NATIONAL INDIAN GAMING COMMISSION

SEP 5 2002

Benjamin Speakthunder, President
Fort Belknap Indian Community Council
R.R. 1, Box 66
Fort Belknap Agency
Harlem, MT 59526

Re: Fort Belknap Indian Community Gaming Code submitted June 28, 2002

Dear President Speakthunder:

This letter is in response to your request for the National Indian Gaming Commission (NIGC) to review and approve the Fort Belknap Indian Community Gaming Code. The Code was received in this office on June 28, 2002. The Fort Belknap Indian Community adopted the Gaming Code by Resolution No. 145-2002 on July 8, 2002. This letter constitutes approval of your submission under the Indian Gaming Regulatory Act (IGRA). It is important to note that the Gaming Code is approved for gaming only on Indian lands, as defined in the IGRA, over which the Tribe has jurisdiction.

Thank you for submitting the Gaming Code for review and approval. The NIGC staff looks forward to working with you and the Tribe on future gaming issues.

Sincerely,

Montie R. Deer
Chairman

Resolution No. 145-2002

Fort Belknap Indian Community

WHEREAS, the Fort Belknap Indian Community Council is the governing body of the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community, Fort Belknap Indian Reservation, Montana, by the authority of the Constitution and By-Laws of the Fort Belknap Tribes approved on the 13 day of December 1935, and

WHEREAS, under the Constitution and By-Laws of the Fort Belknap Indian Community, the Community Council is charged with the duty of protecting the health, security and general welfare of the Fort Belknap Indian Community, and

WHEREAS, the Fort Belknap Community Council is responsible for managing the affairs of the Community, and

WHEREAS, the Council has reviewed the Gaming Code, and has determined that there are changes necessary to make certain such code is in compliance with the National Indian Gaming Act and applicable regulations, and

WHEREAS, the Council has reviewed the attached amendments to the Gaming Code, and finds the changes thereto necessary and appropriate, and

WHEREAS, the Council believes it is of importance to immediately adopt said amendments,

NOW, THEREFORE BE IT ORDAINED, that the Fort Belknap Community Council does hereby approve and adopt the Amendments to its Gaming Code, TITLE XV, as are set forth in the attached draft, with this new Code effectively superceding all Codes and/or changes made heretofore, and

BE IT FINALLY ORDAINED, that the Council Officers are hereby delegated the authority and responsibility to sign all documents necessary to effect this action.

ATTEST:

BENJAMIN SPEAK THUNDER, President
Fort Belknap Community Council

JULIE KULBECK, Secretary-Treasurer
Fort Belknap Community Council

CERTIFICATION

I, the undersigned, as Secretary of the Fort Belknap Community Council of the Fort Belknap Indian Reservation, Montana, do hereby certify that the Fort Belknap Community Council is composed of 10 members, of whom 8 members, constituting a quorum were present at a meeting thereof, duly and regularly called, noticed, convened and held this 8 day of July, 2002; and that the foregoing Resolution of the Fort Belknap Community Council was duly adopted and approved by the affirmative vote of 7 for; 0 opposed; 0 not voting; 1 temporary absent; 2 absent; and that the said Resolution has not been rescinded in any way.

DATE: July 18 2002

JULIE KULBECK, Secretary-Treasurer
Fort Belknap Community Council

THE FORT BELKNAP INDIAN COMMUNITY — Tribal Government

FORT BELKNAP AGENCY, HARLEM, MT. — Address

TITLE XV

GAMING CODE

15.1 TITLE PURPOSE AND POLICY

15.1.2 TITLE:
This Title shall be known as the "Fort Belknap Gaming Code."

15.1.3 PURPOSE AND AUTHORIZATION:
This is a Code governing the Conduct and Regulations of Gaming Activities on the Fort Belknap Indian Reservation and other tribally-owned land, and to authorize those classes of gaming activities as defined in the Indian Gaming Regulatory Act, P.L. 100-447, 25 U.S.C. 2703 ("IGRA") and by the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. 502 (as published in the Federal Register at 57 FR 12382-12393, April 9, 1992), and other activities, allowable by law.

Any ambiguity in this Code or any rules or regulations shall be resolved so as to be consistent with the Indian Gaming Regulatory Act, 25 U.S.C. 2701, et seq., and the following purposes:

A. To provide a continuous source of revenue to the Fort Belknap Indian Community;

B. To insure the proper regulation and operation of authorized gambling and gaming enterprises and activities;

C. To allow tribal members to establish and operate a gambling and gaming enterprise for economic development purposes;

D. To allow tribal members and guests to participate in certain forms of gambling and gaming activities and to provide for the social welfare and protection of tribal members and all others who may reside within and who may pass through the exterior boundaries of the Fort Belknap Indian Reservation; and

E. To preempt state law, including the licensing, taxation, revenue distribution and enforcement of state law and to implement in the place of state law, tribal law and regulation to control the gambling and gaming activities upon the Fort Belknap Indian Reservation.

15.1.4 FINDINGS:

The Fort Belknap Indian Community Tribal Council finds that:

A. The Tribal Government has the authority, pursuant to its Constitution and By-laws to enact laws and ordinances for the protection, health, security and general welfare of the Fort Belknap Indian Community;

B. The conduct of certain forms of gambling and gam ing activities are desired by the Fort Belknap Indian Community members. The Fort Belknap Community Council herein finds that the operation of such games and devices within the Reservation is of

substantial concern to the people and government of this jurisdiction, and that the regulation thereof is necessary for the health and safety of those living within the boundaries of the Reservation;

C. Revenue from such gambling or gaming activities are essential to fund and insure needed social programs and services;

D. Authorized forms of gambling and gaming activities must be regulated by the Tribal Government to insure their orderly and lawful operation;

E. Tribally regulated and authorized bingo games, keno games, pull tabs, punch boards, card games, keno machines, poker machines, and other gambling and gaming activities not prohibited by Federal law will not lead to a proliferation of undesired gambling, or to the influx of gamblers and organized crime, but will serve the economic needs of the Fort Belknap Indian Community.

F. Montana state law is not applicable to tribally authorized and regulated gambling and gaming activities, nor does it adequately address the special interests and needs of the Fort Belknap Indian Community in both protecting the Reservation and its residents and providing needed revenues as set forth herein; and

G. The Fort Belknap Indian Community finds that it is in the best interests of those residing on the Fort Belknap Indian Reservation to have the Fort Belknap Community Council regulate the introduction and maintenance of gaming activities thereon.

15.1.5 POLICY:

It shall be the policy of the Fort Belknap Tribal Government:

A. To develop and oversee the regulation and operation of authorized gambling and gaming enterprises to the end that the Fort Belknap Indian Community is better able to provide its members with community and social services, while at the same time insuring that widespread illegal gambling and gaming are not allowed within the reservation; and

B. To construe and enforce this Code in a manner designed to conform with the applicable Federal law.

C. Should the need arise to have someone served on behalf of the Council, the Council does hereby designate the Fort Belknap Indian Community Council President as its agent for service of process required under 25 C.F.R. § 519.

15.1.6 RULES OF CONSTRUCTION:

In this Title, unless otherwise specifically provided:

A. The masculine includes the feminine;

B. The singular includes the plural;

C. "Includes" and "Including" are not limiting; and

D. "Or" is not exclusive.

15.1.7 DEFINITIONS:

For purposes of this Code, unless otherwise expressly provided, the following definitions shall apply:

A. **"Adjusted gross receipts"** means the total of all money and any other thing of value received from the operation of an authorized gaming establishment during a given period of time, less only the total of all sums paid out as winnings on the games or expended for prizes actually distributed to winners during the same period of time.

B. **"Bingo"** means a game in which prizes or cash are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random, which for the opportunity to win such prize or cash, persons are charged some consideration.

