



May 20, 2013

Via First Class Mail

Kevin Jensvold, Chairman  
Upper Sioux Tribe  
5722 Travers Lane  
Granite Falls, MN 56241

Re: Upper Sioux Community Tribal Amended Gaming Ordinance

Dear Chairman Jensvold:

This letter responds to your request for the National Indian Gaming Commission to review and approve the amended Upper Sioux Community Tribal Gaming Ordinance submitted with Resolution No. 005-CY2013 on February 26, 2013. The amended ordinance includes technical and substantive revisions to the current ordinance that was approved on November 12, 2003. The changes include modifying language in the definition of "key employee" and revising the background and licensing provisions to comply with the new NIGC regulations, 25 C.F.R. parts 556 and 558.

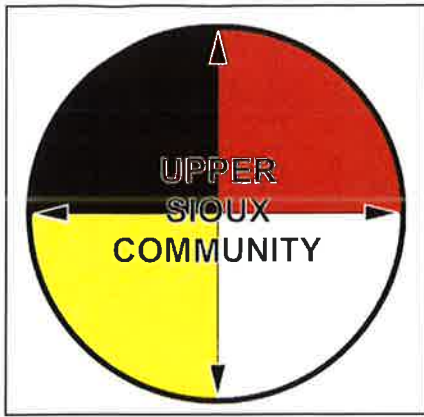
Thank you for bringing this amended gaming ordinance to my attention and for providing me with a copy of the updated ordinance, which will be posted on the NIGC website. The amended ordinance is approved, as it is consistent with the requirements of the Indian Gaming Regulatory Act and NIGC regulations.

If you have any questions, please feel free to contact Attorney Jennifer Ward at 202-632-7003.

Sincerely,

A handwritten signature in cursive script, appearing to read 'L Stevens'.

Tracie L. Stevens  
Chairwoman



## BOARD OF TRUSTEES

TRIBAL CHAIRMAN - KEVIN L. JENSOLD  
TRIBAL VICE CHAIRMAN — TRAVIS J. LEENERTS  
TRIBAL SECRETARY — AMY L. LABATTE  
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### Upper Sioux Community Resolution No. 005-CY2013 (Amended “Upper Sioux Community Gaming Ordinance”)

WHEREAS, the Upper Sioux Community – Pezihutazizi Oyate is a federally recognized Indian Nation bordering the counties of Yellow Medicine and Chippewa of the state of Minnesota and possessing powers of self-government and self-determination and asserting its Sovereignty by the Constitution of the Upper Sioux Community; and

WHEREAS, the Upper Sioux Community is governed by the Board of Trustees of the Upper Sioux Community which is empowered by the Tribal Constitution to act on behalf and in the best interests of the members of the Upper Sioux Community; and

WHEREAS, the Upper Sioux Board of Trustees is responsible for the public safety of the Upper Sioux Community and its members; and

WHEREAS, the Upper Sioux Community has entered into a compact with the state of Minnesota under the Indian Gaming Regulatory Act and operates Prairie’s Edge Casino Resort on the Upper Sioux Community reservation near Granite Falls, Minnesota; and

WHEREAS, on 20 February, 2013, the Board of Trustees once again adopted technical amendments to its Gaming Ordinance to reflect the following major amendments:

1) Updating the Privacy statement as defined in the NIGC’s final rule for 25 CFR Parts 556 (Background Investigations for Primary Management Officials and Key Employees) and 558 (Gaming Licenses for Key Employees and Primary Management Officials), dated January 25, 2013 as published in the Federal Register; and

2) Section 108 was amended to reflect an additional definition to Key employee; and

3) Updating and amending those sections that pertain to 25 CFR Parts 556 and 558 as defined in the NIGC final rule dated January 25, 2013 as published in the Federal Register.

THEREFORE BE IT RESOLVED that the Upper Sioux Community Board of Trustees does hereby adopt the attached amended "Upper Sioux Community Gaming Ordinance", regulating Class II and Class III gaming in compliance with the Indian Gaming Regulatory Act and National Indian Gaming Commission Regulations.

