



December 1, 2017

**VIA EMAIL: [earlm@chehalistga.com](mailto:earlm@chehalistga.com)  
AND FIRST-CLASS MAIL**

C. Earl McWhorter, Executive Director  
Chehalis Tribal Gaming Agency  
Confederated Tribes of the Chehalis Reservation  
12888 188th Ave SW  
Rochester, WA 98579

**Re: Amended Tribal Gaming Ordinance of the  
Confederated Tribes of the Chehalis Reservation**

Dear Mr. McWhorter:

This letter responds to your request on behalf of the Confederated Tribes of the Chehalis Reservation for the National Indian Gaming Commission to review and approve the Tribe's amended gaming ordinance, Chehalis Tribal Code Chapter 13.05 "Gaming".

The amended gaming ordinance was adopted on September 26, 2017, by Confederated Tribes of the Chehalis Reservation Resolution No. 2017-080 (*RE: Approving Chehalis Tribal Code Chapter 13.05 "Gaming," as revised, and Directing the Chehalis Tribal Gaming Agency to Resubmit the Gaming Code, as revised, to the National Indian Gaming Commission for Review and Approval*). Because the Tribe's existing gaming ordinance was approved in December 1993, and changes were made to the NIGC regulatory requirements in the interim, the ordinance was amended to comply with those regulations.

Thank you for submitting the amended gaming ordinance for review and approval. As it is consistent with the requirements of the Indian Gaming Regulatory Act and the NIGC's regulations, the amended gaming ordinance is approved. If you have any questions, please feel free to contact Armando Acosta, Senior Attorney, at 202-632-7003.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jonodev O. Chaudhuri".

Jonodev O. Chaudhuri  
Chairman



# CONFEDERATED TRIBES of the CHEHALIS RESERVATION

RESOLUTION NO. 2017- 080

**RE: Approving Chehalis Tribal Code Chapter 13.05 "Gaming," as revised and Directing the Chehalis Tribal Gaming Agency to Resubmit the Gaming Code, as revised, to the National Indian Gaming Commission for Review and Approval**

**Whereas:** The Business Committee of the Confederated Tribes of the Chehalis Reservation is the duly constituted governing body of the Chehalis Tribe, in accordance with the Constitution and By-laws adopted by voting members of the Tribe and approved by the Commissioner of Indian Affairs; and

**Whereas:** The Business Committee is responsible for protecting and enhancing the social, health, educational and economic well-being of Tribal Members; and

**Whereas:** The Tribe has jurisdiction over the Reservation and all trust lands in Indian Country; and

**Whereas:** The Tribe exercises its inherent sovereignty through, among other means, enacting legislation under the Chehalis Tribal Code to regulate itself and all persons within its jurisdiction; and

**Whereas:** Chehalis Tribal Code Chapter 1.6 requires the Business Committee to follow a certain process for enacting new legislation; and

**Whereas:** The NIGC requested three minor additions to the language of Chapter 13.05 to comply with the Indian Gaming Regulatory Act requirements, which additions to change the basis on which the Business Committee previously complied with the process for enacting new legislation; and

**Whereas:** The Chehalis Tribal Gaming Agency and the Business Committee have drafted the attached Gaming Ordinance, as revised, for adoption as the new Chapter 13.05 of the Chehalis Tribal Code, the Business Committee approved this Gaming Ordinance; and

**Whereas:** The Business Committee has reviewed a revised draft of the proposed revised Chapter 13.05, a copy of which is attached hereto, and the Business Committee has followed the procedures for adoption of the Gaming Ordinance; and

**Whereas:** The Tribe is obligated to comply with the Indian Gaming Regulatory Act, 25 U.S.C. § 2701 *et seq.*, and is required under 25 C.F.R. § 522.3 to submit its gaming ordinance to the Chairman of the National Indian Gaming Commission within fifteen days of adoption.

**Now Therefore, Let It Be Resolved:** That the Business Committee of the Chehalis Tribe does hereby approve and adopt the Gaming Ordinance replacing the existing Chapter 13.05 of the Chehalis Tribal Code as attached hereto, and directs the Executive Director of the Chehalis Tribal Gaming Agency to submit this ordinance to the Chairman of the National Indian Gaming Commission for approval. The ordinance shall become effective upon approval by the National Indian Gaming Commission.



## CHAPTER 13.05

### GAMING

#### Sections:

- 13.05.010 Title.
- 13.05.020 Purpose.
- 13.05.030 Definitions.
- 13.05.040 Chehalis Tribal Gaming Commission – Qualifications.
- 13.05.050 Chehalis Tribal Gaming Commission – Selection.
- 13.05.060 Chehalis Tribal Gaming Commission – Powers and Duties
- 13.05.070 Chehalis Tribal Gaming Commission – Officers; Conduct of Meetings.
- 13.05.080 Chehalis Tribal Gaming Agency – Powers and Duties.
- 13.05.090 Chehalis Tribal Gaming Agency – Executive Director.
- 13.05.100 Chehalis Tribal Gaming Agency – Employees.
- 13.05.110 Chehalis Tribal Gaming Agency – Duty to Report.
- 13.05.120 Chehalis Tribal Gaming Agency – Activities Prohibited.
- 13.05.130 Chehalis Tribal Gaming Agency – Enforcement, Investigations and Sanctions.
- 13.05.140 Chehalis Tribal Gaming Agency – Licensing.
- 13.05.150 Chehalis Tribal Gaming Agency – Audits.
- 13.05.160 Rulemaking
- 13.05.170 Allocation of Net Revenues.
- 13.05.180 Grievances.
- 13.05.190 Concurrent Jurisdiction.
- 13.05.200 Law Enforcement Jurisdiction Relating to Gambling – Investigative Authority.
- 13.05.210 Law Enforcement Jurisdiction Relating to Gambling – Jurisdictional Forums.
- 13.05.220 Authorized Gaming.
- 13.05.230 Severability.

