NATIONAL
INDIAN
GAMING
COMMISSION

September 24, 1993

Ralph C. Darden
Chairman
Chitimacha Tribe of Louisiana
P.O. Box 661
Charenton, LA 70523

Dear Chairman Darden:

This letter responds to your request to review and approve the tribal gaming ordinance submitted on June 21, 1993 and amended on September 21, 1993 for the Chitimacha Tribe of Louisiana. This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

Under the IGRA and the regulations of the National Indian Gaming Commission (NIGC), the Chairman is directed to review ordinances with respect to the requirements of that Act and the implementing regulations. Thus, the scope of the Chairman's review and approval is limited to the requirements of the IGRA and the NIGC regulations. Such approval does not constitute approval of specific games.

The NIGC expects to receive the applications for key employees and primary management officials under 25 C.F.R. § 556.6 (as published in the Federal Register on January 22, 1993, at 58 Fed. Reg. 5813) and fingerprint cards under NIGC Bulletin No. 2 which was sent to all tribes in July. Provisions other than those required under the IGRA or the NIGC regulations that may be included in a tribal ordinance are not subject to review and approval.

It is important to note that the gaming ordinance is approved for gaming only on Indian lands as defined in the IGRA. This approval constitutes approval for class II gaming and class III gaming.

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

Sincerely yours,

Anthony J. Hope
Chairman

cc: Guy Michael, Esq.

CHITIMACHA TRIBE OF LOUISIANA

TRIBAL CENTER
P. O. BOX 661
CHARENTON, LA. 70523
318-923-4973

CHITIMACHA TRIBAL COUNCIL
ORDINANCE # 11-93

WHEREAS, *the Chitimacha Tribe of Louisiana is a Native American Indian Tribe organized under the Indian Reorganization Act of 1934, and*

WHEREAS, *the Chitimacha Tribe is a sovereign Indian Nation and recognized as such by the United States of America, and*

WHEREAS, *the Chitimacha Tribal Council is the duly elected governing body of the Tribe, as authorized by Article V, Section 1 of the Constitution and Bylaws adopted by the People of the Chitimacha Tribe and approved by the Secretary of the Interior, and*

WHEREAS, *the Chitimacha Tribal Council, being the governing body of a sovereign nation, has the authority and responsibility of providing for the health, education, safety and welfare of the Chitimacha People, and*

WHEREAS, *in providing the aforementioned services, the Tribal Council has the responsibility of ensuring the protection of the individual rights of its members, and*

WHEREAS, *on May 10,1993, the Tribal Council enacted the revised edition of Title XII - Gaming Ordinance of the Chitimacha Comprehensive Codes of Justice by the adoption of Ordinance # 9-93, and*

WHEREAS, *the Tribal Council recognizes the need that Sec.'s 204, 205, 217, 218, 219, 220, 221, 222, 223, 410, 412, 505, and 511(K)(L)(M) be revised, and*

THEREFORE BE IT RESOLVED, *that the Chitimacha Tribal Council hereby enacts these revisions to Title XII - Gaming Ordinance by adoption of this Ordinance, superseding and repealing same as previously enacted.*

BE IT FURTHER RESOLVED, *that the newly revised Title XII - Gaming Ordinance, shall become effective upon approval of same by the Chairman of the National Indian Gaming Commission.*

CERTIFICATION

I the undersigned, as Secretary-Treasurer of the Chitimacha Tribal Council, certify that the Tribal Council is composed of 5 members of whom 4 *were present at a special meeting, called, convened and held this* 14th *day of* September, *1993, and that the foregoing ordinance was duly adopted at such meeting by the affirmative vote of* 3 *members for,* 0 *members against, and* 0 *members abstaining; pursuant to the authority contained under Article VII, Section 1 of our Tribal Constitution and Bylaws approved January 14, 1971.*

ATTEST:

Peggy Gaddy

Peggy Gaddy, Secretary-Treasurer

APPROVED:

Ralph C. Darden for

Ralph C. Darden, Chairman

APPROVED

TITLE XII - GAMING ORDINANCE

Licensing and Regulation of Bingo and Other Games of Chance

(Revised by Ordinance # 4-90; Adopted: November 7,1990; Effective: February 3,1993)

CHAPTER 1. FINDINGS

(Revised by Ordinance # 4-90; Adopted: November 7,1990; Effective: February 3,1993)

Sec. 101. The Tribal Council finds:

(A) That operation of bingo and other games of chance by the Tribe is a valid means of promoting tribal economic development and the health and welfare of tribal members; and

(B) That under the principles established by the United States Supreme Court in California v. Cabazon Band of Mission Indians, 480 U.S. 202 (1987), Indian tribes have the exclusive right to regulate gaming activity on Indian lands if the activity is not specifically prohibited by federal law and is conducted within a state which does not criminally prohibit the activity; and

(C) That the United States Congress has recently enacted Public Law 100-497, codified at 25 U.S.C. 2701 et seq., commonly known as the Indian Gaming Regulatory Act (IGRA) authorizing certain types of Class II and Class III gaming activities as defined in that Act on lands within the jurisdiction of the Tribe; and

(D) That the terms of the Compact governing Class III gaming activities on lands within the jurisdiction of the Tribe have been established in accordance with the provisions of the Indian Gaming Regulatory Act; and

(E) That the Tribal Council is the duly constituted governing body of the Tribe, and is empowered by the Constitution and Tribal by-laws to enact this Tribal gaming ordinance; and

(F) That Tribal regulation of gaming activity on the Reservation is vital to the protection of

Reservation lands and the interests of the Tribe and its members.

(Added by Ordinance # 4-90; Adopted: November 7,1990; Effective: February 3,1993; Revised by ;Adopted: ;Effective:)

CHAPTER 2. DEFINITIONS

(Revised by Ordinance # 4-90; Adopted: November 7,1990; Effective: February 3,1993)

As used in this ordinance, the following terms shall mean:

Sec. 201. Act.

The Indian Gaming Regulatory Act, 25 U.S.C. 2701 et seq.

(Added by Ordinance # 4-90; Adopted: November 7,1990; Effective: February 3,1993; Revised by ;Adopted: ;Effective:)

Sec. 202. Appurtenant Parking Facilities.

All parking lots, parking areas, bus loading and unloading areas and access roads established to facilitate patron transportation and parking at the gaming facility.

(Added by Ordinance # 4-90; Adopted November 7,1990; Effective: February 3, 1993; Revised by ;Adopted: ;Effective:)

Sec. 203. Class I Gaming.

(A) Social games played solely for prizes of minimal value.

(B) Traditional forms of Indian gaming engaged in as part of tribal ceremonies, celebrations, or powwows.

(Added by Ordinance # 4-90; Adopted: November 7,1990; Effective: February 3,1993;Revised by ;Adopted: ;Effective:)

Sec. 204. Class II Gaming.

Class II gaming as defined in accordance with the Act at 25 U.S.C. 2703(7)(A) including, but not limited to:

(A) Bingo or Lotto (whether or not electronic, computer, or other technologic aids are used in

connection therewith) when players:

(1) Play for prizes with cards bearing numbers or other designations:

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

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

(B) If played at the same location as Bingo or Lotto, Pull Tabs, Punch Boards, Tip Jars, Instant Bingo, and other games similar to Bingo.

(C) Non banking card games that:

(1) State law explicitly authorizes, or does not explicitly prohibit, and are played legally anywhere in the State; and

(2) Players play in conformity with State laws and regulations concerning hours, periods of operation, and limitations on wagers and pot sizes.

(Added by Ordinance #4-90; Adopted: November 7,1990; Effective: February 3,1993;Revised by ;Adopted: ;Effective: ;Revised by: ;Adopted: ;Effective:)

Sec. 205. Class III Gaming.

All forms of gaming that are not Class I or Class II gaming, as defined in accordance with the Act at 25 U.S.C. 2703(8) including, but not limited to:

(A) Any house banking game, including, but not limited to:

(1) Card games such as baccarat, chemin de fer, blackjack (21) and pai gow; and

(2) Casino games such as roulette, craps and keno.

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

(C) Any sports betting or parimutuel wagering on horse racing, dog racing or jai alai.

(D) Lotteries.