BE IT FURTHER RESOLVED that any prior gaming laws/ordinances that are inconsistent with the attached amended "Upper Sioux Community Gaming Ordinance" are hereby repealed.

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## CERTIFICATION

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We, the undersigned officers of the tribal council known as the Board of Trustees, do hereby certify that the foregoing Governing Resolution entitled **Upper Sioux Community Resolution No. 005-CY2013** was duly adopted and approved by the Tribal Council on 20 February 2013 by a vote of 5 For, 0 Against, 0 Abstentions and 0 Absent and Excused.



Kevin Jensvold, Tribal Chairman

*Attest:*



Amy LaBatte, Tribal Council Secretary



# **UPPER SIOUX COMMUNITY**

## **GAMING ORDINANCE**

**Revised February 2013**

Reviewed and revised by L.E.R.: February 19, 2013  
Reviewed and revised B.J.L.: February 18, 2013  
Reviewed and revised B.O.T.: 31 July 2003  
Reviewed and revised B.J.L.: 29 June 2003  
Reviewed and revised L.E.R.: May 30, 2003

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## **Title I: GENERAL PROVISIONS**

### **Section 100: Short Title**

This Ordinance shall be known as the Upper Sioux Community Gaming Ordinance. It is promulgated pursuant to Provision 9(H) of the Constitution of the Upper Sioux Community.

### **Section 101: Findings and Intent**

The Upper Sioux Community Board of Trustees finds that:

- A. The Upper Sioux Community is a sovereign entity retaining the powers of self-government and self-determination;
- B. The Upper Sioux Community desires to continue to exercise its inherent authority over its internal affairs;
- C. The Upper Sioux Community requires methods for maintaining a base from which to generate revenues for self-perpetuation and essential governmental services;
- D. A gaming facility came into existence at the Upper Sioux Community following the passage of the Indian Gaming Regulatory Act of 1988, P.L. 100-497. The Upper Sioux Community shall have proprietary interest and responsibility for the conduct of any gaming on Community lands in a manner commensurate with the best interests of the people of the Upper Sioux Community.
- E. This Ordinance addresses as required all provisions of the Indian Gaming Regulatory Act of 1988, P.L. 100-497.

Further, the Upper Sioux Community Board of Trustees has determined that the intent of this Ordinance is to:

- F. Foster a spirit of cooperation with the Federal Government through cooperation with the National Indian Gaming Commission regarding the regulation of Class II gaming;
- G. Foster a spirit of cooperation with the State of Minnesota in the regulation of Class III gaming;
- H. Regulate gaming on Tribal lands and other lands within the jurisdiction of the Upper Sioux Community, in compliance with the Tribal-State Gaming Compact and other applicable law;

1. Protect gaming as a means of promoting Tribal economic development;
2. Ensure that gaming is conducted fairly and honestly by both the operators and players as a means of providing both recreation and entertainment, entirely free from organized crime and other corrupting influences;
3. Ensure that construction and maintenance of all gaming facilities, and the operation of gaming conducted at those facilities, shall at all times protect the environment, the public health and welfare, and the sovereignty of the Upper Sioux Community, and that such gaming shall comply with all applicable Tribal, Federal, and Tribal-State Compact laws;
4. Establish and enforce an adequate system of internal controls that will result in accountability for revenues generated from the gaming facilities; maintain an adequate system to implement necessary background investigations, licensing, and monitoring of employees at gaming facilities; and establish and maintain an adequate system for the investigation, enforcement, and prosecution of violations of this Ordinance and the attendant rules and regulations adopted by the Community.

**Section 102: Purpose**

The purpose of this Ordinance is to regulate the conduct of Class II and Class III gaming activities on the trust land of the Upper Sioux Community.