#### **13.05.010 Title.**

This chapter shall be known as Chapter 13.05 CTC, Chehalis Tribal Gaming Ordinance, and shall become effective upon final approval by the National Indian Gaming

Commission (hereinafter “NIGC”). (*Res. 1995-20, passed Apr. 19, 1995, adopting Res. 95-1, passed by the Chehalis Community Council, Apr. 18, 1995; Amended by Res. No. 2013-37, Jun. 4, 2013*)

#### **13.05.020 Purpose.**

The General Council and the Business Committee of the Confederated Tribes of the Chehalis Reservation, acting pursuant to the Constitution of the Confederated Tribes of the Chehalis Indian Reservation (collectively hereinafter “Tribe”), with full power to enact ordinances, and further acting pursuant to the Class III Gaming Compact between the Tribe and the state of Washington (hereinafter “Compact”), hereby enacts this regulatory ordinance to achieve the following purposes:

A. That there shall be and hereby is created the Chehalis Tribal Gaming Agency (“Agency”) as an agency and department of the Chehalis tribal government, whose purpose is to be the single tribal agency primarily responsible for regulatory oversight of Class I, II, and III gaming as defined in the Indian Gaming Regulatory Act (hereinafter “IGRA”), and the Compact.

B. In recognition of the close relationship between professional gambling and organized crime, and except as explicitly authorized hereby: to restrain all persons or entities from seeking profits from professional gambling activities within the Tribe’s jurisdiction as defined in its Constitution and Bylaws, Article II; to restrain all persons from patronizing such professional gambling activities; to safeguard the Indian and non-Indian public of the Tribe against the evils induced by common gamblers and common gambling houses engaged in professional gambling; and at the same time, to avoid restricting participation by individuals in activities and social pastimes, which activities and social pastimes are more for amusement rather than for profit, may have cultural value, do not maliciously affect the Indian and non-Indian public of the Tribe, and do not breach the peace.

C. The Tribe further declares that the exercise of tribal power through this chapter is necessary to protect the right of tribal self-government and to regulate its internal relations so as to protect its political and

economic security.

D. To ensure proper operation and regulation of authorized Class I, Class II and Class III gaming activities.

E. To provide revenue for social services, law enforcement, and other services provided by the Chehalis Tribe for the protection and welfare of the Chehalis tribal community.

F. To allow tribal members and guests to participate in certain forms of Class I, Class II and Class III gaming activities as authorized pursuant to the Compact. (*Res. 1995-20, passed Apr. 19, 1995, adopting Res. 95-1, passed by the Chehalis Community Council, Apr. 18, 1995; Amended by Res. No. 2013-37, Jun. 4, 2013*)

### **13.05.030 Definitions.**

The following terms when used in this chapter shall have the meaning set forth in this section:

“Agency” means the Chehalis Tribal Gaming Agency. This includes Agents, Soft Count Inspectors, and Surveillance Observers, including managers and supervisors hired by the Chehalis Tribal Gaming Agency Executive Director to enforce certain federal, state, and Tribal laws, policies, and procedures in the Gaming Facility.

“Class I gaming” means social games solely for prizes of minimal value as determined by the Tribe, or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, bona fide tribal ceremonies or celebrations;

“Class II gaming” means:

1. The game of chance commonly known as bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith):

a. Which is played for prizes, including monetary prizes, with cards bearing numbers or other designations,

b. In which the holder of the card covers such numbers or designations when objects, similarly numbered or designated are drawn or electronically determined, and

c. In which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards, including (if

played in the same location) pull-tabs, lotto, punch boards, tip-jars, instant bingo, and other games similar to bingo, and

2. Non-banking card games that:

a. Are explicitly authorized by the laws of the state, or

b. Are not explicitly prohibited by the laws of the state and are played at any location in the state, but only if such card games are played in conformity with those laws and regulations (if any) of the state regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games.

3. Notwithstanding any other provision of this subsection, the term “Class II gaming” includes those card games played in the state of Washington, that were actually operated in such state by an Indian tribe on or before May 1, 1988, but only to the extent of the nature and scope of the card games that were actually operated by an Indian tribe in such state on or before such date as determined by the Chairman of the NIGC.

4. Notwithstanding any other provision of this subsection, the term “Class II gaming” includes, during the one-year period beginning on October 17, 1988, any gaming that was legally operated on Indian lands or before May 1, 1988, if the Indian tribe having jurisdiction over the lands on which such gaming was operated requests the state, no later than the date that is 30 days after October 17, 1988, to negotiate a tribal-state compact under 25 U.S.C. § 2710 (d)(3).

“Class III gaming” means all forms of gaming that are not Class I or Class II gaming.

“Commission” means the Chehalis Tribal Gaming Commission elected by the Chehalis Tribal General Council.

“Gaming Facility” means the building, including the room or rooms in which Class III Gaming activities as authorized by the Compact are conducted on Tribal Lands.

“Gaming Operation” means the enterprise operated by the Tribe on Tribal Lands for the conduct of Class III gaming in any Gaming Facility.

“Key Employee” means:

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; or
  - j. Custodian of gambling

devices, including persons with access to cash and accounting records within such devices;

2. If not otherwise included, any other person whose total cash compensation is in excess of \$50,000.00 per year;

3. If not otherwise included, the four most highly compensated persons in the gaming operation; or

4. Any other person designated by the Tribe as a key employee.

“Net revenues” means gross revenues of a gaming activity less amounts paid out as, or paid for, prizes and total gaming-related operating expenses, including all those expenses of the gaming operation commonly known as operating expenses and non-operating expenses consistent with professional accounting pronouncements, excluding management contract fees.

“Player” means a natural person who engages, on equal terms with the other participants, and solely as a contestant or bettor, in any form of gambling in which he or she may not receive or become entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of a particular gambling activity. A natural person who gambles at a social game of chance on equal terms with the other participants therein does not otherwise render material assistance to the establishment, conduct or operation thereof by performing, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises therefor, and supplying cards or other equipment used therein.

“Primary Management Official” means any of the following:

1. The person(s) having management responsibility for a management contract.
2. 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.

3. Any other person designated by the Tribe as a primary management official.

“Punch boards” and “pull-tabs” shall be given the usual and ordinary meaning as of January 1, 1982; or as otherwise defined by the Tribe by rule or regulation.

