NATIONAL
INDIAN
GAMING
COMMISSION

OCT 18 1994

Delbert Farmer, Secretary
Fort Hall Business Council
Shoshone-Bannock Tribes
P.O. Box 306
Fort Hall, Idaho 83203

Dear Secretary Farmer:

This letter responds to your request to review and approve the tribal gaming ordinance adopted on July 20, 1994, by the Shoshone-Bannock Tribes (Tribes). 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. Such approval does not constitute approval of specific games. Also, the gaming ordinance is approved for gaming only on Indian lands as defined in the IGRA.

With the Chairman's approval of the Tribes' gaming ordinance, the Tribes 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 Shoshone-Bannock Tribes for review and approval. The NIGC staff and I look forward to working with you and the Tribes in implementing the IGRA.

Sincerely yours,

Harold A. Monteau
Chairman

1850 M STREET, N.W. SUITE 250 WASHINGTON, D.C. 20036 TEL. 202-632-7003 FAX 202-632-7066

ORDINANCE

***WHEREAS**, on March 15, 1994, the Fort Hall Business Council enacted and submitted a Tribal Gaming Ordinance to the National Indian Gaming Commission for review and approval; and*

***WHEREAS**, following review the Commission's counsel made some suggested changes prior to approval; and*

***WHEREAS**, the changes have been made and the Gaming Act is now ready for approval and resubmission; now*

***THEREFORE, BE IT ENACTED BY THE BUSINESS COUNCIL OF THE SHOSHONE-BANNOCK TRIBES**, that the Shoshone-Bannock Gaming Act of 1994 is enacted and be submitted to the National Indian Gaming Commission.*

Authority for the foregoing ordinance is found in the Indian Reorganization Act of June 18, 1934 (48 Stat., 984) as amended and under Article VI, Section (a, g, r) of the Shoshone-Bannock Tribes Constitution and Bylaws of the Fort Hall Indian Reservation.

Dated this 20th day of July, 1994.

Marvin D. Osborne, Chairman
Fort Hall Business Council

S E A L

CERTIFICATION

***I HEREBY CERTIFY**, that the foregoing ordinance was passed while a quorum of the Business Council was present by a vote of 6 in favor, and 1 not voting (MDO) on the date this bears.*

Delbert Farmer, Tribal Secretary
Fort Hall Business Council

FHBC-94-S7

941018.00002

ORDINANCE

***WHEREAS**, on July 20, 1994, the Fort Hall Business Council enacted, and submitted for approval, the Shoshone-Bannock Gaming Act to the National Indian Gaming Commission; and*

***WHEREAS**, upon further review, the Fort Hall Business Council has determined that Chapter 6 Pull Tabs should be deleted from the Act, the definition of Pull Tabs in Chapter 2, Section 2.01 should be deleted, and the Tribes should identify in Chapter 2, Section 2.07, the Federal Bureau of Investigation to process all fingerprints of individual applicants, key personnel and management; now*

***THEREFORE, BE IT ENACTED BY THE BUSINESS COUNCIL OF THE SHOSHONE-BANNOCK TRIBES**, that the Shoshone-Bannock Gaming Act of 1994 is amended to include the deletion of Chapter 6 and the definition of Pull Tabs, and identifying the Federal Bureau of Investigation to process the fingerprints of individuals.*

Authority for the foregoing ordinance is found in the Indian Reorganization Act of June 18, 1934 (48 Stat., 984) as amended and under Article VI, Section (a, g, r) of the Shoshone-Bannock Tribes Constitution and Bylaws of the Fort Hall Indian Reservation.

Dated this 16th day of August, 1994.