C. **"Bingo equipment"** includes all equipment which is actually used or made or sold for the purpose of use in bingo games for which consideration is charged persons to play, in connection with which prizes or cash are awarded. Unless otherwise specified, the term shall include, but not be limited to, machines or other devices, from which balls or other items are withdrawn to determine the letters or numbers or other symbols to be called, those balls or items themselves, bingo cards, and any other device commonly used in the direct operation of the game.

Bingo game sets commonly manufactured and sold as children's games for a retail price of $25.00 or less shall be presumed not to be a bingo game defined in subsection B, unless the set, or portion thereof, is actually used in a bingo game otherwise licensable hereunder.

CC. **"Charitable Bingo License".** It is acknowledged that certain charitable organizations raise revenues by conducting Live Bingo, as defined at section 1.5 B, herein. It is recognized that said charitable organizations shall be exempt from paying any license fee required by this Code, and that any Live Bingo conducted under the authority of this definition shall be subject to the tax authorized by Section 15.6.1. To qualify for a charitable Bingo License, each interested entity must make application therefore, stating their charitable purpose, identifying principals involved, and otherwise providing information that conforms to the requirements of this code. Each charitable organization granted a license shall be authorized to conduct a total of four (4) Bingo events per license year. (July 1 through June 30) All individuals operating Charitable Gaming are subject to the requirement of 25 C.F.R.§522.10.

D. **"Class I Gaming"** includes social or traditional games played for minimum prize value and which are engaged in as part of Fort Belknap Indian Community ceremonies or celebrations, or those of its members.

E. **"Class II Gaming"** includes bingo, and, if played in the same location, pull-tabs, lotto, punch boards, tip jars, instant bingo and other games similar to bingo; card games either authorized by the law of the State of Montana or are not prohibited by the laws of the State of Montana.

F. **"Class III Gaming"** includes all gaming which is not Class I or Class II defined

herein. Such gaming must be operated pursuant to a compact between the Fort Belknap Indian Community and the State of Montana, which is negotiated under Public Law 100-497 and which compact is approved by the Secretary of the Interior.

G. **"Commission"** means the Fort Belknap Gaming Commission as established by this Code.

H. **"Council"** means the Fort Belknap Indian Community Tribal Council of the Fort Belknap Indian Community, Montana.

I. **"Game" and "gambling game"** mean any banking or percentage game played with cards or any device, for money, property, credit, or any representative value, including bingo, keno, pan, poker, Texas hold-em, or twenty-one, but shall not include social games played in private homes or residences, not open to the general public, and not otherwise subject to regulations under the provisions of this Code. This definition shall not include pools or other "games" wherein one hundred percent (100%) of the sales are contributions are paid out.

J. **"Gaming Agents"** are enforcement officers hired by the Commission, and who are authorized by the Fort Belknap Indian Community Tribal Council to enforce the provisions of this Code and the Tribal/State Gaming Compact, if any, including the right to detain and/or arrest individuals. The Gaming Agents are the only persons authorized to carry and/or display badges as tribal gaming enforcement agents on the Fort Belknap Indian Reservation. Said individual or entity shall be considered a governmental agent of the Council for the purposes of this Code, and as such, shall be immune from suit just as it the Council, in effecting the governmental purposes of this Code. Said agent may be compensated out of amounts collected in effecting the terms of this Code. The Gaming Agents, under the Director of the Fort Belknap Gaming Commission, shall oversee and monitor the day-to-day operations of any tribal gaming facility.

K. **"Gambling"** means a person engages in gambling if he stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome, but shall not include bona fide business transactions valid under the law of contracts, nor include traditional Indian games played by tribal members and their guests.

L. **"Gross receipts"** means the total of all sums received as revenue from operation of an authorized gambling activity during the period of time, without allowances, or deductions for pay out of winnings, costs of the transaction, costs of materials or equipment used, labor expense, interest, discount, rent, taxes or any other allocable expense or loss during the same period of time.

M. **"Keno"** means a game in which prizes or cash are awarded on the basis of designated numbers or symbols on a card, which conform to numbers or symbols selected at random wherein the receptacle and numbered objects drawn from it, the master board upon which such objects are placed as drawn, the cards or sheets bearing numbers or other designations to be covered and the objects used to cover them, the boards or signs, however operated, used to announce or display the numbers or designations as they are drawn, public address system, and all other articles essential to the operation, conduct, and playing of keno.

N. **"Keno machine"** means an electronic video game machine that, upon insertion of cash is available to play or simulate the play of the game of keno, as provided in Section 1.5.1, utilizing a video display and microprocessors in which, by the skill of the player or by chance, or both, the player may receive free games or credit that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, tokens, or anything else of value. Such a machine may only be placed on Reservation by the Fort Belknap Community Council, or its authorized agent(s) or designate.

O. **"Lottery"** means a scheme, plan or device for the distribution of money or property by an element of chance, which, for the opportunity to possibly share in such distribution, persons have paid or agreed to pay a valuable consideration, "Valuable consideration" as an element of a lottery shall not include: (1) listening to or watching a television or radio program or subscribing to a cable television service; (2) filling out and returning a coupon or entry blank or facsimile, which is received through the mail or published in a newspaper or magazine, or in a program sold in conjunction with and at a regularly scheduled sporting event, or the purchase of such a newspaper, magazine, or program; (3) sending a coupon or entry blank by mail to a designated address in connection with a promotion conducted in the state of Montana; (4) visitation to any business establishment to obtain a coupon or entry blank; (5) mere registration without the purchase of any goods or services; (6) expenditure of time, thought, attention or energy in pursuing promotional material; (7) placing or answering a telephone call in a prescribed manner or otherwise making a prescribed response or answer; or (8) furnishing a container of any product as packaged by the manufacturer or a particular portion thereof that only in furnishing a plain piece of paper or card, which the name of the manufacturer or product handwritten on, it is acceptable in lieu thereof.

P. **"National Indian Gaming Commission"** means the federal commission established pursuant to Public Law 100-497.

Q. **"Net receipts"** shall be computed according to the following formula: gross receipts less total monies expended for prizes, cash paid out and operator's operating expenses.

R. **"Operator"** means a tribal member or tribally chartered corporation , partnership or entity who is authorized to operate an authorized gaming establishment as set forth herein. Individual operators shall operate subject to the provisions of 25 C.F.R. §522.10. All income to the Tribe from an individually owned gaming operation will be used only for the purpose listed in Section 522.4(b)(2). For the purposes of this code, operators shall be limited to charitable bingo operations, charitable raffles, and Tribally owned and operated activities.

S. **"Patron"** means any person or group of persons who participate as players in games as defined by this Code, or who are physically present on premises wherein or whereon such games are being played, but shall not include current employees of the gaming establishment, who are actually providing services at the time such games are being played.

T. **"Person"** means any association, partnership, corporation, firm, trust, cooperative or other form of business entity, as well as a natural person.

U. **"Place of business"** shall be defined as a location where members of the public regularly or occasionally frequent to conduct business, which may include the playing of bingo games.

V. **"Poker machine"** means an electronic video game machine, that, upon insertion of cash is available to play or simulate the play of the game of poker, utilizing a video display and micro-processor in which, by the skill of the player or by chance, or both, the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispense coins, cash, tokens or anything else of value. Such a machine may only be placed on Reservation by the Fort Belknap Community Council, or its authorized agent(s) or designate.

W. **"Premises"** means land together with all buildings, improvements, fixtures, and personal property located thereon.

X. **"Pull tab"** means a single folded or banded ticket or card, the face of which is initially covered or otherwise hidden from view to conceal a number, symbol, or set of symbols, a few of which numbers or symbols out of every set of Pull tabs have been designated in advance and at random as prize winners, when for the opportunity to obtain each such folded or banded ticket or card, view the numbers or symbols thereon and possible obtain a prize-winning pull tab, a person pays some consideration to an operator.

