check cashing, or to install or accept bank card, or credit card or automatic teller machine transactions, in the same manner as would be normally permitted at any retail business within the State.

8-7-103 Age Restrictions.

(1.) No person under the age of 18 may purchase a ticket, make a wager, or otherwise participate in any Class III game; provided that this prohibition shall not prohibit a person 18 years old or older from giving a ticket or share to a person under the age of 18 as a gift.

(2.) No person under the age of 18 shall be permitted on the premises where any component of Class III gaming is conducted unless accompanied by a parent, guardian, spouse, grandparent, or great-grandparent over the age of 18, sibling over the age of 18, or other person over the age of 18 with the permission of the minor's parent or guardian; provided that this subsection shall not apply to locations at which sale of tickets is the only component of Class III gaming.

(3.) No person under the age of 16 shall participate in Bingo or other Class II games; provided that this prohibition shall not prohibit a person 16 years old or older from giving a ticket or share to a person under the age of 16 as a gift.

8-7-104 Player Disputes.

The Tribal Gaming Commission shall prepare and publish procedures for impartial resolution of a player dispute concerning the conduct of a game which shall be made available to customers upon request.

8-7-105 Prohibition Against Intoxication.

No person shall be permitted to enter the premises where gaming activities or operations are being conducted, or participate in any gaming activity or operation, while such person is, or reasonably appears to be, under the influence of any intoxicating liquor or drugs.

8-7-106 Regulations to be Posted.

The Tribal Gaming Commission shall post rules and regulations relating to the conduct of gaming activities as it deems necessary, in conspicuous locations associated with gaming activity.

8-7-107 Exclusion

The Tribal Gaming Commission, and/or such Agents as it invests authority hereunder, may exclude from participation in any gaming activities of the Tribe, such individuals as may be found to have engaged in or attempted to engage in cheating, or found to have violated Tribal gaming rules and regulations associated with the Tribes gaming activities. Exclusion shall be for such period as is deemed appropriate. Exclusion may be indefinite or for a stated period of time conditioned upon future activity by the excluded individual to have such exclusion terminated. The Tribal Gaming Commission shall provide an opportunity for an impartial decision maker to determine the propriety of, and revoke, modify or reaffirm, any exclusion, should an individual administratively excluded choose to challenge such action.

8-7-108 Equal Opportunity to Win by Each Player.

Each gaming activity or operation must be conducted so that each of multiple players has an equal opportunity to win.

8-7-109 Determination of Winners.

All winners shall be determined and all prizes awarded within such reasonable time as may be provided by the Tribal Gaming Commission.

CHAPTER VIII

ACCOUNTING, AUDIT AND RECORD KEEPING

8-8-101 Accounting and Audit Procedures.

(1.) Accounting Standards. The Council shall cause to be implemented, accounting standards which meet or exceed those standards established in the IGRA.

(2.) Systems. All accounting records shall be kept in a manner consistent with accepted accounting standards utilizing a double entry system of accounting, maintaining detailed, supporting, subsidiary records.

(3.) Audits. The Council shall conduct or cause to be conducted independent audits of every Class II and Class III gaming activity or operation. Audits will be conducted at least annually with copies of all Class II and III annual audits being furnished by the Tribe to the National Indian Gaming Commission, and copies of all Class III annual audits being furnished to the State of North Dakota at no charge.

(4.) Supplies, Services and Concessions Audits. Every contract for supplies, services or concessions in excess of twenty-five thousand and no/100 (\$25,000.00) dollars annually (except contracts for professional legal or accounting services) relating to any tribally licensed gaming activity or operations shall be subject to an annual audit.

(5.) Accounting Records and Audits Concerning Class III Gaming by Tribe. The Council shall provide a copy to the State and/or the National Indian Gaming Commission of any independent audit report upon written request of the State. Any costs incidental to providing copies to the State will be borne by the Tribe.

8-8-102 Tribal Record Keeping.

(1.) Record Maintenance. The following records related to Tribal gaming operations shall be maintained for at least three (3) years.

a. Revenues, expenses, assets, liabilities and equity for each location at which any component of Class II and/or Class III gaming is conducted.

b. Daily cash transactions for each game at each location at which Class II and/or Class III gaming is conducted including but not limited to transactions relating to each gaming table bank, game drop box and gaming room bank.

c. Individual and statistical game records to reflect statistical drop, statistical win, the statistical drop by table for each game, and the individual and statistical game records reflecting similar information for all other games.

d. Records of all tribal enforcement activities.

e. All audits prepared by or on behalf of the Tribe.

f. All returned checks which remain uncollected, hold checks or other similar credit instruments.

g. Personnel information on all gaming employees or agents, including rotation sheets, hours worked, employee profiles and background checks.

8-8-103 Access to Records.

(1.) National Indian Gaming Commission. The Tribe shall permit reasonable access to review by the National Indian Gaming Commission of Tribal accounting and audit records associated with Class II and Class III gaming conducted by the Tribe.

(2.) State of North Dakota. The Tribe shall permit reasonable access to and review by the State of Tribal account and audit records associated with Class III gaming under the Compact. The State may copy such documents as it desires subject to the confidentiality provisions set forth herein below. Any costs incidental to such an inspection by the State shall be covered from the Escrow Account for State Expenses.

(3.) Confidentiality. The Tribe requires that its gaming records be confidential. Any Tribal records or documents submitted to the State, or of which the State has retained copies in the course of its gaming oversight and enforcement, will not be disclosed to any

member of the public except as needed in a judicial proceeding to interpret or enforce the terms of this Compact, or except as may be required for law enforcement or tax assessment purposes. Such disclosure, however, shall be conditional upon the recipient making no further disclosure absent authorization by the Tribe or under Court Order. This Compact is provided for by Federal law and therefore supersedes State records law to the contrary.

8-8-104 Tax Reporting Matters.

(1.) United States Internal Revenue Service Form. The Tribal Gaming Commission, on behalf of the Tribe, shall, pursuant to federal law, issue Internal Revenue Service Form W2G to the United States Internal Revenue Service, when required. The Tribe shall simultaneously therewith provide a copy of the same to the State.

(2.) Employee Income Withholding. The Tribal Gaming Commission, on behalf of the Tribe, shall comply with employee income withholding requirements for all non-Indian employees and all Indian employees not living on the Devils Lake Sioux Reservation.

CHAPTER IX

BINGO

8-9-101 Sale of Bingo Cards.

(1.) Bingo cards shall be sold or rented without disclosing the face of the card to either the purchaser or seller. Bingo cards shall be printed only on one side.

(2.) An accurate, separate count of the number of regular bingo cards, extra regular bingo cards, special bingo cards and video bingo games, which are sold, rented or used. Such information shall be available for inspection at the close of the bingo occasion.

(3.) Regular bingo cards, extra regular cards and special bingo cards and video bingo cards shall each be assigned a specific price, and the price shall remain the same during a bingo occasion. At any time during a bingo occasion, a card may be changed between games at no additional cost. Cards shall be sold or rented only on the premises at which bingo is being conducted. A price list shall be posted where the regular bingo cards are distributed, setting for the price of each type of card. Only the posted price may be charged. The regular bingo cards and the extra regular cards shall be readily distinguishable from each other.

8-9-102 Method of Play.

(1.) The method of play in any bingo game and the utilization of bingo equipment and supplies shall be such that each player is afforded an equal opportunity to win.

(2.) The object to be drawn shall be essentially the same in all characteristics, so that at all times during the conduct of bingo, each object possesses the capacity for equal agitation with any other object within the receptacle.

(3.) The announcement of all numbers drawn shall be clearly audible to the players present and a visible display of all numbers called shall be presented.

(4.) When more than one room is used for any one bingo game, the receptacle and the caller and any

assistant shall be in the room where the greater number of players are present; and all numbers shall be announced in a manner clearly audible to the players in each room.

(5.) Once removed, no object shall be returned to the receptacle until after the conclusion of the game.

(6.) The particular arrangement of numbers required to be covered in order to win and the amount of the prize for each game shall be clearly described and audibly announced to the players immediately before each game. The amount of the prize for each bingo game also shall be posted where the regular bingo cards are distributed.

8-9-103 Verification of Winners.

(1.) The numbers appearing on the winning card at the time a winner is determined shall be verified in the immediate presence of at least one disinterested player.

(2.) At the time a winner is determined, any player may call for a verification of all numbers and of the objects remaining in the receptacle and not yet drawn. This verification shall be made in the immediate presence of the supervising members and at least one disinterested player.

