



FEB 16 2010

VIA FACSIMILE & REGULAR MAIL

Alonzo Coby, Chairman
Fort Hall Business Council
P.O. Box 306
Fort Hall, ID 83221
Fax: (208) 237-0797

RE: Shoshone Bannock Tribes' amended gaming ordinance

Dear Chairman Coby:

This letter responds to your request for approval of two amendments to the Tribes' gaming code. Through Resolution No. GAMN-09-S7, dated November 10, 2009, the Tribes comprehensively revised their existing gaming ordinance and enacted a new "Gaming Code of 2009" (Code). Resolution No. GAMN-2010-S2, dated January 5, 2010, made minor additions and revisions to the Code as required by IGRA. The Code as amended is consistent with both the requirements of the Indian Gaming Regulatory Act (IGRA) and this agency's regulations, and is hereby approved.

Thank you for submitting the amendments for review and approval. The NIGC staff and I look forward to working with you and the Shoshone Bannock Tribes on future gaming issues. If you have any questions, please contact Staff Attorney Jennifer Ward at (202) 632-7003.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Skibine", with a long horizontal flourish extending to the right.


George T. Skibine
Acting Chairman

ORDINANCE

BE IT ENACTED BY THE BUSINESS COUNCIL OF THE SHOSHONE-BANNOCK TRIBES, that the "Shoshone-Bannock Tribes Gaming Code", as set forth herein, is hereby approved, effective this date.

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 1 (r) of the Constitution and Bylaws of the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation of Idaho.

Dated this 10th day of November 2009.




Alonzo A. Coby, 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 4 of in favor, 1 opposed (BJE), 1 absent (GF), and 1 not voting (AC) on the date this bears.



Elizabeth Ann Lindroth, Tribal Secretary
Fort Hall Business Council

GAMN-09-S7

JAN 14 2010

11410-11

January 8, 2010

Jennifer Ward
Attorney
National Indian Gaming Commission
1441 L Street, NW, Suite 9100
Washington, DC 20005

Dear Ms. Ward,

Please find enclosed the Shoshone-Bannock Tribes Gaming Code containing revisions to Section 2.00(u)(1) and Section 4.06, and the addition of Section 4.07. These amendments are based on the conversation between you and our legal counsel Jeanette Wolfley. This Gaming Code will replace the Code submitted to NIGC on November 10, 2009.

As requested, the Agent for Service of Process is Marvin Osborne, Executive Director of the Shoshone-Bannock Tribes Gaming Commission, PO Box 306, Fort Hall, ID 83203.

Thank you for your assistance in this matter.

Sincerely,

Alonzo A. Coby, Chairman
Fort Hall Business Council

w/enclosure

cc: Fort Hall Business Council
Shoshone-Bannock Gaming Commission
Jeanette Wolfley, Attorney

RECEIVED
NATIONAL INDIAN
GAMING COMMISSION
JAN 14 PM 2:48


JAN 14 2010

ORDINANCE

BE IT ENACTED BY THE BUSINESS COUNCIL OF THE SHOSHONE-BANNOCK TRIBES, that the Shoshone-Bannock Gaming Code is hereby revised as set forth herein and approved effective this date.

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 1 (r) of the Constitution and Bylaws of the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation of Idaho.

Dated this 5th day of January 2010



Alonzo A. Goby, Tribal 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 (AAC) on the date this bears.



Elizabeth Ann Lindroth, Tribal Secretary
Fort Hall Business Council

GAMN-2010-S2

JAN 14 2010

SHOSHONE-BANNOCK TRIBES

GAMING CODE OF 2009

Enacted November 10, 2009
Revised January 5, 2010

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SHOSHONE-BANNOCK TRIBES GAMING CODE

CHAPTER 1 GENERAL PROVISIONS

Section 1.01 Title

This Code shall be known as the “Shoshone-Bannock Tribes Gaming Code (“Gaming Code”).

Section 1.02 Purposes

The purposes of this Gaming Code are:

(a) To authorize, license, and comprehensively regulate gaming conducted within the boundaries of the Fort Hall Reservation, and to prevent improper or unlawful conduct in the course of such gaming activities ;

(b) To promote revenue for economic development for the Tribal government and its members, and in turn promote tribal self-sufficiency and a strong tribal government;

(c) To provide an economic enterprise to enhance and increase employment for Tribal members and businesses;

(d) To protect the health and welfare of Reservation residents, the political integrity of the Tribes, and the economic security of the Reservation through effective control, management and regulation of gaming on the Reservation; and

(e) To promote and insure integrity, security, honesty, and fairness of the operation and administration of gaming and ancillary activities of the gaming enterprises located on the Reservation.

Section 1.03 Authority

This Gaming Code is enacted pursuant to the inherent sovereign powers expressly delegated to the Fort Hall Business Council (“Business Council”) by the Constitution and Bylaws of the Shoshone-Bannock Tribes, Article IV, Section (a, i, k, l, q, r) to promulgate, adopt, amend, repeal and enforce rules, regulations, standards, and procedures for the economic development of the Tribes and protection of the Tribes’ resources on the Reservation, and by the inherent authority of the Tribes.

Section 1.04 Ownership of Gaming

The Tribes shall have the sole proprietary interest in, and the sole responsibility for the conduct of any Class II and Class III gaming activity.

Section 1.05 Use of Gaming Revenue

(a) Except as specifically authorized pursuant to paragraph (b) of this section, net revenues from Class II and Class III gaming on the Reservation 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 Tribes 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) If the Tribes elect to make per capita payments to its members, it shall authorize such payments only in accordance with a revenue allocation plan submitted to and approved by the Secretary of Interior under 25 U.S.C. § 2710(b)(3).

Section 1.06 Construction

In construing the provisions of this Code, save when otherwise plainly declared or clearly apparent from the context;

- (1) words in the present tense shall include the future tense;
- (2) words in masculine, feminine and neuter genders shall include all genders;
- (3) words in the singular shall include the plural, and in the plural shall include the singular.

Section 1.07 Scope

This Code applies to all persons desiring to engage in, participate in, operate, be employed in, manage or undertake activities related to gaming on the Reservation.

Section 1.08 Protection of the Environment and Public Health and Safety

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

CHAPTER 2 DEFINITIONS

Section 2.00 For purposes of this Code:

(a) **“Calendar Year”** means the period beginning January 1 at 12:00:01 and ending immediately following December 31 at 12:00 o’clock midnight.