“Sports pool” means a game of wagers, on a regularly scheduled athletic contest, of one hundred squares wherein each square is sold for not more than ten dollars (wager) plus an administrative charge payable to the Tribe of not more than fifty cents per ten-dollar wager. All wagers shall be awarded to winners as prizes. All other provisions of state law established in RCW 9.46.0335, as of December 21, 1992 and as thereafter amended, regarding the conduct of sports pools are hereby adopted by the Tribe and incorporated by reference, and shall be applicable, in accordance with Compact Section III, F.

“State Gaming Agency” Means the Washington State Gambling Commission, or such other agency formed under Washington State law to replace or perform the duties of the Washington State Gambling Commission.

“Tribal Law Enforcement Agency” means the police force of the Confederated Tribes of the Chehalis Reservation established and maintained by the Tribe pursuant to the Tribe’s powers of self-government to enforce the law within Tribal Lands. (*Res. 1995-20, passed Apr. 19, 1995, adopting Res. 95-1, passed by the Chehalis Community Council, Apr. 18, 1995; Amended by Res. No. 2013-37, Jun. 4, 2013*)

### **13.05.040 Chehalis Tribal Gaming Commission – Qualifications.**

A. The Business Committee shall require that all persons being considered for appointment submit to a background investigation and state and tribal licensing requirements for Class II and Class III gaming.

B. No person may be a commissioner unless they are a duly enrolled member of the Tribe and at least twenty-one (21) years of age.

C. No person may be a commissioner if they have been convicted of a felony or misdemeanor indicating that such person would be determined to be a person whose prior activities, criminal record, or associations pose a threat to the effective regulation of gaming or create or enhance the chances of unfair or illegal practices, methods and activities in the conduct of the gaming activities permitted pursuant to the Compact; or if the person has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by any provision of the Compact.

D. Notwithstanding anything herein to the contrary, in the absence of other violations, it shall not be automatic grounds for removal of a commissioner or ineligibility to serve on the Commission if such person has been charged or convicted of the following non-gambling related offenses:

1. Hunting or fishing offenses;
- or
2. A cigarette or alcohol sales offense.

E. Within thirty (30) days of their appointment to the Commission, all commissioners shall be required to certify in writing to the Chairman of the Chehalis Tribal Business Committee that the commissioner has read and is familiar with the contents of this ordinance and the Compact. (*Res. 1995-20, passed Apr. 19, 1995, adopting Res. 95-1, passed by the Chehalis Community Council, Apr. 18, 1995*)

#### **13.05.050 Chehalis Tribal Gaming Commission – Selection.**

A. The Commission shall consist of five members appointed by the General Council, upon an election called by the Business Committee at a regularly-scheduled General Council Meeting. Absentee ballots will not be valid. Once elected, the members of the Commission shall decide who among them shall serve as chair, vice-chair, secretary, treasurer, and commission member. Members

of the Commission shall be known as “commissioners,” who shall hold terms as follows:

1. Three-year terms, provided of the first appointed commissioners,
  - a. Two shall hold a three-year term,
  - b. Two shall hold a two-year term, and
  - c. One shall hold a one-year term.

2. Commissioners shall hold office until their successors are duly appointed and qualified, which successors shall all hold three-year terms.

B. No employee of any tribal Class I, II, or III gaming operation as defined in IGRA or any non-tribal gaming operation may be a commissioner or an employee of the Agency.

C. In case of a vacancy on the Commission, the Commission shall, within seven (7) days of such vacancy, make a written recommendation to the Business Committee of a person to fill such vacancy. Within thirty (30) days of receiving such written recommendation from the Commission, the Business Committee shall appoint a commissioner to serve in the vacated position for the unexpired term, provided that such person need not be the person recommended by the Commission but, provided further, that if the Business Committee does not appoint a replacement for the vacancy within thirty (30) days of receiving the Commission’s recommendation, the person recommended by the Commission shall serve in the vacated position for the unexpired term provided such person meets all other applicable requirements for service on the Commission..

D. If a commissioner shall die, resign, be removed from office, or be found guilty while in office of a felony or misdemeanor involving dishonesty in any tribal, state, or federal court, the Business Committee shall declare that commissioner’s position vacant and shall appoint a successor to fill the unexpired term.

E. A member of the Commission may be removed by vote of the majority of the Business Committee, after notice and an opportunity for a hearing is given.



1. Removal shall be only for cause, such as the inability or unwillingness to perform duties necessary to the office, misuse of funds, or under the provisions of subsection (2) below.

2. A commissioner may be removed upon specific written charges filed by the Commission or by the Business Committee and with a majority vote of the Business Committee due to: an arrest and/or conviction of that commissioner of any crime; failure to attend Commission meetings; failure to comply with applicable rules of conduct; or inefficiency, misconduct, malfeasance and/or misfeasance in office. However, such commissioner shall be given a written statement of the charges against him or her at least ten (10) days before the meeting of the Business Committee at which he or she is to appear, and shall be given an opportunity to answer any and all charges at the meeting before a vote is taken in the matter. The decision of the Business Committee shall be final and non-appealable. Removal of any commissioner by the Business Committee shall disqualify such member for re-appointment to the Commission. *(Res. 1995-20, passed Apr. 19, 1995, adopting Res. 95-1, passed by the Chehalis Community Council, Apr. 18, 1995; Amended by Res. No. 2013-37, Jun. 4, 2013)*

**13.05.060 Chehalis Tribal Gaming Commission – Powers and Duties.**

The Chehalis Tribal Gaming Commission exercises certain powers delegated to the Commission by the Business Committee for the purpose of ensuring that the Tribe remains in compliance with the Compact, IGRA, and other applicable laws. To accomplish this purpose, the Commission shall perform the following functions and duties:

A. Interview and hire a candidate for appointment as Tribal Gaming Agency Executive Director when the Executive Director position becomes vacant.

B. Review the monthly, quarterly, and other regular summary reports provided by the Tribal Gaming Agency pursuant to this

chapter. Individual incident reports shall be provided to the Commission as directed by the Chair of the Commission or his or her designee. Incident reports and all related materials concerning the appeal of a Tribal Gaming Agency action shall be provided to the Commission during the appeal process;

C. Hear appeals of actions taken by the Tribal Gaming Agency and prescribe the procedures for the conduct of appeal hearings;

D. Maintain the confidentiality of information received by the Commission concerning the Gaming Operation and the actions of the Agency; except that no Commissioner shall be deemed to breach this duty of confidentiality should the Commissioner disclose information which he or she is obligated to report under the terms of this chapter or other applicable law, so long as the disclosure is performed in the manner required by this chapter or other applicable law. Any other disclosure or release of confidential information shall be considered Commissioner misconduct and grounds for removal of the Commissioner under the rules of this chapter.