(Added by Ordinance #4-90; Adopted: November 7,1990; Effective: February 3,1993; Revised by ;Adopted: ;Effective: ;Revised by: ;Adopted: ; Effective:)

Sec. 206. Compact.

The Tribal-State Compact for the Conduct of Class III Gaming bet
of Louisiana and the State of Louisiana signed on February 15, 1993.

(Added by Ordinance #4-90; Adopted: November 7,1990; Effective: February 3,1993;Revised
)

Sec. 207. Gaming Premises.

Any room or rooms in which Class II or Class III gaming is condu
including contiguous patron food, beverage and service facilities.

(Added by Ordinance #4-90; Adopted: November 7,1990; Effective: February 3, 1993;Revised b
)

Sec. 208. Gross Revenues.

(A) For the purposes of Chapter 4 of this Ordinance, the total amou
all Class II games, authorized by and conducted pursuant to Chapter 4 of t

(B) For purposes of Chapter 5 of this Ordinance, the total amount
all Class III games authorized by and conducted pursuant to Chapter 5 of t

(Added by Ordinance #4-90; Adopted: November 7,1990; Effective: February 3,1993;Revised by
)

Sec. 209. Immediate Family.

Parent, spouse and children residing in the immediate household.

(Added by Ordinance #4-90; Adopted: November 7,1990; Effective: February 3,1993;Revised by
)

Sec. 210. Manager.

The party entering into a management agreement with the Tribe for
or Class III gaming in accordance with this Ordinance.

(Added by Ordinance #4-90; Adopted: November 7,1990; Effective: February 3,1993;Revised by
)

Sec. 211. National Indian Gaming Commission.

The National Indian Gaming Commission established pursuant to 25 U.S.C. 2704.

(Added by Adopted: Effective:)

Sec. 212. Net Revenues.

(A) For purposes of Chapter 4 of this Ordinance, gross revenues of Class II gaming activity less amounts paid out as, or paid for, prizes and total operating expenses, excluding management fees, attributable in accordance with generally accepted casino accounting principles of the American Institute of Certified Public Accountants to the operation of Class II gaming activity.

(B) For purposes of Chapter 5 of this Ordinance, gross revenues of Class III gaming activity less amounts paid out as, or paid for, prizes and total operating expenses, excluding management fees, attributable in accordance with generally accepted casino accounting principles of the American Institute of Certified Public Accountants to the operation of Class III gaming activity.

(Added by Adopted: Effective:)

Sec. 213 Reservation.

The Chitimacha Indian Reservation.

Added by Adopted: Effective:)

Sec. 214 Secretary.

The Secretary of the United States Department of the Interior.

(Added by Adopted: ; Effective:)

Sec. 215 Slot Machines.

Any mechanical, electrical or other device, contrivance or machine which, upon insertion of a coin, token, credit representative, or similar object therein, or upon payment of any consideration whatsoever, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator or application of the element of chance, or both, may deliver or entitle the person playing or operating the machine to receive cash or tokens to be exchanged for cash, or to receive merchandise or any thing of value whatsoever, whether the payoff is made automatically from the machine or in any other manner whatsoever.

(Added by Adopted: Effective:)

(Original Sec 217 deleted by Adopted Effective)

Sec. 216 State.

The State of Louisiana.

(Added by Adopted: Effective: Revised by: Adopted: Effective:)

Sec. 217 Total Operating Expenses.

All costs associated with and attendant to the carrying on of gaming activity and those services associated with same.

(Added by Adopted: Effective: Revised by: Adopted: Effective:)

Sec. 218 Traditional Forms of Indian Gaming.

(A) Gaming activities such as "stick" or "bone" games played as part of tribal ceremonies, celebrations, or powwows.

(B) Games such as rodeos or horse races, including those for which purses or prizes are awarded, that are played as part of tribal ceremonies, celebrations or powwows. This does not include Class II or Class III games operated prior to a ceremony, celebration or powwow for the purpose of raising funds for the ceremony, celebration or powwow; these are considered Class II or Class III games.

(Added by Adopted: Effective: Revised by: Adopted: Effective:)

Sec. 219 Tribal Commission.

The Chitimacha Gaming Commission.

(Added by Adopted: Effective: Revised by: Adopted: Effective:)

Sec. 220 Tribal Council.

The Tribal Council of the Chitimacha Tribe of Louisiana.

(Added by Adopted: Effective: Revised by: Adopted: Effective:)

Sec. 221 Tribe.

The Chitimacha Tribe of Louisiana.

(Added by Adopted: Effective: Revised by: Adopted: Effective:)

CHAPTER 3. CLASS I GAMING

(Revised by Ordinance #4-90; Adopted November 7, 1990; Effective February 3, 1993)

Sec. 301. Regulation of Class I Gaming.

This Title does not apply to Class I gaming as defined in Chapter 2, except as provided in this section. The Tribe reserves the right to inspect the premises where the Class I game is held and to obtain and review financial information concerning the game in order to determine whether it meets the definition of a Class I game. In addition, Class I games may be subject to other tribal ordinances

and regulations designed to protect the health and welfare of tribal members.

(Added by Ordinance #4-90; Adopted: November 7,1990; Effective: February 3,1993)

CHAPTER 4. CLASS II GAMING

(Revised by Ordinance #4-90; Adopted: November 7,1990; Effective: February 3,1993)

Sec. 401. Regulation of Class II Gaming.

All Class II gaming shall be conducted according to the provisions of this Title.

(Revised by Ordinance #4-90; Adopted: November 7,1990; Effective: February 3,1993)

Sec. 402. Ownership of Class II Gaming.

All Class II games included within Section 401 must be solely owned by the Tribe, which shall have the sole proprietary interest and responsibility for the conduct of any gaming activity. Ownership of Class II games by any other entity or any individual is prohibited.

(Added by Ordinance #4-90; Adopted: November 7,1990; Effective: February 3,1993)

Sec. 403. Licenses for Class II Gaming Activities.

The Tribal Commission shall issue a license for each place, facility, or location where Class II gaming is conducted. For each location licensed, a sworn application must be filed with the Tribal Commission that contains a full and complete showing of the following:

(A) A description of the premises in which the games are to be held, and proof that the applicant is the owner of such premises, or lessee of such premises, for at least the term of the license.

(B) Agreement by the applicant to accept and abide by all applicable provisions of this Title and all conditions of the tribal license.

(C) Satisfactory proof that notice of the application has been posted in a prominent, noticeable place in the Tribal office and on the premises where the games are to be held for at least 30 days prior to consideration by the Tribal Commission, and published at least twice in a local newspaper serving

the Reservation. The notices shall state the date, time and place when the application shall be considered by the Tribal Commission pursuant to Section 405.

(Added by Ordinance #4-90; Adopted: November 7,1990; Effective: February 3,1993; Revised by ;Adopted: ;Effective:)

Sec. 404. License Fees and Duration of License.

Each application shall be accompanied by a fee of $100.00. The license shall expire on December 31st of the calendar year in which it is issued.

(Added by Ordinance #4-90; Adopted: November 7,1990; Effective: February 3,1993)

Sec. 405. Hearing on Application for a License.

All applications for a license shall be considered by the Tribal Commission in open session at which the applicant, the applicant's attorney, if the applicant elects to hire one, and any person protesting the application shall have the right to be present and to offer sworn oral or documentary evidence relevant to the application. After the hearing, the Tribal Commission shall determine whether to grant or deny the application. The decision of the Tribal Commission shall be final. No Tribal Commission member may act on a matter involving a member of the immediate family of that Tribal Commission member.

(Added by Ordinance #4-90; Adopted: November 7,1990; Effective: February 3,1993;Revised by ;Adopted: ;Effective:)

Sec. 406. Conditions of the Tribal License.

Any tribal license issued under this Title shall be subject to such reasonable conditions as the Tribal Commission shall fix, including, but not limited to the following:

(A) The licensee shall at all times maintain an orderly, clean, and neat establishment, both inside and outside the licensed premises.

(B) The licensed premises shall be subject to patrol by the tribal police force, for the purpose of enforcing tribal law, and the licensee shall cooperate at all times with such police and law officers.

(C) The licensed premises shall be open to inspection by duly authorized tribal officials and officials of the National Indian Gaming Commission at all times during the regular business hours.