(b) **“Class I Gaming”** means:

- (1) Social games played solely for prizes of minimal value; or
- (2) Traditional forms of Indian gaming when played by individuals in connection with tribal ceremonies or celebrations

(c) **“Class II Gaming”** means –

- (1) Bingo or lotto (whether or not electronic, computer, or other technologic aids are used) when players:

(i) Play for prizes with cards bearing numbers or other designations;

(ii) Cover numbers or designations when object, similarly numbered or designated, are drawn or electronically determined; and

(iii) Win the game by being the first person to cover a designated pattern on such cards;

(2) If played in the same location as bingo or lotto, pull-tabs, punch boards, tip jars, instant bingo, and other games similar to bingo;

(d) **“Class III Gaming”** means all forms of gaming that are not Class I gaming or Class II gaming, including but not limited to:

(1) Any house banking game, including but not limited to --

(i) Card games such as baccarat, chemin de fer, blackjack (21), and pai gow (if played as house banking games);

(ii) Casino games such as roulette, craps, and keno;

(2) Any slot machines as defined in 15 U.S.C. 1171(a)(1) and electronic or electromechanical facsimiles of any game of chance;

(3) Any sports betting and pari-mutuel wagering including but not limited to wagering on horse racing, dog racing or jai alai; or

(4) Lotteries.

(e) **“Comment”** means any response by the Business Council to an item that has been placed on an official Business Council meeting agenda. Failure of the Business Council to respond to any item within thirty (30) days after it has been placed on an official Business Council meeting agenda shall constitute an approval by the Business Council for such item.

(f) **“Compact”** means to the federal instrument required by the Indian Gaming Regulatory Act, which allows the Tribes to conduct Class III gaming, and is an agreement between the Tribes and the State of Idaho, which must be approved by the federal government.

(g) **“Fiscal Year”** means the period beginning October 1 at 12:00:01 of each year and ending immediately following on September 30 at 12 o'clock midnight.

(h) **“Fort Hall Business Council”** or **“Business Council”** means the elected governing body of the Shoshone-Bannock Tribes as established and defined by the Shoshone-Bannock Tribes' Constitution.

(i) **“Gaming”** or **“Gambling”** means the offering of any games consisting of prize, chance and consideration and is authorized by the Gaming Code, except card games played in private homes in which no person makes money for operating the game other than as a player, and traditional Indian games as defined in this Code.

(j) **“Gaming Agency”** means the regulatory body supervised by the Executive Director responsible for the day-to-day responsibilities that are required to be fulfilled by the Gaming Commission.

(k) **“Gaming Commission”** or **“Commission”** means the regulatory body appointed by the Business Council to be responsible for the regulation of gaming within the jurisdiction of the Tribes.

(l) **“Gaming Contractor”** means any person or entity that supplies and distributes gaming devices, gaming components, gaming equipment, personnel or services to the Tribal gaming enterprise and includes such resource suppliers as defined in the Compact.

(m) **“Gaming Device”** means any equipment or mechanical, electromechanical or electronic contrivance, component or machine, including any game, which affects the result of a wager by determining win or loss. The term includes a system for processing information, which can alter the normal criteria of random selection, which affects the operation of any game or which determines the outcome of a game.

(n) **“Gaming Establishment or Gaming Premises”** means any premises where gaming, other than Class I gaming is operated or conducted, and includes all buildings, improvements, equipment and facilities used or maintained in connection with such gaming, including but not limited to the storage and maintenance of any gaming equipment, including all gaming devices, and surrounding areas, including parking areas, related to the gaming operation.

(o) **“Gaming Management Official”** means:

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

(2) Any person who has authority:

(i) To hire and fire employees; or

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

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

A log of Key Employee and Gaming Management Officials shall be kept by the Gaming Commission and updated annually.

(p) **“Gaming Operation”** means each economic entity that is licensed by the Tribes, operates the games, receives the revenues, issues the prizes, and pays the expenses. A gaming operation may be operated by a tribe directly or by a management contractor.

(q) **“Gaming Resources”** means any goods or services used in connection with gaming activities, including, but not limited to, equipment, furniture, gaming devices and ancillary components, gaming consulting services and gaming contractors.

(r) **“Gross Revenue,”** means the total monetary value sum collected by any operation of a gaming activity, including fees charged for participation or admittance as evidenced by required records. The value shall be stated in U.S. currency, before any deductions or allowances for prizes, pay out of

winnings, cost of operation, promotional expenses, taxes, labor expenses, equipment or materials used, or any other expenses.

(s) **“Immediate Family”** or **“Related To”** means persons who are the subject individual’s spouse, parents, guardians, siblings, or children (either biological or adopted), and who live in the household.

(t) **“Indian Gaming Regulatory Act,”** refers to P.L. 100-497, 25 U.S.C. Sec. 2701 et seq. which identifies what is required of Indian Tribes to conduct gaming and identifies the oversight responsibilities of NIGC.

(u) **“Indian Land”** means

- (1) All lands within the limits of the Tribes’ reservation; or
- (2) Any lands title to which is held in trust by the United States for the benefit of the Tribes or individuals; or –
- (3) Any lands title to which is held by the Tribes or individuals subject to restriction by the United States against alienation.

(v) **“Internal Control System”** means an entire structure of checks and balances composed of Internal Control Standards that are in compliance with and meet the minimum requirements of Tribal Internal Control Standards that have been formally adopted by the Gaming Commission, which are instituted by the Gaming Management to protect the integrity of the Gaming operations and to ensure that the Tribes’ assets are protected on a day-to-day basis.

(w) **“Key Employee”** means

- (1) a person who performs one or more of the following functions:
 - (i) Bingo Caller;
 - (ii) Counting Room Supervisor;
 - (iii) Chief of Security;
 - (iv) Custodian of Gaming Supplies or Cash;
 - (v) Floor Manager;
 - (vi) Pit Boss;
 - (vii) Dealer;
 - (viii) Croupier;
 - (ix) Approver of Credit; or
 - (x) 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 per year;
- (3) If not otherwise included, the four most highly compensated persons in the Gaming Operation;
- (4) Any position formally designated by the Gaming Commission to be considered a Key Employee.

(x) **“License”** means the written approval of the Gaming Commission that authorizes the privilege of conducting gaming or working in gaming within the jurisdiction of the Tribes to a specific individual, a specific entity, a specific gaming facility and/or operation.

(y) **“Licensee”** means an individual, entity or facility, which have received the privilege, in written form, of conducting or working in gaming within the jurisdiction of the Tribes.