E. Advise the Tribal Gaming Agency Executive Director on matters relating to implementation of the requirements of this chapter, the Compact, IGRA, and other laws, rules, and regulations applicable to tribal gaming.

F. Comply with rules of conduct applicable to Tribal Gaming Agency Agents under Standard Operating Procedures approved by the Business Committee, including without limitation rules regarding fraternization, conduct, gambling, and consumption of alcohol. A violation of these rules shall be considered Commissioner misconduct and grounds for removal of a Commissioner under the rules of this chapter.

G. Review the proposed annual budget for the Tribal Gaming Agency set forth in 13.05.090 of this Chapter prior to its submission to the Business Committee for approval.

**13.05.070 Chehalis Tribal Gaming Commission – Officers; Conduct of Meetings.**

A. The chair of the Commission shall preside over all meetings of the Commission, shall perform all duties of a chair, and shall exercise any authority delegated to him or her by the Commission. The chair may vote and shall be counted in the establishment of a quorum.

B. The vice-chair shall assist the chair when called upon to do so and will preside in the absence of the chair. When presiding, the vice-chair shall have all the rights, privileges and duties as well as responsibilities of the chair.

C. The secretary shall conduct all Commission correspondence and shall keep an accurate record of all matters transacted at Commission meetings. It shall be the secretary's duty to promptly submit to the Secretary of the Business Committee all minutes of regular and special meetings of the Commission.

D. A quorum shall be three commissioners.

E. The principal office of the Commission shall be at such place as designated by the Business Committee. The Commission shall hold meetings at least quarterly and at such other times as may be called by the chair or upon written request to the chair by any other commissioner or at the direction of the Business Committee.

F. Commissioners may be compensated and receive reimbursement for their expenses as determined by the Business Committee.

G. All Commission meetings shall be open to Chehalis tribal members, except hearings for revocation or suspension of licenses which may be held in closed session in the discretion of the Commission.

H. The Commission shall give prior notice, including an agenda and/or description of all topics slated for discussion, of all Commission meetings to the Business Committee, who may send at least one of its members to each Commission meeting, if available. A Business Committee member need not be present to conduct a Commission meeting. *(Res. 1995-20, passed Apr. 19, 1995, adopting Res. 95-1, passed by the Chehalis Community Council, Apr. 18, 1995; Amended by Res. No. 2013-37, Jun. 4, 2013)*

### **13.05.080 Chehalis Tribal Gaming Agency – Powers and Duties.**

A. The primary responsibility for the on-site regulation, control and security of the Gaming Operation authorized by the Compact, and for the enforcement of the Compact within Tribal Lands, shall be that of the Agency and the Tribal Law Enforcement Agency. The Agency shall perform the following functions:

1. Enforce in the Tribe's Gaming Operation, including the Tribe's Gaming Facility, all relevant laws and ordinances;

2. Ensure the physical safety of patrons in the Gaming Facility;

3. Ensure the physical safety of personnel employed by the Gaming Facility;

4. Ensure the physical safeguarding of assets transported to and from the Gaming Facility and cashier's cage department;

5. Protect the patrons and the Gaming Operation's property from illegal activity;

6. Temporarily detain, to the extent of its authority and in cooperation with the Tribal Law Enforcement Agency, persons who may be involved in illegal acts for the purpose of notifying the appropriate law enforcement authorities; and

7. Record, in a permanent and detailed manner, any and all unusual occurrences within the Gaming Facility. Each incident, without regard to materiality, shall be assigned a sequential number and, at a minimum, the following information shall be recorded into the computer system by the Agency as part of their daily log. These logs can be accessed by date of entry by the Agency. Furthermore, all occurrences requiring an incident report will be assigned a sequential number and will at least include the following:

- a. The assigned number;
- b. The date of the incident;
- c. The time of the incident;
- d. The nature of the incident;
- e. The person(s) involved in the incident; and



f. The security department or Tribal Gaming Agency employees assigned.

8. Collect, audit, issue, and/or establish and collect fees, licenses, taxes, and permits, subject to ratification by the Business Committee;

9. In an attempt to develop and foster a relationship in the enforcement of the provisions of the Compact, representatives of the State Gaming Agency and Tribal Gaming Agency shall meet, not less than on an annual basis, to review past practices and examine methods to improve the regulatory program created by the Compact. The meetings shall take place at a location selected by the Tribal Gaming Agency.

B. The Agency shall have the primary responsibility for the on-site regulation, auditing, controls and security of all Class I and II Gaming Operations authorized by the Tribe, including, but not limited to, the following areas as set forth in IGRA, and any tribal gaming ordinance as it now exists or may hereafter be enacted, for the following matters:

1. Conduct annual outside audits of the Gaming Operation;

2. Conduct other audits as authorized by the management contract, if any;

3. Ensure that the construction and maintenance of any Gaming Facility and the operation of that gaming is conducted in a manner which adequately protects the environment and public health and safety;

4. Ensure that background investigations are conducted on all primary management officials and key employees of the Gaming Operation, and that oversight of such officials and their management is conducted on an ongoing basis, including the issuance of tribal licensing for primary management officials and key employees of the Gaming Operation;

5. Establish standards whereby any person whose prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the public interest or to the effective regulation of gaming or create or enhance the dangers of unsuitable, unfair or illegal practices and methods and

activities in the conduct of such gaming shall not be eligible for a license;

6. Notify the NIGC of the results of background checks before the issuance of any licenses;

7. Seek, where appropriate, certificates of self-regulation for Class II gaming activities under IGRA;

8. Monitor and ensure enforcement of ordinance provisions, whether relating to regulations or law enforcement;

9. Adopt and issue interpretive rulings concerning the Compact, IGRA, and other applicable laws governing Class I and II gaming as applied to activities in the Gaming Facility.

