

NATIONAL  
INDIAN  
GAMING  
COMMISSION

MAY 26 1995

Margie Anderson, Chairperson  
Mille Lacs Band of Chippewa Indians  
HRC 67 Box 197  
Onamia, Minnesota 56359

Dear Chairperson Anderson:

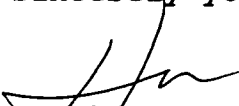
This letter responds to your request to review and approve Resolution 17-95, submitted on March 17, 1994, by the Mille Lacs Band of Chippewa Indians (Band). This letter constitutes approval of Resolution 17-95 under the Indian Gaming Regulatory Act (IGRA).

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, this letter does not constitute approval of specific games.

With the Chairman's approval of the Band's gaming ordinance, the Band 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).

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

Sincerely yours,

  
Harold A. Monteau  
Chairman

cc: Doug Twait, Commissioner  
of Corporate Affairs

***GAMING ORDINANCE 17-95***

***MILLE LACS BAND OF CHIPPEWA  
HCR 67, BOX 194  
ONAMIA, MN 56359***

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**Ordinance 17-95**  
**Chapter 19**

BE IT ENACTED BY THE BAND ASSEMBLY OF THE MILLE LACS BAND OF CHIPPEWA INDIANS A GAMING CONTROL ORDINANCE TO ESTABLISH BAND STANDARDS AND REGULATIONS FOR THE CONDUCT OF GAMING ACTIVITIES ON THE MILLE LACS RESERVATION, AND FOR OTHER PURPOSES.

**EMPOWERMENT**

The Band Assembly of the Mille Lacs Band of Chippewa Indians is the duly elected body of the Mille Lacs Reservation. The Band Assembly is empowered to enact legislation which protects the health, safety, welfare, and morals of the people of the Mille Lacs Indian Reservation.

**TITLE**

This law may be cited as the Mille Lacs Band of Chippewa Indians Gaming Control Ordinance. The law shall be appropriately inserted in the proposed Codification of Mille Lacs Reservation

**Section 1**

**FINDINGS, POLICY AND INTENT**

**Section 1.1 Findings**

The Mille Lacs Reservation Band Assembly finds that:

1. The Mille Lacs Band of Chippewa Indians has a long history of allowing different forms of gaming within our territory. Prior to the Treaty-making period of United States history the Band allowed many traditional forms of gaming, and other types of gaming.
2. In the Treaties and Agreements made with the United States Government, The Mille Lacs Band of Chippewa Indians reserved the right to regulate and control gaming within its territory.
3. The regulation and control of Gaming is necessary in

order to: ensure the welfare and best interests of visitors and residents within our reservation lands; prevent any proliferation of organized crime and other corrupting influences into our territory and preserve the political integrity of Mille Lacs Band of Chippewa Indians.

4. Tribal operation and licensing of gaming activities is a legitimate means of generating revenue to the Band.
5. The Gaming authorized by this legislation are activities which are authorized within the state of Minnesota for some persons, organizations, or entities, and are authorized activities within the State of Minnesota for some purposes.
6. The Mille Lacs Band of Chippewa Indians has continuously conducted gaming activity since 1981. The gaming has been conducted in a manner which:
  - (a) has resulted in the effective and honest accounting of all revenues; and
  - (b) has resulted in a reputation for safe, fair, and honest operations of the gaming activities.

**Section 1.2 Policy**

The policy of The Mille Lacs Band of Chippewa Indians shall be that:

1. That gaming on the Mille Lacs Indian Reservation be conducted in a manner of utmost integrity.
2. This law be strictly and fairly enforced upon all people



within the reservation.

3. Gaming within the reservation not take place in any unconscionable manner.
4. The net Band profits from any gaming activity shall not be used for purposes other than:
  - (a) to fund Band government operations or programs;
  - (b) to provide for the general welfare of the Mille Lacs Band of Chippewa Indians and its members;
  - (c) to promote Band economic development;
  - (d) donations to charitable organizations;
  - (e) to help operations of local government agencies.