(D) There shall be no discrimination in operations permitted under the tribal license by reason of race, color or creed, provided, however, that a licensee shall give a preference in employment to Indians.

(E) No person who is under the age of 21 shall participate or be allowed to participate in any manner in the operation of any game. No person who is under the age of 21 shall play in any bingo game or other games of chance. No person under the age of 21 shall be allowed on the gaming floor where games are being conducted. It shall be the responsibility of the licensee and of those persons physically operating the games to ensure that no unauthorized person is allowed to play in or participate in any manner in the operation of any bingo game or other game of chance.

(F) Each person paying for the opportunity to participate in a bingo game shall be given a bingo card which shall be numbered and can be readily identified as belonging to that licensee. Each card issued shall represent a specific amount of money which has been paid to the licensee. The amount of prize money to be awarded for each card issued shall be clearly made known to all players prior to anyone paying to participate in the activity.

(G) Bingo cards shall be sold and paid for, in advance, for use in a specified game or games. No cards may be sold on credit or as a loan of any kind whatever.

(H) No licensee shall allow a person who manages or receives any compensation, directly or indirectly, for the operation of any bingo game or other game of chance conducted by the licensee to play in a bingo game or other game of chance while on duty. No licensee shall allow any person who, without compensation, assists in the operation of any bingo game or other game of chance conducted by the licensee to play in any bingo games or other game of chance conducted by the licensee within 24 hours of the time said person did so assist.

(I) Each numbered ball, or other device, used in a bingo game for the selection of numbers to

be called in play shall be the same weight as each of the other balls or dev
in that game. Immediately following the calling of each number in a bingo g
the portion of the ball or other device used to determine which number is
number and letter to the participants in the game so that participants ma
number has been called out. Nothing in this section shall prohibit the use o
other technological aids in games of bingo or other games of chance provide
properly and fairly.

(J) No beverage containing alcohol, including but not limited to beer
or awarded as a prize or in lieu of a prize for winning at any of the activities

(K) No firearms, or guns which are capable of discharging dangerou
but not limited to b.b.'s or CO2 guns, rifles, shotguns, pistols, or revolvers, sha
as a prize or in lieu of a prize for winning at any of the activities authorized

(L) No person involved in the operation of any activity authorized b
directly or indirectly, in the course of such operation employ any device, schem
make any untrue statement of a fact, or omit to state a fact necessary in ord
not misleading in consideration of the circumstances under which such stateme
in any act, practice, or course of operation as would operate as a fraud or dec

(Added by Ordinance #4-90; Adopted: November 7,1990; Effective: February 3,1993; Revised by
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Sec. 407. Assignment or Transfer.

No license issued under the ordinance shall be assigned or transferre
approval of the Tribal Commission expressed by formal resolution.

(Revised by Ordinance #4-90; Adopted: November 7,1990; Effective: February 3,1993; Revised by
)

Sec. 408. Cancellation and Suspension.

The licensee must have and exercise complete control over the premises being used for bingo or other games of chance at all times said games are being played. The licensee and his employees shall be legally responsible for any violation of this Title. Any license issued hereunder may be canceled by the Tribal Commission for the breach of any of the provisions of this ordinance or of the tribal license, upon hearing before the Tribal Commission, after 10 days notice of the claimed breach to the licensee. If the Tribe is the licensee, notice shall be served on the manager of the tribal operation. The time and place of the hearing shall be posted in the Tribal office and, if time permits, in a local newspaper serving the Reservation. The licensee, manager, their attorneys and any person affected by the license shall have the right to be present and to offer sworn oral or documentary evidence relevant to the breach charges. A license may be suspended during the 10-day period by a majority vote of the Tribal Commission at a meeting at which a quorum is present. The decision of the Tribal Commission shall be final.

(Added by Ordinance #4-90; Adopted: November 7,1990; Effective: February 3,1993; Revised by ;Adopted: ;Effective:)

Sec. 409. Uses of Net Revenues of Gaming Activities.

Net revenues of the gaming activity after payment of management fees must be used only for the following purposes:

(A) to fund tribal government operations or programs;

(B) to provide for the general welfare of the Indian Tribe and its members, including to fund programs operated by a tribal subdivision that contribute to the general welfare;

(C) to promote tribal economic development;

(D) to donate to charitable organizations; or

(E) to help fund operations of local government agencies, including tribal subdivisions.

(Added by Ordinance #4-90; Adopted: November 7,1990; Effective: February 3,1993)

Sec. 410. Annual Outside Audit.

Each licensee, including the Tribe, shall arrange for an annual outside audit of the operation for presentation to the National Indian Gaming Commission. The audit shall examine the entire gaming operation including the uses of the net revenues and all contracts for amounts in excess of $25,000 annually (except contracts for legal or accounting services).

(Added by Ordinance #4-90; Adopted: November 7,1990; Effective: February 3,1993;Revised by: ;Adopted: ;Effective:)

Sec. 411. Reports to the Tribe.

Each licensee shall submit to the Tribal Commission, on a monthly basis, a financial report for the previous quarter's operations. Such reports shall be signed, under oath, by an official or representative of the licensee, who in the case of a tribal operations shall be the operation's manager. The reports shall document:

(A) Monthly attendance at bingo and other games.

(B) Gross receipts for each month.

(C) Names of each employee and the salary or other compensation paid to each.

(D) All expenses in the operation of the games, specifying all payments to vendors and contractors.

(E) The amount paid in prizes each month.

(F) All bank deposits made from proceeds of the bingo games, including any interest received on such deposits.

(G) All bank withdrawals and the purpose of each.

(H) All expenditures of net proceeds including the amount, person or organization paid, date, and purpose of such expenditures.

(Added by Ordinance #4-90; Adopted: November 7,1990; Effective: February 3,1993; Revised by ;Adopted: ;Effective:)

Sec. 412. Investigations, oversight, and licensing of primary management officials and key employees of the gaming activity.

Before hiring any primary management official or other key employee of the Class II gaming activity, the Tribal Commission shall conduct a background investigation of that individual in accordance with the procedures and standards contained at Section 511(K) of this Ordinance.

(Added by Ordinance #4-90; Adopted: November 7,1990; Effective: February 3,1993; Revised by ;Adopted: ;Effective: ;Revised by: ;Adopted: ;Effective:)

Sec. 413. Management Contracts.

(A) Subject to the approval of the Tribal Council, a licensee may enter a management contract for the operation and management of a Class II gaming activity. All such contracts are subject to the approval of the National Indian Gaming Commission.

(B) Any licensee seeking to enter a management contract will be required to furnish certain information to the Commission. If the Council approves the contract, it shall forward the required information to the Commission.

(C) The Council shall not approve any contact unless its terms include:

(1) Adequate accounting procedures to be maintained by the contractor and verifiable financial reports submitted to the Tribe on a monthly basis.

(2) Access to the daily operation of the gaming for appropriate officials of the Tribe, who shall also have the right to verify the daily gross revenues and income made from the gaming activity.

(3) A minimum guaranteed payment to the Tribe that has precedence over the retirement of development and construction.

(4) An agreed upon ceiling for the repayment of development and construction costs.

(5) A contract term not to exceed five years.

(6) Grounds and mechanisms for terminating the contract.

(Added by Ordinance #4-90; Adopted: November 7,1990; Effective: February 3,1993)

Sec. 414. Criminal penalties.

Operation of Class II gaming activity without a license shall constitute a Class A Misdemeanor. Violation of any other provision of Chapter IV of this Title shall constitute a Class B Misdemeanor.

(Added by Ordinance #4-90; Adopted: November 7,1990; Effective: February 3,1993)

CHAPTER 5. CLASS III GAMING

(Added by Ordinance #4-90; Adopted: November 7,1990; Effective: February 3,1993)

Sec. 501. Class III Gaming in Accordance with Compact with the Tribe.

The Tribe hereby authorizes Class III gaming in accordance with the Compact and the Appendices attached thereto. The Compact is hereby incorporated by reference as if set forth fully herein and is enacted as a part of this Ordinance. No Class III gaming shall be conducted except in accordance with the Compact.

(Added by Ordinance #4-90; Adopted: November 7,1990; Effective: February 3,1993; Revised by ;Adopted: ;Effective:)

Sec. 502. Authorized Class III Games.