(z) **“Management”** means any person(s) who are primarily responsible for the day-to-day operation of the gaming facility and the conduct of gaming, and the day-to-day compliance with regulations promulgated by the Gaming Commission.

(aa) **“Minimum Internal Control Standards”** or **“MICS”** means the least restrictive Internal Control Standards established by the Gaming Commission to ensure accountability and integrity of the Tribes’ assets derived from the gaming operation.

(bb) **“National Indian Gaming Commission”** or **“NIGC”** means the federal gaming regulatory body created by the Indian Gaming Regulatory Act (Public Law 100-497, 25 U.S.C. Sec. 2701 et seq.).

(cc) **“Net Revenue”** means gross revenues of the gaming operation less (a) amounts paid out or paid for prizes and (b) total gaming related operating expenses, excluding management fees.

(dd) **“Operating Expense”** shall include

- (1) all monies that are reasonably attributed to maintaining and operating the gaming activities, reasonable salaries paid to employees, and activities that are reasonably related to promoting business in the gaming establishment;
- (2) The Gaming Commission may determine that revenue participation fees with a third-party may be deemed an operating expense, even though such designation may vary from Generally Accepted Accounting Principles (GAAP);
- (3) Unless specifically designated by the Gaming Commission, the determination of an “operating expense” shall be consistent with GAAP.

(ee) **“Patron”** means any person or group of persons who participate as players in gaming as defined by this Code, or who are physically present on premises wherein or whereon such gaming occurs.

(ff) **“Regulation”** or **“Rule”** means any order, directive or action of general applicability promulgated into law by Gaming Commission, and which (a) establishes, alters, revokes, or suspends any standard, qualification or condition relating to requirements, privileges or conditions conferred by applicable law; (b) establishes, alters, revokes, or suspends any procedures, practice or requirement relating to Gaming Agency procedures; (c) establishes, alters, revokes, or suspends any standards, qualifications or conditions for issuance, suspension or revocation of licenses; or (d) amends or repeals a prior rule.

(gg) **“Person”** means any association, partnership, corporation, firm, trust or other form of business association as well as a natural person.

(hh) **“Reservation”** means all lands under the jurisdiction and control of the Tribes.

(ii) **“Services”** means labor provided by one person to or for another, where such labor is provided or facilitates the operation of the gaming operation in any manner.

(jj) **“Tribal Chairperson”** means the person duly elected under the Tribes’ Constitution and Bylaws.

(kk) **“Tribal Court”** means the Shoshone-Bannock Tribal Court.

(ll) **“Tribal Internal Control Standards” or “TICS”** means the Internal Control Standards established by the Gaming Commission.

(mm) **“Tribal Member”** means a duly enrolled member of the Shoshone-Bannock Tribes.

(nn) **“Tribes”** means the Shoshone-Bannock Tribes.

(oo) **“Weekdays”** means Monday through Friday except Federal or Tribal holidays.

CHAPTER 3

GAMING COMMISSION AND GAMING AGENCY ESTABLISHED

Section 3.01 Creation of Gaming Commission

(a) The Shoshone-Bannock Tribal Gaming Commission is hereby established as the primary enforcement agency responsible for regulating gaming on the Reservation.. The members of the Gaming Commission shall be appointed by the Business Council by resolution. The Gaming Commission shall consist of four (4) persons who shall be licensed under this Code and shall be subject to licensing standards no less stringent than that of a Key Employee. Said members shall serve a term of four (4) years, and may be reappointed. The terms of the Gaming Commission shall be staggered.

(b) The Business Council shall determine and authorize the compensation to be paid to members of the Gaming Commission. Commissioners shall receive necessary travel expenses and other related business expenses. In no event shall compensation be based on a percentage of net profits from gaming operations of the Tribe.

(c) There shall be a Chairperson, Vice-Chairperson ,and Secretary/Treasurer of the Gaming Commission, elected by simple majority from its membership, who shall serve for a term of one year by simple majority vote of Gaming Commission. The officers shall be chosen by existing Commissioners at the beginning of each calendar year. Nothing shall prohibit a person from serving in an office multiple or consecutive terms. If a vacancy occurs for any reason, the Commissioners seated at the time shall appoint an officer to serve until the beginning of the next calendar year.

(d) The Fort Hall Business Council may, in its sole discretion, allow for an existing Commissioner to take a leave of absence, paid or not paid, to attend to personal or health matters, and appoint a temporary Commissioner, who shall have the power to act as a Gaming Commissioner during the leave of absence so long as said individual is eligible for a gaming license.

(e) The following individuals shall not serve as Gaming Commissioners:

(1) Persons employed in or in conjunction with the management, supervision,

or conduct of any gaming activity on the Reservation, or until at least two (2) years have passed since that employment;

- (2) Persons related to any gaming supplier or gaming contractor, including any principal thereof or persons related to any associated independent contractor;
- (3) Members of the Business Council during his/her term thereof or until at least two years have passed since that service.
- (4) Person who is not a Tribal Member.
- (5) A person who cannot obtain or maintain a valid gaming license.
- (6) Has been convicted of any felony; or convicted of any gaming related offense;
- (7) Has a financial interest in or management responsibility for any gaming activity or operation; or
- (8) Has a financial interest in or management responsibility for any management contract for a gaming activity or operation.

(f) No member of the Fort Hall Business Council may serve as a Gaming Commissioner during his/her term as a member of Council.

- (1) This provision shall not apply if the Fort Hall Business Council determines that an emergency situation is present such that appointment of a member or members of the Fort Hall Business Council is absolutely necessary under the circumstances. The appointed Council member(s) shall sign a confidentiality agreement prior to serving as a Gaming Commissioner.
- (2) In such event, the Fort Hall Business Council shall proceed with all deliberate speed to replace such Commissioners with persons who are not members of the Fort Hall Business Council and are otherwise qualified for the office. A Business Council member shall not serve longer than 60 days as a Gaming Commissioner and if a situation exists that requires a Council member to serve longer than 60 days, the Business Council may extend the time for said service for no longer than one additional 60 day term. The appointed Council member shall refrain from taking formal action as a Business Council member on gaming matters.

Section 3.02 Qualifications for Gaming Commissioners

The Gaming Commissioners shall meet the following qualifications:

- (a) Must be an enrolled member of the Shoshone-Bannock Tribes.
- (b) Must be a resident of the Reservation one year prior to being appointed. Verification of residency shall be made by the current Election Board voting list or other Tribal documentation.
- (c) Must be at least 35 years of age.