Y. **"Punch board"** means a board or similar item containing a number of holes or receptacles of uniform size in which are placed mechanical and at random serial numbered slips of paper or other substances, which may be punched or drawn from said hole or receptacle by any person desiring to do so, when, for the opportunity to obtain each such slip of paper or other substance, view the numbers or symbols thereon and possibly obtain a prize-winning slip of paper, a person pays some consideration to an operator.

Z. **"Raffle"** means a game in which tickets bearing an individual number are sold and in which a prize or prizes are awarded on the basis of a drawing from said tickets by the person or person conducting the game.

Z.1 **"Reservation"** means the Fort Belknap Indian Reservation, Montana.

Z.2 **"Services"** means labor provided by one person to or for another, which such labor is provided in pursuit of the purposes of gambling or gaming on the Fort Belknap Indian Reservation, Montana.

Z.3 **"Tribe"**, "Tribal" or "Tribal Government" refer to the Fort Belknap Indian Community Tribal Council of the Fort Belknap Indian Reservation, Montana.

Z.4 **"Video gaming machines"** shall be defined as all electronic machines which are programmed or set up to provide a game of chance in a place of business wherein the player, through skill or chance, has the opportunity to win cash or credits which may be converted to cash.

15.2 JURISDICTION & ADMINISTRATION OF GAMING OPERATIONS

15.2.1 JURISDICTION:

The Fort Belknap Indian Community Council shall have exclusive jurisdiction in Class I, Class II, and Class III Gaming activities, subject to any limitation thereof pursuant to Public Law 100-497, and as hereinafter amended.

15.2.2 ADMINISTRATION, MANAGEMENT AND OPERATION OF GAMING:
The Fort Belknap Indian Community Council is empowered to administer this Code, including general control, management and supervision of all herein authorized activities and properties, both real and personal, and to exercise all of the powers necessary and proper to accomplish all of the purposes of this Code and as further hereinafter set forth any may do the following illustrative acts and things for, and on behalf of, and in the names of, the Fort Belknap Indian Community Council:

A. to adopt and enforce appropriate rules and regulations for the purpose of carrying into effect the purposes and provisions of this Code and the Indian Gaming Regulatory Act and the performance of its functions, including enforcement provisions and penalties;

B. collecting, auditing, issuing and/or establishing and collecting fees, licenses, taxes and permits; and,

C. purchasing, leasing, warehousing and selling bingo, punch board and pull-tab devices and other equipment for permissible gaming hereunder.

15.2.3 SELF REGULATION:
During any year in which the Fort Belknap Indian Community Council has a certificate for self-regulation from the National Indian Gaming Commission, as provided in 25 U.S.C. 2701(c) of the Indian Gaming Regulation Act of 1988.

A. the Tribes shall not be subject to the provisions of paragraphs (1), (2), (3) and (4), Section 7(b) of the Act; and

B. the Tribes shall continue to submit an annual independent audit as required by subsection (b)(2)(C) of 25 U.S.C. 2701 and shall submit to the National Commission a complete resume on all employees hired and licensed by the Tribes subsequent to the issuance of a certificate of self-regulation.

15.2.4 LICENSING LIMITATIONS.
The Gaming Commission, through the Gaming Agent, shall issue all gaming and gambling licenses pursuant to this Code. Tribal licenses are required for each place, facility, or location on Reservation lands where gaming occurs. No licenses may be issued for games or gaming, unless the Commission has established and adopted rules for the respective games, which in turn can be distributed to each entity to be licensed. All such rules must be uniformly enforced for each operator thereof. In addition to any other requirements, herein set forth, to be eligible for a license, it must be shown that :

A. An applicant is an enrolled member of the Fort Belknap Indian Community, is a subentity of the Council, or is wholly owned by the Council;

B. An applicant has not been convicted of pandering or other crime or misdemeanor opposed to decency or morality, under the laws of the Federal government, Tribal law, or any State of the United States. For the purposes of this section, conviction means an adjudication of guilt on (1) a defined felony offense which has not been removed from the record of the individual, or (2) a defined misdemeanor offense which has not been removed from the record of the individual, within the preceding year;

C. The applicant is not a person who has been convicted of being the keeper or is keeping a house of prostitution;

D. The applicant is not a person whose license issued under this Code has been revoked for cause;

E. The applicant is the owner and operator of the gaming business, except in the case of Tribal enterprises, which shall be automatically licensed, upon payment of fees; and/or

F. The applicant is eighteen (18) years of age or older, is in good standing on existing gaming licenses, if applicable, and otherwise meets requirements for licensing as set forth in the Gambling Ordinance;

G. Additional regulations may also be adopted for the purpose of the protection of the public health, welfare, and safety of the Fort Belknap Indian Community and to insure compliance with the intent of this Code.

H. Otherwise meets requirements for licensing under the IGRA, including but not limited to, completion of background checks on all key employees and/or primary management personnel as is otherwise required hereunder.

15.2.5 DEFINITIONS. The following definitions shall apply to the sections set forth in section 15.2 of this Code:

A. "**Applicant**" means any person who is authorized under the Fort Belknap Gambling and Gaming Code to apply for a license under Title 13 of said code.

B. "**Dealer**" means a person who deals playing cards in a card game and may accept wagers and dispense winnings in a card game.

C. "**Licensed**" means that a person has been granted a license pursuant to this Title.

15.2.6 APPLICATION FOR LICENSE

A. Every person working as a dealer and/or operator must have either a valid dealer license or operator license issued by the Gaming Agent pursuant to this Title.

B. An application for a gambling license must be submitted to the Gaming Agent on forms issued by the Gaming Agent and described herein. The application is not complete unless it is signed and dated by the applicant and contains all information, statements, documentation and fees required by the Gaming Agent.

C. The application must contain a document authorizing the disclosure of information which must be signed and dated by the applicant whose signature must be attested to before a notary public for the State of Montana. It must also contain the disclosure statements and other information required under § 15.4 of this Code.

D. Any license fee must accompany each application.

15.2.7 PROCESSING AND INVESTIGATION

A. An applicant for a license must make full disclosure of all information required by the Gaming Agent.

B. The Gaming Agent may, at his discretion, require additional information, documentation and disclosure from an applicant for a gambling license.

C. Upon receipt of an application for a gambling license, the Gaming Agent shall make a thorough investigation as to the qualifications of the applicant for licensure. If, upon conclusion of such investigation, the applicant appears qualified under the law, a license must be issued if all requirements of the law and these rules have been fulfilled.

D. The Gaming Agent may consider the same matters, conditions, and qualifications for renewal of a gambling license as for the original application.

E. Upon the applicant's fulfillment of the application procedural requirements and payment of the license fee, the Gaming Agent shall issue the license as soon as practicable.

15.2.8 GROUNDS FOR DENIAL

A. The Gaming Agent may deny initial issuance or renewal of a gambling license, permit or authorization or, if issued, suspend or revoke such authorization when it can be demonstrated that an applicant or holder of such license has:

1. concealed, failed to disclose, or otherwise attempted to mislead the Gaming Agent with respect to any material fact contained in the application or investigation for gambling license or license renewal application; or

2. been convicted of committing, conspiring, or attempting to commit any felony, gambling-related offense or other crime which is contrary to the declared policy of the Fort Belknap Community Council with regard to gambling; or

3. been placed and remains in actual or constructive custody of any federal, tribal, state or local law enforcement authority or court for any felony or gambling-related offense which is contrary to the declared policy of the Fort Belknap Community Council with regard to gambling; or

4. purposely or knowingly possessed or permitted to remain in or upon any premise licensed for gambling activity, any device designed for the purpose of cheating or manipulating the outcome of any gambling activity or gambling enterprise; or

5. been convicted of committing, conspiring, or attempting to commit theft or embezzlement against a gambling licensee or gambling enterprise; or

6. been convicted in any jurisdiction of any offense involving or relating to gambling; or

7. been prohibited by a governmental authority from being present upon the premises of any gambling establishment or gambling enterprise or any establishment where parimutual wagering is conducted for any reason relating to improper gambling activities or any illegal act; or

8. failed to cooperate with any legislative investigative committee or other officially constituted body acting on behalf of the United States or any tribe, state, county, or

municipality which seeks to investigate crimes relating to gambling, corruption of public officials, or any organized criminal activities; or

9. had any action taken against a gambling license by any agency of any other jurisdiction, which resulted in a final order declaring a violation or a conviction of any crime which is contrary to the declared gambling policy of the Fort Belknap Community Council; or

10. had a gambling license denied for other-than-technical defects in the application; or

11. failed to receive approval in the background check process and has not updated application to address problems or identify qualified or licensed staff.