- A. All gaming activities shall be conducted exclusively on "Indian Lands" as defined by 25 U.S.C. §2703(4) and 25 C.F.R. §502.12, and limited by 25 U.S.C. §2719.
- B. All gaming activities shall be conducted under the exclusive control and responsibility of the Upper Sioux Community;

**Section 103: Gaming Authorized**

Class II and Class III gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-447, 25 U.S.C. Section 2701 et-seq. is hereby authorized.

**Section 104:        Ownership of Gaming**

The Tribe shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation authorized by this Ordinance.

**Section 105:        Use of Gaming Revenue**

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

B.     If the Tribe elects to make per capita payments to tribal members, it shall authorize such payments only upon approval of a plan submitted to the Secretary of the Interior under 25 U.S.C. 2710 (b) (3).

C.     The USC Gaming Commission shall oversee the transfer of funds to ensure the percentages of the Upper Sioux Community Per Capita Plan are met. Once this is completed, their responsibility for overseeing the proper distribution of funds ends.

**Section 106:        Audit**

A.     The Tribe shall cause to be conducted annually an independent audit of gaming operations and shall submit the resulting reports to the National Indian Gaming Commission.

B.     All gaming related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in Subsection A above.

**Section 107:        Protection of the Environment**

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



**Section 108: Licenses for Key Employees and Primary Management Officials**

The Tribe shall ensure that the policies and procedures set out in this section are implemented with respect to key employees and primary management officials employed at any Class II or Class III gaming enterprise operated on Tribal lands:

**A. Definitions.**

For the purposes of this section, the following definitions apply:

**1. Key employee means:**

(a) A person who performs one or more of the following functions:

- (1) Bingo caller;
- (2) Count room supervisor;
- (3) Chief of security;
- (4) Custodian of gaming supplies or cash;
- (5) Floor manager;
- (6) Pit boss;
- (7) Dealer;
- (8) Croupier;
- (9) Approver of credit;
- (10) Custodian of gaming devices including persons with access to cash and accounting records within such devices;
- (11) Any other person designated by the Gaming Commission as a key employee.

(b) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000.00 per year; or

(c) If not otherwise included, the four most highly compensated persons in the gaming operation.

**2. Primary Management Official means:**

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

(b) Any person who has authority:

- (1) To hire and fire employees; or

(2) To set working policy for the gaming operation.

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

**B. Application Forms.**

1. The following notice shall be placed on the application form for a key employee or a primary management official.

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 (NIGC) 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's 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. A false statement on any part of your 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).

2. Existing key employees and primary management officials shall be notified in writing that they shall either:

(a) Complete a new application form that contains a Privacy Act Notice; or

(b) Sign a statement that contains the Privacy Act Notice and consent to the routine uses described in that notice.

**C. Background Investigations.**

1. The Tribe shall request from each primary management official and from each employee all of the following information:

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

(b) Currently and for the previous five (5) years: Business and employment positions held, ownership interested in those businesses, business and residence addresses, and driver's license numbers;

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

(d) Current business and residence telephone numbers;

(e) A description of any existing and previous business relationships with Indian Tribes, including ownership interests in those businesses;

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

(g) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;

(h) For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition, if any;

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;

(i) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal

charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (1)(h) or 1(i) of this section, the criminal charge, the name and address of the court involved and the date and disposition;

(j) 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;

(k) A photograph;

(l) Any other information the tribe deems relevant; and

(m) Fingerprints consistent with procedures adopted by the tribe according to 25 CFR §522.2 (h).

(n) If, in the course of a background investigation, a tribe discovers that the applicant has a notice of results on file with the NIGC from a prior investigation and the tribe has access to the earlier investigative materials (either through the NIGC or the previous tribal investigative body), the tribe may rely on those materials and update the investigation and investigative report under §556.6(b)(1).

(o) In conducting a background investigation, a tribe or its agents shall keep confidential the identity of each person interviewed in the course of the investigation.

2. The Tribe shall conduct an investigation sufficient to make an eligibility determination under subsection D below.

**D. Tribal Eligibility Requirements.**

The tribe shall conduct an investigation sufficient to make an eligibility determination.