The following Class III games may be offered by the Tribe:

(A) Blackjack

(B) Roulette

(C) Craps

(D) Poker

(E) Baccarat

(F) Mini-Baccarat

(G) Keno

(H) Acey-Ducey (Red Dog)

(I) Chuck-a-luck

(J) Sic-bo

(K) Pai Gow

(L) Any lottery game

(M) On reservation and off-track pari-mutuel betting on horse racing, dog racing or other animal races

(N) Pari-mutuel betting through simulcasting on those races authorized in Section 502(M) above

(O) Pari-mutuel betting by telephone on those races authorized in sub-section 502(M) above

(P) Any other Class III game which is offered or conducted by any other gaming entity in the State in any manner and in any form

(Q) Any other banking or percentage game which is played with cards or dice

(R) Any electronic, electrical, or mechanical device or machine played for money, property or any thing of value, including slot machines.

(Added by Adopted: Effective:)

Sec. 503. Class II Gaming Unaffected.

Nothing in this Chapter 5 is intended to, nor shall it be interpreted to, interfere with or abrogate in any way the authority of the Tribe to offer Class II gaming pursuant to Chapter 4 of this Ordinance, rather, this Chapter shall supplement the authority granted under Chapter 4, as amended.

(Added by Adopted: Effective:)

Sec. 504. Management Agreements Authorized.

The Tribe, by majority vote of the Tribal Council, may choose to contract with a third party for the management of Class III gaming. Any such contract shall conform in all respects with the

requirements of the Act, including submission to and approval of the Tribal Chairman of the National Indian Gaming Commission, pursuant to 25 U.S.C. must provide, at a minimum:

(A) For adequate accounting procedures that are maintained and fo reports that are prepared, by or for the Tribal Council on a monthly basis;

(B) For access to the daily operations of the gaming to the Tribal Cor have a right to verify the daily gross revenues and income made from any suc

(C) For a minimum guaranteed payment to the Tribe that has prefere of development and construction costs;

(D) For an agreed ceiling for the repayment of development and cons

(E) For a contract term not to exceed five years, except that, upon th the Chairman of the National Indian Gaming Commission may authorize a con five years but does not exceed seven years if said Chairman is satisfied that required, and the income projections, for the particular gaming activity requi and

(F) For grounds and mechanisms for terminating such contract, but termination shall not require the approval of the National Indian Gaming Co

Sec. 505. Sole Proprietary Interest in the Tribe.

Except to the extent authorized by Section 504 of this Ordinance, the so and responsibility for the conduct of Class III gaming is vested in the Tribe; p nothing herein shall interfere with the exercise of any secured party of its right lease, leasehold mortgage or other financing agreement with the Tribe to enforc in the premises on which such gaming activities may be conducted, or to enfor gross revenues of the Tribe from its Class III gaming activities for the limited p

of the debt obligations of the Tribe to such secured party in accordance with the provisions of such agreements, under all circumstances, any such secured party shall have no authority to participate in, direct, or control any aspect of the gaming activity.

(Added by ;Adopted: ;Effective: ;Revised by: ;Adopted: ;Effective:)

Sec. 506. Application of Net Revenues.

Net revenues from the conduct of Class III gaming shall be utilized for the general benefit of the Tribe. Expenditures shall be prioritized in order to insure that these general purposes are served. Accordingly, net revenues shall not be used for purposes other than:

(A) To fund Tribal government operations and programs including, but not limited to, educational grant programs.

(B) To provide for the general welfare of the Tribe and its members, including, but not limited to, the funding of health programs and facilities.

(C) To promote Tribal economic development, including, but not limited to, low interest business loans.

(D) To donate to charitable organizations.

(E) To help fund operations of local governmental agencies.

(F) Any purpose authorized by the Indian Gaming Regulatory Act.

No per capita distribution shall precede the use of net proceeds for general community benefit as outlined above.

(Added by ;Adopted: ;Effective:)

Sec. 507. Government Contributions.

The Tribe shall make quarterly financial contributions to the State. These contributions shall be used to offset and defray the expenses of St. Mary Parish resulting from the conduct of Class III gaming. The Tribe shall provide the St. Mary Parish with notice of the date and amount of each such

contribution at the time that it is made. These contributions shall not impose any additional obligations or liabilities upon the Tribe and shall be limited to the following:

(A) Commencing the second year of Class III gaming activities, the Tribe shall contribute two (2%) percent of the net revenues from the conduct of Class III gaming.

(B) Commencing the third year of Class III gaming activities, the Tribe shall contribute four (4%) percent of the net revenues from the conduct of Class III gaming.

(C) Commencing the fourth year of Class III gaming activities and thereafter, the Tribe shall contribute six (6%) percent of the net revenues from the conduct of Class III gaming.

(Added by ;Adopted: ;Effective:)

Sec. 508. Audit Authorization.

Outside audits of Class III gaming activity shall be conducted at least annually as required by 25 U.S.C. 2710(b)(2)(c). The Tribe may combine this audit with existing independent audit systems or may establish a new system. The Tribe shall further provide for independent audit, at least annually, all contracts for supplies, services, or concessions for a contract amount in excess of $25,000 annually (except contracts for professional legal or accounting services) relating to Class III gaming. The results of these audits shall be provided by the Tribe to the National Indian Gaming Commission.

(Added by ;Adopted: ;Effective:)

Sec. 509. Tribal Gaming Commission - Creation.

There is hereby authorized and created the Chitimacha Gaming Commission. The Tribal Commission shall consist of three members, two of whom shall be associate members and one of whom shall be Chairman, and at least two of which must be members of the Tribe. The associate members shall devote such time and attention to their duties as is necessary to completely fulfill their responsibilities. The Chairman shall serve on a full-time basis. All members shall be appointed by the

Tribal Council which shall also set their terms of compensation. Prior to appointment, the Tribe shall conduct an investigation of the backgrounds and personal histories of candidates for positions on the Tribal Commission in order to insure that no person may serve on the Tribal Commission unless they meet the licensing standards otherwise applicable to applicants for a Tribal gaming license. Vacancies shall be filled, on an interim or permanent basis, by appointment of the Tribal Council. No member of the Tribal Commission, nor any member of the immediate family of any member of the Tribal Commission may:

(A) Be employed in the operations of Class II or III gaming.

(B) Participate in any gaming activity offered by the Tribe in its gaming facilities.

(C) Solicit or accept employment from any person or entity licensed by the Tribal Commission either during a member's term or for a period of one (1) year thereafter, provided, however, that this restriction shall not apply to persons or entities licensed to provide non-gaming goods or services.

(D) During the members's term, own any securities of, or any ownership interest whatsoever in, any entity licensed by the Tribal Commission, provided, however, that this restriction shall not apply to publicly held corporations if the ownership therein is less than 5% .

(Added by Adopted: Effective:)

Sec. 510. **Tribal Commission - Terms of Office; Removal From Office.**

Initial appointment to the Tribal Commission shall be for terms as follows:

(A) The Chairman for a term of three (3) years.

(B) One associate member for a term of two (2) years.

(C) One associate member for a term of one (1) year.

After the initial appointments, all members shall serve for a term of three (3) years. There shall be no limitation on the number of terms which any member may serve. Each member shall serve for the duration of his or her term and until a successor shall be duly appointed and qualified, provided, however, that in the event a successor is not duly appointed and qualified within 120 days after the

expiration of a member's term, a vacancy shall be deemed to exist. Members of the Tribal Commission may be removed with cause by a majority vote of the Tribal Council. Cause for removal shall include, but not be limited to, misconduct in office, willful neglect of duty, unfitness for office and incompetence. Members of the Tribal Commission may be removed without cause by a unanimous vote of the Tribal Council. Any member shall automatically forfeit his or her office upon conviction of any crime enumerated in Title 14 of the Louisiana Revised Statutes which carries a maximum possible penalty of five (5) years or more, or upon conviction of any like crime in any other jurisdiction, or upon conviction of any federal crime.

(Added by ;Adopted: ;Effective:)

Sec. 511. **Tribal Commission - Duties and Responsibilities.**

The Tribal Commission shall have primary responsibility for the on-site regulation, control and security of the Class III gaming facilities and operations. The responsibilities of the Tribal Commission shall include:

(A) The physical safety of patrons in the gaming facilities and operation.