15.2.9 RECOURSE IN CASES OF DENIAL OR NON-RENEWAL OF GAMBLING LICENSE

A. Upon completion by the Gaming Agent of its investigation of an applicant's qualifications for licensure, the Gaming Agent shall notify the applicant in writing of its intended action. If the applicant then desires a hearing, he must submit a written request to the Gaming Agent within 20 days. An applicant's request for hearing must state whether he waives confidentiality.

B. Upon receipt by the Gaming Agent of a written request for hearing, all proceedings involving the denial or non-renewal of a gambling license shall be conducted in accordance with this Code.

15.2.10 RENEWAL OF GAMBLING LICENSE

A. Each individual licensed to operate a GAME or VIDEO GAMING MACHINE shall be required to annually relicense the game or machine(s) being operated, and to pay the annual licensing fee per game or machine. Licenses shall run through June 30 of each year, and individuals shall have thirty (30) days after June 30 of each year to obtain their new license. Licenses purchased during the year shall not be prorated, but rather, the entire fee shall be required for each machine. During the first year of implementation of these amendments to the Gambling Ordinance, individuals applying for licenses prior to June 30, shall be authorized, upon payment of the fee required, to operate the remaining balance of the current year, as well as the entire year after June 30. (Implemented, May, 1990)

B. Renewal of an existing gambling license must be accomplished by submitting a renewal application on forms prescribed by the Gaming Agent. A renewal application is not complete unless it is signed and dated by the applicant and contains all information, statements, and documentation required by the Gaming Agent.

C. The renewal license fee must accompany each renewal application.

15.2.11 INSPECTION

A. Any tribally-licensed premise where gambling-related activity is conducted or any premise connected to the operation of a licensed gambling-related activity shall at all times during normal business hours be open to inspection by the Gaming Agent or

tribal law enforcement officials in order to determine compliance with the laws of the Fort Belknap Community Council.

B. At any time during which a licensed gambling activity is being operated upon a premise, the Gaming Agent may enter upon the premise without advance notice and;

1. inspect the records related to the operation of any licensed gambling activity;

2. inspect all pieces of equipment and parts thereof; and

3. make a count of all monies involved in the operation of the licensed activity located on the premises.

15.2.12 OPERATOR LICENSE

A. All applicants for operator licenses must submit information on an application form to be provided by the Gaming Agent.

1. The information listed in part B. hereof shall be required of applicants, agents or parties in interest who fall within the following categories:

a. sole proprietors,
b. limited or general partners,
c. shareholders of closely-held and subchapter S corporations,
d. shareholders who own more than 5% of stock in publicly traded corporations,
e. each Board member or managing body member of a non-profit corporation,
f. gaming manager or gaming firm.

B. Information required on applications shall include but not be limited to:

1. name(s),
2. addresses,
3. telephone numbers,
4. social security numbers,
5. history of gambling licensure with any federal, tribal, state or local agency, civil and criminal record,
6. record of residence and employment for the past ten years;
7. the full name and address of every person employed by the applicant in a gambling related activity,
8. the full name and address of every person who has a right to share in the profit of the gambling activity,
9. the full name and address of every person with options to purchase a share of the business, and
10. the amounts and sources of all business financing.

C. The Gaming Agent may require access to all of applicant's financial records which pertain to the financing of the proposed operation, to evaluate statements and support documentation supplied with the background application form.

D. A new application must be made with each new change in ownership with the exception of a change in the managing body of a non-profit corporation which must be reported to the Gaming Agent within thirty days of the change.

F. Operator licenses must be renewed annually.

15.2.13 CARD DEALER LICENSE.

A. Applicants for a dealers license must appear in person and:

1. present photographic proof of their identity,

2. demonstrate a working knowledge of the game for which they are being licensed,

3. certify that they will abide by the approved rules for operating the game for which they will be dealing.

4. pay the license fee set forth in this code.

B. Before a license is issued, a background check must be completed for such individual as is otherwise set forth in § 15.4 of this Code. The Gaming Agent, after due review and investigation, if the individual appears qualified, will issue a card dealer license that must contain the following information:

1. the assigned license number and expiration date;

2. a photograph of the person to whom the license is being issued;

3. the first name, middle initial and last name of the person to whom the license is being issued; and

4. the home address, height, weight, eye color, hair color, date of birth, sex, and social security number of the person to whom the license is issued.

C. The Gaming agent shall issue the card dealer license as soon as practicable.

D. Every card dealer license expires annually on the licensee's birthday, and in no case less than 12 months from the date of issuance.

E. All applicants for renewal of a card dealer license shall have a period of thirty (30) days following their birthdays within which to renew their card dealer license. All applications not postmarked by the expiration date on the license will result in the expiration of the dealer license and will require the holder of the license to reapply for an original license.

F. Replacement of a card dealer license may be made by following the procedures for a new card dealer license and the payment of a $10.00 fee.

15.2.14 FORT BELKNAP BINGO. The Fort Belknap Bingo Enterprises, Inc. (hereinafter FBBEI) and/or it's successor, as a corporation/entity wholly owned by the Fort Belknap Community Council, shall be licensed perpetually at the Agency, provided it otherwise complies with all requirements of this code. No other bingos shall be allowed to operate at the Fort Belknap Agency on the days the FBBEI is operating a game.

15.2.15 POSTING LICENSE. Each individual or entity obtaining a license shall post

their license and a sign in a conspicuous place at their place of business, with said sign informing the public of the general accounting rules, payout rules and regulations pertinent to the game(s) and/or machines being operated. Said sign shall further inform the public that violations should be reported to the gaming agent. Finally, the sign shall inform the public that the operation is a private business, (if applicable) not related to the Fort Belknap Community Council, and that by the licensing of the establishment the Fort Belknap Community Council does not guarantee payouts or incur liability in any way.

15.2.16 POSTING OF RULES. Each individual operating a card game shall be required to post the rules thereof in a conspicuous place, as obtained from the gaming agent, and shall certify in their application to operate said game, that they will comply with the rules in operating the card game license.

15.2.17 REPORTING REQUIREMENTS. Each individual licensed to operate a game or machine shall report, on a quarterly basis, and pay required taxes thereon to the Gaming Agent. Said report shall be on a form provided at the time of licensing or relicensing, and shall be due within thirty (30) days after the expiration of the quarter being reported. Quarters shall be construed as January through March, April through June, July through September, and October through December.

15.2.18 CLASS III GAMING:

A. In adopting this Code, the Council does acknowledge and agree that there has been substantial litigation and controversy concerning the operation of certain games and gaming activities. The National Indian Gaming Commission has taken the position that the operation of games classified as "Class III" violates federal law in the absence of an approved gaming compact with the state within which such activities take place, unless grandfathered in or otherwise allowable. Nothing in this Code is intended to violate federal law. The regulation of Class III games set forth herein is construed to mean how such regulation shall take place, assuming it is otherwise legally operated.

B. The Fort Belknap Indian Community Council, in its sole discretion, may, either by Code or resolution, revoke any authorization for Class III gaming.