(d) Must not be a current full-time employee of the Shoshone-Bannock Tribes, including but not limited to the Tribal government, Gaming, Enterprises, Housing or School District.

(e) Has no associations, professionally or socially with any persons, entities or organizations known to have the reputation of criminal or undesirable character, or in any manner whatsoever maintains any association which would either endanger the integrity or reputation of the Tribes or the Gaming Commission, or which could be construed and/or perceived as a conflict of interest.

Section 3.03 Duties and Responsibilities of the Gaming Commission

The powers, duties and responsibilities of the Gaming Commission are:

(1) Responsible for the issuing, suspending, revoking, modifying, conditioning and renewing of gaming licenses for management officials, key employees, all other employees and vendors/service providers who wish to have an employment and/or business relationship with gaming operations or Gaming Commission, upon completion of background investigations;

(2) Ensure that background investigations are conducted upon those individuals and entities that have an employment or business relationship with Gaming Operations for purposes of licensing;

(3) Responsible for the submission of applicable licensing applications and investigations to the appropriate agencies;

(4) Responsible for ensuring that only those individuals and entities that have an employment or business relationship with Gaming Operations are suitable to receive a Gaming License;

(5) Responsible for the secure storage and maintenance of all gaming applications, reports and documents belonging to the Gaming Commission;

(6) Issue Gaming License to each gaming facility within the jurisdiction of the Tribes;

(7) Ensure all Gaming Operations are in compliance with all applicable health, safety and environmental laws and regulations;

(8) Ensure that an annual independent audit and/or any additional audits of the Gaming Operations that the Commission deems necessary, is performed upon all Gaming Operations within the jurisdiction of the Tribes and that the applicable audits are submitted to the appropriate agencies pursuant to applicable law, such as the National Indian Gaming Commission, ensure that audits are performed and submitted to the Gaming Commission on businesses that do \$25,000 or more business with Gaming Operations within the jurisdiction of the Tribes within a one-year time period; and ensure that random and regularly scheduled audits are performed on all areas of the Gaming operations.

(9) Ensure that gaming revenues are used according to applicable Tribal and Federal law.

(10) Promulgate Tribal Gaming Regulations; ensure compliance with applicable Tribal and Federal Laws, Codes, Regulations, and/or Compact; and establish and/or approve internal control standards that will protect the assets and the integrity of the Gaming operations within the jurisdiction of the Tribes and ensure compliance with such standards;

- (11) Be the primary contact for all outside gaming regulatory agencies, communicate and work with Tribal, outside law enforcement agencies and regulatory agencies regarding gaming regulation, so as to protect the assets and the integrity of the Gaming Operations within the jurisdiction of the Tribes;
- (12) Ensure that investigations are performed upon alleged and actual gaming violations to ensure that appropriate enforcement actions are taken and appropriate incident reports are made;
- (13) Conduct hearings, take and review evidence and testimony in regards to gaming licensing and alleged violations of gaming laws and regulations;
- (14) Establish and/or approve rules for Class II and Class III games conducted within the jurisdiction of the Tribes;
- (15) Be responsible for the on-going inspection of all gaming equipment and all gaming areas;
- (16) Establish and/or approve requirements for the testing of all gaming devices;
- (17) Be responsible for hearing patron disputes in the event that Gaming Management is unable to initially resolve the dispute;
- (18) Be responsible for the review and approval of the budget of the Agency and Commission prior to submission for final approval by the Business Council;
- (19) Supervise the Executive Director and shall stay free from personnel matters of the Agency except for personnel issues relating to the Executive Director;
- (20) Establish and collect fees associated with costs related to licensing, performing background investigations and testing of equipment;
- (21) Be responsible for the levying of fines due to gaming violations;
- (22) Inspect, copy, audit, impound and examine any gaming documents and records without notice;
- (23) Issue subpoenas for purposes of receiving relevant information concerning gaming, which cannot be retrieved in any other manner;
- (24) Apply for injunctive or declaratory relief in order to protect the assets and integrity of the Gaming Operations within the jurisdiction of the Tribes;
- (25) Enter into contracts for professional assistance, such as accountants, investigators and legal services;
- (26) Exclude individuals and create a list of those who are and should be excluded from the Gaming Facility;
- (27) Protect confidentiality of individuals and entities as identified within applicable law;
- (28) Provide monthly reports, or as required to the Business Council;

- (29) Be responsible for having final approval or denial authority over all Agency and Gaming Operations policies and procedures, subject to review by the Business Council;
- (30) Delegate authority as is required and in compliance with applicable law, regulations;
- (31) Create a compliance department for the purpose of observing and reporting regulatory non-compliance issued and/or violations to the Executive Director of the Agency and/or the Gaming Commission.
- (32) Carry out its statutory duties and responsibilities in a manner that allows the Gaming Commission to act as a regulatory body by means of the adoption of Standard Operating Procedures for the Gaming Commission, which will identify the manner in which the Commission manages its formal business and makes its decisions.
- (33) Delegate day-to-day responsibilities and functions of the Commission to the Agency;
- (34) Be responsible for any outside contracts that are required for professional services for the Commission and the Agency;
- (35) Act as the final decision making body for all gaming regulatory issues that may arise in the event of disagreements or challenges to the Agency initial decisions, including licensing and all other delegated responsibilities, identified within this Code.
- (36) Monitor, investigate, act and enforce compliance with this Code, regulations and Compact to prevent any violation(s) thereof.
- (37) All final decisions concerning gaming regulatory issues, such as licensing and compliance with applicable gaming laws, of the Gaming Commission shall be subject to the standard of preponderance of the evidence, that is, more likely than not the information is accurate, based upon the evidence.
- (38) The Gaming Commission shall ensure that the Business Council is provided the opportunity to review, and comment upon all regulations prior to adopted by the Gaming Commission.
- (39) The Gaming Commission shall ensure that individuals/entities seeking to challenge the decisions of the Agency receive due process by means of an appeal procedure that provides for the Gaming Commissioners to sit as the hearing body.
- (40) Exercise authority necessary to perform the duties assigned to it by this Code, and is not limited by enumeration of powers in this Chapter.
- (41) The Gaming Commission shall be able to retain its own appointed accountants, or direct an accountant employed by the Tribes, to conduct its own audit of any gaming operation.