8-9-104 Award of Prizes.

(1.) Each Bingo winner shall be determined and every prize awarded after each game.

(2.) When more than one winner is found to be a winner on the call of the same number in the same bingo game, a cash prize shall be divided equally, to the nearest nickel, among the winners, except that any licensed organization may elect to set a minimum prize of not exceeding \$5.00 for each winner. When equal division of a merchandise prize is not possible, identical substitute prizes whose aggregate retail value is approximately equal to that of the designated prize may be awarded or a cash prize equal to the retail value may be divided to the nearest nickel.

8-9-105 Personnel.

(1.) No person who is conducting or assisting in the conduct of bingo on a bingo occasion shall participate as a player in any game within said bingo occasion.

(2.) All persons conducting or assisting in the conduct of bingo shall conform to such policies and procedures as may be adopted by the Board.

8-9-106 Operation as Part of Network.

Bingo may be conducted as part of a network consisting of other sites and operators and common prizes only upon approval of the Tribal Gaming Commission or pursuant to a Management Agreement entered into by the Tribe.

8-9-107 Participation in Tribal Bingo Events.

The Tribal Gaming Commission shall pursuant to such criteria as it establishes, provide opportunities for Tribal and/or charitable organizations to participate in the conduct and presentation of Tribal Bingo during selected Bingo events and to share in the distribution of Net Proceeds of Bingo.

CHAPTER X

PULL-TABS

8-10-101 Conduct and Licensing.

The Tribal Gaming Commission may conduct or license the conduct of pull-tabs or break-open tickets subject to the limitations set forth below.

8-10-102 Standards and Limitations.

Pull-tabs and/or break-open tickets shall be conducted in accordance with standards and limitations then currently established under North Dakota State Law for the conduct of similar games, within the State of North Dakota.

8-10-103 To be Dispensed by Machine.

Pull-tabs shall be dispensed only by machines which incorporate devices to tabulate machine activity.

8-10-104 Participation by Tribal and Charitable Organizations.

The Tribal Gaming Commission may, pursuant to such criteria as it establishes, provide opportunities for Tribal and/or charitable organizations to participate in the sale and distribution of pull-tabs in association with Bingo events and to share in the distribution of Net Proceeds.

CHAPTER XI
ELECTRONIC GAMES OF CHANCE -
REGULATORY AND TECHNICAL STANDARDS

8-11-101 Hardware Requirements for Electronic Games of Chance.

(1.) Physical Hazard. Electrical and mechanical parts and design principles of the electronic games of chance may not subject a player to physical hazards.

(2.) Surge Protector. A surge protector must be installed on the line that feeds power to the electronic game of chance.

(3.) Battery Backup. A battery backup or an equivalent shall be installed on the electronic game of chance for the electronic meters and must be capable of maintaining the accuracy of all information required by the Compact for one hundred eighty (180) days after power is discontinued from the machine. The backup device shall be kept within the locked microprocessor compartment.

(4.) On/Off Switch. An on/off switch that controls the electrical current used in the operation of a electronic game of chance and any associated equipment must be located in a place which is readily accessible within the interior of the machine.

(5.) Static Discharge. The operation of each electronic game of chance must not be adversely affected by static discharge or other electromagnetic interference.

(6.) Approved Coin and Bill Acceptors. At least one electronic coin acceptor must be installed in or on each electronic game of chance. The devices may also contain bill acceptors for denominations determined by the Tribe. Prior to operation, all models of coin and bill acceptors installed must have been tested and approved in writing by a Qualified Gaming Test Laboratory.

(7.) Electronic Game Management/Reporting System.

a. The electronic game of chance shall have an electronic computer system, approved by the Qualified Gaming Test Laboratory, that shall record and maintain essential information

associated with machine play and error conditions. This information must be retained for a minimum of thirty (30) days.

b. Electronic games of chance utilizing coin dropoppers are permitted, provided they are monitored by an on-line electronic game management/reporting system which has been approved by the Qualified Gaming Test Laboratory. However, should the Tribe maintain individual machines or clusters of machines apart from a major casino location, all coin hoppers shall be computer monitored with data from such machines being downloaded into the central on-line electronic game management/reporting system at least daily.

c. The term "error conditions" as used in this subdivision includes:

(i) Cabinet door open and cash compartment door open.

(ii) Coin-in tilt and reverse coin-in tilt.

(iii) Hopper empty, hopper jam, or hopper runaway/malfunction.

(8.) Cabinet Security. The cabinet or interior area of the electronic game of chance shall be locked and not readily accessible.

(9.) Repairs and Service. An authorized agent or employee of the Tribe may open the gaming cabinet to effect repairs and service, but shall do so only in the presence of another Tribal agent or employee.

(10.) Microprocessor Compartment. The compartment containing the microprocessor-controlled device within the cabinet of the electronic game of chance must be locked and sealed, and unlocked by a different key than the key which unlocks the cabinet or cash compartment. The compartment may only be opened in the presence of a tribal official or a security officer appointed by the Tribe. The key to the microprocessor compartment shall be kept by the Tribe in a secure place.

(11.) Secure Electronic Components.

a. Logic Boards and software Erasable Programmable Read Only Memory (EPROM) chips and other logic control components shall be located in a separate compartment within the electronic

game of chance and that compartment shall be sealed and locked with a different key or combination than that used for the main cabinet door, and cash compartment.

b. Upon installation, the Tribe shall affix or cause to be affixed to the EPROM chip of each electronic game of chance a strip of security tape, capable of evidencing the removal of the EPROM chip if the EPROM chip is removed from the circuit board. The security tape shall be secured and available only to the authorized personnel of the Tribe. The Tribe shall maintain accurate and complete records of the identification number of each EPROM chip installed in each electronic game of chance.

(12.) Secure Cash Compartment. The coins and currency compartment shall be locked separately from the main cabinet area, and secured with a different key or combination than used for the main cabinet door, except that a separate cash compartment shall not be required for coins necessary to pay prizes in a machine which pays prizes through a drop hopper as permitted in this section. Cash compartment keys must be kept in a secure location. Except as provided in this section, the compartment in which the inserted coins and bills are deposited shall be locked at all times. An employee or official of the Tribe may open the cash compartment in the gaming cabinet for the purpose of collecting the accumulated cash. The person collecting the accumulated cash shall record the amount collected.

(13.) Hardware Switches Prohibited. No hardware switches may be installed on an electronic game of chance or on any associated equipment which may alter the pay tables or payout percentages in the operation of the gaming device. Hardware switches may be installed to control the machine's sound.

(14.) Printing of Written Statement of Credits. Each electronic game of chance which awards credits or replays but not coins or tokens shall allow the player to request a written statement upon completing play. Upon printing a written statement, the printer must retain an exact, legible copy of the written statement within the machine.

(15.) Operation of Part of a Network. The hardware requirements of this subsection shall not be construed to prevent the operation of the electronic game of chance as part of a network with an aggregate prize or

prizes; provided:

a. An electronic game of chance capable of bi-directional communication with external associated equipment must utilize communication protocol which insures that erroneous data or signals will not adversely affect the operation of the game. The operation of the local network must be approved by the Qualified Gaming Test Laboratory; and

b. Where the network links the Tribe's electronic games of chance to tribal games of chance on other Indian reservations, each Tribe participating in the network shall have in force a Class III gaming compact authorizing such gaming as part of a network and all segments of the network shall utilize security standards agreed between the Tribe and the Executive Director of the State which are at least as restrictive as those used by the State for its on-line games.

8-11-102 Software Requirements for Video Games of Chance.

(1.) Randomness Testing. Each electronic game of chance must have a true random number generator that will determine the occurrence of a specific card, symbol, number, or stop opposition to be displayed on the electronic screen or by the mechanical rotating reels. A selection process will be considered random if it meets all of the following requirements:

a. Chi-Square Analysis. Each card, symbol, number, or stop position which is wholly or partially determinative satisfies the 99 percent confidence limit using the standard chi-square analysis.

b. Runs Test. Each card, symbol, number, or stop position does not as a significant statistic produce predictable patterns of game elements or occurrences. Each card, symbol, number, or stop position will be considered random if it meets the 99 percent confidence level with regard to the "runs test" or any generally accepted pattern testing statistic.

c. Correlation Analysis. Each card, symbol, number, or stop position is independently chosen without regard to any other card, symbol, number

or stop position, drawn within that game play. Each pair of card, symbol, number, or stop position is considered random if they meet the 99 percent confidence level using standard correlation analysis.

d. Serial Correlation Analysis. Each card, symbol, number, or stop position is independently chosen without reference to the same card, number, or stop position in the previous game. Each card, number, or stop position is considered random if it meets the 99 percent confidence level using standard serial correlation analysis.

e. Live Game Correlation. Video games of chance that are representative of live gambling games must fairly and accurately depict the play of the live game.