**Section 1.3 Intent**

The Band Assembly of the Mille Lacs Band of Chippewa Indians determines that the intent of this law is to:

1. Completely regulate and control gaming within the reservation.
2. Provide, through the licensing fees and profit split from Band gaming conducted via a contractual arrangement, and the operation of Band operated gambling, a source of funding for the amelioration of health and welfare problems which impose hardship on Band members and others, and other charitable purposes.
3. Foster a spirit of cooperation with federal officials in the regulation of gaming.
4. Foster a spirit of cooperation with Minnesota State officials in the conduct of class III gaming.

5. Clarify that gaming is a privilege and not a right.
6. Protect gaming as a means of generating tribal revenue.
7. And ensure that gaming is conducted fairly and honestly by both the operator and the players as a genuine means of providing both recreation and entertainment.
8. Establish and implement an adequate system for:
  - (a) accounting of all revenues from gaming activities;
  - (b) the investigation, licensing, and monitoring of all employees of the gaming activities;
  - (c) the investigation, enforcement, and prosecution of violations of this gaming ordinance and regulations issued pursuant thereto;
9. Ensure that the construction and maintenance of any and all gaming facilities, and the operation of gaming conducted at such facilities, is conducted in a manner which adequately protects the environment, and the public health and safety.
10. Establish an adequate system to ensure that background investigations are conducted on the primary management officials and key employees of any gaming enterprise and that oversight of such officials and their management is conducted on an ongoing basis.
11. Ensure that gaming on the Mille Lacs Indian Reservation is conducted in conformity with the federal Indian Gaming Regulatory Act, and regulations issued pursuant thereto, and that class III gaming conducted on the Reservation is

conducted pursuant to the terms of a compact negotiated between the Commission and the State of Minnesota.

## **Section 2**

### **REPEAL OF PREVIOUS BAND GAMING STATUTES**

#### **Section 2.1 Repeal**

This chapter shall supersede all previous Band statutes regulating Gaming on the Mille Lacs Reservation. Band Statutes 1000 MLC-19 and amendments thereto are expressly repealed.

## **Section 3**

### **DEFINITIONS**

#### **Section 3.1 Class II Gaming:**

Class II Gaming means:

1. Bingo or lotto (whether or not electronic computer, or other technologic aids are used) when players:
  - (a) Play for prizes with cards bearing numbers or other designations;
  - (b) Cover numbers or designations when object similarly numbered or designated are drawn or electronically determined; and
  - (c) Win the game by being the first person to cover a designated pattern on such cards;
2. If played in the same location as bingo or lotto, pull-tabs, punch boards, tip jars, instant bingo, and other games similar to bingo;

3. Non-banking card games that:
  - (a) State law explicitly authorizes, or does not explicitly prohibit, and are played legally anywhere in the State; and
  - (b) Players play in conformity with state laws and regulations concerning hours, periods of operation, and limitations on wagers and pot sizes;

**Section 3.2 Class III Gaming:**

Class III Gaming means all forms of gaming that are not class I gaming or class II gaming, including but not limited to:

1. Any house banking game including but not limited to:
  - (a) Card games such as baccarat, chemin de fer, blackjack (21), and pai gow (if played as house banking games);
  - (b) Casino games such as roulette, craps, and keno;
2. Any slot machines as defined in 15 U.S.C. 1171(a)(1) and electronic or electromechanical facsimiles of any game of chance;
3. Any sports betting and parimutuel wagering including but not limited to wagering on horse racing, dog racing or jai alai; or
4. Lotteries.

**Section 3.3 Band**

"Band" means the Mille lacs Band of Chippewa Indians.

**Section 3.4 Commission**

"Commission" means the Corporate Commission of the Mille lacs Band

of Chippewa Indians.

**Section 3.5 Commissioner**

"Commissioner" means the Mille lacs Band Commissioner for Corporate Affairs.

**Section 3.6 Corporate Administrator**

"Corporate Administrator means the Corporate Administrator of the Corporate Commission of the Mille Lacs Band of Ojibwe Indians

**Section 3.7 Gaming Enterprise**

"Gaming Enterprise" means any commercial business owned by the Commission and operated, in whole or in part, for the conduct of gaming activity.