(a) To make a finding concerning the eligibility of a key employee or primary management official for granting of a gaming license, an authorized tribal official shall review the person's:

- (1) Prior activities;
- (2) Criminal record, if any; and
- (3) Reputation, habits and associations.

(b) If the authorized tribal official, in applying the standards adopted in a tribal ordinance, determines that licensing of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, an authorizing tribal official shall not license that person in a key employee or primary management official position.

**E. Report to the Commission.**

(a) When a tribe employs a primary management official or a key employee, the tribe shall maintain a complete application file containing the information listed under §556.4 (a)(1) through (14).

(b) Before issuing a license to a primary management official or to a key employee, a tribe shall:

(1) Create and maintain an investigative report on each background investigation. An investigative report shall include all of the following:

- (i) Steps taken in conducting a background investigation;
- (ii) Results obtained;
- (iii) Conclusions reached; and
- (iv) The basis for those conclusions.

(2) Submit a notice of results (NOR) of the applicant's background investigation to the Commission no later than sixty (60) days after the applicant begins work. The notice of results shall contain:

- (i) Applicant's name, date of birth, and social security number;
- (ii) Date on which applicant began or will begin work as a key employee or primary management official;
- (iii) A summary of the information presented in the investigative report, which shall at a minimum include a listing of:
  - (A) Licenses that have previously been denied;
  - (B) Gaming licenses that have been revoked, even if subsequently reinstated;
  - (C) Every known criminal charge brought against the applicant within the last 10 years of the date of application; and

(D) Every felony of which the applicant has been convicted or any ongoing prosecution.

(iv) A copy of the eligibility determination.

(c) All notices under this part shall be provided to the Commission through the appropriate Regional office.

**F. Notification to NIGC of license decisions and retention obligations.**

(a) After a tribe has provided a notice of results (NOR) of the background check to the Commission, a tribe may license a primary management official or key employee.

(b) Within 30 days after the issuance of the license, a tribe shall notify the Commission of its issuance.

(c) A gaming operation shall not employ a key employee or primary management official who does not have a license after ninety (90) days.

(d) If a tribe does not license an applicant –

(1) The tribe shall notify the Commission; and

(2) Shall forward copies of its eligibility determination and notice of results (NOR) to the Commission for inclusion in the Indian Gaming Individuals Record System.

(e) A tribe shall retain the following for inspection by the Chair or his or her designee for no less than three years from the date of termination of employment:

(1) Applications for licensing;

(2) Investigative reports; and

(3) Eligibility determinations.

**G. Review of notice of results for a key employee of primary management official.**

(a) Upon receipt of a complete notice of results for a key employee or primary management official as required by §556(b)(2), the Chair has 30 days to request additional information from a tribe concerning the applicant or licensee and to object.

(b) If the Commission has no objection to issuance of a license, it shall notify the tribe within thirty (30) days of receiving notice of results pursuant to §556.6(b)(2).

(c) If, within the 30-day period described in §558.3(a), the Commission provides the tribe with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official applicant for whom the tribe has provided a notice of results, the tribe shall reconsider the application, taking into account the objections itemized by the Commission. The tribe shall make the final decision whether to issue a license to such applicant.

(d) If the tribe has issued the license before receiving the Commission's statement of objections, notice and hearing shall be provided to the licensee as provided by §558.4.

**H. Notice of information impacting eligibility and licensee's right to a hearing.**

(a) If, after the issuance of a gaming license, the Commission received reliable information indicating that a key employee or primary management official is not eligible for employment under §556.5, the Commission shall notify the issuing tribe of the information.

(b) Upon receipt of such notification, the tribe shall immediately suspend the license and shall provide the licensee with written notice of suspension and proposed revocation.

(c) A tribe shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.

(d) A right to a hearing under this part shall vest only upon receipt of a license granted under and ordinance approved by the Chair.