(2.) Percentage Payout Each electronic game of chance must meet the following maximum and minimum theoretical percentage payout during the expected lifetime of the game:

a. Video games that are not affected by player skill shall pay out a minimum of eighty (80%) percent and no more than one hundred (100%) percent of the amount wagered. The theoretical payout percentage will be determined using standard methods of probability theory;

b. Video games that are affected by player skill, such as electronic draw poker and blackjack, shall pay out a minimum of eighty-three (83%) percent and no more than one hundred (100%) percent of the amount wagered. This standard is met when using a method of play that will provide the greatest return to the player over a period of continuous play.

(3.) Minimum Probability Standard for Maximum Payout. Each electronic game of chance must have a probability of obtaining the maximum payout which is greater than 1 in 17,000,000 for each play.

(4.) Continuation of Game After Malfunction. Each game must be capable of continuing the current game with all current game features after a game malfunction is cleared. This provision does not apply if a game is rendered totally inoperable; however, the current wager and all player credits prior to the malfunction must be

returned to the player.

(5.) Play Transaction Records. Each game must maintain a electronic, electro-mechanical, or computer system, approved by the Qualified Gaming Test Laboratory, that shall record and maintain essential information associated with machine play. This information must be for a minimum of thirty (30) days, regardless of whether the machine is being supplied with power.

(6.) No Automatic Clearing of Accounting Meters. No game may have a mechanism by which an error will cause the electronic accounting meters to automatically clear. All meter readings must be recorded and dated in the presence of a tribal official both before and after the electronic accounting meter is cleared.

(7.) Display of Information. The display information required shall be kept under glass or another transparent substance and at no time may stickers or other removable devices be placed on the machine face.

(8.) Rules Display. The machine shall display:

- a. The rules of the game prior to each game being played;
- b. The maximum and minimum wagers, the amount of credits which may be won for each winning hand or combination of numbers or symbols; and
- c. The credits the player has accumulated. Provided, however, in the case of an electronic game of chance with a mechanical display, the information required shall be permanently affixed on the game in a location which is conspicuous to the player during play.

8-11-103 Transitional Provision.

Electronic, electro-mechanical, and mechanical games of chance in play prior to the execution of this Compact must be tested and approved by a Qualified Gaming Test Laboratory and reported to the Tribe and the State within one hundred twenty (120) days of the approval of this Compact by the United States Secretary of Interior. Notwithstanding the foregoing, if these games cannot comply with the technical standards of this Compact within the one hundred twenty (120) day period due to circumstances beyond the control of the Tribe, these games shall be brought into compliance or replaced with complying equipment at the

earliest date possible, but in no instance later than two hundred seventy (270) days after the Tribe's execution of the Compact. New complying machines introduced after one hundred twenty (120) days of the approval of the compact by the United States Secretary of Interior shall be regarded as replacements for existing non-complying machines, if any, and the non-complying machines shall be withdrawn from play in equal number until all such non-complying machines are withdrawn.

8-11-104 Amendments to Regulatory and Technical Standards for Electronic Games of Chance.

There is a likelihood that technological advances or other changes will occur during the duration of the Compact that may make it necessary or desirable that the regulatory and technical standards set forth therein and within this Code for electronic games of chance be modified to take advantage of such advances or other changes in order to maintain or improve game security and integrity. Therefore, it was agreed that any of the regulatory or technical standards set forth in Sections 20.6 and 20.7 of the Gaming Compact may be modified for the purposes of maintaining or improving game security and integrity by mutual agreement of the North Dakota Attorney General and the Devils Lake Tribal Council upon the written recommendation and explanation of the need for such change made by either party. Should such modification of the Compact take place, this Code shall be regarded as being similarly modified.

CHAPTER XII

ELECTRONIC GAMES OF CHANCE -
REPORTING AND TESTING

8-12-101 Machine Reporting and Display.

(1.) Reporting System. Electronic games of chance, at all locations shall have an interconnected one-way reporting system applicable to data collection, and/or provide for daily down-loading of data from machines at remote locations. The reporting system shall provide as to each machine, periodic analytic reports, that record coins in and coins out, calculate actual hold, and compare actual hold to theoretical hold percentages.

(2.) Record Keeping. The reporting system reports shall be prepared at a minimum on a monthly basis, and held by the Tribe for a minimum of three (3) years. The reports shall be subject to inspection by an agent of the State pursuant to Section 15.1 of the Compact and by the National Indian Gaming Commission pursuant to IGRA.

(3.) Display. Game play may be displayed by:

a. Video Facsimile; or

b. Mechanical rotating reels whereby the software of the device predetermines the stop positions and the presence, or lack thereof, of a winning combination and pay out, if any.

8-12-102 Conformity to Technical Standards and Identification.

(1.) Conformity to Technical Standards. The Tribe shall require the manufacturer or distributor to certify, in writing, to the Tribe and the State that, upon installation, each electronic game of chance placed in a Tribal gaming facility:

a. Conforms precisely to the exact specifications of the electronic game of chance prototype tested and approved by the Qualified Gaming Test Laboratory; and

b. Operates and plays in accordance with the technical standards prescribed in this section.

(2.) Machine Identification. A non-removable plate shall be affixed to each electronic game of chance.

This plate shall have written upon it the machine's serial number, manufacturer, and a unique identification number assigned by the Tribe, and the date the unique identification number was assigned.

8-12-103 Testing.

(1.) Testing and Approval of Electronic Games of Chance. No electronic games of chance may be operated by the Tribe unless the electronic game of chance, or a prototype thereof, has been tested, approved or certified by a Qualified Gaming Test Laboratory as meeting the requirements and standards of this Compact. For purposes of this Compact, a Qualified Gaming Test Laboratory is a laboratory:

a. Agreed to and designated in writing by the State and the Tribe as competent and qualified to conduct scientific tests and evaluations of electronic games of chance and related equipment; or

b. A laboratory operated by or under contract with any State of the United States to conduct scientific tests and evaluations of electronic games of chance and related equipment.

(2.) Application for Approval of Prototype Video Games of Chance. The Tribe shall provide or require that the manufacturer provide to the Qualified Gaming Test Laboratory two copies of electronic game of chance illustrations, schematics, block diagrams, circuit analyses, technical and operation manuals, program object and source codes, hexadecimal dumps (the compiled computer program represented in base-16 format), and any other information requested by the Qualified Gaming Test Laboratory.

(3.) Testing of Video Games of Chance. If required by the Qualified Gaming Test Laboratory, the Tribe shall require the manufacturer to transport not more than two working models of the electronic games of chance and related equipment to a location designated by the laboratory for testing, examination, and analysis. The Tribe shall require the manufacturer to pay for any and all costs for the transportation, testing, examination, and analysis. The testing, examination, and analysis may include the entire dismantling of the electronic games of chance and related equipment and some tests may result in damage or destruction to one or more electronic components of the devices. If required by the laboratory, the Tribe

shall require the manufacturer to provide specialized equipment or the services of an independent technical expert to assist the testing, examination, and analysis.

(4.) Report of Test Results. At the conclusion of each test, the Qualified Gaming Test Laboratory shall provide to the State and the Tribe a report that contains findings, conclusions, and a determination that the electronic game of chance and related equipment conforms or fails to conform to the hardware and software requirements of the Compact. If modifications can be made which would bring the electronic game of chance or related equipment into compliance, the report may contain recommendations for such modifications.

(5.) Modifications of Approved Electronic Games of Chance. No modification to the assembly or operational functions of any electronic game of chance or related equipment may be made after testing and installation, unless a Qualified Gaming Test Laboratory certifies to the Tribe that the modified electronic game of chance conforms to the standards of the Compact.

8-12-104 Tribal Reports to State.

(1.) Installation and Operation. At least forty-eight (48) hours prior to installation of an electronic game of chance, the Tribe shall report to the State the following information for each electronic game of chance, including, but not limited to:

- a. The type of electronic game of chance;
- b. The game's serial number;
- c. The game's manufacturer;
- d. The person from whom the game was acquired; the means by which the game was transported into the State and the name and street address of any common carrier or other person transporting the game;
- e. The certification required;
- f. The unique identification number assigned by the Tribe;
- g. The EPROM chip's identification number;

h. The location in which the game will be placed; and

i. The date of installation.