**Section 3.8 Primary Management Official**

Primary management official means the person having management responsibility for a management contract;

1. Any person who has authority:
  - (a) To hire and fire employees; or
  - (b) To set up working policy for the gaming operation;  
or
  - (c) The chief financial officer or other person who has financial management responsibility.

**Section 3.9 Key Employee:**

A key employee is:

1. A person who performs one or more of the following functions:
  - (a) Bingo caller
  - (b) Counting room supervisor

- (c) Chief of security
  - (d) Custodian of gaming supplies or cash
  - (e) Floor manager
  - (f) Pit boss
  - (g) Dealer
  - (h) Croupier
  - (i) Approver of credit
  - (j) Custodian of gambling devices including persons with access to cash and accounting records within such devices; or
2. If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or
  3. If not otherwise included, the four most highly compensated persons in the gaming operation.

**Section 3.10 Indian Gaming Regulatory Act**

"Indian Gaming Regulatory Act of 1988" means the Act of Congress adopted on October 17, 1988, as Public Law 100-497, 102 stat. 2467.

**Section 3.11 Compacts**

"Compacts" means that agreement entered into in 1990 between the Commission and the State of Minnesota governing video games and chance and the agreement entered into in 1991 between the State of Minnesota and Commission governing blackjack. Both of the agreements were entered into pursuant to section 11 of the Indian Gaming Regulatory Act of 1988.

**Section 3.12 Other Compacts**

"Other Compacts" means such agreements as may in the future be

entered into between the Commission and the State of Minnesota, governing Class III gaming, as that term is defined by section 4 (8) of the Indian Gaming Regulatory Act of 1988, within the jurisdiction of the Mille Lacs Band of Chippewa Indians.

#### **Section 4**

##### **MILLE LACS RESERVATION GAMING CONTROL AUTHORITY**

##### **Section 4.1 Authority**

Authority to regulate gaming activity on the Mille Lacs Indian Reservation shall be vested in the Mille Lacs Band Corporate Commission. The Corporate Commission shall regulate gaming on the reservation lands pursuant to the terms of the Corporate Charter contained in chapter 16 of the Mille Lacs Band Statutes. Band Statute 1077 MLC-16. The Corporate Administrator shall have primary responsibility for the regulation of such gaming activity.

##### **Section 4.2 Regulations**

The Corporate Commission of the Mille Lacs Band shall have the authority to promulgate regulations consistent with this statute and other applicable law governing the conduct of gaming activities on the Mille Lacs Reservation. The regulations promulgated under this chapter shall, to the greatest extent possible, assure the games are conducted in an effective and efficient manner, and in a manner which completely protects the honesty and integrity of the games.

##### **Section 4.3 Powers of the Commission**

The Corporate Commission may delegate the duties and

responsibilities of regulating the conduct of gaming on the reservation in a manner not inconsistent with the charter and by-laws of the Commission.

**Section 4.4 License Gaming Operations**

The Tribe shall issue a separate license to each place, facility, or location on Indian lands where class II or class III gaming is conducted under this ordinance upon a finding that the management company and/or general of that particular gaming enterprise have met the license requirements of section 8 of this Ordinance.

**Section 4.5 Management Agreements**

The Corporate Commission is specifically authorized to enter into management agreements for the conduct of gaming within the jurisdiction of the Mille Lacs Band of Chippewa Indian when the Commission determines it is in the Best interest of the Band to do so. Such agreements shall not be valid until ratified by the Band Assembly pursuant to 1141 MLC 2 §5.05.

**Section 4.6 Compacts with the State of Minnesota**

The Corporate Commission is specifically authorized to negotiate and enter into compacts with the State of Minnesota governing the conduct of class III gaming within the jurisdiction of the Mille Lacs Band of Chippewa Indians when the Commission determines it is in the Best interest of the Band to do so. Such agreements shall not be valid until ratified by the Band Assembly pursuant to 2001 MLC §5.05.

**Section 4.7 Agreements Under the Economic Development Zone Statute.**

The Corporate Commission may negotiate and enter into agreements



with the principle gaming actors and/or the Band Assembly as allowed under the Economic Development Zone Statute.