C. The Agency shall have the primary responsibility for the on-site regulation, auditing, controls and security of all Class III Gaming Operations authorized by the Tribe and for the enforcement of the Compact, including, but not limited to, the following areas as set forth in the Compact and this chapter for the following matters, which referenced Compact provisions are incorporated herein by reference:

1. Nature, size and scope of Class III gaming, (Compact, Section 3).

2. Licensing and certification requirements, (Compact, Section 4).

3. Licensing and state certification procedures, (Compact, Section 5).

4. Tribal enforcement of Compact provisions, (Compact, Section 6).

5. Regulatory jurisdiction relating to the enforcement of the provisions of the Compact, (Section 8).

6. Law enforcement jurisdiction relating to gambling, (Compact Section 9).

7. Enactment of regulations governing gambling, (Compact, Section 10), as provided in this chapter.

8. Adoption and issuance of interpretive rulings concerning the Compact, IGRA, and other applicable laws governing Class III gaming as applied to activities in the Gaming Facility.

9. Enforcement of public health and safety provisions, (Compact Section 14).

10. Provision for all audits required or permitted under the Compact and/or the management contract, if any.

D. For purposes of 18 USC 31166(d), for enforcing the provisions of the Compact with respect to certification and criminal conduct, and for protection of the public health, safety and welfare, and to the extent not inconsistent with other provisions of the Compact, RCW 9.46.075; 9.46.140; 9.46.155 9.46.170; 9.46.180; 9.46.185; 9.46.190; 9.46.196; 9.46.198; 9.46.220; 9.46.221; 9.46.222; 9.46.230; 9.46.240; as now or hereafter amended, to the extent such amendments concern the same subject matter as the herein referenced statutory provision, shall be applicable and incorporated herein as part of this chapter to provide consistency and equality between state and tribal law.

E. Not less than thirty (30) days prior to providing the proposed annual budget for the Tribal Gaming Agency set forth in 13.05.090 of this Chapter to the Business Committee for approval, the Executive Director of the Tribal Gaming Agency shall present such budget to the Tribal Gaming Commission for review and comment.

**F. Additional Duties:**

1. Advise the Business Committee on policy matters relating to tribal gaming and compliance with the Compact and applicable law;

2. Develop rules and regulations for carrying into effect the purposes and provisions of this chapter, IGRA, and the Compact, including enforcement provisions and penalties;

3. Review agreements with the State Gaming Agency to amend Compact Appendix A and Appendix X2 for the purpose of ensuring compliance with applicable Minimum Internal Control Standards or with the Compact, IGRA, or other applicable laws.

*(Res. 1995-20, passed Apr. 19, 1995, adopting Res. 95-1, passed by the Chehalis Community Council, Apr. 18, 1995; Amended by Res. No. 2013-37, Jun. 4, 2013)*

**13.05.090 Chehalis Tribal Gaming Agency - Executive Director.**

The day-to-day operations of the Agency shall be administered by an executive director, who shall be the chief administrator and lead enforcement official for the Agency in

carrying out its powers and duties, and shall supervise other Agency employees in carrying out the purposes and provisions of this chapter. Subject to and within an annual budget approved by the Business Committee, the executive director shall employ such staff as he or she determines is necessary to carry out the purposes and provisions of this chapter. *(Res. 1995-20, passed Apr. 19, 1995, adopting Res. 95-1, passed by the Chehalis Community Council, Apr. 18, 1995; Amended by Res. No. 2013-37, Jun. 4, 2013)*

**13.05.100 Chehalis Tribal Gaming Agency – Employees.**

A. The Agency shall employ qualified inspectors or agents under the authority of the Agency’s executive director. Said inspectors shall be independent of the tribal Gaming Operation, and shall be supervised and accountable to the executive director.

B. All Tribal Gaming Agency personnel shall be Class III certified by the State Gaming Agency.

C. The Agency shall ensure that a tribal gaming inspector shall be present in the Gaming Facility during all hours of gaming operation, and shall have immediate access to any and all areas of the Gaming Operation for the purpose of ensuring compliance with the provisions of the Compact and applicable law. *(Res. 1995-20, passed Apr. 19, 1995, adopting Res. 95-1, passed by the Chehalis Community Council, Apr. 18, 1995; Amended by Res. No. 2013-37, Jun. 4, 2013)*

**13.05.110 Chehalis Tribal Gaming Agency – Duty to Report.**

A. The Agency shall submit regular summary reports containing both financial and operating information as provided by the Gaming Operation and collected by the Agency to the Business Committee and to the Gaming Commission at least once per quarter and not more than once per month.

B. All violation(s) of the provisions of the Compact or of applicable law by the Gaming Operation, a gaming employee, or any person on the Gaming Facility premises whether or not associated with the Gaming Operation shall be documented and all records of such violations shall be available to the

State Gaming Agency for review on-site at the Agency office or shall be forwarded to the State Gaming Agency by request.

C. If requested by the Agency, the State Gaming Agency shall assist in any investigation initiated by the Tribal Gaming Agency and provide other requested services to ensure proper compliance with the provisions of the Compact, tribal ordinances, laws of the Tribe, or applicable laws of the state.

D. The Agency shall no less than quarterly make reports to the Business Committee covering such matters in connection with this chapter or as the Business Committee may otherwise more frequently require. *(Res. 1995-20, passed Apr. 19, 1995, adopting Res. 95-1, passed by the Chehalis Community Council, Apr. 18, 1995; Amended by Res. No. 2013-37, Jun. 4, 2013)*

### **13.05.120 Chehalis Tribal Gaming Agency - Activities Prohibited.**

A. Chehalis Tribal Gaming Commissioners and employees of the Agency may not:

1. Serve as an officer, employee or manager of any organization, person, group, Tribe or entity which conducts gambling activities; except that Gaming Commissioners and Agency employees may serve as an officer, employee, or manager of any Chehalis tribal government department or enterprise that is not engaged in gambling activities; or

2. Receive or share in, directly or indirectly, profits of any gambling activity, other than authorized per capita payments or other general welfare programs; or

3. Be beneficially interested in any contract for the manufacture or sale of gambling equipment, services or devices, or the provision of independent consulting services in connection with a gambling activity; or