(2.) Removal from Play. Upon removal of an electronic game of chance from a tribal gaming facility, the Tribe shall provide to the State specification of:

a. The date on which it was removed;

b. The game's destination; and

c. The name of the person to whom the equipment is to be transferred, including the person's street address, business and home telephone numbers; the means by which the game is to be transported and the name and street address of any common carrier or other person transporting the game.

(3.) Transitional Provision as to Existing Games. The Tribe shall provide, within thirty (30) days after the Compact becomes binding on the Tribe and the State, a listing of all electronic, electro-mechanical, and mechanical games installed, in service, or operated by the Tribe on or before the date of execution of the Compact which are to remain in service following the execution of this Compact. The listing shall include as to each machine:

a. The type of electronic game of chance;

b. The game's serial number;

c. The game's manufacturer;

d. The person from whom the game was acquired;

e. The EPROM chip's identification number; and

f. The game's location.

CHAPTER XIII

OTHER GAMES

8-13-101 Rules of Play.

(1.) Blackjack, Poker, and Keno. Blackjack, poker, and keno, including variations thereof, shall be played under procedures adopted by the Tribal Gaming Commission in accordance with commonly recognized rules of play for such games, including those applicable to variations thereof.

(2.) Craps and Indian Dice. Craps and Indian dice, including variations thereof, shall be played under procedures adopted by the Tribal Gaming Commission in accordance with commonly recognized rules of play for such games, including those applicable to variations thereof. Each game shall be attended by at least a three person team and overseen by at least one other non-participant supervisor who may oversee more than one game.

(3.) Paddlewheels. Paddlewheels shall be played under procedures accepted by the Tribal Gaming Commission, in accordance with Chapter 99-01-15 of North Dakota Games of Chance Administrative Rules, in effect as of the effective date of the Compact and/or effective following any amendments thereto. Bet limits, fees to the State, and reports to the State set forth within North Dakota Administrative Rules shall not be applicable.

(4.) Sports and Calcutta Pools. Sports and Calcutta Pools on professional sporting events shall be conducted under procedures adopted by the Tribal Gaming Commission in accordance with Chapter 10.04.1-09 of North Dakota Games of Chance Administrative Rules, in effect as of the effective date of the Compact, and/or effective following any amendments thereto. Bet limits, fees to the State, and reports to the State set forth within North Dakota Administrative Rules shall not be applicable. Further, play may be conducted utilizing electronic projections or reproductions of a sports pool board.

(5.) Raffles. Raffles shall be conducted under procedures adopted by the Tribal Gaming Commission in accordance with 10.04.1-07 of North Dakota Games of Chance Administrative Rules, in effect as of the effective date of the Compact and/or effective following any amendments thereto. Prize limits, fees to the State, and reports to the state, set forth within North Dakota Administrative Rules, shall not be applicable.

(6.) Punchboards and Jars. Punchboards and jars shall be played under rules adopted by the Tribal Gaming Commission in accordance with Chapter 10.04.1.08 of North Dakota Games of Chance Administrative Rules in effect as of the effective date of the Compact, and/or effective following any amendments thereto. Prize limits, fees to the State and reports to the State set forth within North Dakota Administrative Rules, shall not be applicable.

(7.) Parimutuel and Simulcast Betting. Parimutuel and simulcast betting shall be conducted pursuant to specifications set forth within such addendum to the Compact as may be executed on behalf of the Tribe and on behalf of the State of North Dakota.

8-13-102 Regulations of Play.

(1.) Gaming Table Bank. A gaming table bank shall be maintained at each table, or gaming location, which shall be used exclusively for the making of change or handling player buy-ins.

(2.) Drop Box. A game drop box shall be maintained at each table, or gaming location, , which shall be used exclusively for rake-offs or other compensation received by the Tribe for maintaining the game. A separate game drop box shall be used for each shift.

(3.) Gaming Room Bank. A gaming room bank shall be maintained at each gaming location, at which table games are placed, which shall be used exclusively for the maintenance of gaming table banks and the purchase and redemption of chips by players.

(4.) Rules to be Posted. The rules of each game shall be posted and be clearly legible from each table, or gaming location, and shall designate:

- a. The maximum rake-off percentage, time buy-in or other fee charged.
- b. The number of raises allowed, if applicable.
- c. The monetary limit of each raise, if applicable.
- d. The range of any ante or fee.
- e. Other rules as may be necessary.

CHAPTER XIV

PERSONNEL

8-14-101 Prohibitions in Hiring Employment and Contracting.

No person or entity shall be hired or employed, and no contract relating to Class III gaming, shall be entered into on behalf of the Tribe which includes the provision of services by any person who:

a. Is under the age of 18.

b. Has, within the immediate preceding ten (10) years, been convicted of, entered a plea of guilty or no contest to, or has been released from parole, probation or incarceration, whichever is later in time for any felony, any gambling related offense, any fraud or misrepresentation offense; unless:

(i) the person is a member of the Tribe and the Tribal Gaming Commission has made a determination that the person has been sufficiently rehabilitated, or

(ii) the State, through determination by the appropriate official or Agency, has determined that the person has been sufficiently rehabilitated, or

(iii) the Tribe disagrees with a determination by the State that an individual has been rehabilitated, and prevails as to such upon dispute resolution.

c. Is determined to have poor moral character or to have participated in organized crime or unlawful gambling, or 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 activities in the conduct of gaming or as to the business and financial arrangements incidental to the conduct of gaming; unless:

(i) the person is a member of the Tribe and the Tribe has made a determination that the person has been sufficiently rehabilitated, or

(ii) the State, through determination by the appropriate official or Agency, has determined that the person has been sufficiently rehabilitated, or
(iii) the Tribe disagrees with a determination by the State that an individual has been rehabilitated and prevails as to such upon dispute resolution.

8-14-102 Conditions of Employment.

(1.) Procedural Manual. The Tribal Gaming Commission shall publish and maintain a procedural manual for all personnel, which includes disciplinary standards for breach of the procedures.

(2.) Limitation of Participation in Games by Employees. The Tribe may not employ or pay any person to participate in any game, (including, but not limited to, any shill or proposition player); except that an employee may participate, as necessary, to conduct a game as a dealer or bank.

(3.) Employee Disqualifications. No employee of any gaming activity or operation of the Tribe shall be permitted to participate in any game wherein the conduct of such game has a direct relationship to the employment duties of the employee. An employee may participate in other gaming activities only upon payment of the normal fee incident thereto and only when not on duty and only if not in uniform or wearing a badge or any other distinctive attire or markings identifying the individual as an employee.

CHAPTER XV

TRIBAL LICENSING

8-15-101 License Required.

All personnel employed or contractors engaged by the Tribe, and/or by any Management Agent under contract with the Tribe, whose responsibilities include the operation or management of Class III games of chance, shall be licensed by the Tribal Gaming Commission. All personnel employed or contractors engaged by the Tribe and/or by any Management Agent under contract with the Tribe, other and apart from the Members of the Tribe, whose responsibilities include the operation or management of Class II Class III games of chance, shall conform to such requirements as are required by Federal law and/or regulation. All personnel employed or contractors engaged by the Tribe and/or by any Management Agent under contract with the Tribe, other and apart from the Members of the Tribe, whose responsibilities include the operation or management of Class II Class III games of chance, shall conform to such requirements as are applied by the State of North Dakota for state licensure.

8-15-102 Tribal License.

The Tribal Gaming Commission shall ensure that the policies and procedures set out in this section are implemented with respect to key employees and primary management officials employed at any Class II or Class III gaming enterprise operated upon trust lands of Tribe.

1. Definitions

(a.) "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; or
- (10) Custodian of gambling devices including person with access to cash

and accounting records within such devices.

(b) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or

(c) If not otherwise included, the four most highly compensated persons in the gaming operation.

(b.) "Primary Management Official" means:

(a) The person having management responsibility for a management contract;

(b) Any person who has authority:

(1) to hire and fire employees; or

(2) to set up working policy for the gaming operation; or

(c) The chief financial officer or other person who has financial management responsibility.

8-15-103 Application for License.

1. Every person seeking a license from the Council shall file an application which shall contain:

a. The name of the applicant and all pertinent information required by Council regulations.

b. A release authorizing the Council to conduct a background investigation of the applicant.

2. The following notice shall be placed on the application form for a key employee or a primary management official before that form is filled out by an applicant:

"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 a gaming operation. 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 when pursuant to a requirement by the Tribal Gaming Commission 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 his notice will result in a tribe's being unable to hire you in a primary management official or key employee position.