Section 3.04 Removal of Gaming Commissioner

The Gaming Commission shall not be removed during their terms of office except for misconduct, neglect of duties or other acts that would render such persons unqualified for licensure. An affirmative vote of a simple majority of the Business Council, taken in a duly-noticed hearing at which the member charged with misconduct shall have the right to be heard and may present evidence concerning his/her removal, shall be required to remove a member of the Commission. At the request of the member whose removal is at

issue, the hearing may be held in executive session. The Commissioner, whose removal is at issue, shall be allowed representation by legal counsel or volunteers to speak in favor on his/her behalf before the Business Council at his/her own expense.

Section 3.05 Restrictions on Gaming Commissioners

Gaming Commissioners may engage in business, which is not subject to the provisions of this Gaming Code. Gaming Commissioners shall not gamble in the gaming establishment or accompany a person who is participating in gaming, and shall not have any personal financial interest in any gambling by any patron.

Section 3.06 Meetings of the Gaming Commission

(a) Meetings of the Gaming Commission shall not be open to the public due to the confidential nature of Gaming Commission matters.

(b) A quorum shall consist of three members of the Gaming Commission. All decisions shall be made by a simple majority vote unless indicated otherwise in this Code. All members shall vote on actions or matters before the Gaming Commission, and Commissioners are prohibited from acting alone. In the event there is not a quorum present, a telephone vote may be polled by the Executive Director.

Section 3.07 Vacancy on Gaming Commission

If for any reason a vacancy should occur on the Gaming Commission prior to the expiration of a Commissioner's term, the Fort Hall Business Council shall appoint a qualified replacement for the balance of the Commissioner's seat that became vacant.

Section 3.08 Monthly Reports and Annual Report

The Gaming Commission shall make monthly reports to the Business Council within 30 days after the close of the month for which the information is being required. The reports shall include a full and complete statement of expenses and all other financial transactions of the Commission and a summary of all licensing and enforcement actions. The Gaming Commission shall prepare an annual report to the general Tribal membership in advance of the annual general Tribal membership meeting.

Section 3.09 Prior Notices of Regulations

(a) In adopting, amending, and repealing regulations, the Gaming Commission shall give prior notice of the proposed action to all licensees and other persons whom the Gaming Commission has reason to believe have legitimate and bona fide interest in such proposed action. Said notice shall inform such persons as to the general nature of the proposed regulation and advise them as to the manner in which comments on said proposed regulation shall be received by the Gaming Commission.

(b) In emergencies, the Gaming Commission may summarily adopt, amend or repeal any regulation if at the time the Gaming Commission determines such action is necessary for the immediate preservation of the public peace, health, safety, morals and good order or general welfare, together with a statement of facts constituting the emergency; provided, the Gaming Commission shall conduct a review of such emergency action at a regular meeting within thirty (30) days after any emergency meeting.

Section 3.10 Requests for Gaming Commission Action

Any person who is determined by the Gaming Commission to be a bona fide interested party may file a request in a manner and form approved by the Gaming Commission requesting the adoption, amendment or repeal of a regulation. Upon receipt of the request, the Gaming Commission shall within thirty (30) days either deny the request in writing or schedule the matter for action pursuant to this Chapter.

Section 3.11 Confidentiality of Information.

The Gaming Commission may refuse to reveal, in any court proceeding the identity of any informant, or the information obtained from the informant, or both the identity and the information. The Gaming Commission may promulgate regulations addressing confidentiality of any Agency documents and information.

Section 3.12 Powers of Delegation; Tribal Gaming Commission Budget and Records.

(a) The Gaming Agency may organize itself into functional divisions as it may deem necessary and from time to time alter such plan of organization, as it may deem necessary to fulfill the duties and responsibilities of the Gaming Commission. Any reorganization shall be approved by the Gaming Commission.

(b) Within the limitations of a Business Council approved budget sufficient to adequately regulate Gaming operations; the Gaming Commission shall establish its own budget for operations, and acquire such furnishings, equipment, supplies, stationery, books, motor vehicles, and incur such other expenses, within the limit of funds available to it, as it may deem necessary. Within the limits of a Council approved budget, the Executive Director under the direction of the Gaming Commission shall employ and fix the salaries of or contract for the services of such professional, technical and operational personnel and consultants as the execution of its duties and the operation of the Gaming Commission may require. Said budget may be reviewed by the Council when requested. Upon the end of the budget year any surplus, which might exist, shall be carried over to the next fiscal year budget.

Section 3.13 Requirements for the Control of Internal Fiscal Affairs

The Gaming Commission shall promulgate regulations for control of internal fiscal affairs of all gaming operations. At a minimum, those regulations shall:

(a) Prescribe minimum procedures for safeguarding the gaming operation's assets and revenues, including recording of cash and evidences of indebtedness, mandatory count procedures. Such procedures shall establish a control environment, accounting system, and control procedures that safeguard the assets of the organization, assures that operating transactions are properly recorded, and encourage adherence to prescribed policies;

(b) Prescribe minimum reporting requirements to the Gaming Commission;

(c) Provide for the adoption and use of internal audits, by internal auditors and Certified Public Accountants licensed to practice public accounting;

(d) Ensure that accounts and accounting classifications are implemented in order to provide consistency, comparability and effective disclosure of financial information:.

- (e) Prescribe the intervals at which such information shall be furnished;
- (f) Provide for the maintenance of documentation (i.e. checklists, programs, reports, etc.) to evidence all internal work performed as it relates to the requirements of this section; and
- (g) Provide that all financial statements and documentation referred to in paragraph (f) be maintained for a minimum of five (5) years.

Section 3.14 Gaming Regulatory Agency and Executive Director Established

- (a) There is hereby created the Tribal Gaming Regulatory Agency ("Agency") implemented in order to carry out the day-to-day responsibilities that are required to be fulfilled by the Gaming Commission.
- (b) The Agency shall be composed of (five) primary departments, which shall include Administration, Surveillance, Compliance (which may include Internal Audit) and Background Investigation, and any other department deemed necessary to the functioning of the Agency and approved by the Gaming Commission.
- (c) The Agency Staff shall be held to the same standards as the Gaming Commissioners and will be required to uphold Tribal, Federal and all applicable laws, Codes and regulations.
- (d) The Agency shall be structured so that there is an Executive Director responsible for the day-to-day operations of the Agency.
- (e) The Executive Director shall be under the direct supervision of the Gaming Commission.
- (f) The Executive Director shall have direct supervision of those individuals who are directors or primary supervisors over the various departments of the Agency and those administrative support staff that shall be identified by the Gaming Commission.
- (g) The Executive Director shall be the primary link between the Agency Staff and the Commission and shall be responsible for all communications between the Agency Staff and the Commission.
- (h) The Executive Director shall be responsible for all administrative functions of the Agency, including, without limitation, the personnel issues that are a normal part of employment.
- (i) The Executive Director shall ensure that the Gaming Commission is kept aware of all information and activities of the Agency Staff.
- (j) The Executive Director shall be responsible for the budget of the Agency as well as the submission of said budget to the Commission for review and approval.
- (k) The Executive Director shall be responsible for the efficient operation of the Agency.