(e) After a revocation hearing, a tribe shall decide to revoke or to reinstate a gaming license. A tribe shall notify the Commission of its decision within 45 days of receiving notification from the Commission pursuant to paragraph (a) of this section.

**Section 109: License Locations**

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

**Section 110: Definitions**

The definitions stated in 25 CFR part 502 are incorporated herein by reference.

The following words and phrases when used in this Ordinance shall have the meaning respectively ascribed to them in this section:

A. ***“Board of Trustees”*** shall mean the governing body of the Community, duly elected in accordance with the terms of the Constitution of the Upper Sioux Community, adopted January 9, 1996.

B. ***“Community” or “Tribe”*** shall mean the Upper Sioux Community, a federally recognized Indian tribe located on the Upper Sioux Reservation and governed by its duly elected Board of Trustees.

C. ***“Tribal/State Compacts”*** shall mean the Tribal/State Compact for Control of Class III Video Games of Chance on the Upper Sioux Community Reservation entered into with the State of Minnesota in 1989 and the Tribal/State Compact for Control of Class III Blackjack on the Upper Sioux Community Reservation entered into with the State of Minnesota in May of 1991 and any subsequent technical amendments thereafter.

D. ***“Gaming Enterprise”*** shall mean any commercial business owned by the Community and operated, in part or in whole, for the conduct of Class II and Class III gaming as authorized by the Tribe, the Indian Gaming Regulatory Act, and the Tribal/State Compacts.

E. ***“Gaming Test Laboratory”*** shall mean, as contemplated by Section 6.1 of the Tribal-State Compact regarding Video Games of Chance, a laboratory agreed to and designated in writing by the Minnesota State Commissioner of Public Safety and the Community as competent and qualified to conduct scientific tests and evaluations of video games of chance and related equipment; a laboratory operated by or under contract with the states of Minnesota, or Nevada, or New Jersey, or South Dakota, constitutes a designated gaming test laboratory.

F. ***“Indian Gaming Regulatory Act of 1988”*** shall mean the Act of the United States Congress adopted on October 17, 1988, as Public Law 100-497, 102 Stat. 2467, codified at 25 U.S.C. 2701 *et seq.*

**Section 111: Severability**

If a Court finds that any provision of this Gaming Ordinance is invalid or unenforceable, the Court may sever that provision, and the remaining provisions of this Gaming Ordinance shall remain in full force and effect.



## **TITLE II: REGULATION AND ENFORCEMENT**

### **Section 200: Upper Sioux Community Gaming Commission**

There is hereby established an Upper Sioux Community Gaming Commission ("Gaming Commission") for the exclusive purpose of regulating and monitoring gaming on behalf of the tribe. The Board of Trustees shall appoint three (3) Upper Sioux Community members or other persons with gaming experience to the Gaming Commission to serve in accordance with this title and the Gaming Commission's operating regulations. The Gaming Commission shall appoint inspectors or agents for the purpose of conducting observations or inspections in the gaming facility.

### **Section 201: Regulations**

The Gaming Commission shall develop procedural regulations to enforce this Ordinance, subject to review and approval by the Board of Trustees.

### **Section 202: Hiring and Training**

Due to the high unemployment of the Upper Sioux Community members, preference in hiring will be given to Indian Community members and then to other American Indian persons as permitted by federal law. This rule shall be enforced in hiring, training and promotion.

### **Section 203: Hearing Officer**

The Gaming Commission may appoint a hearing officer with legal training to hear a dispute that may come before the Gaming Commission concerning this Ordinance and regulations and enforcement. The hearing officer will make recommended findings and reasons for the Gaming Commission.

### **Section 204: Hearings**

The Gaming Commission shall provide a hearing prior to final action concerning suspending or revoking a license, if requested; and as allowed or set by regulation or law.

### **Section 205: Sanctions**

Violations of this Ordinance will subject a person to sanctions that may include fine and suspension as appropriate. Unlawful trespass will prompt immediate response and appropriate sanction. The Gaming Commission, subject to review and approval by the Board of Trustees, shall set up a schedule of fines and sanctions as deemed necessary.