Marvin D. Osborne, Chairman
Fort Hall Business Council

S E A L

CERTIFICATION

***I HEREBY CERTIFY**, that the foregoing ordinance was passed while a quorum of the Business Council was present by a vote of 6 in favor, and 1 not voting (MDO) on the date this bears.*

Delbert Farmer, Tribal Secretary
Fort Hall Business Council

FHBC-94-S8

SHOSHONE-BANNOCK TRIBES GAMING ACT OF 1994

FORT HALL INDIAN RESERVATION, IDAHO

SHOSHONE-BANNOCK TRIBES GAMING ACT

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SHOSHONE-BANNOCK TRIBES GAMING ACT

THE FORT HALL BUSINESS COUNCIL OF THE SHOSHONE-BANNOCK TRIBES OF THE FORT HALL INDIAN RESERVATION HEREBY ENACTS THE FOLLOWING ACT:

CHAPTER 1: LEGISLATIVE FINDINGS AND PURPOSE

SECTION 1.01. TITLE.

This Act shall be known and cited as the "Shoshone-Bannock Gaming Act."

SECTION 1.02. FINDINGS.

(1) The Shoshone-Bannock Tribes, by and through the Fort Hall Business Council, has the inherent sovereign authority to regulate the conduct and activities on all lands within the jurisdiction of the Shoshone-Bannock Tribes. This Act is encated pursuant to the inherent powers of the Shoshone-Bannock Tribes, and as expressly established in Article VI, Section 1(a), (h), (i), (k), (l), (m), (q), (r) and (s) of the Constitution and By-Laws of the Shoshone-Bannock Tribes, to promulgate, adopt, amend, repeal, and enforce rules, regulations and standards for the control of gaming on all lands within the jurisdiction of the Shoshone-Bannock Tribes.

(2) The Fort Hall Business Council deems it essential to the health, economic security, and general welfare of the Shoshone-Bannock Tribes and to the general public to enact a comprehensive gaming act to operate, control and regulate the conduct of all persons conducting gaming or gaming related activities or who otherwise engage in activities which are gaming on all lands within the jurisdiction of the Shoshone-Bannock Tribes.

SECTION 1.03. PURPOSE.

The purposes of this Act are:

(1) to provide a statutory basis for the operation of gaming on lands within the jurisdiction of the Shoshone-Bannock Tribes as a means of promoting tribal economic development and independence;

(2) to provide a statutory basis for the regulation and control of the operation of gaming by the Shoshone-Bannock Tribes and licensed operators, and to ensure that gaming is conducted fairly and honestly by the operators and players;

(3) to generate revenue for the strenghtening of Tribal government, health, education and general welfare of the Shoshone-Bannock Tribes and its members, and for the provision of essential governmental services to residents of the Fort Hall Indian

Reservation ; and

(4) to enhance employment opportunities for Tribal members.

CHAPTER 2 GENERAL PROVISIONS

SECTION 2.01. DEFINITIONS.

For purposes of this Act:

(1) "Bingo" means a game of chance in which 75 numbered objects are available for random selection and in which each player participates by means of cards, sold, rented or used only the time and place of the game. Each card contains five rows of five spaces each, each space printed with a number from 1 to 75, except the center space which is marked "FREE". Winners are determined and prizes awarded on the basis of possessing a bingo card on which some combination of numbers are printed and conform to the numbered objects selected at random bases on a predetermined winning arrangement. Winners are determined by covering publicly announced squares, by removing a factory sealed cover from the card to reveal a prize won, or by drawing a name or number from the container.

(2) "Bingo Occasion" means a single session or gathering at which a series of successive bingo games are played.

(3) "Bingo Supplies and Equipment" means all cards, boards, machines, sheets, markers, pads and other supplies and equipment designed for use in the play of bingo.

(4) "Business Council" means the elected governing body of the Shoshone-Bannock Tribes, established pursuant to Article III of the Constitution of the Shoshone-Bannock Tribes.

(5) "Gaming" means to operate, carry on, conduct, or maintain for play Class II games as defined in the Indian Gaming Regulatory Act, 25 U.S. C. Sec. 2703(7)(A) and by the promulgated regulations of the National Indian Gaming Commission, and other games as negotiated pursuant to a Class III compact as defined in 25 U.S.C. Sec. 2710.