15.3 FORT BELKNAP GAMING COMMISSION

15.3.1 ESTABLISHMENT AND POWERS OF COMMISSION:
There is hereby established a Fort Belknap Gaming Commission. The Fort Belknap Tribal Council shall designate three (3) members as the "Fort Belknap Gaming Commission" (hereinafter "Commission") which is empowered to administer this Code and to exercise all the powers necessary and proper as set forth in this Code. It shall be the responsibility of this Commission to promulgate regulations necessary to administer this Code and the performance of its functions, including enforcement provisions and penalties. The Commission, in order to accomplish the following illustrative acts and things for, and on behalf of, and in the name of, the Fort Belknap Indian Community may, where it deems appropriate:

A. adopt and enforce appropriate rules and regulations as heretofore stated;

B. execute contract and inter-local agreements, papers and documents in the name of the Commission; and shall honor related contracts heretofore entered into by the Fort

Belknap Tribal Council;

C. Perform all actions directly or indirectly necessary to conduct its business and carry out its duties and functions;

D. To establish and operate, or authorize and designate a tribal government agency and/or a tribally-chartered corporation wholly owned by the tribe to establish and operate, all Class I, Class II, and Class III gaming activities on lands subject to the jurisdiction of the Fort Belknap Indian Tribes; provided, however, the Tribes, or a tribally-chartered corporation wholly owned by the Tribes, shall have sole proprietary interest and responsibility for the conduct of any gaming activity; oversee any gambling or gaming enterprise which may be licensed hereunder, to ensure compliance with requirements of this Code;

E. Paying all customs, duties, excises, charges, and obligations whatsoever related to the business of the Commission.

F. Performing all other duties related to the conduct and operation of the powers and duties authorized by this Code.

G. Establishing a system which adequately checks the background of the primary management officials and key employees of the gaming enterprise, and that oversight of said individuals and their management is conducted on an ongoing basis; and provides for verification of background check results by the Chairman of the National Indian Gaming Commission before any licenses are issued, for Class II & III Gaming. This system shall include:

1) tribal licenses for primary management officials and key employees of the gaming enterprise with prompt notification to the National Indian Gaming Commission before any licenses are issued, for Class II & III Gaming. This system shall include:

2) a standard whereby any person whose prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the public interest or to the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming shall not be eligible for employment, and

3) notification by the Tribes to the National Indian Gaming Commission of the results of such background check before the issuance of any such licenses.

H. Oversee the functions of the Gaming Agent, receiving and reviewing reports from such Agent.

15.3.2 MEMBERSHIP OF COMMISSION:
The Council shall appoint a Chairman, Vice-Chairman and Secretary-Treasurer, as members of the Commission. For the first appointment, the Council shall appoint the Chairman for a term of three (3) years; shall appoint the Vice-Chairman for a term of two (2) years; and shall appoint the Secretary-Treasurer for a term of one (1) year. Thereafter, all appointments shall be for a three (3) year term.

15.3.3 CONFLICT OF INTEREST:
No employee of any Tribal Class I, II or III gaming operation as defined in the IGRA or any non-Tribal gaming operation may be a Commissioner or employee of the Commission. In case of a vacancy it shall be filled by the appointment of the Council for the unexpired term. In order to avoid an appearance of impropriety or conflict of interest, the Commissioners and enforcement agents are prohibited from participating in any Class II or Class III gaming on the Reservation, or consume alcohol in the tribal gaming facility.

15.3.4 QUALIFICATIONS:
No person may be a Commissioner unless they are a duly enrolled member of the Fort Belknap Tribes and twenty-one (21) years of age. The Council may require, in order that a person be considered for appointment, that such person submit to a background investigation.

15.3.5 REMOVAL:
Any Commissioner may be removed for any of the following:

A) the arrest and/or conviction of any crime;
B) inefficiency;
C) malfeasance and/or misfeasance in office; or
D) improper conduct while on official business or in the tribal gaming facility.

The process of removal is commenced when specific written charges are filed by the Administrative Manager of the Tribes with the Secretary of the Council. The council shall hear the matter at a public or closed hearing and adjudicate the charges at a time set in their discretion; as well as prescribe the procedure for the hearing. The decision of the Council shall be final and non-appealable. Removal of any Commissioner by the Council shall disqualify such Commissioner for reappointment.

15.4 LICENSES FOR KEY EMPLOYEES AND PRIMARY MANAGEMENT OFFICIALS:

The Commission 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 and/or Class III gaming enterprise operated on lands over which this Commission has jurisdiction:

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:

i) Bingo caller;
ii) Counting room supervisor;
iii) Chief of security;
iv) Custodian of gaming supplies or cash;
v) Floor manager;

vi) Pit boss;
vii) Dealer;
viii) Croupier;
ix) Approver of credit; or
x) Custodian of gambling devices including persons with access to cash and accounting records within such devices;

b) If not otherwise included, any other person whose total cash compensation is in excess of $50,000 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 to:

i) hire and fire employees; or
ii) set up working policy for the gaming operation; or

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 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 Tribes' being unable to hire you in a primary management official or key employee position.

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

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.

3) 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. Code, Title 18, Section 1001.)

4) The Commission shall notify, in writing, existing key employees and primary management officials that they shall either:

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

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

C) Background Investigations

1) The Commission shall request from each primary management official and from each key 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 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license number(s);

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 (i)(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 relations 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;

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

j) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (i)(H) or (i)(I) of this section, the criminal charge, the name and address of of the court involved and the ate and disposition.

k) The name and address of any licensing or regulatory agency with which the person has filed an application of an occupational license or permit, whether or not such license or permit was granted;

l) A current photograph;

m) Any other information the Tribe deems relevant; and

n) Fingerprints, which, unless otherwise arranged, shall be taken by the BIA or Tribal Police Department , consistent with procedures adopted herein by the Tribe according to 25 C.F.R. § 522.2(h).

o) In the securing of fingerprints, caution shall be utilized in their gathering and preservation. Upon the hiring of a new employee covered hereby, or within sixty (60) days of the adoption and approval of this Code, for existing employees, the Commission shall arrange for the taking of fingerprints by the local law enforcement agency. In taking fingerprints, the officer taking the prints shall utilize forms usually kept in the taking of prints, and shall submit such form, together with an affidavit verifying its authenticity to the Commission. Copies of prints, once taken, shall be kept by the Commission in a secure location to protect their confidentiality and/or verifiability.

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

D) Eligibility Determination

The 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 Tribe determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, a tribal gaming operation shall not employ that person in a key employee or primary management official position.

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

1) When a key employee or primary management official begin work at a gaming

operation authorized by this ordinance, the Commission shall forward to the National Indian Gaming Commission a completed application for employment and conduct the background investigation and make the determination referred to in subsection (d) of this section.

2) The Commission shall forward the report referred to in subsection 9 f) of this section to the National Indian Gaming Commission within 60 days after an employee begins work or with 60 days of the approval of this ordinance by the Chairman of the National Indian Gaming Commission.

3) 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.

F) Report to the National Indian Gaming Commission

1) Pursuant to the procedures set out in subsection (e) of this section, the 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:

   a) Steps taken in conducting a background investigation;

   b) Results obtained;

   c) Conclusions reached; and

   d) The basis for those conclusions.

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

3) If a license is not issued to an applicant, the Commission:

   a) Shall notify the National Indian Gaming Commission; and

   b) 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.

4) With respect to key employees and primary management officials, the 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 designees for no less then three (3) years from the date of termination of employment.

G) Granting a Gaming License

1) If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, 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 tribe has provided an application and investigative report to the National Indian Gaming Commission, the

Commission may issue a license to such applicant.

2) The 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 thirty (30) day period under paragraph (g)(i) of this section until the Chairman of the National Indian Gaming Commission receives the additional information.

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

H) License Suspension

1) If, after the issuance of a gaming license, the 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 subsection (d) above, the Commission shall suspend such license and shall notify, in writing, the licensee of the suspension and the proposed revocation.