Section 3.15 Gratuities

The Executive Director, Gaming Commissioners, members of the Business Council and their immediate families and Gaming Management Officials shall receive no personal compensation, gift, reimbursement or payment of any kind from any person doing or wishing to do business with the Tribe relating to gaming nor with any person wishing to obtain an unfair advantage in any authorized wager on gaming. Personal compensation, gift, reimbursement or payment of any kind shall not include business

entertainment, meals, lodging, merchandise provided by vendors in the ordinary course of business with a nominal value (less than \$100), commitments by vendors to make contributions to tribally-sanctioned scholarships, programs or events, or other ordinary and reasonable expenses in the negotiation and solicitation of contracts, or maintenance of an on-going business relationship.

Section 3.16 Gaming Related Contracts

All contracts for goods and services that utilize gaming funds shall be made available to the Gaming Commission such that they may be reviewed for compliance with applicable gaming licensing requirements, regulations and laws.

Section 3.17 Right of Inspection

In addition to the duties listed in Section 3.04, the Gaming Commission and its Agency have the authority:

- (1) to inspect and examine all premises wherein gaming is conducted or gaming devices or equipment are manufactured, stored, maintained, sold or distributed;
- (2) to inspect all equipment and supplies in, upon or about a gaming establishment, or inspect any equipment or supplies wherever located, which may, or have been used in the gaming establishment;
- (3) to seize and remove from a gaming establishment (or wherever located) and impound such equipment and supplies for the purpose of examination, inspection, evidence or forfeiture;
- (4) to demand access to and inspect, examine and audit all papers, books and records of applicants and licensees respecting any income produced by any gaming business, and require verification of income and all other matters affecting the enforcement of the policy of or any of the provision of this Code;
- (5) to seize and impound any patron's winnings which the Gaming Commission may have reason to believe may have been won or obtained in violation of this Code or federal law pending a hearing before the Gaming Commission.

CHAPTER 4 LICENSES FOR GAMING EMPLOYEES AND GAMING MANAGEMENT OFFICIALS

Section 4.01 Promulgation of Regulations

The Gaming Commission shall ensure that regulations are promulgated and implemented with respect to the licensing of gaming employees and gaming management officials employed at any Class II and/or Class III gaming enterprise operated on Indian lands within the jurisdiction of the Tribes.

Section 4.02 Mandatory License

Any person seeking to conduct, operate, or manage any gaming activity or sell or lease gaming-related equipment to a gaming operation pursuant to this Code shall apply for, and receive, all the required

licenses from the Gaming Commission prior to engaging in such gaming activities. Engaging in such gaming activities without first obtaining the required licenses shall be deemed a violation of this Code. This provision shall not preclude the Gaming Commission from entering into consulting contracts for services, the payment of which is fixed and not determined by a percentage of the net profits from the gaming operation.

Section 4.03 Application Forms

The application form of a gaming employee or a gaming management official before the form is filled out by an applicant for a gaming license for purposes to work within or to be associated with the Gaming Operations shall contain a Privacy Act statement as set forth below, and as amended.

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. Sec. 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, Gaming Commission, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions, or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notices will result in the tribe being unable to hire you in a primary management official or Key Employee position.

The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application. 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. (18 U.S.C. Sec. 1001).

Section 4.04 Background Investigations

(a) The Gaming Commission or its designated Agency shall request from each gaming management official and each gaming employee the following information:

- (1) Full name, other names used (oral or written), Social Security number(s), birth date, place of birth, citizenship, gender, and all languages spoken or written;
- (2) Currently and for the previous ten years; all business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;
- (3) 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 (2) above;:
- (4) Current business and residence telephone numbers;

- (5) A description of any existing and previous business relationships with the Tribes or any other Indian tribe, including ownership interests in those businesses;
- (6) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- (7) The name and address of every 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;
- (8) For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition;
- (9) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within ten years of the date of the application, the name and address of the court involved and the date and disposition;
- (10) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within ten years of the date of the application and is not otherwise listed pursuant to paragraphs (8) or (9) above, the criminal charge, the name and address of the court involved and the date and disposition;
- (11) For each civil action, the name and address of the court involved, the date and disposition.
- (12) The name and address of each 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;
- (13) A current photograph;
- (14) Any other information the Gaming Commission may deem relevant under the circumstances; and
- (15) Fingerprints consistent with procedures adopted by the Gaming Commission or its designated Agency in accordance with 25 C.F.R. §522.2(h).

(b) The Gaming Commission and/or its designated Agency shall conduct an investigation sufficient to make a determination under Section 4.05 below. In conducting a background investigation, the Gaming Commission and/or its Agency Staff shall maintain the confidentiality of each individual interviewed in the course of the investigation.

Section 4.05 Eligibility and Suitability Determination

The Gaming Commission and/or its designated Agency shall review an applicant's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility for employment in a Gaming Operation. Should the Gaming Commission and/or its designated Agency determine that the issuance of a license of an individual to be employed within the Gaming Operation pose(s) 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 Gaming

Operation shall not employ that person. The Gaming Commission shall establish regulations that identifies suitability criteria of a person to obtain or maintain a Gaming License.

Section 4.06 Granting of License – Majority Vote; NIGC Objections

(a) To approve of any license issued pursuant to this Code, a quorum of the Gaming Commission must be present with a majority vote of approval required. A license will not be issued to a person whose license has previously been revoked pursuant to this Code, or to whom the issuance of renewal of a license has been denied, except with the majority approval of the Gaming Commission members.

(b) If the Gaming Commission does not receive an objection from the NIGC to the issuance of a license to a key employee, a primary management official or facility license, within thirty (30) days after the NIGC receives the application, report and eligibility determination required in Section 4.07, the Gaming Commission may issue a license to applicant or facility.