(6) "Gaming Commission" means the Shoshone-Bannock Gaming Commission.

(7) "Gross Profits" means the total receipts from the sale of Class II gaming and other games negotiated pursuant to a Class III compact, including admission fees, sale of food or beverages, and items relating to gaming.

(8) "Key Employee" means (a) a person who performs one or more of the following functions: bingo caller, counting room supervisor, chief of security, custodian of gaming supplies or cash, floor manager, pit boss, dealer, croupier, approver oF credit, or custodian of gambling devices, including persons with access to cash and accounting records within such devices; (b) any other person whose total

cash compensation is in excess of $50,000 per year; or (c) the four most highly compensated persons in the gaming operation.

(9) "National Indian Gaming Commission" means a commission established within the Department of the Interior pursuant to the Indian Gaming Regulatory Act, 25 U.S.C. Sec. 2704.

(10) "Net Profits" means the total gross receipts from the gaming operation, as defined in subsection (7), less all reasonable sums actually expended for conducting said games, gaming supplies and equipment, prizes, facilities, janitorial services, security services, rent, employees, criminal investigations and prosecutions, or other reasonable operating expenses.

(11) "Person" means any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, partnership, joint venture, club, company, business trust, corporation, association, society, political entity, or any group of individuals acting as a unit, whether mutual, cooperative, nonprofit or fraternal.

(12) "Primary Management Official" means (a) the person having management responsibility for a managment contract; (b) any person who has authority to hire and fire employees or to set up a working policy for the gaming operation; or (c) the chief financial officer or other person who has financial management responsibility.

(13) "Pull Tabs" means factory covered tickets, or any similar games approved by the National Indian Gaming Commission which are purchased and played by customers revealing a predetermined winning arrangement.

(14) "Regular Bingo Card" means a hard or disposable card issued to a person upon payment of the admission fee which affords the person the opportunity to participate in all regular bingo games played at a bingo occasion.

(15) "Regular Bingo Game" means a bingo game in which a person, upon payment of the admission, is issued a regular bingo card and may purchase or rent extra regular cards.

(16) "Reservation" means all lands outside and inside the exterior boundaries of the Fort Hall Indian Reservation which are under the jurisdiction of the Shoshone-Bannock Tribes, and such other lands as may hereafter be obtained or added to the jurisdiction of the Shoshone-Bannock Tribes under any law of the United States.

(17) "Special Bingo Card" means a hard or disposable, specially marked bingo card which affords a person the opportunity to participate in a special bingo game for special prizes.

(18) "Special Bingo Game" means any bingo game which is not a regular bingo game and which may be played with special bingo cards for special prizes.

(19) "State" means the state of Idaho.

(20) "Tribal member" means an individual Indian who is enrolled in the Shoshone-Bannock Tribes.

(21) "Tribes" means the Shoshone-Bannock Tribes.

SECTION 2.02. OPERATION OF GAMING.

(1) No gaming shall be conducted on the Reservation except as authorized and licensed by the Gaming Commission in accordance with this Act and other applicable Tribal and federal laws.

(2) The construction, maintenance, and operation of a gaming facility shall be conducted in a manner which adequately protects the environment and the public health and safety, and meets all applicable Tribal and federal laws.

SECTION 2.03. CONDUCT OF GAMING.

(1) The Tribes will have the sole proprietary interest in gaming conducted on behalf of the Tribes and will operate and maintain any Tribal gaming activity.

(2) Only games defined and approved by the Gaming Commission shall be permitted as a gaming operation.

(3) The Commission may license other nonprofit or charitable organizations or associations to conduct gaming on the Reservation.

SECTION 2.04. USE OF GAMING REVENUE.

(1) All net profits of the Tribal gaming revenue shall be used solely to fund Tribal governmental services and operations, social services, economic development, and to provide for the general welfare of the Tribes and Tribal members.