(B) The physical safety of personnel employed by the gaming facilities and operation.

(C) The physical safeguarding of assets transported to and from the gaming facilities and cashier's cage department.

(D) Protecting the gaming facilities and operation from illegal activity.

(E) Identifying all people and entities that may be involved in illegal activity for the purpose of notifying the State and, when appropriate, the Tribal Police Department.

(F) The recording of all unusual occurrences within the gaming facilities and operation. Without regard to significance or injury, each occurrence shall be assigned a sequential number and, at a minimum, the following information shall be recorded in indelible ink in a bound notebook from which pages cannot be removed and each side of each page is sequentially numbered:

(1) the assigned number;

(2) the date;

(3) the time;

(4) the nature of the incident;

(5) the persons or entities involved in the incident; and

(6) the security or Tribal Gaming Commission employees assigned.

(G) The Tribal Commission shall employ duly qualified Inspectors who shall be independent of the gaming premises and operation as well as the management company, and shall be supervised by and be accountable to the Tribal Commission. These Inspectors shall provide oversight to the services of any management company and any other service entities. These Inspectors shall report to the Tribal Commission regarding the failure by the Tribal gaming premises or operation to comply with any provision of the Compact, or with any applicable laws, ordinances, or regulations. Inspectors shall receive consumer complaints within the gaming premises and operation, and shall assist in seeking voluntary resolution of such complaints. The Tribal Commission shall investigate any report of a failure to comply with any provision of the Compact, or with any applicable laws, ordinances, or regulations. The Tribal Commission may direct the terms and conditions of compliance to the Tribal gaming premises and operation. As a condition of employment, Inspectors shall be required to satisfy the standards applicable to a Tribal license and a State certification. The terms of compensation of the Inspectors shall be established by the Commission.

(H) The Tribal Commission shall be present in the gaming premises and operation during all hours of operation through a Commission Inspector, and shall have immediate access to all areas of the gaming premises and operation for the purpose of ensuring compliance with the provisions of the Compact and Tribal ordinances. Any violation of the Compact or Tribal ordinances by the Tribal gaming premises or operation, gaming employee, or any other person, shall be reported immediately to the Tribal Commission, and shall be forwarded to the State and the Tribal Police within twenty-four (24) hours of the time the violation was noted.

(I) The Tribal Commission shall investigate any reported violation of the Compact, and shall require the Tribal gaming operation to correct the violation upon such terms and conditions as directed by the Tribal Commission. The Tribal Commission is empowered to impose fines and any other sanctions against any licensee, employee, or any other person or entity directly or indirectly involved in or benefitting from the gaming premises or operation. The procedures for the imposition of such fines and sanctions are as contained in the Appendices to the Compact.

(J) Upon completion, the Tribal Commission shall forward copies of all investigation reports and final dispositions to the State and the Tribal Police.

(K) The Tribal Commission shall conduct all licensing duties imposed upon the Tribe pursuant to Sections 6 and 7 of the Compact and Section 412 of this Ordinance. The Tribal Commission will perform background investigations and issue licenses to key employees and primary management officials according to the requirements at least as stringent as those in the regulations of the National Indian Gaming Commission at 25 C.F.R. Parts 556 and 558.

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

(1) Definitions.

(a) Key employee means

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

- Bingo caller;
- Counting room supervisor;
- Chief of security;
- Custodian of gaming supplies or cash;

- Floor manager;

- Pit boss;

- Dealer;

- Croupier;

- Approver of credit; or

- Custodian of gambling devices including persons with access to cash and accounting records within such devices;

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

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

(b) Primary management official means

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

(ii) Any person who has authority:

(1) To hire and fire employees; or

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

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

(2) Application Forms

(a) The following notice shall be placed on the application form for a key employee or a primary management official before that form is filled out by an applicant:

> In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested information is

to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a primary management official or key employee position.

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

(b) Existing key employees and primary management officials shall be notified in writing that they shall either:

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

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

(c) The following notice shall be placed on the application form for a key employee or a primary official before that form is filled out by an applicant.

A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment. (U.S.C., Title 18, Section 1001)

(d) The Tribal Commission shall notify in writing existing key employees and primary management officials that they shall either:

(i) Complete a new application form that contains a notice regarding false statements; or

(ii) Sign a statement that contains the notice regarding false statements.

(3) Background Investigations

(a) The Tribal Commission shall request from each primary management official and from each key employee all of the following information:

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

(ii) Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;

(iii) 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;

(iv) Current business and residence telephone numbers;

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

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

(vii) 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;

(viii) 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;

(ix) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within 10 years of the date of the application, the name and address of the court involved and the date and disposition;

(x) 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 (a)(viii) or (a)(ix) of this section, the criminal charge, the name and address of the court involved and the date and disposition;

(xi) 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;

(xii) A photograph;

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

(xiv) Fingerprints consistent with the procedures adopted by the tribe according to 25 C.F.R. Section 522.2(h).

(b) The Tribal Commission shall conduct an investigation sufficient to make a determination under Sub-section (4) below. In conducting a background investigation, the Tribal Commission or its agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

(4) Eligibility Determination

The Tribal Commission shall review a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the

eligibility of a key employee or primary management official for employment in a gaming operation. If the Tribal Commission determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or practices and methods and activities in the conduct of gaming, a tribal gaming operation shall not employ that person in a key employee or primary management official position.

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

(a) When a key employee or primary management official begins work at a gaming operation authorized by this Ordinance, the Tribal Commission shall forward to the National Indian Gaming Commission a completed application for employment and conduct the background investigation and make the determination referred to in Sub-section 4 of this Ordinance.

(b) The Tribal Commission shall forward the report referred to in Sub-section K(6) of this Section to the National Indian Gaming Commission within 60 days after an employee begins work or within 60 days of the approval of the governing Chitimacha Tribal Gaming Ordinance by the Chairman of the National Indian Gaming Commission.

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

(6) Report to the National Indian Gaming Commission

(a) Pursuant to the procedures set out in Sub-section K(5) of this Section, the Tribal Commission shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation. An investigative report shall include all of the following:

(i) Steps taken in conducting a background investigation;

(ii) Results obtained;

(iii) Conclusions reached; and

(iv) The basis for those conclusions.

(b) The Tribal Commission shall submit, with the report, a copy of the eligibility determination made under Sub-section K(4) of this Ordinance.

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

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

(ii) May forward copies of its eligibility determination and investigative report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System.

(d) With respect to key employees and primary management officials, the Tribal Commission shall retain applications for employment and reports (if any) of background investigations for inspection by the Chairman of the National Indian Gaming Commission or his or her designee for no less than three (3) years from the date of termination of employment.

(7) Granting a Gaming License

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

(b) The Tribal Commission shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission

concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the 30-day period under paragraph (7)(a) of this Ordinance until the Chairman of the National Indian Gaming Commission receives the additional information.

(c) If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Tribal Commission with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribal Commission has provided an application and investigative report to the National Indian Gaming Commission, the Tribal Commission shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Tribal Commission shall make the final decision whether to issue a license to such applicant.

(8) License Suspension

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

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

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

(9) License Locations

The Tribal Commission shall issue a separate license to each place, facility or location on Indian lands where Class II or Class III gaming is conducted under the governing Ordinance.

(L) If the National Indian Gaming Commission has received an investigative report concerning an individual whom the Tribe wishes to employ as a key employee or primary management official and if the Tribe has access to the investigative materials held by another tribe, the Tribe may update the investigation and update the investigative report under Section 556.5(b) of the regulations of the National Indian Gaming Commission.

(M) A gaming operation shall not employ in a key employee or primary management official position a person who has supplied materially false or misleading information or who has omitted material information with respect to the required information under sub-paragraph (K) of this Section.

(Added by ;Adopted: ;Effective: ;Revised by: ;Adopted: ;Effective:)

Sec. 512. Tribal Gaming Commission - Procedures.

(A) Regular meetings of the Tribal Commission may be held upon such notice, or without notice, and at such time and place as shall from time to time be fixed by the Tribal Commission. Unless otherwise specified by the Tribal Commission, no notice of such regular meetings shall be necessary.