## **Section 5**

### **GENERAL PROVISIONS**

#### **Section 5.1 General Prohibition**

All gaming activity within the reservation shall occur in compliance with this law. Any activity not expressly permitted in this statute or in regulations promulgated by the Corporate Commission shall be prohibited. Participation by any person in any activity which is prohibited shall be unlawful.

#### **Section 5.2 Minors**

It shall be unlawful for any adult to allow any person under the age of eighteen years to participate in any gaming licensed by the Corporate Commission.

#### **Section 5.3 Cheating**

It is unlawful to conduct or participate in any gaming in any manner which results in cheating, misrepresentation or other disreputable tactics which distract from a fair and equal chance for all participants, or which otherwise affects the outcome of the game.

#### **Section 5.4 Intoxicated or Disorderly Persons**

It is unlawful to conduct any gambling while allowing participation by disorderly persons or any person visibly intoxicated.

#### **Section 5.6 Sale of Liquor**

The sale of liquor shall not be allowed at any gaming facility

operated by the Band government or licensed to be operated by the Band government, unless specifically authorized by the Band Assembly and properly licensed pursuant to applicable Band Law, state law, and federal law.

**Section 5.7 Gaming on Cash Basis**

In every game licensed or operated by the Band, consideration for the chance to play shall be in cash. Each participant must present the money with which he or she intends to play at the time the game is played, No check, credit card, I.O.U. or other evidence of indebtedness shall be offered or accepted as part of the price of participating in a game or as payment of a gaming debt. The Commission may offer check cashing services within a gaming enterprise or contract with a vendor for the provision of such check cashing services.

Any debt resulting from such check cashing services are maintainable in the Mille Lacs Band of Chippewa Indians Court of Central Jurisdiction and any other court having jurisdiction.

Evidence of win or loss must be provided to the player upon request in such forms as will be acceptable to the Internal Revenue service. Failure to do so is unlawful.

**Section 5.8 Sole Proprietary Interest**

The Mille Lacs Band of Chippewa Indians through its Corporate Commission shall have the sole proprietary interest in and responsibility for the conduct of all gaming activities authorized by this chapter.

**Section 5.9 Net Band Revenue**

Net Band Revenues Derived from gaming activities conducted under this chapter shall be used only to:

1. To fund Band government operations or programs;
2. To provide for the general welfare of the Mille Lacs Band and its members;
3. To promote Band economic development;
4. To donate to charitable organizations; and
5. To help fund operations of local government agencies.

There shall be no per capita payments made with gaming revenue unless the distribution plan is approved by the Secretary of Interior pursuant to 25 U.S.C. 2701 (3) and the payments are made strictly in accordance with such approved plan.

#### **Section 5.10 Annual Audits**

The Commission shall cause an annual audit to be conducted, by an independent certified public accountant, of the gaming activities authorized under this chapter. Such annual audits shall also include all contracts for supplies, services, or concessions for a contract amount in excess of \$25,000 annually (except contracts for professional accounting or legal services) relating to such gaming activities. Such annual audit shall be submitted to the NIGC pursuant to 25 CFR 522.4(b)(3), and to the MN Dept of Public Safety pursuant to and in accordance with Tribal State Compacts.

#### **Section 5.11 Gaming Facilities**

The construction and maintenance of any gaming facility and the operation of gaming activities authorized under this chapter shall be conducted in a manner which adequately protects the environment

and the public health and safety, and shall comply with all applicable law.

## **Section 6**

### **FEDERAL LAWS APPLICABLE**

#### **Section 6.1 Federal Laws Covering Gaming**

The federal laws regarding gaming on Indian Reservations remain applicable to any act or transaction occurring on the Mille Lacs Reservation not authorized by this ordinance and not otherwise in compliance federal law, Violators may be subject to federal prosecution.

## **Section 7**

### **TYPES OF GAMING PERMITTED WHEN LICENSED**

#### **Section 7.1 Games**

The following games are permitted when properly licensed or exempted from licensure and when regulations are promulgated by the Commission regulating their conduct:

1. Class I Traditional Games are permitted and expressly exempted from the requirement of licensure by the Commission.
2. Permitted Class II games:
  - (a) Bingo. The Commission shall issue regulations, which will control:
    - (i) The security requirements for the operation
    - (ii) The posting of rules of play.