(2) All net profits of the Tribal gaming operation shall be deposited in the Tribes' Gaming Account in accordance with Section 2.10 of this Act, and the Business Council shall determine utilization of such monies.

(3) All licensed gaming operations shall use their gaming revenue for nonprofit and charitable purposes. The Gaming Commission may request financial reports from licensed operators to ensure compliance with this Act.

SECTION 2.05. EMPLOYEES AND MANAGEMENT.

(1) All employees of any gaming operation on the Reservation shall be eighteen (18) years of age or older.

(2) Each key Tribal gaming employee shall secure a security bond in the minimum amount of one hundred thousand dollars ($100,000.00).

SECTION 2.06. AUDIT.

(1) The Tribal gaming operation shall be audited annually by an independent outside firm, and the resulting audit report shall be submitted to the Gaming Commission and the National Indian Gaming Commission.

(2) All gaming related contracts that result in the purchase of supplies, services, or concessions in excess of $25,000.00 annually, except for contracts for professional legal and accounting services, shall be specifically included in the annual audit.

SECTION 2.07. LICENSES FOR KEY EMPLOYEES AND PRIMARY MANAGEMENT OFFICIALS.

The Gaming Commission shall be responsible for the issuance of a license to key employees and primary management officials employed at any Class II gaming operation located on the Reservation. The Commission shall ensure that the following policies and procedures are implemented with respect to these employees and officials.

(1) Application Forms. The following notices 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 the 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 investigation or prosecutions, or when pursuant

to a requirement by the Tribes, 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 the Tribes or a gaming operation. Failure to consent to disclosures indicated in this notice will result in the Tribes being unable to hire you as a key employee or in a primary management official position.

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

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. See 18 U.S.C. Sec. 1001.

(2) Notice. 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 and false statements notice; or

(b) Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice, and sign a statement that contains the notice regarding false statements.

(3) Background Investigations. The Gaming Commission shall request from each key employee and primary managment official the following information:

(a) Full name, other names used (oral or written), social security number(s), birthdate, place of birth, citizenship, gender, all languages spoken or written.

(b) Currently and for the previous five (5) years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's 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 (3)(b) of this section;

(d) Current business and residence telephone numbers;

(e) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;

(f) A description of any existing and previous business relationships with Indian tribes, 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 for 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 subsection, 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 Gaming Commission deems relevant; and

(n) Fingerprints consistent with procedures adopted by the Gaming Commission according to 25 C.F.R. Sec. 522.2(h). The performance of a fingerprint check shall be through the Federal Bureau of Investigations records system to receive criminal history record information. The Tribes shall enter execute a Memorandum of Understanding with the National Gaming Commission, if necessary, to facilitate the processing and use of such information.

The Gaming Commission shall conduct an investigation sufficient to make a determination under subsection (4) below. In conducting a background investigation, the Gaming Commission shall promise to keep the identity of each person interviewed confidential in the course of the investigation.

(4) Eligibility Determination.

The 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 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, the Tribal gaming operation shall not employ that person in a key employee or primary management official position.

(5) Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission

(a) When a key employee or primary management official begins work at a gaming operation authorized by this ordinance, the Gaming 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 4.

(b) The Gaming Commission shall forward the report referred to in subsection F 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.

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

(6) Report to the National Indian Gaming Commission

(a) Pursuant to the procedures set out in subsection (5) of this section, the 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:

(i.) Steps taken in conducting a background investigation;
(ii.) Results obtained;
(iii.) Conclusions reached; and

(v.) The basis for those conclusions.

(b) The Gaming Commission shall submit, with the report, a copy of the eligibility determination made under subsection 4 of this section.

(c) If a license is not issued to an applicant, the Gaming Commission:

(i.) Shall notify the National Indian Gaming Commission; and

(ii.) 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.

(d) With respect to key employees and primary management officials, the Gaming 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.