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

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

15.5 - OPERATION OF GAMBLING AND GAMING

15.5.1 WINNINGS AND PRIZES

A. Winnings and prizes shall consist of cash, merchandise or replay of the game, or a combination thereof.

B. Cash prizes of one hundred dollars ($100.00) or more may be given by check, or combination check and cash.

C. It shall be the responsibility of the Operator to determine the identity of the winner and the Operator shall require such proof of identification as is necessary to properly establish the winner's identity. The Operator shall not pay out the prize unless and until the winner has fully and accurately furnished to the Operator all information required by the Operator. Further, the Operator shall provide the winner with information relative to the description of the merchandise, retail value and amount of cash prize.

D. For purposes of this section, the retail value of a merchandise prize shall be the amount actually paid therefore by the operator plus fifty (50) percent of the actual cost.

15.5.2 DISCLOSURE OF PRIZES AND RULES

A. All winnings and prizes awarded in connection with any gaming activity, whether in cash or merchandise, and all rules by which such winnings or prizes may be won, including all costs to a contestant or participant, shall be disclosed to each contestant or participant in the gaming activity prior to that contestant or participant taking part in the gaming activity or paying for the opportunity to take part in the gaming activity.

B. This disclosure need not be made separately and personally to each contestant or participant but, in the alternative, may be made by conspicuously posting or displaying upon the premises where the gaming activity is operated, the possible winnings and available prizes, or a list and complete description thereof, together with the rules of the gaming activity, and explanation of how each prize can be won, and the cost to participate in the gaming activity.

C. In those cases where persons are able to pay for the opportunity to participate in the gaming activity after the winner of any one of the prizes offered has been determined, the Operator shall remove each prize won from any display of prizes, and from any list of prizes which has been posted or displayed upon the premises where the activity is conducted, immediately upon the determination of the winner of that particular prize.

15.5.3 REGULATION OF EMPLOYEES

A. The Operator shall not allow a person who manages or receives any compensation, directly or indirectly, for the operation of any gaming activity conducted by the Operator, to play in such gaming activity.

B. The Operator shall not allow any person to play in any gaming activity conducted by the Operator, who, without payment, assists in the operation of any gaming activity conducted by the Operator, on the same occasion.

15.5.4 PROHIBITED PRACTICES

A. Any payments of rent for any leased premises, on or within which any gambling activity is being operated or conducted, shall not be based, wholly or in part, on a percentage of the receipts or net receipts derived from the operation of such activity; nor shall the rental under any such lease exceed the usual rental for such premises in the same locality.

B. Compensation to any individual person (except the named licensed operator) taking part in the management or operation of any gambling activity shall not be based upon a percentage of the receipts of income derived from the operation of such game.

C. Any gaming activity shall not be operated upon a premise part of a retail sales or service business catering to the public except:

1. When the room or area of the premises in which the gaming activity is being conducted is maintained separate and apart from the portion being used for the retail sales or service business; and

2. In all cases the Operator must have, and exercise, complete control over that portion of the premises being used for gaming activities, and at all times said games are

being played; PROVIDED, however, that at all times when the sale, service or consumption of intoxicating beverages is permitted in said portion of the premises, the responsibility for compliance with liquor laws and regulations shall also be that of the Operator;

3. Nothing in this section shall prohibit the sale of food or beverages to gaming activity patrons.

D. No person who is under the age of eighteen (18) years shall participate, nor be allowed to participate in any manner in the operation of any gaming operation.

E. No person who is under the age of eighteen (18) years shall play, nor shall be allowed to play in any gaming activity.

F. No person under the age of eighteen (18) years shall be allowed in the area where a gaming activity is being conducted.

G. No person visibly intoxicated or visibly under the influence of any narcotic or alcohol shall be allowed to play or operate any gaming activity.

H. It shall be the responsibility of the Operator and of those persons physically operating the gaming activity to determine that no unauthorized person(s) is allowed to participate in any manner in the operation of or play in any gaming activity or allowed to enter the area where a gaming activity is being conducted.

15.5.5 AUTHORIZED GAMES.

A. The only games or video gaming machines authorized for use within the boundaries of the Fort Belknap Indian Reservation shall be those licensed through the Gaming Agent, utilizing record-keeping systems, accounting procedures and rules as set forth herein.

B. The only video gaming machines or other machines authorized for use within the boundaries of the Fort Belknap Indian Reservation shall be those placed through the Gaming Agent, as provided by an authorized agent of the Tribes. All such machines shall be physically inspected at least quarterly to be certain they are paying out no less than eighty percent (80%) of gross sales to players, that they are working properly and capable of and are producing sufficient accounting records to document taxes owed, amounts received and paid out and to insure that such machines are in compliance with existing law. The Gaming Agent, in issuing licenses for machines, shall assign a number for each machine, shall establish an inspection schedule therefore and shall require sufficient reporting filed thereon to be certain that it is operating according to law. The maximum payouts shall be established with each license, unless otherwise provided by law. The Commission shall establish a schedule of maximum payouts to aid in the issuance of each license.

(1) On machines with printers, the Gaming Agent shall quarterly compare written records with printouts to be certain machines are being handled properly.

(2) On machines without printers, the Gaming Agent shall be the only one with keys thereto, and he shall, on at least a bimonthly basis, accompany the owner or his/her

agent, to clear the machines and document the revenue derived therefrom. Written records shall be kept documenting each action on such machines. At least two people shall be present when such machines are opened.

C. All other games shall be inspected quarterly to be certain they are paying out no less than fifty percent (50%) of gross sales (if applicable) to players, that they are operating properly and capable of producing sufficient accounting records to document taxes owed, and to insure that such games are in compliance with existing law. If complaints are filed on a game or operation, a gaming agent shall immediately investigate the concerns and attempt immediate resolution, if possible, and report thereon to the Commission.

D. Those games required to pay out the minimum percentages set forth in section C shall include, but not be limited to bingo, video assisted bingo, keno, and pull tabs. Video assisted Bingo shall be further regulated, except for percentage of payout, by the provisions of section B, above.

E. All games operated within the boundaries of the Reservation shall be required to number cards and chances available (if applicable) for sale to determine how many are sold. Operators shall tally amounts taken in to document gross sales, tally amounts paid out to determine net sales, and record other expenses to demonstrate adequate accounting records.

F. All games operated must report their gross sales, payouts and other relevant information on forms approved by the Commission and filed quarterly with the Gaming Agent. Said forms shall be construed as regulations of the Tribal Council, and are incorporated by reference into this code. Failure to file properly completed, timely reports shall result in a warning as set forth in this Code, and sanctions, if compliance is not forthcoming immediately. Such forms may periodically be modified, as approved by the Commission. All individuals operating games or machines shall be informed at their addresses of record if changes are approved.

G. The gaming agent shall have the authority to locate and utilize, from authoritative rule books, rules of procedure for authorized card games. Said rules shall be delivered to each dealer and/or operator upon issuance of licenses, and shall control as to whether a dealer and/or operator is operating a game in compliance with law. Upon identification of rules for allowable games, the gaming agent shall immediately present such rules to the Commission for review and approval. Licenses issued prior to such review and approval shall require conformance with the game rules selected, shall be of a temporary nature, and may be issued for no longer than thirty (30) days, at one tenth the fee cost otherwise provided for herein. The gaming agent shall advise the Council when it appears necessary to amend, modify or add rules for allowable card games.

15.6 TAXES AND FEES

15.6.1 GAMING TAX. There shall be a tribal tax of three (3%) percent of the adjusted gross receipts of any and all gambling and gaming activities, operated within the jurisdiction of the Fort Belknap Indian Community. This tax shall be assessed and payable quarterly, as provided herein. Additionally, each licensed operator shall be responsible for remitting to the gaming agent, taxes payable to the National Indian Gaming Commission, as established

by federal law. The gaming agent, in turn, shall remit such taxes to the Commission as required by law.

15.6.2 ANNUAL FEES. Qualified individuals/entities desiring to become operators hereunder must apply for a license to operate such a game or machine with the Gaming Agent, pay an annual fee as set forth in the schedule in part 15.6.4, of this section, and agree to maintain and provide records of all revenues generated by such game or video gaming machine, for the purpose of paying taxes thereon.