- (iii) The maximum limit, if any, which may be offered as a prize.
  - (iv) Rules for the conduct of the games, should the Commission deem that such rules are necessary for the proper conduct of gaming.
  - (v) Any other regulation controlling the operation which is deemed necessary by the Commission.
- (b) Pull Tabs. The Commission shall issue regulations, which will control:
- (i) The security requirements for the operation.
  - (ii) The posting of rules of play.
  - (iii) The maximum limit, if any, which may be offered as a prize.
  - (iv) Rules for the conduct of the games, should the Commission deem that such rules are necessary for the proper conduct of gaming.
  - (v) Any other regulation controlling the operation which is deemed necessary by the Commission.
- (c) Punch Boards:
- The Commission shall issue regulations, which will control:
- (i) The security requirements for the operation
  - (ii) The posting of rules of play.
  - (iii) The maximum limit, if any, which may be offered as a prize.
  - (iv) Rules for the conduct of the games, should the

Commission deem that such rules are necessary for the proper conduct of gaming.

- (v) Any other regulation controlling the operation which is deemed necessary by the Commission.

(d) Lotto:

The Commission shall issue regulations, which will control:

- (i) The security requirements for the operation
- (ii) The posting of rules of play.
- (iii) The maximum limit, if any, which may be offered as a prize.
- (iv) Rules for the conduct of the games, should the Commission deem that such rules are necessary for the proper conduct of gaming.
- (v) Any other regulation controlling the operation which is deemed necessary by the Commission.

(e) Tip jars. The Commission shall issue regulations, which will control:

- (i) The security requirements for the operation.
- (ii) The posting of rules of play.
- (iii) The maximum limit, if any, which may be offered as a prize.
- (iv) Rules for the conduct of the games, should the Commission deem that such rules are necessary for the proper conduct of gaming.
- (v) Any other regulation controlling the operation

which is deemed necessary by the Commission.

(f) Instant Bingo. The Commission shall issue regulations, which will control:

(i) The security requirements for the operation

(ii) The posting of rules of play.

(iii) The maximum limit, if any, which may be offered as a prize.

(iv) Rules for the conduct of the games, should the Commission deem that such rules are necessary for the proper conduct of gaming.

(v) Any other regulation controlling the operation which is deemed necessary by the Commission.

(g). Games Similar to Bingo. The Commission shall issue regulations, which will control:

(i) The security requirements for the operation.

(ii) The posting of rules of play.

(iii) The maximum limit, if any, which may be offered as a prize.

(iv) Rules for the conduct of the games, should the Commission deem that such rules are necessary for the proper conduct of gaming.

(v) Any other regulation controlling the operation which is deemed necessary by the Commission.

(h) Other forms of class II gaming. The Commission may license other class II gaming activities if:

(i) Such games have been approved by the National

Indian Gaming Commission pursuant to the Indian Gaming Regulatory Act; and

(ii) The commission has promulgated regulations for such games that assure the games will be conducted in a manner consistent with this Chapter.

3. Permitted Class III games:

(a) Video games of chance properly licensed and conducted under the terms of a compact between the Commission and the State of Minnesota.

(b) Blackjack games under the terms of the compact between the Commission of the State Of Minnesota.

(c) Other forms of class III games. The Commission may license other class III gaming activities if:

(i) Such games have been approved by the National Indian Gaming Commission pursuant to the Indian Gaming Regulatory Act; and

(ii) The Games are conducted in accordance with a validly signed compact between the Commission and the State of Minnesota; and

(iii) the Commission has promulgated regulations for such games that assure the games will be conducted in a manner consistent with this Chapter.



## Section 8

### LICENSING PROCEDURE

#### Section 8.1 Licensing of Key Employees and Primary Management Officials

The 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 on Indian lands.

#### Section 8.2 Application Forms.

1. 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 a tribe or the National Indian Gaming Commission in connection

with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or gaming operation. Failure to consent to the disclosures indicated in this notice will result in a Commission'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."

2. 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.
3. 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.)

4. 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 notice regarding false statements; or
- (b) Sign a statement that contains the notice regarding false statements.