### **TITLE III. LICENSING OF DISTRIBUTORS, EMPLOYEES, FEES.**

#### **Section 300: License Required**

Any person, organization or entity (including management officials and key employees), on behalf of the Community, conducting a public gaming enterprise pursuant to the provisions of this Ordinance or any person, organization or entity selling, leasing or otherwise distributing gambling equipment or video games of chance to the Community, shall be required to have a license. Community public gaming operations being conducted within the jurisdiction of the Community without the lawful written approval of the Gaming Commission is prohibited.

#### **Section 301: Application for License**

Any person, organization or entity selling, leasing or otherwise distributing gambling equipment or video games of chance to the Community, the application shall contain the following information:

- A. The name(s) and mailing address of the person or entity making the application;
- B. The name(s) and addresses of all interested parties (including those with direct or indirect financial interest and their interest and connection to the applicant);
- C. The nature of the license applied for; the type of activity to be engaged in under the license;
- D. Explicit and detailed disclosure of any criminal record, including any delinquent taxes owed to the State of Minnesota, of the applicant, any person involved in the organization, and any party of interest whose name appears on the application;
- E. Any additional information necessary to allow the Community or the State of Minnesota to investigate the applicant or any person included on the application;
- F. Whether the applicant, if a distributor of gambling equipment, has been properly licensed by the State of Minnesota pursuant to Minnesota Statute section 349.151; and proof of being the holder of a current and valid distributor or manufacturer license from the State of Minnesota; or properly licensed and holding a current and valid license from either the State of New Jersey, Nevada or South Dakota;

G. Whether the applicant, if a distributor of gambling equipment, has ever had a distributor or manufacturer license revoked or suspended by the state that issued the license and, if so, the circumstances surrounding the state's action;

H. A statement of waiver allowing the Community and the State of Minnesota to conduct a background investigation of the applicant and any person whose name is required to appear on the application;

I. Whether the applicant or any person whose name is required to appear on the application maintains any involvement in the business of wholesale distribution of alcoholic beverages.

### **Section 302: Machine Leases**

In addition to a distributor license provided for in Section 301, the person or entity with whom the Community enters into a lease or sales agreement regarding video games of chance must obtain from the Gaming Commission an annual non-transferable license for each video game of chance to be placed in a gaming enterprise operating under the provision of this Ordinance.

A. An application for a license for a video game of chance shall contain the following information:

1. The name and address of the applicant with proof of a current and valid distributors or manufacturer license issued by a state and the Community.
2. Identification numbers or codes for each video game of chance placed in a Community gaming enterprise, including the manufacturer, the serial number and the model number.
3. Proof of approval and certification of the machine by an approved gaming test laboratory or proof that the video game of chance conforms precisely to the exact specifications of the video game of chance prototype tested and approved by the gaming test laboratory.
4. All other information as required by the Tribal/State Compacts;
5. Proof of a current and valid video game of chance license issued by the State of Minnesota pursuant to Minnesota Statute section 349.52.

B. Upon issuance, the Gaming Commission shall have attached to each video game of chance licensed under the provisions of this Ordinance, an unremovable identification plate on the exterior cabinet which contains the information as required by the Tribal/State Compacts.

**Section 303: Classes of Licenses**

Upon proper application and approval, the following classes of licenses may be issued by the Gaming Commission:

A. Class A license for a gaming enterprise in which a gaming operator wishes to conduct Class II gaming at a Community gaming enterprise; the license shall be site-specific;

B. Class B license for a gaming enterprise in which a gaming operator wishes to conduct Class III gaming at a Community gaming enterprise; the license shall be site-specific;

C. Class C license to any management official or key employee of either a gaming operator or the Community; the license shall be valid for a period of one year and a Class C-1 license to any other employee, not licensed as a management official or key employee, of a gaming operator or the Community employed in a gaming enterprise licensed under the provisions of this Ordinance; the license shall be valid for a period of one year.