15.6.3 VIDEO GAMING MACHINE TAX. Video Gaming Machines, in lieu of the taxes provided in section 5.1 of the Gambling Ordinance, shall be taxed at the rate of ten percent (10%) of the adjusted gross receipts collected in such machines. Adjusted gross receipts under this section shall mean gross sales less prizes paid out less the operator's operating expenses. Operating expenses shall be limited to the cost of placing machines. (the percentage required to be paid to the placing entity)

15.6.4 LICENSING FEE SCHEDULE. The following fee schedule shall apply to all licenses sought by qualified individuals, and shall be collected prior to the issuance of a license: (each fee is per game/table/machine played- authorized on an annual basis)

Bingo license	$250.00
Pull Tab license	100.00
Keno license	100.00
Punch Board license	100.00
Raffle license	5.00
Lottery license	200.00
Poker license	100.00
Video gaming machine	250.00
Sports book	1,000.00
Other game licenses	100.00

15.6.5 RAFFLES. It is acknowledged that raffles are generally non-profit efforts and shall therefore be exempt from taxes hereunder, unless it can be shown that a profit has been taken for a purpose not typically viewed as charitable. All raffles shall be required to apply for a license. However, the Council reserves unto itself, through the Executive Officers, the right to issue a raffle permit to individuals they acknowledge are working on a charitable endeavor. All other raffles shall be required to formally apply for a license and comply with licensing requirements. All raffles involving $5,000 or more shall be deemed as other than charitable endeavors, and shall be subject to the tax in the Gambling Ordinance.

15.6.6 DEALER FEES. Each dealer running a card game authorized under this Ordinance shall be required to obtain a license and pay an annual licensing fee of $50.00 per game for which they are licensed to deal. Such fee shall be in addition to any operators license otherwise obtained by an operator. Failure to comply with licensing requirements and/or adhere to the rules of the game shall be grounds for suspension of license and/or prosecution under this Ordinance.

15.6.7 REVENUES. Tribal revenue generated by these taxes shall be deposited in the tribal tax fund used to pay the expenses of the Gaming Agent and Gaming Commission, and for the benefit of the reservation and Tribal Community in a manner provided for and to be determined from time to time by the Tribal Government. Such purposes shall not

conflict with those set forth in applicable law.

15.6.8 EXEMPTION FROM OTHER TAXES. All gambling and gaming activities operated within the jurisdiction of the Fort Belknap Indian Community shall be exempt from all taxes other than those listed in this Code, unless other taxes are made applicable specifically by law.

15.6.9 COLLECTION and ACCOUNTING.

A. It shall be the responsibility of the Tribal Government, through the Gaming Commission and Gaming Agent, to properly collect and account for all taxes imposed upon all gambling and gaming activities within the jurisdiction of the Fort Belknap Indian Community. In all decisions, the operator/licensee shall be responsible for proving, with adequate documentation, compliance with this Code. The Gaming Agent, in determining non-compliance, shall be presumed correct, provided, an individual may seek review of a decision before the Gaming Commission. Final decisions of the Gaming Commission, upon review, shall be binding and non-appealable.

B. It shall be the responsibility of the Fort Belknap Gaming Commission through the Gaming Agent to establish proper accounting procedures and methods to properly assess and account for all taxes collected pursuant to this Code. The Commission may utilize the services of Centralized Accounting, assuming sufficient resources are available therefore, to aid in such accounting.

C. All Taxes and fees will be included in the 60% of the net revenue to the Tribe.

15.7 TRIBAL GAMING ENTERPRISE REVENUE

15.7.1 NET REVENUE ALLOCATION:

All revenue and funds collected by tribal gaming operations/facilities are the property of the Fort Belknap Indian Community. The management of the tribal gaming facility shall monthly account for the same to the Fort Belknap Indian Tribal Council and periodically pay the sum of the net revenues, less operating costs, directly to the Fort Belknap Tribal Council. The Fort Belknap Tribal Council shall pay to the Fort Belknap Gaming Commission, the appropriation to the Commission for the use by the Commission to pay its necessary expenses for its operation as provided in a budget approved by the Fort Belknap Tribal Council, which are not otherwise provided by gaming taxes and fees. However, the net revenues from any tribal gaming are not to be used for purposes other than the following:

A) to fund tribal government operations or programs;

B) to provide for the general welfare of the Tribes and its members;

C) to promote tribal economic development;

E) to donate to charitable organizations; or

F) to help fund operations of local government agencies.

15.8 AUDITS:

The Commission shall cause yearly independent audits to be conducted of all gaming activities in Class II and Class III Gaming, and said audits shall be provided to the Chairman of the National Indian Gaming Commission. The Commission shall also cause independent audits of all contracts over $25,000 annually (except accounting or legal services) related to Class II and Class III Gaming. The Commission may utilize existing independent audits conducted on operations to fulfill this requirement, provided, such audits are competently performed by a licensed independent auditor, reflect an independent opinion therefrom, and are readily available for inspection and inquiry by the Commission. The Commission shall evaluate the costs associated with this requirement, and may recommend an increase of annual license fees to aid in the payment thereof.

15.9 PROHIBITIONS

15.9.1 TRIBAL LANDS. Gaming on any lands subject to the jurisdiction of the Fort Belknap Indian Council Tribal government by any person, party, or other entity is hereby prohibited and declared unlawful except as authorized pursuant to this Code. The Fort Belknap Indian Community Council shall limit the number of gambling or gaming enterprises (Operators) in order to protect and preserve the health, security, and general welfare of the Fort Belknap Indian Community. The Gaming Agent shall provide written quarterly reports on the number of established gaming operations on Reservation. The Council reserves the right to close further licensing without notice, when it deems that reasonable limits have been reached.

15.9.2 TRIBAL SOVEREIGNTY AND JURISDICTION. It is the intent of this Code to exert Tribal Sovereignty and jurisdiction on the Fort Belknap Indian Reservation and lands subject to its jurisdiction and to preempt any civil regulatory power or law, if any, of the State of Montana, subject to Public Law 100-447.

15.9.3 NON PREEMPTION OF FEDERAL LAWS. Nothing herein shall be construed to supersede or preempt the criminal laws of the United States of America, insofar as said laws are found applicable to gaming activities.

15.9.4 NO WAIVER OF IMMUNITY, Nothing in this Code shall be deemed to constitute a waiver of immunity on the part of the Fort Belknap tribal government, corporation, or any entity created by either as to any assets or property of any nature whatsoever, or the adjudication of any federal rights or immunities.

15.10 CIVIL REMEDY/ENFORCEMENT/APPEAL

15.10.1. RESOLUTION OF DISPUTES WITH GAMING PUBLIC:

A. Issues with Code. Should a dispute arise with a member of the gaming public concerning the enforcement of this Code, the member of the public affected shall have the right to file a complaint, outlining their complaint/concern, with the Fort Belknap Gaming Commission. The Gaming Commission shall afford the individual an opportunity to be heard, and decide the merits of the complaint. Wherever possible, a gaming agent shall seek to mitigate and resolve such concern prior to the scheduling of a hearing thereon. If not otherwise resolved, a hearing shall be conducted on the complaint/concern, and a timely decision made thereon. Final decisions shall be made in writing. Decisions of the Gaming Commission shall be final, once rendered.

B. Issues with Gaming Establishment. Should a member of the public have a complaint

against or with a gaming establishment, licensed hereunder, wherein the licensing, operation or activities are drawn into question, a written complaint may be filed with the Commission, and a gaming agent delegated the responsibility to investigate such concern. Where possible, the gaming agent shall seek to mitigate and resolve the complaint. If not otherwise resolved, the agent may file a complaint in the Tribal Court on the matter, as set forth below, or may recommend a hearing be conducted before the Commission to further determine the merits of the concern. If a hearing is recommended, the Commission shall give the individual and the establishment notice of a hearing time, and an opportunity to present their respective positions thereon. The Commission shall, after conducting a hearing, attempt mediation of the matter, and if still unresolved, determine a course of action for full resolution. Such course may be that no action is warranted, that a complaint in Tribal Court for enforcement is required, or other appropriate action.