**Section 8.3 Background Investigations**

1. Each primary management official and from each key employee shall be requested to provide all of the following information:
  - (a) Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
  - (b) Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;
  - (c) The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (1) (b) of this section;
  - (d) Current business and residence telephone numbers;
  - (e) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
  - (f) A description of any existing or previous business

- relationships with the gaming industry generally, including ownership interests in those businesses;
- (g) 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;
  - (h) For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition, if any;
  - (i) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within 10 years of the date of the application, the name and address of the court involved and the date and disposition;
  - (j.) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (1)(h) or (1)(i) of this section, the criminal charge, the name and address of the court involved and the date and disposition;
  - (k) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit,

whether or not such license or permit was granted;

- (l) A current photograph;
- (m) Any other information the Commission deems relevant; and
- (n) Fingerprints consistent with procedures adopted by the Tribe and Commission according to 25 C.F.R. Section 522.2(h).

- 2. An investigation shall be conducted sufficient to make a determination under subsection 8.4 below. In conducting a background investigation, the Commission shall promise to keep confidential the identify of each person interviewed in the course of the investigation.

**Section 8.4 Eligibility Determination:**

- 1. The 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 Commission determines that:
  - (a) 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;
  - (b) The applicant has ever been convicted of a felony involving gambling; or

(c) The applicant has been convicted of a felony within five years of starting employment with the a tribal gaming operation;

The Commission shall not employ that person in a key employee or primary management official position;

(d) except that, unless the person's responsibilities include the operation or management of video games of chance, the restriction of subsection (c) shall not disqualify the applicant from employment if the Band by governmental resolution waives such a restriction after the applicant has demonstrated to the Band evidence of sufficient rehabilitation and present fitness.

**Section 8.5 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 ordinance, the Commission shall forward to the National Indian Gaming Commission a completed application for employment and conduct the background investigation and make the determination referred to in subsection 8.4 of this section.
2. The Commission shall forward the report referred to in subsection 8.6(1) of this section to the National Indian Gaming Commission within 60 days after an employee begins work or within 60 days of the approval of this ordinance

by the Chairman of the National Indian Gaming Commission.

3. The Commission shall not employ as a key employee or primary management official a person who does not have a license after 90 days.

**Section 8.6 Report to the National Indian Gaming Commission**

1. Pursuant to the procedures set out in subsection 8.5, the 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 Commission shall submit, with the report, a copy of the eligibility determination made under subsection 8.4 of this section.
3. If a license is not issued to an applicant, the Commission:
  - (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 Commission shall retain applications for employment and reports (if any) of background investigations for inspection by 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.

**Section 8.7 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 Commission 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 Commission has provided an application and investigative report to the National Indian Gaming Commission, the Commission may issue a license to such applicant.
2. The 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 30-day period under paragraph 8.7(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 Commission with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Commission has provided an application and investigative report to the National Indian Gaming Commission, the Commission shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Commission shall make the final decision whether to issue a license to such applicant.

**Section 8.8 License Suspension**

1. If, after the issuance of a gaming license, the Commission receives from the National Indian Gaming Commission or any other credible source reliable information indicating that a key employee or a primary management official is not eligible for employment under subsection 8.4 above, the Commission shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.
2. The 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 Commission shall decide to revoke or to reinstate a gaming license. The Commission shall notify the National Indian Gaming Commission of its decision.

### **Section 8.9 Renewal of License**

Licenses shall be renewed annually in a manner similar to their original approval. The Commission may, by regulation, set out the particular procedural requirements for renewal of licenses. If a management contract extends for more than one year, the Commission may issue a license that extends for the duration of the contract. Such a license that extends for more than one year may be subject to annual review by the Commission.

## **Section 9**

### **COMMISSION OPERATED GAMING OR GAMING CONDUCTED VIA A CONTRACT WITH THE COMMISSION**

#### **Section 9.1 General Requirements**

1. Investigation. Each employee or operator, prior to beginning work or control, shall be required to apply to the Commission for a determination that he:
  - (a) Has committed no felony or gaming offense in any jurisdiction.
  - (b) Has no prior activities, reputation, habits, or associations affecting his present conduct would pose a threat to the effective regulation and control of gambling, or enhance the dangers of unsuitable, unfair or illegal practices, methods or activities in the conduct of gambling, and
  - (c) Has no present interest in the conduct of any gaming business.