D. Class D license to any distributor or manufacturer of gambling equipment and/or video games of chance to be used in a Community gaming enterprise; the license shall be valid for a period of one year.

E. Class E license for each video game of chance to be used in a Community gaming enterprise;

**Section 304: Renewal**

All licenses granted pursuant to this Title III must be renewed on an annual basis in accordance with the procedure set forth in Section 301.

**Section 305: License Fees**

Annual license fees shall be set by the Gaming Commission for gaming distributors, non-gaming vendors, management officials and employees.

## **TITLE IV: RULES AND GENERAL APPLICABILITY**

### **Section 400: Rules of Gaming Operations**

Each licensee operating a gaming enterprise under a license issued pursuant the provision of this Ordinance shall prominently display in writing all rules and regulations pertaining to all gaming activity, including but not limited to traditional bingo, other games of chance and video games of chance, near the specific locations where such gaming activity is conducted; or shall make a written copy of all such rules and regulations available to any person making a request for such.

### **Section 401: Dispute Resolution**

Any person who disagrees with a final decision made by the Gaming Commission including, without limitation, those decisions regarding licensing, suitability determination, compliance with applicable law and other regulatory matters, must, within (30) days of receipt of a written decision, send a written request to the Gaming Commission and the Upper Sioux Community Tribal Court requesting a hearing before the Tribal Court.

The matter will be scheduled for a hearing before the Tribal Court within thirty (30) days of the receipt of the written request for a hearing. The Tribal Court shall review the Gaming Commission's findings and may hear testimony and accept evidence before making a final decision. The Tribal Court shall use an arbitrary and capricious standard of review when rendering its decision.

The decision of the Tribal Court shall be final.

### **Section 402: Restriction for Gaming Enterprise**

The Upper Sioux gaming enterprise must at all times observe the following restrictions on gaming activities:

- A. No credit extended: All gaming shall be conducted on a cash basis. Except as herein provided, no person shall be extended credit for gaming by any gaming enterprise. This restriction shall not apply to credits won by players who activate plays on video games of chance after inserting coins or currency into the game, and shall not restrict the right of a gaming enterprise to offer check cashing or to install or accept bank card or credit card transactions in the same manner as would normally be permitted at any retail business within the State of Minnesota.

B. Minimum age for players: No person below the age of eighteen (18) shall be permitted to participate in the gaming in any gaming enterprise licensed under the provisions of this Ordinance. If any persons below the age of eighteen (18) years plays and otherwise qualifies to win any prize, the prize shall not be paid. The estimated amount wagered during the course of the game may be returned to the player at the discretion of the casino.

C. Regulation of alcohol: no gaming enterprise shall allow to be sold or otherwise make available any beverage containing alcohol except in strict compliance with the Upper Sioux Community Liquor Control Ordinance.

D. Prohibition on firearms: no firearms or air guns which are capable of discharging dangerous projectiles or gases including, but not limited to, "bb's" or CO2 guns, rifles, shotguns, pistols or revolvers", shall be allowed in the premises except as permitted for security by an employed security force or other city, state, tribal or federal law enforcement officers in the course of their official duties.

E. Other rules of conduct and regulations will be developed by the Gaming Commission as needs arise.

#### **TITLE V: RESERVED FOR FUTURE USE**

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### CERTIFICATION

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We, the undersigned members of the Upper Sioux Community Board of Trustees, do hereby certify that the foregoing Ordinance was duly adopted and approved on 20 February, 2013, by a vote of 5 For, 0 Against, and with 0 Abstentions.



Kevin Jensvold, Chairman  
Upper Sioux Community  
Board of Trustees



Travis Leenerts, Vice Chairman  
Upper Sioux Community  
Board of Trustees



Amy LaBatte, Secretary  
Upper Sioux Community  
Board of Trustees



Sharon Odegard, Treasurer  
Upper Sioux Community  
Board of Trustees



Marlow LaBatte, Member at Large  
Upper Sioux Community  
Board of Trustees