4. Participate in Class II or Class III gambling within the Gaming Facility.

B. Gambling within Tribal Lands by any person acting other than as a player, or by any party, partnership, entity, firm, and/or corporation is prohibited and declared unlawful except when authorized by the Tribe by ordinance or resolution and conducted

pursuant to the control, rules and regulations of the Agency, as well as IGRA and rules and regulations promulgated thereunder. *(Res. 1995-20, passed Apr. 19, 1995, adopting Res. 95-1, passed by the Chehalis Community Council, Apr. 18, 1995; Amended by Res. No. 2013-37, Jun. 4, 2013)*

### **13.05.130 Chehalis Tribal Gaming Agency – Enforcement, Investigations and Sanctions.**

The Agency, in order to ensure the compliance of Gaming Operations with the provisions of applicable laws, codes, ordinances, rules and/or regulations:

A. Shall have free access to all gaming premises, employees, books and records at any time and for any purpose related to performance of its functions hereunder;

B. May deny an application for or suspend or revoke any license or permit issued by it, for any reason or reasons it deems to be in the Tribal or public interest;

C. Shall investigate any reported violation of the Compact and shall require the Gaming Operation to correct the violation upon such terms and conditions as the Agency determines are necessary.

D. May impose fines and other sanctions within the jurisdiction of the Tribe against a gaming employee, or any other person directly or indirectly involved in, or benefiting from, the Gaming Operation, such fines not to exceed five thousand dollars (\$5,000) per violation for any violation of this chapter, IGRA and/or the Compact, including rules and regulations promulgated thereunder; and

E. Any action taken by the Agency under this subsection shall be reduced to writing with a copy delivered to the affected organization or person(s), who may appeal the action to the Commission within ten (10) days of receipt of notice thereof. The Commission shall conduct a hearing and determine the appeal of the action at a time in their discretion, as well as prescribe the procedures for the hearing. The decision of the Commission may be appealed to the Chehalis Business Committee, so long as the appeal is filed within five days of the Commission's written decision. The imposition of the sanction shall be in full force and effect unless reversed finally by the

Chehalis Business Committee. (Res. 1995-20, passed Apr. 19, 1995, adopting Res. 95-1, passed by the Chehalis Community Council, Apr. 18, 1995; Amended by Res. No. 2013-37, Jun. 4, 2013)

**13.05.140 Chehalis Tribal Gaming Agency – Licensing.**

A. The Agency shall license one Class III Gaming Operation within the Gaming Facility, located on Tribal Lands for the operation of any Class III games as authorized pursuant to Section III, G of the Compact, and shall issue a separate license for Class II gaming at a separate Gaming Facility in the Tribe’s Hotel located on Tribal Lands in accordance with Chehalis Tribal Code Section 13.05.220 below.

1. The Gaming Operation and Gaming Facility authorized by the Compact shall be licensed by the Agency in conformity with the requirements of the Compact prior to commencement of operation, and annually thereafter.

2. Verification of this requirement shall be made by the Tribal Gaming Agency and the State Gaming Agency through a joint pre-operation inspection conducted not later than ten (10) days prior to the scheduled opening to the public, pursuant to Section IV, A of the Compact.

B. The Tribe shall have the sole proprietary interest and responsibility for the conduct of any Class II and Class III gaming activity.

1. The Tribe shall be entitled to contract for management of the Gaming Facility and Gaming Operation.

2. Such contract shall subject the manager to the terms of the Compact, including annual certification and licensing.

C. No license shall be issued for a Gaming Facility unless the Agency determines that its construction has been completed in a manner which adequately protects the environment and public health and safety. One of the conditions of such license shall be that the facility also be maintained and the gaming so operated as to continue to meet this standard.

D. The Agency shall require a tribal license for primary management officials, key

employees, vendors, and all other individuals or entities required under the Compact with respect to the Gaming Operation on Tribal Lands, with prompt notification to the NIGC of the issuance of such license. The Tribe shall not employ an individual in a primary management official or key employee position who does not have a license after 90 days of beginning work at the gaming operation.

1. The following notice shall be placed on the Tribe’s license application form for a key employee or a primary management official before it 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 granted a gaming license. The information will be used by the Tribal gaming regulatory authorities and 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 by the Tribe or the NIGC 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 NIGC in connection with the issuance, denial, or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe being unable to license you for 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. The following additional notice shall be placed on the application form for a key employee or a primary management official before it is filled out by an applicant: “A false statement on any part of your license application may be grounds for denying a license or the suspension or revocation of a license. Also, you may be punished by fine or

imprisonment (U.S. Code, title 18, section 1001).”

E. 1. The Agency shall cause background investigations to be conducted on the primary management officials and key employees of the Gaming Operation on Tribal Lands, as mandated by IGRA. Such background investigations shall be according to requirements that are at least as stringent as those in 25 CFR Parts 556 and 558 and as those parts are hereafter amended. The Agency shall promulgate rules and regulations establishing a background investigation procedure and ensure that background investigations are conducted on all persons and entities set forth in Part (d) above and that oversight of such officials and their management is conducted on an ongoing basis; and includes a standard whereby any person whose prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the public interest or to the effective regulation of gaming, or create or enhance the danger of unsuitable, unfair, or illegal practices and methods or activities in the conduct of gaming, shall not be eligible for employment.

2. In conducting the background investigation, the Agency shall obtain from each primary management official and key employee all of the following information:

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

b. Currently, and for the previous five (5) years, business and employment positions held, ownership interests in those businesses, business and residential addresses, and driver’s license numbers;

c. The names and current addresses of at least three (3) personal references, including one (1) personal reference who was acquainted with the applicant during each period of residence listed under paragraph (e)(2)(B) of this section;

d. Current business and residential telephone numbers, and all cell phone numbers;

e. A description of any existing and previous business relationships with other tribes, including any ownership interests in the businesses;

f. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in the 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 of 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 of disposition, if any;

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 paragraphs (e)(2)(H) or (e)(2)(I) of this Section, the criminal charge, the name and address of the court involved, and the date of disposition, if any;

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 photograph

m. Any other information the Tribe deems relevant; and

n. Fingerprints obtained in accordance with procedures adopted by the Tribe pursuant to 25 C.F.R. § 522.2(h).

3. When a primary management official or key employee is employed by the Tribe, a complete application file, containing all of the information listed in CTC § 13.05.140.E.2 shall be maintained.

4. In conducting a background investigation, the Agency shall keep

confidential the identity of each person interviewed in the course of the investigation.