The determination shall be confidential.

2. The employee or contractor shall follow the application procedure for licenses described in this Chapter, provided that, no notice shall be published, and no public hearing shall be published, and no public hearing shall be held. No employee may accept any gift or thing of value from a gaming contractor.
3. In addition to any provisions of the Band Personnel Code which may be applicable, or personnel policies developed by any operator possessing a management contract with the commission, any employee or operator shall be required to comply with the provisions of this law, the provisions of his contract with the Band, if any, and the provisions of applicable federal law.
4. Any entity which contracts with a Band gaming operation, shall be required to submit a determination as required in this Chapter. No such contract will be valid until it is approved by the Commission and the Secretary of the Interior as if necessary under Federal Law.
5. Band operated gaming shall be held in compliance with this Chapter.
6. Operators, or employees in charge of Band operated gambling shall report quarterly to the Commission on the result of an outside audit of the operation, and the results of any contract for service or supplies.
7. Any operator or employee of a Band gaming operation shall

deposit the proceeds of the gaming operation according to applicable federal and Band law.

8. Any operator or employee may request the assistance of the Commission in obtaining training or instruction for the benefit of the Band gaming operation as well as in determining the proper meaning of this law.
9. The commission may require that any operator or employee of a Band gaming operation be bonded in a particular amount.

#### **Section 9.2 Management Contracts**

The commission may approve a particular type or types of Band gaming be operated through a management contract. The Management Contract must be in compliance with applicable federal law. The Commission shall require that the proposed operator comply with the application procedure for licenses under Section 8 of this Ordinance.

#### **Section 9.3 Monitoring And Inspection**

All Band gaming operations or operations conducted via a contractual arrangement with the Band are subject to monitoring and inspection by the Commission or agents of the Commission.

### **Section 10**

#### **USE OF TRIBAL LAND FOR GAMING PURPOSES**

Any time that the Tribe leases Tribal Land for gaming purposes, applicable federal and Tribal Law shall be followed.

1. The use of Tribal Land for Indian Celebrations which

include gaming as part of the celebration shall not be subject to federal approval.

## **Section 11**

### **Compliance with Tribal--State Compacts**

The Commission shall adopt regulation and take all actions necessary to ensure that class III gaming conducted on the lands of the tribe complies in all respects with the Tribal-- State compact for Class III Video Games of Chance and Class III Blackjack and any other compacts entered into between the Commission and the State of Minnesota.

## **Section 12**

### **REGULATIONS**

The Corporate Commission of the Mille Lacs Band shall have the authority to promulgate regulations consistent with this statute and other applicable law governing the conduct of gaming activities on the Mille Lacs Reservation. The regulations promulgated under this chapter shall, to the greatest extent possible, assure the games are conducted in an effective and efficient manner, and in a manner which completely protects the honesty and integrity of the games.

1. The Band Assembly may request the Commission to draft or consider a particular regulation.
2. The Commission or Band Assembly may hold public hearings,

conduct polls, or circulate any proposed regulation to the public prior to approval.

3. A regulation properly promulgated by the Commission may be repealed by a majority vote of the Band Assembly.

### **Section 13**

#### **AMENDMENTS**

The Band Assembly specifically reserves the right to modify or amend this chapter by resolution.

### **Section 14**

#### **SEVERABILITY**

The event that any section or provision of this Chapter, or any amendment to this chapter, is held invalid, it is the intent of the Band Assembly that the remaining sections or provisions of this Chapter, and amendments made to this Chapter, shall continue in full force and effect.

### **Section 15**


#### **EFFECTIVE DATE**

This Chapter shall become effective one day after its enactment.

Ordinance 17-95

Introduced to the Band Assembly on this thirtieth day of January in the year one thousand nine hundred ninety four.

Passed by the Band Assembly on this thirtieth day of January in the year one thousand nine hundred ninety four.

  
David Matrious, Speaker of Assembly

APPROVED  
DATE: 2/7/95

  
Marge Anderson, Chief Executive

FILED  
DATE: 2/7/95

  
James Genia, Solicitor General

OFFICIAL SEAL OF THE BAND