(7) Granting a Gaming License

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

(b) The 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 30-day period under paragraph (7)(a) of this section until the Chairman of the National Indian Gaming Commission receives the additional information.

(c) If within the thirty (30) day period described above, the National Indian Gaming Commission provides the Gaming 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 Gaming Commission has provided an application and investigative report to the National Indian Gaming Commission, the Gaming Commission shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Gaming Commission shall make the final decision as to whether to issue a license to such applicant.

8. License Suspension

(a) If after the issuance of a gaming license, the Gaming Commission receives reliable information from the National Indian Gaming Commission indicating that a key or primary management official is not eligible for employment under subsection (4) above, the Gaming Commission shall suspend such license and shall notify the licensee in writing of the suspension and proposed revocation.

(b) The Gaming Commission shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.

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

SECTION 2.08. LICENSE LOCATIONS.

The Gaming Commission shall issue a separate license to each place, facility, or location on Indian lands where Class II gaming is conducted under this ordinance.

SECTION 2.09 MANAGEMENT CONTRACTS.

The Tribes may enter into a management contract for the operation and management of gaming on the Reservation, with final approval by the Chairman of the National Indian Gaming Commission, provided however, that no individual Tribal member or non-Tribal member shall have any proprietary interest in the Tribal gaming operation. The reference to management contracts in this section does not include leases for services or supplies to the Tribal gaming operation.

SECTION 2.10. TRIBAL GAMING ACCOUNT.

(1) It is hereby authorized and directed to establish an account in one or more federally-insured financial institutions designated as the Shoshone-Bannock Gaming Account. All receipts derived from the Tribal gaming occasion shall be deposited into the gaming account following the gaming occasion.

(2) All gaming accounts shall be maintained in a federally insured financial institution.

(3) Gross receipts derived from the conduct of Tribal gaming shall not be comingled with any other Tribal funds, and all games are to be accounted for separately.

(4) One account shall be used as a regular checking account. Checks drawn

on the Tribal gaming account shall be for one or more of the following purposes:

(a) The payment of necessary and reasonable expenses incurred in connection with the conduct of gaming, including prizes, gaming supplies, equipment, and utilities.

(b) The disbursement of net profits as established in Section 2.04 of this Act.

SECTION 2.11. PRIZES.

(1) The rights of any person to a prize is not assignable, except that payment of any prize may be paid to the estate of a deceased prize winner or to a person pursuant to an appropriate judicial order.

(2) Unclaimed prizes shall be retained by the gaming operation for a person entitled to such prizes for ninety (90) days after the prize is available to be claimed. Any person who fails to claim a prize during such time, shall forfeit all rights to the prize and the amount of the prize shall remain in the gaming operation account.

(3) The Gaming Commission shall not be liable for payment of any prize awarded by the gaming operation.

(4) Any prize won by a person under eighteen (18) years of age who purchased a winning ticket, pull tab, bingo card, or participated in any other authorized game in violation of this Act, shall be forfeited.

SECTION 2.12. SEVERABILITY.

If any provision of this Act is declared invalid by a court of competent jurisdiction, the remaining provisions of this Act shall not be affected thereby, and shall remain in full force and effect.

SECTION 2.13. REPEAL OF CONFLICTING LAWS.

Any Ordinance or Resolution in conflict with the provisions of this Act shall be superseded and repealed to the extent of such conflict.

SECTION 2.14. AMENDMENTS.

This Act may be amended by Resolution by the Business Council in accordance with the Constitution of the Tribes.

SECTION 2.15. EFFECTIVE DATE.

This Act shall be effective on the date of its adoption by the Business Council.

CHAPTER 3: UNLAWFUL ACTS AND PENALTIES

SECTION 3.01. UNLAWFUL ACTS

The following conduct, activities, or acts are prohibited:

(1) To operate or participate in gaming on the Reservation which has not been authorized by this Act or the Gaming Commission.