F. Before issuing a license to a primary management official or a key employee, the Agency shall create and maintain an investigative report for each background investigation of such primary management official or key employee, which shall include all of the following information:

1. Steps taken in conducting the investigation;

2. Results obtained;

3. Conclusions reached; and

4. The basis for those

conclusions.

G. 1. Before issuing a license to a primary management official or key employee, the Agency shall prepare a notice of results of the applicant's background investigation to submit to the NIGC. The notice of results must be submitted to the NIGC no later than 60 days after the applicant begins working for the Tribe.

2. The notice of results shall include the following information:

a. The applicant's name, date of birth, and social security number;

b. The date on which the applicant began, or will begin, working as a primary management official or key employee;

c. A summary of the information presented in the investigative report, including:

i. licenses that have previously been denied;

ii. gaming licenses that have been revoked, even if subsequently reinstated;

iii. every known criminal charge brought against the applicant within the last 10 years of the date of the application; and

iv. every felony offense of which the applicant has been convicted or any ongoing prosecution; and

d. A copy of the eligibility determination made in accordance with CTC § 13.05.080.B.5.

H. The Agency must reconsider a license application for a primary management official or key employee if it receives a statement of itemized objections to issuing such a license

from the NIGC, and those objections are received within 30 days of the NIGC receiving a notice of results of the applicant's background investigation. The Agency shall take the NIGC's objections into account when reconsidering a license application. If the Agency has issued a license to a primary management official or key employee before receiving the NIGC's statement of objections, notice and a hearing shall be provided to the licensee.

I. The Agency shall notify the NIGC of the issuance of a license to a primary management official or key employee within 30 days of issuance. When the Agency does not issue a license to an applicant for a primary management official or key employee position, or revokes a previously issued license after reconsideration, it shall: Notify the NIGC; and Forward copies of its eligibility determination and notice of results of the applicant's background investigation to the NIGC for inclusion in the Indian Gaming Individuals Record System.

J. If after the issuance of a gaming license, the Agency receives reliable information from the NIGC or other reliable source(s) that a licensee does not meet the standard established under Part (e) above, or other rules and regulations promulgated thereunder, the Agency shall immediately suspend his or her license and, provide the licensee with written notice of suspension and proposed revocation; including notifying the licensee of a time and a place for a hearing on the proposed revocation of the license and after notice and hearing, may revoke such license. By regulation, the Agency may set grounds for license suspension, revocation, and denial, including the above-referenced standard and such other grounds as it deems appropriate.

K. The right to a revocation hearing vests only when a license is granted under an ordinance approved by the NIGC Chair. Following a revocation hearing, the Tribe shall decide whether to revoke or reinstate the license at issue. The Tribe shall notify the NIGC of its decision to revoke or reinstate a license within 45 days of receiving notification from the NIGC that a primary management



official or key employee is not eligible for employment.

L. No license shall be required for Class I gaming on Tribal Lands.

M. No license shall be issued for a gaming activity managed or operated by any person or entity other than the Tribe, except state and tribally licensed Washington State lottery retailers.

N. Additional procedures for license application and review shall be set forth in regulations to be promulgated by the Agency. All licenses shall be for one year only and renewable upon review and approval of the Agency, as set forth in its regulations.

O. The Agency shall adopt, as a minimum, those standards in Section V(A) through (N) of the Compact, pertaining to Licensing and State Certification Procedures.

P. The Agency shall license all non-gaming employees, whom shall be licensed through the Agency and be issued tribal licenses accordingly,

Q. The Agency may adopt all or part of any licensing standard for non-gaming employees, pursuant to this chapter or rules and regulations of the Agency.

R. The Agency shall maintain a complete application file containing the information listed under 25 C.F.R. § 556.4(a)(1) through (14) or as hereafter amended for all primary management officials and key employees. The Agency shall retain, for no less than three years from the date a primary management official or key employee is terminated from employment with the Tribe, the primary management official or key employee's: applications for licensing; investigative reports, and eligibility determinations. *(Res. 1995-20, passed Apr. 19, 1995, adopting Res. 95-1, passed by the Chehalis Community Council, Apr. 18, 1995; Amended by Res. No. 2013-37, Jun. 4, 2013)*

### **13.05.150 Chehalis Tribal Gaming Agency – Audits.**

A. Annual outside audits of Class II and Class III gaming on Tribal Lands, which may be encompassed within existing independent tribal audit systems, shall be provided by the Tribe to the NIGC.

B. All contracts for supplies, services, or concessions for a contract amount in excess of twenty-five thousand dollars (\$25,000) annually (except contracts for professional, legal, or accounting services) relating to Class II or III gaming shall be subject to such independent audits.

C. The Agency shall apply the annual audit and other report requirements of Appendix A, Section 5 of the Compact, herein included by reference, as minimum audit standard of the Agency.

D. The Agency shall perform such other audits as permitted by the management contract, if any. *(Res. 1995-20, passed Apr. 19, 1995, adopting Res. 95-1, passed by the Chehalis Community Council, Apr. 18, 1995; Amended by Res. No. 2013-37, Jun. 4, 2013)*

### **13.05.160 Rulemaking.**

To meet its responsibility for the on-site regulation of gaming, the Agency is hereby empowered to issue certain rules and regulations without the approval of the Business Committee, which shall have the force of tribal law, and both the Commission and the Agency are hereby empowered to develop and propose other rules and regulations concerning the regulation of gaming for consideration and approval by the Business Committee:

A. The Agency may issue the following types of rules and regulations without the approval of the Business Committee:

1. Written rulings and advisories interpreting and enforcing the requirements of the Compact, IGRA, and other applicable laws and regulations as applied to a particular activity which is occurring in the Gaming Facility or which is proposed by the Gaming Operation.

2. Technical Amendments to Agency-issued rules and regulations or to Compact provisions governing Standards of Operation and Management, including Appendices "A," "X2," and similar appendices of the Compact; but only if: (i) the technical amendments are necessary to maintain compliance with Minimum Internal Control Standards under applicable federal law or regulation; and (ii) the amendments are approved in writing by both the Agency's

Executive Director and the authorized representative of the State Gaming Agency.