(B) Special meetings of the Tribal Commission may be called by the Chairman, who shall fix the time and place thereof. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the Tribal Commission needs to be specified in the notice of the meeting.

(C) At any meeting of the Tribal Commission, a majority of the members then in office shall constitute a quorum for the transaction of business. The vote of a majority of the members present at a meeting at which a quorum is present shall be the act of the Tribal Commission. The Chairman shall preside at all meetings of the Commission unless the Chairman designates another member to preside

in his absence.

(D) Any action required or permitted to be taken at a meeting of the Tribal Commission may be taken without a meeting if all of the members sign written consents setting forth the action taken or to be taken, at any time before or after the intended effective date of such action. Such consents shall be filed with the minutes of the Tribal Commission, and shall have the same effect as a unanimous vote or resolution of the Tribal Commission at a legal meeting thereof. Any such action taken by unanimous written consents may, but need not be, set forth in such consents in the form of resolutions or votes.

(E) Members of the Tribal Commission may participate in a meeting of the Tribal Commission by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other, and participation in a meeting in such matter by any member who does not object at the beginning of such meeting to the holding thereof in such manner shall constitute presence in person at such meeting.

(F) No action of the Tribal Commission to impose a penalty pursuant to section 511 of this Ordinance, or to revoke a license for a gaming employee previously issued by the Tribal Commission, shall be valid unless the person affected is given at least ten days notice of the proposed action and the opportunity to appear and be heard before the Tribal Commission, either in person or through a representative or legal counsel, and to submit such evidence as the Tribal Commission deems relevant to the matter at issue. The time and place of the hearing shall be posted in the Tribal office, and, if time permits, in a local newspaper serving the Reservation; provided, however, that if the Tribal Commission deems it necessary to protect the public interest in the integrity of the gaming activities, the Tribal Commission may take such action with immediate effect as it deems required, and shall thereupon provide notice and an opportunity to be heard to the affected person as soon as is reasonably practicable following such action. Any person who is denied an initial gaming employee license or who is barred from the gaming facilities by action of the Tribal Commission may request

a hearing before the Tribal Commission by written request submitted within thirty days following receipt of notice of the action of the Tribal Commission, and the Tribal Commission shall thereupon afford an opportunity to appear and be heard before the Tribal Commission, either in person or through a representative or legal counsel, and to submit such evidence as the Tribal Commission deems relevant to the matter at issue and thereafter the Tribal Commission shall either affirm or reconsider its decision. Any hearing conducted under this sub-section may at the direction of the Tribal Commission be conducted by the Chairman or by one or more members of the Commission designated by the Chairman for that purpose.

(G) The Tribal Commission may adopt such additional procedures and rules as it deems necessary or convenient to govern its affairs and which are consistent with this Ordinance.

(Added by ;Adopted: ;Effective:)

Sec. 513. **Authorization to Tribal Commission to Adopt Regulations for Class III Gaming.**

Prior to the commencement of Class III gaming, and upon the concurrence of the State, the Tribe hereby authorizes the Tribal Commission to develop and adopt initial detailed regulations to govern the operation and management of the gaming premises. These regulations shall ensure that the interests of the Tribe and the State relating to Class III gaming are preserved and protected. The regulations shall maintain the integrity of the gaming operations and shall reduce the dangers of unfair or illegal practices in the conduct of the Class III gaming operation. The initial regulations to govern the operation and management of the gaming operation shall be listed in Appendix C of the Compact, and may be revised upon the concurrence of the Tribal Commission and the State. The right to object to such concurrence is subject to a prescriptive period of sixty (60) days.

(Added by ;Adopted: ;Effective:)

Sec. 514. **Authorization to Tribal Commission to Adopt Standards and Rules for Class III Games.**

Prior to the commencement of Class III gaming, and upon the concurrence of the State, the

Tribe hereby authorizes the Tribal Commission to develop and adopt initial standards and rules of each Class III game, which shall be based upon those practiced in Nevada, including wagering or play. The State shall review all standards and rules for Class III games to ensure that they do not fundamentally alter the nature of the game, and to ensure the games will be conducted fairly, honestly and with integrity. Such initial standards and rules of each Class III game shall be listed in Appendix C of the Compact, and may be revised upon the concurrence of the Tribal Commission and the State. The right to object to such concurrence is subject to a prescriptive period of ten (10) days.

(Added by ;Adopted: ;Effective:)

Sec. 515. Authorization to Tribal Commission to Adopt Procedures for Class III Gaming.

Prior to the commencement of Class III gaming, and upon the concurrence of the State, the Tribe hereby authorizes the Tribal Commission to develop and adopt procedures pursuant to the following requirements. All such procedures shall be listed in Appendix C of the Compact and may be revised upon the concurrence of the Tribal Commission and the State. The right to object to such concurrence shall be subject to a prescriptive period of thirty (30) days. The procedures to be adopted by the Tribal Commission shall include the following:

(A) A surveillance log recording all surveillance activities and a security log recording the employee assignments of the Tribal Commission or security department shall be maintained in the monitoring room of the gaming facilities. These logs shall be available for inspection by the State.

(B) The Tribal Commission shall maintain a list of persons barred from the gaming facilities and operation, who because of their criminal history or association with a career offender or a career offender organization, threaten the integrity of the gaming activities, or the health, safety, or welfare of the public. This list shall be provided to the State.

(C) Not less than annually, the Tribal gaming facilities and operation shall be audited by an

independent Certified Public Accountant, in accordance with the auditing and accounting standards for audits of casinos of the American Institute of Certified Public Accountants. The internal accounting and audit procedures shall become Appendix D to the Compact.

(D) A closed circuit television system shall be maintained in the gaming facilities and operation in accordance with the procedures set forth in Appendix D to the Compact.

(E) A cashier's cage shall be maintained in the gaming facilities and operation in accordance with the procedures set forth in Appendix D to the Compact.

(F) Minimum requirements for supervisory staffing for each table and gaming pit operated in the gaming facilities shall be maintained in accordance with the procedures set forth in Appendix D to the Compact.

(G) Cash control management procedures shall be maintained in accordance with the procedures set forth in Appendix D to the Compact, which shall be adopted in connection with a certified public accounting firm with experience in cash control management procedures. These cash control management procedures shall safeguard monies, receipts, and other assets from skimming, money laundering, embezzlement, and other criminal activities.

(H) To ensure the continued integrity of the Tribal gaming premises and operation, no structural modification within the gaming area shall be made without the consent of the State.

(Added by Adopted: Effective:)

Sec. 516. Tribal Commission - Funding.

The funds necessary to bear the costs of operation of the Tribal Commission shall be an operating expense of the gaming facility. The Tribal Commission shall submit, annually, a proposed budget to the Tribal Council for approval. The Tribal Council may, during the course of a budget term, on request of the Chairman of the Tribal Commission, approve extraordinary expenses.

(Added by Adopted: Effective:)

Sec. 517 General Operation and Management Regulations.

The Tribe hereby adopts the regulations and operational guidelines set forth in Section 10 of the Compact as follows:

(A) All Class II and Class III gaming shall be conducted in such a manner that ensures, to the maximum extent practicable, that it is secure, honest, and that the interests of Tribe, the State, and the public are protected at all times. The State shall fully cooperate with and assist the Tribe in meeting its obligations in this regard.

(1) All gaming premises that are used in the operation of Class II and Class III gaming shall be designed and constructed in such a manner as to preserve and to protect the health and safety of the public and the environment. All such premises shall comply with the standards and procedures established by or utilized in the State in its building and fire codes, even though those standards do not otherwise apply to premises built or owned by the Tribe on its Indian lands. The Tribal Commission shall review and approve all plans for construction and expansion of the gaming premises in order to ensure that they meet the standards established herein.

(2) The Tribe shall comply with all applicable Tribal, State and Federal law governing the purchase, sale, and serving of alcoholic beverages in any gaming facility. Nothing herein shall be deemed to give any authority, licensing or otherwise, to the Parish with respect to such purchase, sale, or serving. No person who is visibly intoxicated shall be permitted to participate in any gaming activity.

(3) (a) No person who is a minor under the age of twenty-one (21) shall participate in any gaming activity. If any such minor does participate in any gaming activity and otherwise qualifies for a prize or winnings, then the prize or winnings shall not be awarded or paid, and the estimated amount wagered during the course of the game shall be returned to the minor.