(2) To knowingly make a false statement in an application for employment with the Tribal gaming operation.

(3) To knowingly make a false statement in an application for a license to operate gaming.

(4) To accept loans or financing from private individuals, associations, or corporations, excluding a federally insured financial institution, in order to operate a Tribal gaming operation, without express written permission from the Business Council and Gaming Commission.

(5) To sell or share a pull tab, bingo card, or other authorized game to any person under eighteen (18) years of age.

(6) For any person under eighteen (18) years of age to purchase or share a pull tab, bingo card, or other authorized game.

SECTION 3.02. PENALTIES.

(1) Any person found to be in violation of this Act or applicable Tribal law may be subject to a civil fine. A separate violation occurs for each day a violation occurs or continues.

(2) Any person found to be in violation of this Act may be subject to seizure of all property utilized in connection with this Act.

(3) Any non-Tribal member found to be in violation of this Act may be subject to exclusion from the Reservation and receive any applicable fines.

(4) Any person found to be in violation of this Act may be subject to Tribal and Federal prosecution.

SECTION 3.03. INJUNCTIONS.

In addition to all other remedies provided for in this Act, the Gaming Commission is authorized to bring an action in the Tribal Court or other appropriate court to enjoin the operation of any gaming operation or activity which willfully fails to comply with any provision of this Act, or rules or regulations promulgated pursuant to this Act.

SECTION 3.04. SEIZURE OF PROPERTY.

(1) In addition to all other remedies provided for in this Act, whenever the Gaming Commission determines that a delay may prejudice the ability to enjoin or stop a continuing violation of a provision of this Act, the Gaming Commission may apply to the Tribal Court for the issuance of a distress warrant authorizing the seizure of any gaming supplies and equipment within the Reservation. The Tribal Court shall issue the distress warrant, unless the Tribal Court finds:

(a) that there is no basis whatsoever for the determination by the Gaming Commission that there is a violation of the provisions of this Act, or the rules and regulations promulgated pursuant thereto; or

(b) that there is no basis whatsoever for the determination by the Gaming Commission that a delay may prejudice the ability to seek prosecution for a violation of the provisions of this Act, or the rules and regulations promulgated pursuant thereto.

(2) Seizure pursuant to the distress warrant may be carried out by a member or agent of the Gaming Commission when accompanied by a law enforcement officer of the Tribes.

CHAPTER 4: GAMING COMMISSION

SECTION 4.01. CREATION OF GAMING COMMISSION.

(1) The Shoshone-Bannock Gaming Commission is hereby created, consisting of seven (7) members, five of whom shall be Tribal members and residents of the Reservation, appointed by the Business Council Chairman with the consent of the Business Council.

(2) At least one member of the Gaming Commission shall be an accountant/bookkeeper who has practiced accounting for at least three years.

(3) At least one member of the Gaming Commission shall be a law enforcement officer who has been employed, as such, not less than three years.

SECTION 4.02. ELIGIBILITY TO SERVE.

No individual shall be eligible for any appointment to, or continue to serve on the Gaming Commission, who:

(1) Has been convicted of any felony or gaming related offense;

(2) Has a financial interest in or management responsibility for any gaming activity or operation; or

(3) Has a financial interest in or management responsibility for any management contract for a gaming activity or operation.

SECTION 4.03. TERM OF OFFICE.

Initial appointments to the Gaming Commission shall be made for the following terms: one member to serve until November 30, 1993; one member to serve until November 30, 1995; and two members to serve until November 30, 1996. All subsequent appointments shall be for terms of four years, subject to continuation of gaming on the Reservation.

SECTION 4.04. VACANCIES.

Any vacancy on the Gaming Commission may be filled by an individual for the remainder of the unexpired term appointed by the Business Council Chairman with the concurrence of the Business Council.

SECTION 4.05. REMOVAL FROM OFFICE.