The disclosure of your social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application."

3. Existing key employees and primary management officials shall be notified in writing that they shall either:

- a. Complete a new application form that contains a Privacy Act notice; or
- b. Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.

4. The following notice shall be placed on the application form for a key employee or a primary official before that form is filled out by an applicant:

"A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment. (U.S. Code, title 18, section 1001.)"

5. The Tribal Gaming Commission shall notify in writing existing key employees and primary management officials that they shall either:

- a. Complete a new application form that contains a notice regarding false statements; or
- b. Sign a statement that contains the notice regarding false statements.

8-15-104 Form and Display of License.

Every license issued by the Tribal Gaming Commission shall contain the following data:

- a. The name and address of the authorized licensee.
- b. A recital that the licensee is authorized to be employed as a consultant, or as a primary management official or key employee of any gaming enterprise.
- c. The signature of the Commissioner.

8-15-105 Display of License.

The license of each primary management official, or key employee of any gaming enterprise operated under this Code, shall be posted in at a location to which the public has access on the premises of associated gaming activity.

8-15-106 Background Investigations - Generally.

(1.) Information Gathering. The Tribal Gaming Commission, prior to hiring a prospective employee or engaging a contractor whose responsibilities include the operation or management of Class II or Class III gaming activities, shall obtain sufficient information and identification from the applicant to permit the conduct of a background investigation.

(2.) Authorization of Background Investigation. Any person who applies for a tribal license shall first submit an application to the Tribal Gaming Commission which includes a written release by the applicant authorizing the Tribal Gaming Commission to conduct a background investigation of the applicant which shall be accompanied by an appropriate fee for such investigation as determined by the Tribal Gaming Commission.

(3.) Background Investigation by the Tribal Gaming Commission. Upon receipt of the application and fee, an investigation shall be commenced under such procedures as the Tribal Gaming Commission finds appropriate to implement. The Tribal Gaming Commission shall utilize the North Dakota Bureau of Criminal Investigations (BCI) and/or the services of the Federal Bureau of Investigation (FBI) through the National Indian Gaming Commission to assist in background investigations as to those seeking licensing in connection with Class II and Class III gaming activity. The Tribal Gaming Commission shall utilize any resource the Tribal Gaming Commission determines appropriate as to Class II and Class III gaming licensing.

(4.) Background Investigations of Employees During Employment. Each person whose responsibilities include the operation or management of Class II or Class III games shall be subject to periodic review by the Tribal Gaming Commission comparable to that required for initial employment. This review shall take place at least annually, commencing with the date of employment. Employees found to have committed disqualifying violations shall be dismissed.

(5.) Investigation Fees. An applicant shall be responsible for payment of and/or reimbursement of for any and all reasonable expenses associated with background investigations by the Tribal Gaming Commission, the State of North Dakota, and/or the National Indian Gaming Commission.

(6.) Background Investigation Procedures.

- (1) The Tribal Gaming Commission shall request from each primary management official and from each key employee all of the following information:
 - (a) Full name;
 - (b) Other names used;
 - (c) Social Security Number(s);
 - (d) Date and place of birth;
 - (e) Citizenship;
 - (f) Currently and for the previous five (5) years: Business and employment positions held, Ownership interest in those businesses, Business and residence addresses, and Drivers license numbers;
 - (g) The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant for the previous five (5) years;
 - (h) Current business and residence telephone numbers;
 - (i) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
 - (j) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
 - (k) The name and address of any licensing or regulatory agency with which the person has filed an application for a

- license or permit related to gaming, whether or not such license or permit was granted;
- (l) For each felony conviction or no contest plea for which there has been a conviction at any time or for which there is an ongoing prosecution, the charge, the name and address of the court involved, and the date and disposition if any;
 - (m) For each misdemeanor conviction or plea of no contest (excluding minor traffic violations) where the conviction or plea of release from parole, probation, or incarceration occurred within ten (10) years of the date of the application, the name and address of the court involved and the date and disposition;
 - (n) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within ten (10) years of the date of the application and is not otherwise listed, the criminal charge, the name and address of the court involved and the date and disposition;
 - (o) A current photograph;
 - (p) Fingerprints consistent with procedures adopted by the Tribe in accordance with 25 C.F.R. § 522.2(h);
 - (q) All languages spoken or written; and
 - (r) Any other information the Tribal Gaming Commission deems relevant.
- (2) If items are incomplete or if directors were not followed in the applicant's completion of the request for information, the Personnel Director shall contact and advise the applicant to properly complete the request.
- (3) The applicant shall complete an authorization permitting the Tribe, the State of North Dakota, the Federal Bureau of Investigation, and the National Indian Gaming Commission to seek background information. If this is not signed, the individual will not be considered for employment.

- (4) The Personnel Director may issue a temporary license after making verbal inquiries of selected past employers, references, or other relevant included information.
- (5) Forms completed by the applicant, together with the applicable fees paid by the applicant, shall be sent to the North Dakota Bureau of Criminal Investigation and/or the Federal Bureau of Investigation (FBI) through the National Indian Gaming Commission for completion of its background investigation.
- (6) Forms completed by the applicant shall be made available to the Tribal Gaming Commission, the North Dakota Bureau of Criminal Investigation, the Federal Bureau of Investigation (FBI), and the National Indian Gaming Commission.

8-15-107 Eligibility Determination.

The Tribal Gaming Commission shall review a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a key employee or primary management official for employment in a gaming operation. If the Tribal Gaming Commission determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, a tribal gaming operation shall not employ that person in a key employee or primary management official position.

8-15-108 Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission.

1. When a key employee or primary management official begins work at a gaming operation authorized by this Chapter, the Tribal Gaming Commission shall forward to the National Indian Gaming Commission a completed application for employment and conduct the background investigation and make the eligibility determination according to Section 8-15-107.

2. The Tribal Gaming Commission shall forward the report as required by Section 8-15-109 to the National Indian Gaming Commission within sixty (60) days after an employee begins work or within sixty (60) days of the approval of this ordinance by the Chairman of the National Indian Gaming Commission.

3. The gaming operation shall not employ as a key employee or primary management official a person who does not have a license after ninety (90) days.

8-15-109 Report to the National Indian Gaming Commission.

1. Pursuant to the background investigation procedures adopted in this Chapter, the Tribal Gaming Commission shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation. An investigative report shall include all of the following:

- a. Steps taken in conducting a background investigation;
- b. Results obtained;
- c. Conclusions reached; and
- d. The bases for those conclusions.

2. The Tribal Gaming Commission shall submit, with the report, a copy of the eligibility determination made according to Section 8-15-107.

3. If a license is not issued to an applicant, the Tribe:
a. Shall notify the national Indian Gaming Commission; and
b. May forward copies of its eligibility determination and investigative report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System.

4. With respect to key employees and primary management officials, the Tribal Gaming Commission shall retain applications for employment and the Chairman of the National Indian Gaming Commission or his or her designee for no less than three (3) years from the date of termination of employment.

8-15-110 Background Investigations by State.

The Tribal Gaming Commission shall obtain a release and other information from each applicant whose

responsibilities include the operation or management of Class II or Class III games of chance to permit the State to conduct a background check on the applicant. This information, along with the standard fee, shall be provided in writing to the state which shall report to the Tribe regarding each applicant within thirty (30) days of receipt of the request. The Tribal Gaming Commission may employ any person who represents, in writing, that he or she meets the standards set forth in this section, but must not retain any person who is subsequently revealed to be disqualified. Criminal history data compiled by the State on prospective employees shall, subject to applicable state to federal law, be released to the Tribe as part of the reporting regarding each applicant. The background check of employees and contractors to be conducted pursuant to this paragraph shall be independent of any similar federal requirements.

8-15-111 Granting a Gaming License.

1. If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the tribe that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribal Gaming Commission may issue a license to such applicant.

2. The Tribal Gaming Commission shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the thirty day period under subsection 1 of this section until the Chairman of the National Indian Gaming Commission receives the additional information.

3. If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Tribe with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribal Gaming Commission has provided an application and investigative report to the National Indian Gaming Commission, the Tribal Gaming Commission shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Tribal Gaming Commission shall make the final decision whether to issue a license to such applicant.

8-15-112 License Suspension

1. If, after the issuance of a gaming license, the Tribal Gaming Commission receives from the National Indian Gaming Commission reliable information indicating that a key employee or a primary management official is not eligible for employment under subsection D. above, the Tribal Commission shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.