(b) In the event that the State amends the Louisiana Riverboat Economic Development and Gaming Control Act or the Louisiana Economic Development and Gaming Corporation Act to allow gaming by persons under the age of twenty-one (21), then the age limitations in Section 10:(A)(3)(a) of the Compact and in this Ordinance shall be considered amended to the age authorized by the State.

(4) (a) The Tribe will maintain comprehensive general liability and worker's compensation insurance from any admitted or authorized insurer subject to direct action under Louisiana law. Such policies will maintain ample liability and property loss coverage to protect against any foreseeable loss or risk. Such insurance policies will not be on a claims-made basis. The coverage for such loss or risk will be the greater of $4,000,000 or twice the insurable risk of the insured.

(b) The Tribe will provide proof to the State of continuous coverage upon the issuance, amendment, or renewal of each such policy.

(c) The gaming management company and all other entities contracting with the Tribe will maintain such policies of comprehensive general liability and workers' compensation insurance as required by State law, and will maintain proof of such continuous coverage.

(d) Each such policy of insurance will contain, or be deemed to contain, an exclusion that the insurer or the insured shall not be entitled to make any claim of sovereign immunity in defense of liability, but shall be liable, including court costs and attorneys' fees incurred by the State, for its insured, as though the insured were a Louisiana domiciliary, as well as a provision requiring immediate notice to the State and Tribe of any change in coverage or default

or delay in payment of premium or other occurrence which threatens the continuity or amount of coverage.

(e) The Tribe will indemnify, defend, and hold harmless, the claims, damages, losses, or expenses including court costs attorneys' fees asserted against or suffered or incurred by the State or any of them, based upon or arising out of any bodily injury or property damage or loss resulting or claimed to result in whole or in part from any act or omission whether negligent or intentional of the Tribe relating to the inspection of any gaming, gaming premises and operation, or the performance of any function or duty provided for under the Compact or Tribal ordinances regarding public health, safety, and welfare.

(5) All Class III gaming authorized by the Compact shall be on a cash or casino credit basis. The Tribe may cash checks and may install bank card and credit card facilities in the same manner as permitted at retail businesses in the State.

(Added by Adopted: Effective:)

Sec. 518. Amendment and Revision of Class III Gaming Procedures, Standards, Rules and Regulations of Tribal State Compact.

Consistent with Section 13: (B) and (C) of the Compact, any revision of the procedures, standards, rules and regulations relating to Class III gaming, may be revised upon the concurrence of the Tribal Commission and the State. Written notice for revision shall be provided, which shall state the reasons for the request, identify the proposed revisions, and request concurrence for the revisions. Concurrence may be granted in writing, and shall be granted automatically unless a written notice of disagreement is provided within the time specified in the Compact. The right to object to concurrence is subject to the prescriptive period as provided in the Compact. The laws of the State relative to the computation of time shall apply to all prescriptive periods utilized through the Compact. When disagreement has been deemed or upon a notice of disagreement, the Tribal Commission and the State shall meet within ten (10) days to resolve the differences in good faith. If the differences are

not resolved, then the matter shall be resolved pursuant to Section 14: (C) et seq. of the Compact.

(Added by ;Adopted: ;Effective:)

Sec. 519. Authority Given to State of Louisiana to Enforce Tribal-State Compact.

In pursuance of an effective cooperative effort by the Tribe and the State to ensure the integrity and proper operation of all Class III gaming, the Tribe hereby authorizes the following procedures:

(A) The State shall have all necessary power and authority to monitor the Tribal gaming premises and operation, and shall have free and unrestricted access to the entire tract of land upon which the gaming premises and operation are located, as described in Appendix A of the Compact, and to all building and improvements thereon during operating hours, and without giving prior notice. The State shall conduct its monitoring in such a manner as to have minimal impact on the gaming patrons.

(B) The State shall have the authority to review and copy all records of the Tribal gaming premises and operation, management company, financiers, as well as the manufacturers or suppliers of gaming services, supplies, and equipment during normal business hours. Any copy or information derived therefrom shall be deemed confidential, and shall be the proprietary financial information of the Tribe. The State shall give written notice to the Tribe of any request for disclosure of such information, and shall not disclose such information until the Tribe has had a reasonable opportunity to challenge the request, pursue the provisions of Section 14:(C) et seq. of the Compact, or seek judicial relief. This public disclosure prohibition shall not apply to evidence used in any proceeding authorized by the Compact.

(C) Subject to Section 520 and 522 herein, the State may investigate any reported or suspected violation of any criminal law or the Compact. The State may utilize any information obtained from any investigation or inspection for the purpose of denying, suspending, or revoking a State certification, or in any criminal proceeding.

(D) Upon completion, the State shall forward copies of all investigative reports and final

dispositions to the Commission.

(E) Any individual, supply, or equipment that violates or does not conform with this Compact shall be subject to immediate removal from the gaming area to a designated holding area within the gaming premises, which is not accessible to the public. Once the individual, supply, or equipment is removed to the holding area, specific reasons shall be provided to an Inspector as to why the individual, supply, or equipment violates or does not conform with the Compact. If the Tribe and the State disagree on the status of the individual, supply, or equipment, the matter shall be resolved pursuant to Section 14:(C) et seq. of the Compact, and the individual supply or equipment shall not be returned to the gaming area until the matter is resolved. This procedure shall in no manner affect the authority of the Tribe or the State to enforce any and all jurisdictional rights and limitations granted them by this ordinance or by Tribal, State, and Federal laws as to any crimes committed as a result of activities contemplated by the Compact.

(F) Notwithstanding any other law to the contrary, the State may enter into intelligence sharing, reciprocal use, or restricted use agreements with the enforcement or regulatory agencies of the federal government, States, or other jurisdictions.

(G) Nothing herein shall prevent the Tribe from initiating and conducting independent investigations and enforcement actions.

(Added by ;Adopted: ;Effective:)

Sec. 520. Territorial and General Jurisdiction.

The Tribe further finds and acknowledges that:

(A) The Tribe and the State shall recognize and respect all territorial rights and the independent sovereign existence of each other, and shall:

(1) Accord the fullest mutual respect to the legal institutions and cultural traditions of the Tribe and the State, insofar as they are consistent with preserving and protecting the health, safety, and welfare of all.

(2) Have all necessary concurrent jurisdiction to fully ensure the protection of the public, the Tribe and the State.

(3) Avoid any undue adverse impact or expansive influence on traditional Tribal jurisdiction mechanisms, such as Tribal discussion and consensus, and on non-traditional but Tribally - adopted written jurisdictional mechanisms, such as the actions of representative bodies like Tribal commissions, boards, or courts, as these jurisdictional mechanisms pertain to Tribal jurisdiction over Tribal members. This intent to respect such existing intra-Tribal jurisdictional mechanisms applies particularly, but not exclusively, to those related to the recognition of the Tribe as possessing powers of self-government.

(B) The Tribe, and the State did retain all sovereignty and immunity to suit when discussing, negotiating, or confecting the Tribal-State Compact. The Tribe and the State intended and agreed that all issues purely of Tribal law are to be determined in accordance with the legal mechanisms of the Tribe, and that all other issues are to be determined in accordance with the provisions of the Tribal-State Compact and the legal mechanisms of the State.

(C) In the interest of clarity of authority, and to preserve and to protect the health, safety, and welfare of all, the Tribe and the State shall:

(1) Preserve the full territorial and subject matter jurisdiction of the Tribe.

(2) Preserve the full territorial and subject matter jurisdiction of the State.

(3) Accord the State full territorial jurisdiction as well as concurrent and primary law enforcement authority within the lands of the Tribe and the State when exercising any subject matter jurisdiction accorded the State pursuant to this Tribal-State Compact. The jurisdiction and law enforcement authority accorded by the Tribe to the State by this Section is limited to the territory contained in Appendix A to the Compact and identified as the gaming premises and appurtenant parking facilities. This latter

jurisdictional and territorial limitation is likewise applicable to Section 3:(A)(3) of the Compact and in Section 522(C) of this Ordinance insofar as the subject matter jurisdiction accorded to the State concerning criminal law and Class III gaming. No other extension or expansion of criminal law or Class III gaming subject matter jurisdiction is consented to nor authorized by this Ordinance.