Any member of the Gaming Commission may be removed from office by the Business Council at any time and for cause. Upon removal of such Gaming Commission member, the Business Council Chair, with concurrence of the Business Council, shall appoint a replacement for the remainder of the removed member's term.

SECTION 4.06. CHAIR AND VICE-CHAIR

A Chair and Vice-Chair of the Gaming Commission shall be chosen from among the Gaming Commission membership by a majority of the members at the first meeting of each fiscal year. The Chair or Vice-Chair shall preside over all meetings of the Gaming Commission.

SECTION 4.07. QUORUM AND OFFICIAL MEETINGS

(1) A majority of the Gaming Commission shall constitute a quorum, and a quorum of the Gaming Commission shall be required for any official action or determination of the Gaming Commission.

(2) Action by the Gaming Commission shall be by a majority vote, and the Chair and Vice-Chair shall be entitled to vote.

(3) The Gaming Commission shall hold at least one meeting each month and such additional meetings as may be prescribed by the Rules of the Gaming Commission.

SECTION 4.08. RECUSAL OF GAMING COMMISSION MEMBER.

No member of the Gaming Commission shall participate in any action or decision by the Gaming Commission which directly involves himself, his immediate family, or his business. A member of the Gaming Commission may voluntarily recuse himself and decline to participate in any action or decision by the Gaming Commission when in his discretion, he believes that he could not act fairly or without bias, or that there would be an appearance that he could not act fairly or without bias.

SECTION 4.09. RECORDS OF GAMING COMMISSION.

(1) The Gaming Commission shall keep and maintain accurate, complete, and detailed records of all of its meetings, official communications, and actions of the Gaming Commission, including minutes of all official meetings.

(2) Such records shall be maintained at the office of the Gaming Commission by the Secretary of the Gaming Commission.

(3) Any records of the Gaming Commission which are not confidential shall be available for public inspection at a mutually agreed upon time and location.

SECTION 4.10. POWERS AND DUTIES OF GAMING COMMISSION.

The Gaming Commission shall have the following powers and duties:

(1) To supervise, inspect, and regulate any phase of all gaming operations on the Reservation which shall be necessary and proper to enforce the purposes of this Act.

(2) To promulgate and enforce rules and regulations as it deems necessary to carry out the purposes of this Act.

(3) To carry on a continuous study and investigation of gaming on the Reservation for the purposes of ascertaining any defects in the rules and regulations in this Act, for the purpose of making recommendations for changes in such rules and regulations or this Act, and to prevent abuse and evasions of the rules and regulations and this Act.

(4) To report and recommend to the Business Council, and the Tribal Attorney, any matters which the Gaming Commission deems to require immediate change in the laws of the Tribes in order to prevent abuse and evasions of the rules and regulations, and this Act.

(5) To issue and set a fee for gaming licenses, and revoke licenses for gaming on the Reservation.

(6) To review and approve all games proposed to be played or operated on the Reservation under the provisions of this Act.

(7) To delegate to an individual member of the Gaming Commission such functions as may be necessary to administer this Act efficiently, provided that the Gaming Commission may not delegate its powers to promulgate rules and regulations, or to issue and revoke licenses.

(8) To undertake background investigations and oversight of management and employees of the Tribal gaming operation.

(9) To hear and rule upon a person's eligibility for employment as a manager or employee with the Tribal gaming operation.

(10) To undertake enforcement action authorized by this Act, and to make or cause to be made an examination or investigation of a place of business, equipment,

facilities, personal property, books, records, papers, accounts, documents, etc., pursuant to a search warrant issued by the Tribal Court.

(11) To exercise all other authority delegated to it by law, or as may be reasonably necessary in the implementation of any provisions of this Act.

SECTION 4.11. COMPENSATION OF GAMING COMMISSION.

Gaming Commission members shall be compensated for services relating to Gaming Commission duties each day they are in attendance at any official Gaming Commission meetings. The Business Council shall determine the amount of compensation.