(c) The Executive Director shall respond to a NIGC request for additional information about a key employee, a primary management official or facility applicant. The NIGC request shall suspend the thirty day period in Section 4.06(b) until the NIGC receives the requested information.

(d) If, within the thirty day period described above, the NIGC issues a statement itemizing objections to the issuance of a license to a key employee, primary management official or gaming facility, the Gaming Commission shall reconsider the application, taking into account the NIGC objections. The Gaming Commission shall make a final decision whether to issue a license to such applicant or facility.

Section 4.07 Report and Eligibility Determination to the National Indian Gaming Commission

(a) The Executive Director shall forward to the NIGC within 60 days after an employee begins work a completed application for employment and investigative report on each background investigation for each key employee and primary management official. The investigative report shall include the following.

- (1) Steps taken in conducting a background investigation;
- (2) Results obtained;
- (3) Conclusions reached; and
- (4) Basis for the conclusions.

(b) A copy of the eligibility determination made under Section 4.05 shall be submitted to the NIGC with the report.

(c) If a license is not issued to an applicant, the Gaming Commission shall notify the NIGC and may forward copies of its eligibility determination and investigative report (if any) to the NIGC for inclusion in the Indian Gaming Individuals Records System.

(d) With respect to key employees and primary management official, the Gaming Commission shall retain applications for employment and reports (if any) of background investigations for inspection by the NIGC for no less than three years from the date of the termination of employment.

(e) 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.

Section 4.08 Non-transferability of License

Any license issued pursuant to the provisions of this Code is valid only for the person or entity at the place of business shown on the face thereof. It is not assignable or otherwise transferable to any other person or entity for any other location without approval of the Gaming Commission.

Section 4.09 Application and License Fees

The Gaming Commission shall set a fee for applications, background investigations, and licenses. All such fees shall be made payable to the Shoshone-Bannock Tribal Gaming Commission and delivered to the Shoshone-Bannock Tribes' Accounting office. The fees shall be reasonable and commensurate with the job position. The Gaming Commission shall establish a schedule of fees on a yearly basis and submit to the Business Council for review and approval.

Section 4.10 Failure of Applicant to Disclose Material Information

An applicant for licensing shall make true and full disclosure of all information to the Gaming Commission as necessary or appropriate in the public interest or as required in carrying out the policies of this Tribes relating to licensing and control of the gaming industry. It is the duty of the applicant to disclose all information material to whether his involvement with gaming would jeopardize or compromise the Tribal interest, whether or not the applicant has been specifically requested to provide that information. It shall constitute a violation of this Code to fail to disclose, to mislead or to misstate any such material information to the Gaming Commission, or to any licensee's employer.

Section 4.11 Temporary Licenses

The Gaming Commission may issue a temporary employment license to any person or entity that has applied for a license to work in a licensed gaming establishment. A temporary license may not be issued until after the individual's or entity's application has been submitted and an initial determination of suitability has been made based upon the information provided in the application and other information known to the Gaming Commission at the time.

Section 4.12 Parameters of License

Violation of any provision of this Code or any of the Gaming Commission's regulations by a licensee, his agent, or employee shall be deemed contrary to the public health, safety, morals, good order and general welfare of the Shoshone-Bannock Tribe or its members, and shall be deemed grounds for refusing to grant or renew a license, suspension or revocation of a license, or shall constitute grounds for the filing of charges by the Gaming Commission. Acceptance of a gaming license or renewal thereof, or condition imposed thereon, by a licensee, constitutes an agreement on the part of the licensee to be bound by all the regulations and conditions of the Gaming Commission and by the provisions of this Code as the same are now, or may hereafter be amended or promulgated, and to cooperate fully with the Gaming Commission. It is the responsibility of the licensee to keep informed of the contents of all such regulations, amendments, provisions, and conditions, and ignorance thereof will not excuse violations. The Gaming Commission shall use reasonable efforts to notify all licensees of changes in regulations.

Section 4.13 Conditional License

A conditional license may be issued by the Gaming Commission in the event the Commission determines that a person that may be subject to denial, revocation and/or suspension, determines the licensee can be employed but only if the licensee maintains compliance with certain conditions that would not

jeopardize the integrity of the gaming operation. The conditional license may only be issued subsequent to a review of the overall suitability of the individual, a request for reconsideration, or an appeal hearing.

Section 4.14 Licensing of Vendors

The Gaming Commission may authorize, require and issue such annual licenses as the Gaming Commission by regulation may provide, to any person or entity to engage in the selling, distributing, or otherwise supplying of gambling equipment or paraphernalia for use in connection with licensed gaming activity.

Section 4.15 Classifications of Licensees

The Gaming Commission may promulgate regulations that create different classes of licenses, such that a lesser or more severe background check may be applied, or a lesser or more severe standard for suitability may be applied. The variations in background requirements and suitability standards shall be commensurate with the need to protect the integrity of the gaming facility.

Section 4.16 License Files

The Gaming Commission shall keep and maintain a file of all applications for licenses under this chapter, together with a record of all actions taken with respect to such applications. The Gaming Commission shall keep and maintain such other files and records as they may deem desirable and all such records shall remain confidential.

CHAPTER 5 APPEALS AND HEARINGS

Section 5.01 Due Process

The Gaming Commission shall provide due process for those who disagree with the decisions of the Agency and/or Gaming Commission. The Gaming Commission shall promulgate regulations that specify timelines and requirements for the hearing and appeals process.

Section 5.02 Commission Decisions

All decisions of the Gaming Commission are final.

CHAPTER 6 UNLAWFUL ACTS

Section 6.01 Prohibition Against Embezzlement

Any delay, maneuver or action of any kind, which in the formal findings of the Gaming Commission is effectuated by any licensee to unlawfully and intentionally divert gaming proceeds or other proceeds properly belonging to the Tribes shall constitute grounds for taking disciplinary action against that licensee. If the Gaming Commission finds an unlawful intentional diversion was attempted, it shall sanction the licensee. Sanctions may include fining, revoking, suspending, limiting or refusing to renew the license. Nothing herein shall be interpreted to limit the Gaming Commission's, Tribal, federal or state sanctions.

Section 6.02 Prohibitions Against Certain Individuals

It shall be a violation of this Code for any licensee who knowingly fails to exclude or eject from the gaming establishment any individual who:

- (a) is visibly under the influence of liquor or any narcotic or such other substances; or
- (b) is visibly in violation of the Tribal Law and Order Code; or
- (c) is to be excluded per the provisions of the applicable Tribal and federal laws or regulations..