(4) Accord the Tribe, including its duly constituted Tribal law enforcement authorities, full territorial jurisdiction, as well as concurrent and secondary law enforcement authority within the lands of the Tribe and within any Parishes where they have been duly commissioned by a local law enforcement agency, when exercising any subject matter jurisdiction accorded the Tribe pursuant to this Tribal-State Compact, or when exercising the authority accorded to the Tribe pursuant to any agreements made with a local law enforcement agency.

(D) The Tribe and the State shall be available to meet and discuss with local communities on issues relative to the conduct of Class III gaming and its impact upon the local communities.

(Added by ;Adopted: ;Effective:)

Sec. 521. **Criminal Law Subject Matter Jurisdiction Within Gaming Premises and Appurtenant Parking Facilities.**

(A) Consistent with the provisions of Sections 3, 4 and 5 of the Compact, the State shall have primary criminal jurisdiction over all persons including enrolled members of federally recognized Indian tribes, who commit offenses made criminal by the laws of the United States of America or the State, on or within that portion of tribal gaming lands that are described in Appendix A of the Compact. Any criminal law subsequently enacted or amended by the United States of America or the State shall be effective within this area, and shall be the primary enforcement responsibility of the State.

(B) All federal criminal laws applicable to Indian gaming, lands, or subject matter shall be

fully operative, assimilated as State law, and applicable within all gaming premises and appurtenant parking facilities.

(C) All criminal laws of the Tribe that are written, promulgated, and published in the English language, and are not inconsistent with the Constitution or laws of the United States of America or of the State, shall be fully operative, assimilated as State law, and applicable within all Tribal lands within the Reservation inclusive of those gaming premises and appurtenant parking facilities.

(Added by ;Adopted: ;Effective:)

Sec. 522. Law Enforcement Authority Within the Gaming Premises and Appurtenant Parking Facilities.

Consistent with the provisions of Section 3, 4 and 5 of the Compact, and within the respective applicable territorial limits provided in same, the following sections set forth the respective law enforcement authority of the Tribe and the State:

(A) The duly constituted Tribal law enforcement authorities of the Tribe shall have primary law enforcement authority, and all necessary or helpful powers in connection therewith, to enforce all Tribal criminal laws applicable under the Compact. The laws of the State may be enforced by the Tribal law enforcement authorities on non-Tribal lands where the Tribal law enforcement authorities have been duly commissioned by a local law enforcement agency. By written request of the Tribe, local, State, or federal law enforcement officers my be granted authority to enforce Tribal criminal laws.

(B) The Tribe shall have concurrent law enforcement authority, and all necessary or helpful powers in connection therewith, to enforce all State and federal criminal laws made applicable by the compact. This concurrent law enforcement authority shall be secondary to that of the State. This concurrent law enforcement authority may be initiated in emergency situations by arrest or other appropriate action, but otherwise may be initiated or continued only after immediate and effective notice to the Department of Public Safety and Corrections.

(C) The State shall have primary and concurrent law enforcement authority, and all necessary

or helpful powers in connection therewith, to enforce all State and federal criminal laws made applicable by the Compact. Except as stated in Subsection E below, the jurisdiction and law enforcement authority accorded by the Tribe to the State by this section (i.e. 522) is limited to the territory contained in Appendix A to the Compact and identified as the gaming premises and appurtenant parking facilities. As noted supra., this latter jurisdictional and territorial limitation is likewise applicable to Section 3: (A)(3) of the Compact, and in Section 520 of this Ordinance, insofar as the subject matter jurisdiction accorded to the State concerns criminal law and Class III gaming. No other extension or expansion of criminal law or Class III gaming subject matter jurisdiction is consented to nor authorized by this Ordinance. The State is not obligated to exercise or take any action pursuant to such authority and powers on Tribal lands. The Tribe recognizes that the primary law enforcement agency of the State is the Department of Public Safety and Correction.

(D) To facilitate law enforcement activities on Tribal lands, within St. Mary Parish, or within adjacent Parishes, the Tribe and the State are authorized to enter into cross-deputization or similar contracts or agreements, including but not limited to, agreements with each other, with Sheriffs or other local law enforcement agencies, with District Attorneys, local governmental agencies, and with agencies of the United States of America. Such agreements may include provisions for necessary funding. Any cross-deputization agreements are subject to Sections 520, 521 and this Section and all such agreements shall require the consent of the Tribal Council prior to execution. Nothing in this sub-section is intended to confer any additional jurisdiction or authority on the State beyond that which is otherwise conferred in other sections of this Ordinance.

(E) On Indian lands utilized for gaming purposes and described in Appendix A to the Compact, the plenary law enforcement powers of the Tribe and the State include, but are not limited to, immediate access to any premises, building, location, storage facility, or place whatsoever, wherever, in which might be found any thing, tangible or intangible, produced by, a part of,

contributing to, or in any way whatsoever related to, a violation of any criminal law made applicable by the Compact. This access includes, but is not limited to, books, records, equipment, electronic data, and supplies. On Indian lands described in Appendix B to the Compact, this access may be exercised by the State only in the company of, or proceeded by authorization from, a designated official of the Tribe.

(Added by ;Adopted: ;Effective:)

Sec. 523. **Disposition of Tort Claims.**

The jurisdiction vested in the Tribal Court pursuant to the Chitimacha Comprehensive Codes of Justice and the procedures contained therein shall apply to the disposition of tort claims arising from alleged injuries to patrons of the gaming premises and operations.

(Added by ;Adopted: ;Effective:)

CHAPTER 6. SELF-REGULATION OF GAMING ACTIVITIES

(Added by Ordinance #4-90; Adopted: November 7,1990; Effective: February 3,1993)

Sec. 601. **Petition for certificate of self-regulation.**

Under Public Law 100-497, the Tribe, if it operates a licensed gaming activity pursuant to this Title and has operated the gaming activity for at least three years, including at least one year after October 17,1988, is eligible to petition the Nation Indian Gaming Commission for a certificate of self-regulation. Such a certificate exempts the Tribe from certain regulatory requirements under Public Law 100-497. When the Tribe meets the requirement set forth in Section 11 of Public Law 100-497 and determine whether it wishes to file a petition for self-regulation.

(Added by Ordinance #4-90; Adopted: November 7,1990; Effective: February 3,1993)

CHAPTER 7. NATIONAL INDIAN GAMING COMMISSION

(Added by Ordinance #4-90; Adopted: November 7,1990; Effective: February 3,1993)

Sec. 701. Authority of the Commission.

Public Law 100-497 creates the National Indian Gaming Commission and grants the Commission and its Chairman certain regulatory authority over Indian gaming activities, including the authority to:

(A) Monitor Class II gaming activities.

(B) Inspect and examine all premises located on Indian lands on which Class II gaming is conducted.

(C) Conduct or cause to be conducted such background investigations as may be necessary.

(D) Demand access to and inspect, examine, photocopy, and audit all papers, books, and records pertaining to the gaming activity.

(E) Promulgate such regulations and guidelines as it deems appropriate to implement the provisions of Public Law 100-497, including regulations for the assessment and collection of civil fines against Indian gaming activities as authorized by Section 14 of Public Law 100-497.

(F) Establish the fees to be paid by Indian gaming activities in order to fund the Commission's operations.

(Added by Ordinance #4-90; Adopted: November 7,1990; Effective: February 3,1993)

Sec. 702. Failure to cooperate with the Commission.

All licensees under this Title shall cooperate fully with all lawful regulations, guidelines, and orders of the Commission. Failure to do so shall constitute a Class A Misdemeanor and shall also constitute grounds for revocation of the tribal license.

(Added by Ordinance #4-90; Adopted: November 7,1990; Effective: February 3,1993)

Sec. 703. **Commission regulations and guidelines superseding this Title.**

Any regulations and guidelines adopted by the Commission that are inconsistent with any provision of this Title shall supersede that provision, unless the Commission grants a waiver. If a provision is superseded, the Council shall promptly amend this Title so that it conforms to the Commission's regulations and guidelines.

(Added by Ordinance #4-90; Adopted: November 7,1990; Effective: February 3,1993)