CHAPTER 5: BINGO

SECTION 5.01. ADVERTISING.

Advertising of Tribal bingo games shall not be limited, except for application of the Land Use Ordinance as it relates to billboard signs.

SECTION 5.02. SOLICITATION PROHIBITED.

No person shall sell or solicit any merchandise on premises where bingo is being conducted unless authorized by the Gaming Commission. This prohibition does not include the sale of food or refreshments, or arts and crafts.

SECTION 5.03. MINORS PROHIBITED.

No minor under the age of eighteen (18) years of age shall play any bingo game conducted by the Tribes or licensed by the Gaming Commission. No person under the age of eighteen shall be present on Tribal premises or in rooms where bingo is conducted.

SECTION 5.04. ALCOHOL PROHIBITED.

No alcoholic beverages and/or illegal drugs shall be allowed on the premises where bingo is being conducted. Anyone intoxicated or caught possessing and/or using alcoholic beverages or illegal drugs shall be removed from the premises and barred from playing bingo. Violators may be subject to a civil fine or criminal prosecution.

SECTION 5.05. HOURS OF BINGO GAMES.

No bingo session shall be commenced before 9:00 a.m. The hours of conducting bingo by the Tribes shall be set by the Tribal gaming manager, subject to the approval of the Business Council and bingo licensed by the Gaming Commission shall be approved by the Gaming Commission.

SECTION 5.06. SEATING CAPACITY.

Limitation of the number of bingo participants shall be determined by the seating capacity of the premises/facility as defined by applicable safety standards.

SECTION 5.07. BINGO GAME FEE.

(1) A fee shall be established by the Tribal gaming manager for admission onto the premises at which a regular Tribal bingo game is conducted, subject to approval

by the Business Council.

(2) The fee entitles a person to participate without additional charge in all regular bingo games played at such bingo occasion.

SECTION 5.08. METHOD OF PLAY.

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

(2) The objects to be drawn shall be essentially the same in size, shape, weight, balance, and all other 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) All objects shall be present in the receptacle at the beginning of each bingo game.

(4) Announcements of all numbers drawn shall be clearly audible to the players present.

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

(6) The receptacle and the caller shall be visible to a majority of players at all times.

(7) The particular arrangement of numbers required to be covered in order to win and the amount of the prize for the game shall be clearly described and audibly announced to the players immediately before the game.

(8) The gaming management shall conduct no more than seventy-five (75) regular bingo games in a single bingo occasion.

(9) Only bingo management or a designated employee may act as a caller in the conduct of bingo.

SECTION 5.09. VERIFICATION OF WINNER(S).

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

(2) At the time a winner is determined, any player may call for verification of the objects remaining in the receptacle and not yet drawn.

SECTION 5.10. DISTRIBUTION OF PRIZES.

(1) When more than one player is found to be the winner on the same number in the same bingo game, a cash prize shall be divided equally among the winners.

(2) When equal division of a merchandise prize is not possible, a play-off between the winners shall commence to determine one winner.

(3) Each winner shall be determined and every prize shall be awarded and delivered within a reasonable period of time.

SECTION 5.11. PRICE OF BINGO PACKETS.

(1) Regular entry bingo packets shall be established by the gaming manager. Extra regular bingo cards and special bingo cards shall be assigned a specific price and the price shall remain the same during the bingo occasion.

(2) Extra bingo packets or bingo cards shall be sold only on the premises where bingo is being conducted.

(3) The bingo supervisor shall keep an accurate, separate count of the number of regular bingo cards sold, rented, or used. Such information shall be available for inspection at the close of the bingo occasion.

SECTION 5.12. SPECIAL BINGO GAMES.

(1) All special bingo cards shall be in a form approved by the gaming manager.

(2) A special bingo card may be used for more than one special game provided that the special games are played consecutively and during a bingo session, and shall be marked by the player while in use so as to render the card void and unusable thereafter.