15.10.2 GENERAL. Any person who conducts any unauthorized gambling or gaming activity or otherwise violates the provisions of this Code, shall be subject to the sanctions and penalties contained in this Code, and/or in the Fort Belknap Tribal Code as it is now or hereafter amended.

15.10.3 UNLAWFUL PRACTICES. It shall be unlawful to conduct or participate in any gambling or gaming activity authorized by this Code in any manner which results in cheating, misrepresentation, or other such disreputable tactics which distract from a fair and equal chance for all participants or which otherwise affects the outcome of the game. Any person who willfully and knowingly engages in said conduct and who is found guilty thereof shall be fined not less than five hundred ($500.00) dollars and not more than ($5000.00) dollars and/or up to one (1) year in jail.

15.10.4 CRIMINAL SANCTIONS. Any other violation of this code may be deemed a misdemeanor under Tribal law, punishable by a fine not to exceed $5,000.00, forfeiture of all machines and/or revenue used and\or gained during the unlawful operation of games, and/or one (1) year in jail.

In a pending criminal proceeding, the presiding judge, upon finding that probable cause exists to believe that a violation has happened, may issue an order directing the seizure of funds and/or machines, which may be forfeited upon conviction. The increased penalties provided by these sections shall effectively amend the penalties provided in the original Gambling Ordinance.

15.10.5 CIVIL SANCTIONS. When appropriate, as an alternative to criminal prosecution, individuals found to be in violation of this code by the Gaming Agent, shall be subject to a civil proceeding, wherein the court may order prejudgment attachment of property and/or funds used or gained in violation of this code, together with civil sanctions, including but not limited to an assessment of a fine in an amount of up to $5,000.00 per day of violation. All actions and proceedings in court must comply with existing Tribal procedures set forth in the Tribal Code.

15.10.6 ALTERNATIVE SANCTIONS. Individuals found to be in violation shall be subject to only one proceeding, criminal or civil, for each violation. Alternative civil or criminal proceedings are allowed to provide effective enforcement based on the circumstances of each case. The choice of civil or criminal proceedings in a given case is discretionary, and shall not be construed as discriminatory, unless there is substantial evidence to show that the individual so deciding clearly abused discretion.

15.10.7 NOTICE OF NON-COMPLIANCE. The Gaming Agent, if he finds that an individual has failed to comply with licensing, relicensing, fee or tax requirements, shall deliver by first class mail, and by first class mail, return receipt requested, a notice of non-compliance to the individual in violation, at the address provided in a licensing application. If, within fifteen (15) days of delivery, compliance is not effected, the Gaming Agent shall report the violation to the Tribal Court, and the individual in non-compliance shall be prosecuted or civil sanctions sought. Machines and/or equipment used in violation of this code shall be subject to seizure and/or forfeiture, with or without notice. If the Gaming Agent or others learn of anyone operating a game or machine(s) without a license, such conduct shall be immediately reported to the Tribal Court for prosecution or civil sanctions.

15.10.8 EXCLUSIVE JURISDICTION. The Fort Belknap Tribal Court shall have exclusive jurisdiction over the enforcement of this Code in actions brought by the Tribal government, except to the extent federal law provides otherwise. No other suits are authorized in any forum for any reason hereunder.

15.10.9 FINES AS LIENS. Fines/penalties may be established as liens upon specifically described property involved in a violation of this Code, by order of the tribal court. In the case of real property, such order shall be filed for record notice with the Blaine County Clerk and Recorder, and/or the Bureau of Indian Affairs, Liens on personal property shall be filed with Montana's Secretary of State. Upon twenty (20) days' written notice served, or fifty (50) days' notice by publication, with opportunity to request a hearing on the maker no later than one (1) day after expiration of the notice period, the tribal court may order the property sold at public auction, or forfeited to the Fort Belknap Tribal government.

15.10.10 APPEALS. Any person or entity may appeal a final order of the tribal court, as provided in the Fort Belknap Tribal Code.

15.10.11 REMOVAL OF PERSONS FROM FACILITY. Any Gaming Agent of the Fort Belknap Gaming Commission shall have the power and authority to cause the removal and exclusion of any person from a gaming establishment, and surrounding parking lot for a period of twenty-four (24) hours, who, in the sole discretion of the Gaming Agent, is causing a disturbance, acting inappropriately, or is, in any other way, interfering with the orderly conduct of ordinary business within the facility and the surrounding parking lots.

15.10.12 EXCLUSION OF PERSONS FROM FACILITY. The Fort Belknap Gaming commission shall have the power and authority to permanently exclude any person from gaming establishments, who has caused a serious or repeated disturbance, inappropriate actions, or in any other way, has interfered with the orderly conduct of ordinary business with the facility.

A) The request for permanent exclusion of a person may be brought only by the Director of the Fort Belknap Gaming Commission before a properly convened meeting of the Commissioners. The Commissioners may consider the Director's request in an open or closed meeting, and may or may not, at their complete discretion, allow the person subject to the request, to attend the meeting of the Commissioners. Except as herein otherwise provided, the decision of the Commissioners is final, and not subject to review.

B) When the Fort Belknap Gaming Commission has determined a person is permanently excluded from the facility, that person's name shall be reported to the Tribal gaming

enforcement agents, and Fort Belknap Tribal Police.

C) The Fort Belknap Gaming Commission, or any of its agents, shall notify the person permanently excluded of the Commission's decision in writing, either by personally delivering the notice by handing it to the person, or mailing it by certified mail to the person's last known address.

D) Should the person, who has been permanently excluded from the facility, be a member of the Fort Belknap Tribes, that person may request that the Fort Belknap Tribal Council review the decision of the Fort Belknap Gaming Commission, and make its own independent determination. The determination of the Tribal Council shall be final, and not subject to review.

15.11 MISCELLANEOUS

15.11.1 SEVERABILITY/CONSTRUCTION. If any clause, part, or section of this Code shall be adjudged invalid, such judgment shall not affect or invalidate the remainder of this Code, but shall be confined to its operation to the clause, part, or section, directly involved in the controversy in which such judgment is rendered. If the operation of any clause, part or section of this Code shall be held to impair the obligation of a contract or to deny any person any right secured to him by the Tribal or Indian Civil Rights Act, it is hereby declared that had the invalidity of such clause, part or section been considered at the time of the enactment of this Code, the remainder of the Code would nevertheless have been adopted without such and any all such invalid clauses, parts, or sections.

15.11.2 CONTRACTUAL OBLIGATIONS. Nothing in this Code shall impair or affect the authority of the Commission and/or Tribal Council in any manner whatsoever to fulfill its complete contractual obligations related to any subject matter herein.

15.11.3 AMENDMENT. All provisions of this Code are subject to amendment by the Fort Belknap Tribal Council. All regulations promulgated by the Commission are subject to proper revision, repeal, or amendment by the Commission subject to review of the Tribal Council.

15.11.4 ENVIRONMENTAL AND SAFETY REGULATIONS. The construction, maintenance, and operation of any Class II and Class III Gaming facility shall be in a manner that adequately protects the environment and the public health and safety.

15.11.5 EFFECTIVE DATE. This Code shall become effective in accordance with the provisions of the Constitution of the Fort Belknap Indian Community.

15.12 REVOCATION OF PRIOR ORDINANCE

15.12.1 REVOCATION. All Ordinances and Codes of the Fort Belknap Indian Tribes regulating, authorizing, controlling and/or prohibiting the conduct of gaming activities heretofore enacted or now in effect are hereby repealed and of no further force and effect.