Section 6.03 Unlawful Acts

(a) It is unlawful and a violation of this Code, punishable by the Gaming Commission, for any person:

- (1) to alter or misrepresent the outcome of a game or other event on which wagers have been made after the outcome is made sure but before it is revealed to the players;
- (2) to place, increase or decrease a bet or to determine the course of play after acquiring knowledge, not available to all players, of the outcome of the game or knowledge of any event that affects the outcome of the game or knowledge that is the subject of the bet or wager;
- (3) to aid anyone in acquiring such knowledge as set forth in subparagraph (b) for the purpose of increasing or decreasing a bet or wager, or for the purpose of determining the course of play contingent upon that event or outcome;
- (4) to claim, collect or take, or attempt to claim, collect or take, money or anything of value in or from a gambling game with intent to defraud, without having made a wager contingent thereon, or to claim, collect or take an amount greater than the amount won;
- (5) knowingly to entice or induce another to go to any place where a gambling game is being conducted or operated in violation of the provisions of this Gaming Code, with the intent that the other person play or participate in that gambling game;
- (6) to place or increase a bet or wager after acquiring knowledge of the outcome of the game or event which is the subject of the bet or wager, including past-posting and pressing bets;
- (7) to reduce the amount wagered or cancel the bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet or wager, including pinching bets;
- (8) to manipulate with intent to cheat, any component of a gaming terminal or any tangible device used in connection with the gaming activity in a manner contrary to the designed and normal operational purpose for the component, with knowledge that the manipulation affects the outcome of the game or with knowledge of any event that affects the outcome of the game.
- (9) Any property received in violation of this provision, including cash payments, shall be immediately forfeited to the Tribes and the offending persons shall be prosecuted to the fullest extent possible under applicable law for accepting a bribe. The Gaming Commission

shall cooperate to the fullest extent possible with any Tribal, Federal or State law enforcement agency to pursue prosecution under applicable Tribal, Federal or State law.

(b) The unlawful acts listed in this Code are not exclusive and shall not deprive the Tribes, federal or state from prosecution of other crimes.

Section 6.04 Prohibitions against Electronic Aids

Except as specifically permitted and approved by the Gaming Commission, no person shall possess with the intent to use, or actually use, at any table game, either by himself, or in concert with others, any calculator, computer, or other electronic, electrical, or mechanical device to assist in projecting an outcome at any table game, to keep track of or analyze the cards having been dealt, to change the probabilities of any table game or the playing strategies to be utilized. Nothing in this section shall be interpreted to preclude the gaming establishment from maintaining and offering such electronic aids so long as the information provided from such aids is made available to all players.

Section 6.05 Unauthorized Gaming

Any person who is otherwise subject to jurisdiction of the Tribes who commits any act of unauthorized gaming on the Reservation or on any Indian land shall be guilty of a crime and shall be prosecuted in Tribal Court. Prosecution for such a crime in Tribal Court is not meant to be exclusive; a finding of guilt or innocence shall not deprive the federal government from criminal jurisdiction, and shall not deprive the state government from criminal jurisdiction, but only as provided for in a tribal-state compact. However, it is hereby declared that Class II and authorized Class III gaming, conducted on the Reservation or on any Indian land, that fully complies with the provisions of this Code shall not be subject to any criminal penalties. Subject to approved Tribal protocol, the Tribes shall pursue Federal and State authorities to prosecute any non-Indian who commits an act of unauthorized gaming.

Section 6.06 Violations of Code – Punishment

By accepting a license, the licensee is consenting to the civil jurisdiction of the Gaming Commission and is consenting to the jurisdiction of the Tribes. Any violation of this Code shall be subject to a fine of no more than twenty-five thousand dollars (\$25,000.00) for each separate count or violation. Each day of violation shall constitute a separate violation under this Code. A violator may also be required to pay Gaming Commission costs, storage fees, and auction or sales fees. All property used or which may be used in each and every separate violation of this Code may become the property of the Tribes; persons may be prohibited from trespassing on premises licensed under this Code, licenses may be suspended, revoked, or limited and/or establishments may be forcibly closed. All such action shall be taken at the discretion of the Gaming Commission. Winnings found to have been received in violation of this Code are forfeited and become the property of the Tribes.

Section 6.07 Sanctions.

Any person who engages in activities on property subject to the provisions of this Gaming Code without a license, in violation of the license or terms imposed thereon, in violation of terms of suspension, or in violation of any regulation, provision, or amendment under this Code shall be in violation of this Code, including any person who unlawfully trespasses upon any premises licensed by this Code without the consent of the licensee and/or the Gaming Commission, shall be subject to punishment. Nothing herein shall be interpreted to limit the liability of such individuals in tribal, state or federal court.

CHAPTER 7 MISCELLANEOUS

Section 7.01 Amendments

The Business Council may amend this Code in any manner deemed appropriate to protect what the Business Council determines to be in the best interests of the Shoshone-Bannock Tribes; provided, that the Business Council shall have no authority to enact any amendment to this Code that is less restrictive than the original terms of this Code, or that would constitute a violation of federal law or would be inconsistent with the terms of the Compact.

Section 7.02 Severability

The provisions of this Code are severable. If any part or provision hereof is held void by Tribal Court, federal court or federal agency, the decisions of the court or agency so holding shall not affect or impair any remaining provision of the Code.

Section 7.03 Maintenance of Code and Regulations

Each licensed gaming enterprise shall obtain, maintain and keep current a copy of the Gaming Code and regulations promulgated there under, which shall be located at the premises used for the conduct of a licensed activity. This Code and regulations are not, in any way, affected by the Licensee's lack of a copy or knowledge of this Code and regulations.

Section 7.04 Compliance with Other Laws

To the extent not inconsistent with this Code, all Tribal laws, ordinances and resolutions in effect shall apply to activities at the gaming establishments. The construction, maintenance and operation of any facility in which gaming activities are to take place shall be in a manner, which adequately protects the environment and the public health and safety and shall comply with any otherwise applicable tribal and federal laws relating to environmental protection and public health and safety.

Section 7.05 No Waiver of Sovereign Immunity

Nothing herein shall be interpreted as empowering the Gaming Commission to waive the Tribes' or the Gaming Commission's immunity from suit. Any contract or other agreement that provides for such waiver shall be void unless ratified by the Fort Hall Business Council.

Section 7.06 Repeal

To the extent that they are inconsistent with this Code, all Gaming Ordinances previously enacted or amended by the Business Council are repealed