2. The Tribal Gaming Commission shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.

3. After a revocation hearing, the Tribal Gaming Commission shall decide to revoke or to reinstate a gaming license. The Tribal Gaming Commission shall notify the National Indian Gaming Commission of its decision.

CHAPTER XVI

MANAGEMENT AGREEMENTS

8-16-101 Option for Tribe.

The Tribal Gaming Council, in its discretion, may, but in no manner shall be required to, enter into a Management Agreement for the operation and management of selected gaming and related activities or all gaming and related activities of the Tribe.

8-16-102 Receipt of Information by Tribe.

Before approving any Management Agreement, the Tribal Council shall receive and consider the following information:

- a. The name, address, and other additional pertinent background information on each person or entity (including individuals comprising such entity) having a direct financial interest in, or management responsibility for, such contract, and, in the case of a corporation, those individuals who serve on the board of directors of such corporation and each of its stockholders who hold (directly or indirectly) 5 percent or more of its issued and outstanding stock;
- b. A description of any previous experience that each person listed has had with other gaming contracts with Indian Tribes or with the gaming industry generally, including specifically the name and address of any licensing or regulatory agency which has issued the person a license or permit relating to gaming or with which such person has had a contract relating to gaming; and
- c. A complete financial statement of each person listed.

8-16-103 Provisions of Management Agreement.

The Tribal Council shall not enter a Management Agreement unless the contract provides, at least, for the following:

- a. Adequate accounting procedures that are maintained, and for verifiable financial reports that are prepared, by or for the Tribe on a monthly basis;
- b. Access to the daily operations of the gaming activities to appropriate officials of the Tribe, who shall also have a right to verify the daily gross revenues and income made from any such Tribal gaming activity;
- c. A minimum guaranteed payment to the Tribe, that has preference over the retirement of development and construction costs;
- d. An agreed ceiling for the repayment of development and construction costs;
- e. A contract term not to exceed five (5) years, except that the Tribe may approve a contract term that exceeds five (5) years but does not exceed seven (7) years if, the Council is satisfied that the capital investment required, and the income projections, for the particular gaming activity require the additional time;
- f. A complete, detailed specification of all compensation to the Contractor under the contract;
- g. Provisions for an early Tribal buy out of the rights of the Management Agent; and
- h. Grounds and mechanisms for terminating such contract.
- i. At least twenty-five (25%) percent of gross revenues, from Class III gaming operations, not including monies paid out as prizes or winnings, shall be directed to, and utilized within, economic development, other than gaming, and social welfare programs of the Tribe. Gross Revenues shall be considered all revenue from Class III gaming operations, except those specifically excluded above, and shall be inclusive of monies directed to any Management Agent engaged by the Tribe.

8-16-104 Fee.

The Tribal Council may approve a Management Agreement providing for a fee based upon a percentage of the net revenues of a Tribal gaming activity, which shall not exceed thirty (30%) percent, unless the Tribe, determines that the capital investment required, and income projections, for such gaming activity, require an additional fee, which in no event shall exceed forty (40%) percent of net revenues of such gaming activity. A contract providing for a fee based upon a percentage of net revenues shall include a provision describing in detail how net revenues will be determined.

8-16-105 Background Check.

(1.) Prior to hiring a Management Agent for Tribal Class III games, the Tribal Council shall obtain release and other information sufficient from the proposed Management Agent and/or its principals to permit the State to conduct a background check. All information requested shall be provided in writing to the State which shall conduct the background check and provide a written report to the Tribe regarding each Manager applicant and/or its principals within thirty (30) days of receipt of the request. The background check to be conducted pursuant to this paragraph shall be in addition to any similar federal requirements.

(2.) The Tribe shall not employ a Management Agent for Class III games if the State of North Dakota determines that the Management Agent applicant and/or its principals are in violation of the standards set forth in Section X of the Compact, unless the Tribe prevails in dispute resolution under the Compact as to such issue.

CHAPTER XVII

QUALIFICATIONS OF PROVIDERS OF CLASS III GAMING EQUIPMENT OR SUPPLIES.

8-17-101 Purchase of Equipment and Supplies.

(1.) No Class III games of chance, gaming equipment or supplies may be purchased, leased or otherwise acquired by the Tribe unless the Class III equipment or supplies are purchased, leased or acquired from a manufacturer or distributor licensed by the Tribal Gaming Commission to sell, lease, or distribute Class III gaming equipment or supplies, and further, unless the gaming manufacturer is licensed to do business in one or more of the following states: Nevada, New Jersey, South Dakota. Should the Tribal Gaming Commission wish to purchase equipment or supplies from a business not shown to be licensed to do business in one or more of the above mentioned States, it may petition the Office of the Attorney General for the State of North Dakota for review and approval of said manufacturer or supplier.

(2.) Should the State of North Dakota commence a comprehensive program of licensing the sale, lease and/or distribution of games of chance, gaming equipment, or supplies, no Class III games of chance, gaming equipment or supplies may be purchased, leased or otherwise acquired by the Tribe, after one year subsequent to the date of such enactment, except from a manufacturer or distributor licensed both by the Tribal Gaming Commission and the State of North Dakota to sell, lease or distribute Class III gaming equipment or supplies, unless a manufacturer or distributor was licensed to do business in one of the States specified within Section 19.1.A., prior to the date of commencement of such licensing by the State of North Dakota.

8-17-102 Required Information.

Prior to entering into any lease or purchase agreement, the Tribal Gaming Commission shall obtain sufficient information and identification from the proposed seller or lessor and all persons holding any direct or indirect financial interest in the lessor or the lease/purchase agreement to permit the Tribal Gaming Commission to conduct a background check on those persons.

8-17-103 No Business Dealings with Disqualified Parties.

(1.) The Tribal Gaming Commission shall not enter into any lease or purchase agreement for Class III gaming equipment or supplies with any person or entity if the Tribal Gaming Commission determines that the lessor or seller, or any manager or person holding a direct or indirect financial interest of 5 percent or more in the lessor/seller or the proposed lease/purchase agreement, has been convicted of a felony or any gambling related crime within the previous five (5) years, or who is determined to have participated in or have involvement with organized crime or is determined to have poor moral character or to have participated in unlawful gambling, or 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, methods, and activities in the conduct of gaming or as to the business and the financial arrangements incidental to the conduct of gaming.

(2.) In the case of individuals who are members of the Tribe, determinations specified above shall be disqualifying as to contracting such agreements should such be made by the Tribal Gaming Commission. In the case of individuals who are not members of the Tribe, determinations specified above shall be disqualifying as to contracting such agreements should such be made by either the Tribal Gaming Commission or by the State.

8-17-104 Receipt of Gaming Equipment.

All sellers, lessors, manufacturers and/or distributors shall provide, assemble and install all Class III games of chance, gaming equipment and supplies in a manner approved and licensed by the Tribal Gaming Commission.

CHAPTER XVIII

ESCROW ACCOUNT FOR STATE EXPENSES

8-18-101 Escrow Fund.

An escrow fund shall be established and maintained at a bank selected by the Tribal Council with an initial contribution of Fifteen thousand and no/100 (\$15,000.00) dollars to reimburse the State for the expenses for which reimbursement is provided in the Compact and for participation in legal costs and fees incurred by the State in defending, with the concurrence of the Tribe, third party challenges to the Compact. The Tribal Gaming Commission shall replenish the said escrow account as necessary. Deposits shall be made by the Tribal Gaming Commission with the intent that the balance in the said escrow account will not drop below the sum of seven thousand five hundred and no/100 (\$7,500.00) dollars.

8-18-102 Procedure and Challenge.

The Tribal Gaming Commission shall, as appropriate, utilize the procedures for payment and challenge of requested payment, as set forth at Title XXV of the Compact.

CHAPTER XIX

INSPECTION AND COMPLIANCE

8-19-101 Inspection.

(1.) Periodic Inspection and Testing. Tribal officials, agents or employees shall be authorized to periodically inspect and test any tribally licensed electronic games of chance. Any such inspection and testing shall be carried out in a manner and at a time which will cause minimal disruption of gaming activities. The Tribal Gaming Commission shall be notified immediately of all such inspection and testing and the results thereof.

(2.) Receipt of Reports of Non-compliance. The Tribal Gaming Commission shall provide for the receipt of information by the State as to machines believed to not be in compliance with this Compact or not to be in proper repair. Upon its receipt of such information the Tribe shall reasonably inspect or arrange for the inspection of any identified machine and shall thereafter undertake and complete, or commission the undertaking and completion of such corrective action as may be appropriate.

