

**NATIONAL
INDIAN
GAMING
COMMISSION**

JAN 23 1998

Earl J. Barbry, Sr., Chairman
Tunica-Biloxi Indians of Louisiana
P.O. Box 331 Marksville, Louisiana 71351

Dear Chairman Barbry:

This letter responds to your request to review and approve the amendment to the Tunica-Biloxi Tribe's amendment to the Tunica-Biloxi Gaming Code, authorizing the conduct and regulation of class II gaming on Tribal lands. The amendment was adopted by the Tribe by Resolution No. 40-97 on October 18, 1997. The amendment is hereby approved.

Under the IGRA and the regulations of the National Indian Gaming Commission (NIGC), the Chairman is directed to review amendments to 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.

Thank you for submitting the amendment to the ordinance of the Tunica-Biloxi Indians of Louisiana. Commissioner Hogen enjoyed the opportunity to talk with you, and the NIGC staff and I look forward to continuing to work with you and the Tribe.

Sincerely yours,

Tadd Johnson
by PJC

Tadd Johnson
Chairman

**TUNICA-BILOXI INDIANS OF LOUISIANA
RESOLUTION #40-97**

A RESOLUTION TO AMEND THE TUNICA-BILOXI GAMING CODE TO AUTHORIZE THE CONDUCTING AND REGULATION OF CLASS II GAMING ON THE TRIBAL LANDS OF THE TUNICA-BILOXI INDIANS OF LOUISIANA.

WHEREAS, the Tunica-Biloxi Tribe is a sovereign Indian Nation whose membership adopted a charter for its governance on October 26, 1974, and Article IX of that Charter has constituted the Tribal Council as its governing body; and

WHEREAS, pursuant to Article XIII of the Charter, the Tribal Council has been charged with and empowered to manage and supervise the economic development and betterment of the Tribe, its members and their families; and

WHEREAS, pursuant to § 12 of the Indian Gaming Regulatory Act, the Tribe has entered into a contract with Grand Casinos, Inc., a Minnesota corporation, to manage the conduct of Class III gaming on tribal lands, and has further agreed, pursuant to § 11 of the Indian Gaming Regulatory Act, to a Tribal-State Compact with the State of Louisiana for the conduct of Class III gaming on its lands; and

WHEREAS, under § 11(a)(2) of the Indian Gaming Regulatory Act, the Tribal Council has enacted a gaming ordinance, which it styles "The Tunica-Biloxi Gaming Codes Ordinance", which ordinance, as amended and reenacted by Tribal Council Resolution #11-94, has been approved by the responsible federal agency; and

WHEREAS, the Tribe is desirous of conducting and regulating Class II gaming under the Indian Gaming Regulatory Act on its tribal lands; now therefore be it

RESOLVED, that -

1. Article 2 of the Tunica-Biloxi Gaming Code is amended to read as follows:

Class II and Class III gaming, as defined in §§ 4(7) and (8), respectively, of the Indian Gaming Regulatory Act, Act of October 17, 1988, Public Law 100-497, 102 Stat. 2468, 25 U.S.C. §§ 2703(7) and (8), and by the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. §§ 502.3 and 502.4, respectively.

2. Article 4 of the Tunica-Biloxi Gaming Code is amended to read as follows:

A. Net revenues from Class II and Class III gaming shall be used only for the following purposes: to provide for the general welfare of the tribe and its members; to fund tribal government operations; promote tribal economic development; donate to charitable organizations; or help fund operations of local government agencies.

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Tunica-Biloxi Indians of Louisiana
Resolution #40-97, Contd.

3. Article 6 of the Tunica-Biloxi Gaming Code is amended to read as follows:

Class II and Class III gaming facilities shall be constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety.

4. Article 8 of the Tunica-Biloxi Gaming Code is amended to read as follows:

The Tribe shall issue a separate license to each place, facility, or location on Indian lands, where either Class II or Class III gaming, or both Classes, are conducted under this Gaming Code.


5. Other than the provisions set out above, the Tunica-Biloxi Gaming Code is hereby reenacted and confirmed.

CERTIFICATION

I, the undersigned, as Secretary-Treasurer of the Tunica-Biloxi Indians of Louisiana, certify that the Tribal Council of said Tribe is composed of 7 members, of whom 7, constituting a quorum were present at a meeting thereof, duly called, noticed, convened, and held this 18TH day of OCTOBER, 1997; and that the foregoing Resolution was duly ADOPTED by a vote of 6 members in favor, 0 opposed, and 0 abstaining.

Dated this 18TH day of OCTOBER, 1997

ATTEST:



CHAIRMAN



SECRETARY-TREASURER