B. All proposed rules or regulations other than those issued by the Agency under Part (a) of this subsection shall be reviewed and enacted according to the following procedure:

1. When the Commission develops a proposed rule or regulation, the Commission shall consult with the Agency Executive Director or his/her designee regarding the proposed rule or regulation before presenting the proposed rule or regulation to the Business Committee.

2. When the Agency develops a proposed rule or regulation, the Agency Executive Director shall first present the draft rule or regulation to the Commission for review and comment before presenting the proposed rule or regulation to the Business Committee. The Commission shall review and comment on the proposed rule or regulation within thirty (30) days. Should the Commission recommend any changes to the proposed rule or regulation, the Agency shall either incorporate the changes in the proposed rule or regulation, or prepare a separate summary of the Commission's recommendations. The Agency shall then present either the revised proposed rule or the original proposed rule and summary of the Commission's recommendations to the Business Committee for consideration. Should the Commission fail to review or comment on the proposed rule or regulation within thirty (30) days, the Agency may present the proposed rule to the Business Committee without review or comment from the Commission.

3. The Business Committee shall review all proposed Tribal Gaming Agency and / or Commission internal administrative procedures relating to the day to day functions of those bodies, but not rules or regulations relating to gaming operations, and take any action it deems appropriate, including without limitation enacting the proposed administrative procedure, enacting a revised administrative procedure, declining to enact the proposed administrative procedure, or referring the proposed administrative procedure to the Commission, the General

Council, or any other advisory body for further review and comment.

### **13.05.170 Allocation of Net Revenues.**

A. Net revenues from Tribal gaming shall be used only for the following purposes:

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

B. Per capita distributions of net revenues shall be made pursuant to a Revenue Allocation Plan approved by the Secretary of the Interior or his/her designee as required by federal law.

### **13.05.180 Grievances.**

Complaints may be presented to the Agency in accordance with its rules and regulations now in effect, or hereinafter adopted and/or amended. (*Res. 1995-20, passed Apr. 19, 1995, adopting Res. 95-1, passed by the Chehalis Community Council, Apr. 18, 1995; Amended by Res. No. 2013-37, Jun. 4, 2013*)

### **13.05.190 Concurrent Jurisdiction.**

The Agency and the State Gaming Agency shall have concurrent jurisdiction to investigate violations of the provisions of the Compact, and to bring administrative charges in accordance with tribal laws and the provisions of Chapter 9.45 RCW, Chapter 34.05 RCW and Chapter 230-50 WAC, against any individual or business entity that is licensed by the Agency or certified by the State Gaming Agency in accordance with the Compact. (*Res. 1995-20, passed Apr. 19, 1995, adopting Res. 95-1, passed by the Chehalis Community Council, Apr. 18, 1995; Amended by Res. No. 2013-37, Jun. 4, 2013*)

### **13.05.200 Law Enforcement Jurisdiction Relating to Gambling – Investigative Authority.**

The Agency, Tribal Law Enforcement Agency, the Thurston and Grays Harbor

County Sheriff or law enforcement agencies to the extent cross-deputized by the Tribal Law Enforcement Agency, the Washington State Patrol and the State Gaming Agency shall have the authority to investigate gambling and related crimes against the laws of the Tribe and/or of Chapter 9.46 RCW made applicable, that occur within the Gaming Facility or within Tribal Lands, provided that such activities shall relate only to the terms of the Compact. *(Res. 1995-20, passed Apr. 19, 1995, adopting Res. 95-1, passed by the Chehalis Community Council, Apr. 18, 1995; Amended by Res. No. 2013-37, Jun. 4, 2013)*

**13.05.210 Law Enforcement Jurisdiction Relating to Gambling – Jurisdictional Forums.**

A. Following investigation and arrest of an individual for gambling related crimes by the appropriate law enforcement agency, formal charges will be brought in the appropriate venue. Criminal prosecution of nontribal members will be through the proper state or federal courts.

B. Tribal members who are criminal defendants will be prosecuted in Chehalis tribal and/or federal court. Wherever possible, for criminal defendants who are tribal members, Chehalis Tribal Court will be the preferred venue for individual prosecutions unless the Tribe declines to place jurisdiction in the Tribal Court within six months of apprehension by a law enforcement agency. *(Res. 1995-20, passed Apr. 19, 1995, adopting Res. 95-1, passed by the Chehalis Community Council, Apr. 18, 1995; Amended by Res. No. 2013-37, Jun. 4, 2013)*

**13.05.220 Authorized Gaming.**

No person, whether natural or corporate, may engage in Class II or Class III gaming within the jurisdiction of the Tribe without the approval of the Tribe's Business Committee by tribal resolution. Authorized gaming is further limited as follows:

A. Only those Class II gaming activities shall be allowed which are:

1. Permitted by IGRA; and
2. Licensed by the Tribe and conducted in conformity with all applicable tribal laws and regulations;

B. Only those Class III gaming activities shall be allowed which are:

1. Permitted by IGRA; and
2. Licensed by the Tribe and conducted in conformity with all applicable tribal laws and regulations; and
3. Conducted in conformance with a tribal-state compact entered into by the Tribe and State of Washington, and in effect

C. The Tribe, in its sole discretion, may either by ordinance or resolution revoke any authorization for Class II or Class III gaming. *(Res. 1995-20, passed Apr. 19, 1995, adopting Res. 95-1, passed by the Chehalis Community Council, Apr. 18, 1995)*

**13.05.230 Severability.**

If any clause, part or subsection of this chapter shall be adjudged invalid, such judgment shall not affect or invalidate the remainder of the chapter, but shall be confined in its operation to the clause, part or subsection directly involved in the controversy in which such judgment is rendered. If the operation of any clause, part or subsection of this chapter shall be held to impair the obligations of a valid management contract, or to deny any person any right or protection secured to him by the Constitution of the Tribe or the Constitution of the United States of America, it is hereby declared that, had the invalidity of such clause, part or subsection be considered at the time of the enactment of this chapter, the remainder of the chapter would nevertheless have been adopted without such and any and all such invalid clauses, parts or subsections. *(Res. 1995-20, passed Apr. 19, 1995, adopting Res. 95-1, passed by the Chehalis Community Council, Apr. 18, 1995; Amended by Res. No. 2013-37, Jun. 4, 2013)*