(3.) State Inspection of Operations. Agents of the State of North Dakota, or their designated representatives, shall, upon the presentation of appropriate identification, have the right to gain reasonable access, without notice during normal hours of operation, to all premises used for the operation of games of chance, or the storage of games of chance or equipment related thereto, and may inspect all premises, equipment, daily records, documents, or items related to the operation of games of chance in order to verify compliance with the Compact. Agents of the State making inspection shall be granted access to non-public areas for observations upon request. The Tribal Gaming Commission reserves the right to accompany State inspectors within non-public areas. The Tribe shall cooperate as to such inspections. Inspections shall be conducted, to the extent practicable, to avoid interrupting normal operations. Any costs associated with such inspection shall be covered from the Escrow Account for State Expenses.

(4.) Inspection of Electronic Games of Chance. The State may cause any electronic game of chance in play by the Tribe to be inspected by a Qualified Gaming Test Laboratory or examiner. Inspections shall be conducted, to the extent practicable, to avoid interrupting normal operations. Any costs associated with inspection shall be

covered from the Escrow Account for State Expenses. The Tribal Gaming Commission shall cooperate in such inspection. Upon completion of such testing, test results shall be provided to both the State and the Tribal Gaming Commission.

(5.) Removal and Correction. Any machine confirmed to be in non-compliance with this Compact shall be removed from play by the Tribal Gaming Commission and brought into compliance before reintroduction.

8-19-102 Compliance.

(1.) Report of Suspected Violation by Parties. The parties hereto shall immediately report any suspected violation of Tribal Law, the Compact, or the IGRA, to the Tribal Gaming Commission, and to such State official as the State may designate. If the Tribal Gaming Commission concludes that a violation has occurred, the violation will be addressed by the Commission within five (5) days after receipt of such notice. The Tribal Gaming Commission shall notify the State promptly as to such resolution.

(2.) Response to Complaints by Third Parties. The Tribal Gaming Commission shall arrange for reasonable and accessible procedures to address consumer complaints. The Council shall submit to such State official as the State may designate, a summary of any written Complaint received which addresses a suspected violation of Tribal law, this Compact, or the IGRA, along with specification as to any action or resolution deemed warranted and/or undertaken.

(3.) Non-Complying Class III Games. The following are declared to be non-complying Class III Games:

- a. All Class III games to which the agents of the State have been denied access for inspection purposes; and
- b. All Class III games operated in violation of this Compact.

(4.) Demand for Remedies for Non-Complying Games of Chance. Class III games believed to be non-complying shall be so designated, in writing, by the agents of the State. Within five (5) days of receipt of such written designation, the Tribal Gaming Commission shall either:

- a. Accept the finding of non-compliance, remove the Class III games from play, and take

appropriate action to ensure that the manufacturer, distributor, or other responsible party cures the problem; or

b. Contest the finding of non-compliance by so notifying the agents of the State, in writing, and arrange for the inspection of the contested game, by an independent gaming test laboratory as provided within ten (10) days of the receipt of the finding of non-compliance. If the independent laboratory finds that the Class III game or related equipment is non-complying, the non-complying Class III game and related equipment shall be permanently removed from play unless modified to meet the requirements of the Compact.

CHAPTER XX

**LICENSING FOR GAMES CONDUCTED BY
ORGANIZATIONS OTHER THAN THE TRIBE**

8-20-101 Prohibition Against Non-Tribal Games.

The conduct of any non-licensed gaming shall be prohibited within the exterior boundaries of Reservation of the Devils Lake Sioux Tribe; except:

- a. Games presented by the Tribe itself and/or any instrument of tribal government including tribally controlled non-profit corporations.
- b. Class I Games.
- c. Single events involving no more than eight (8) persons wherein there is no sponsor or odds favoring only one particular player and individual winnings do not exceed fifty dollars (\$50.00).

8-20-102 Tribally Licensed Games - Generally

(1.) The Tribal Gaming Commission shall license and supervise the conduct of Class II gaming operations within the exterior boundaries of the Devils Lake Sioux Reservation.

(2.) A separate license shall be required for each place, facility or location on Devils Lake Sioux Lands at which any Class II games are conducted.

(3.) Activities which may be conducted pursuant to license include:

- a. Bingo, if three hundred (300) seats or less and a maximum prize pay-out of Three Thousand Dollars (\$3,000.00) per session; and
- b. Pull tabs dispensed by machine.

(4.) The Tribal Gaming Commission shall establish appropriate license fees and facilitate assessments as provided herein which those granted licenses shall be responsible for paying.

(5.) The Tribal Gaming Commission shall appoint and supervise and/or authorize agents to appoint and

supervise such personnel as shall be appropriate to oversee such gaming operations as may be licensed under the authority of the Board and to implement the licensing procedures and the collection of all license fees and assessments.

(6.) The Tribal Gaming Commission shall, pursuant to such criteria as it establishes, provide opportunities for, and license Tribal and/or charitable organizations to, participate in the conduct and presentation of Tribal Bingo and Pull-Tab sales during selected Bingo Events and to share in the distribution of Net Proceeds.

8-20-103 License Applications.

(1.) An organization eligible for a gaming license must:

a. 1.) Be a nonprofit organization upon or engaged in activities within the Devils Lake Sioux Reservation as a group (including partnerships and corporations) to operate the license in which at least 51% of the individuals in the group are members of the Tribe and at least 51% of the financial interest of the group is held by members of the Tribe; or

(2.) applicable only to participation in a Tribal Bingo Event co-sponsored by the Tribe or Tribal Gaming Commission; be a non-profit organization or public charity, with funds to be gained from participation in the Bingo Event being directed to a purpose of general benefit of a needy cause serving the Tribal interest, or serving the public interest generally.

b. Have at least seven (7) members in good standing.

c. Operate without profit to its members, and no part of the net earnings of such organization shall inure to the benefit of any private shareholder or individual.

d. Have been in existence for one (1) year immediately preceding its application for a license, and shall have had during that one (1) year period a bona fide membership actively engaged in furthering a lawful purpose.

e. Have received and used and shall continue to receive and use, for lawful purposes, funds derived from sources other than from the conduct of Class II games.

(2.) Individuals eligible for a gaming license must:

a. Be a member of the Tribe; however, non-members may apply for a gaming license, the issuance of which shall be determined on a case-by-case basis.

b. Be part of a group (including partnerships and corporations) to operate the license in which at least 51% of the individuals in the group are members of the Tribe and at least 51% of the financial interest of the group is held by members of the Tribe.

(3.) Each applicant for a gaming license shall file with the Tribal Gaming Commission an application on a form prescribed by the Tribal Gaming Commission. The application shall include:

a. The name and address of the applicant.

b. Sufficient facts relating to the incorporation or organization of the applicant to prove the applicant is eligible for a license under this Code.

c. The name and address of each officer of the applicant, if an organization.

d. The place and date of each gaming occasion proposed to be conducted during the effective period of the license.

e. The name and address of the owner of the premises in which gaming will be conducted and the approximate capacity of the premises.

f. The name, date of birth, and address of each supervising member for each gaming occasion who shall be of good moral character and one or more of whom shall be present and in immediate charge of and responsible for the conduct of games at each occasion.

g. The name of any licensed organization or individual co-sponsoring any gaming occasion.

h. The specific purposes to which the profits from the conduct of games are to be devoted.

i. Other information which the Board deems necessary to administer this Code.

8-20-104 Additional Application Documents.

An application for a license to conduct gaming shall be accompanied by:

a. A sworn statement of each designated supervising member that he or she will be responsible for compliance with this Code and rules promulgated under it for each gaming occasion which he or she supervises.

b. A specification of the period of time for which a license is sought or the specific events for which a license is requested.

c. Such license fee as may be required by the Tribal Gaming Commission which shall be returned should the license not be granted.

d. Such bond as may be required by the Tribal Gaming Commission.

8-20-105 Investigation.

Upon receipt of an application for a license to conduct gaming activities, the Tribal Gaming Commission shall conduct such background investigation as to the Applicant as he or she deems appropriate and shall determine whether the interests of the Tribe will be met through the issuance of such license and shall issue or deny the license or make a recommendation thereupon to the Tribal Gaming Commission.

8-20-106 Selection of Licensees.

(1.) The Tribal Gaming Commission shall not issue a gaming license unless:

a. It is satisfied with the moral character, financial responsibility and quality of operations of the proposed licensee.

b. The proposed gaming operation will complement rather than adversely affect games offered by the Tribe.

c. The issuance of the license shall be in the best interest of the Tribe.

d. The applicant is not deficient in the payment of post gaming assessments.

e. The construction and maintenance of the gaming facility, and the operation of that gaming is conducted in a manner which adequately protects the environment and the public health and safety.

f. There is no manager or employee of the applicant whose prior activities, criminal record, reputation, habits and associations pose a threat to the public interest or to the effective regulation of gaming, or who creates or enhances the dangers of unsuitable, unfair or illegal practices and methods and activities in the conduct of gaming.

(2.) The Gaming Commissioner shall promptly notify the Tribal Gaming Commission of the issuance of any license under this Chapter.

8-20-107 Requirements of Licensees.

In applying for and accepting a gaming license, the applicant/licensee agrees:

a. To abide by the rules and regulations of the Tribe and with all other applicable legal authority as to all aspects associated with the conduct of licensed games, including any rules, regulations or assessments under the Act.

b. To pay all applicable license fees and assessments.

c. To make all books and records of gaming operations upon the Devils Lake Sioux Reservation available for inspection by the Council or its appointed agents during all hours of operation and all normal business hours.

d. To provide preferential hiring to qualified members of the Tribe as to all positions open for employment.

- e. To promptly pay to all winners such prizes as they might respectively be entitled to.
- f. To provide annual outside audits of the gaming and all contracts for supplies, services or concessions in excess of twenty-five thousand and no/100 (\$25,000) dollars per year, to the Council.
- g. To conspicuously post any gaming license granted.
- h. To accept the Devils Lake Sioux Tribal Court as the sole judicial forum for the resolution of disputes associated with games operations.
- i. To hold the Tribe, the Tribal Gaming Commission and tribal officers harmless as to all claims associated with the conduct of the licensed gaming operations and to indemnify each as to all expenses including legal fees utilized to defend against such claims.

8-20-108 Reports and Finances of Licensees.

(1.) Within three (3) days after the conclusion of each gaming occasion, each licensee shall execute and file a report of operations on a form prescribed by the Tribal Gaming Commission. The licensee shall retain a copy of the report for its permanent record. The report shall include:

- a. The name and address of each supervising member and each member responsible for the proper utilization of gross receipts.
- b. The date, hour and address of the gaming occasion.
- c. The number of games played.
- d. An itemized statement of the gross receipts from the gaming occasion, including gross receipts from sales of regular bingo cards, extra regular cards, special game cards and sale of supplies.
- e. An itemized statement of expenditures, including amounts paid for prizes, supplies and equipment, license fees and other expenses.

f. The name of the depository and the title and number of the account.

g. The report shall be signed by an individual responsible for the proper utilization of gross receipts for the gaming occasion.

8-20-109 Records Improperly Filed.

(1.) If a licensee fails to file a financial statement of gaming operations within five (5) days after notification by the Tribal Gaming Commission of the delinquency, the Tribal Gaming Commission may suspend the license pending the filing of the financial statement.

(2.) If the financial statement filed by a licensee is not fully, accurately, and truthfully completed, the Tribal Gaming Commission may suspend a license until such time as a statement in proper form has been filed.

8-20-110 Gaming Activities Assessed.

There shall be an assessment upon all gaming activity within the exterior boundaries of the Devils Lake Sioux Reservation, except as hereafter specified. Said assessment shall equal ten percent (10%) of the total monies included within a prize, applicable to all prizes in excess of twenty dollars (\$20.00), and ten percent (10%) of the total value of all non-cash prizes when such value exceeds twenty dollars (\$20.00). The gaming assessment shall be paid by the party presenting any form of gaming permitted by this chapter.

820.111 Payment of Assessment.

Assessments shall be payable within 72 hours of a gaming occasion. Assessments shall be paid to the Tribal Gaming Commission or to such other agent as shall be identified by the Tribal Gaming Commission.

(1.) Assessments that are not timely paid shall, after 72 hours, shall be increased to incorporate a penalty of five percent (5%), and thereafter be increased an additional five percent (5%) per week, to a maximum of twenty-five percent (25%) inclusive of the original assessment.

8-20-112 Exemption from Assessment.

- (1.) The following are exempt from assessment:
- a. Games presented by the Tribe itself, and/or presented by any instrument of tribal government, including tribally controlled non-profit corporations.
 - b. Single events wherein proceeds are directed to a previously announced charitable purpose and wherein a waiver of assessments is applied for in advance of the event and is granted by the Tribal Gaming Commission.
 - c. Single events involving no more than eight (8) persons wherein there is no sponsor nor odds favoring only one particular player and individual winnings do not exceed fifty dollars (\$50.00).
 - d. Class I games.

8-20-113 Right of Entrance; Inspection.

Any member of the Tribal Gaming Commission and/or their duly authorized officers and employees, during regular business hours, may at all reasonable times enter upon any premises of any licensee or gaming location of a licensee for the purpose of making inspections and to examine the accounts, books, papers, and documents, of any such licensee or gaming establishment. Such licensee shall facilitate such inspection or examinations by giving every reasonable aid to the Council and to any officer or employee.

8-20-114 Investigations.

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

8-20-115 Hearings.

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

The Tribal Gaming Commission shall provide reasonable notice and the right to present oral or written testimony to all persons interested therein as determined by the Tribal Gaming Commission.

8-20-116 Appointment of Examiner; Power of Examiner.

The Tribal Gaming 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 Gaming Commission, or any member thereof, has power or authority to hold. Any such appointment shall constitute a delegation to such examiner of necessary powers with respect to any such hearing.

8-20-117 Gaming Account.

Each licensee shall maintain an account at a financial institution which shall be designated as the "Gaming Account." All gross receipts derived from the conduct of gaming operations shall be deposited into the gaming account. No other receipts shall be deposited into the gaming account. The Tribal Gaming Commission may provide a waiver as to this requirement as to one time events and/or small organizations.

8-20-118 Bookkeeping and Accounting.

(1.) Each licensee shall maintain a double-entry bookkeeping system for the purpose of recording all receipts and expenditures in connection with the conduct of gaming operations and the disbursement of profits derived therefrom. Such bookkeeping system shall consist of a columnar book maintained on a calendar of fiscal year basis.

(2.) The columnar book, deposit books, savings account pass books, canceled checks, checkbooks, deposit slips, and bank statements of gaming operations and all other books and accounts shall be available at reasonable times for examination by the Tribal Gaming Commission or its authorized representative. All documents supporting the entries made in the books of accounts shall be kept by the licensee for a period of not less than three (3) years. Such documents shall include, but are not limited to, bank statements, canceled checks, deposit slips and invoices for all expenditures.

8-20-119 Suspension and Revocation of Licenses.

(1.) A violation of any applicable ordinance, law or code of the Tribe or rules promulgated thereunder shall constitute grounds for suspension or revocation of a gaming license.

(2.) Procedures for suspending or revoking a gaming license shall be as follows:

a. Proceeding to suspend a license to conduct games shall be initiated by the Tribal Gaming Commission. The notice shall state the alleged violations which constitute the grounds for the proceedings. The Tribal Gaming Commission may temporarily suspend such license for a period of 40 days while any such proceedings are pending, and shall notify the licensee of the date of the temporary suspension.

b. The Tribal Gaming Commission shall hold a hearing on a proposed suspension or proposed revocation as soon as practicable should such be requested by the licensee. The Tribal Gaming Commission shall issue, in writing, its findings and decision on suspension or revocation within 20 days after the hearing. A copy of the findings and decision shall be sent immediately to the licensee. If the Tribal Gaming Commission suspends or revokes the license, the licensee shall be informed of the effective date of such suspension or revocation. The Tribal Gaming Commission's decision under this section shall be final.

c. When a license is suspended or revoked by the Tribal Gaming Commission, the licensee shall immediately surrender the license to the Tribal Gaming Commission. A licensee whose license has

been revoked may reapply for a license one (1) year after the effective date of the revocation. If a license has been suspended, the Tribal Gaming Commission shall reinstate the licensee at the end of the period of suspension.

8-20-120 Non-Applicability.

This Chapter XX shall not apply to gaming conducted pursuant to a Management Contract entered into by the Tribe.

8-20-121 Monitoring.

The Tribal Gaming Commission is hereby designated and empowered to monitor the gaming activities of any licensee, to investigate the backgrounds of management officials and key employees, to enforce the provisions of this Code, and to report criminal violations of state, federal or tribal laws to the appropriate prosecutors or law enforcement personnel.