

**TITLE 6 INTERGOVERNMENTAL RULES AND REGULATIONS**

**Ch. 6.20 Gaming Ordinance**

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## **TITLE 6 • INTERGOVERNMENTAL RULES AND REGULATIONS**

<b>CHAPTER 6.20    GAMING ORDINANCE</b>
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### **PART I.        GENERAL PROVISIONS**

#### **Section 6.20.001    Definitions**

Unless a different meaning is clearly indicated in this Gaming Ordinance, the terms used herein shall have the same meaning as defined in the Indian Gaming Regulatory Act, 25 U.S.C. §§ 2701 *et. seq.*, and its regulations, 25 C.F.R. §§ 500 *et. seq.* The definitions found in this section shall apply to all capitalized uses of the defined terms in this Gaming Ordinance, including plural forms of such terms or such terms with derivational suffixes.

- A.    "Bingo" means a game, whether or not electronic, computer, or other technological aids are used in connection therewith, in which:
  - 1.    players play for prizes, including monetary prizes, with cards bearing numbers or other designations;
  - 2.    players cover such numbers or other designations when objects, similarly numbered or designated, are drawn or electronically determined; and
  - 3.    the game is won by the first player covering a previously designated arrangement of numbers or designations on such cards, including, if played in same location, pull tabs, lotto, punch cards, tip jars, instant Bingo, and other games similar to Bingo.
  
- B.    "Class I Gaming" means social games played solely for prizes of minimal value or traditional forms of Indian Gaming engaged in by individuals as a part of, or in connection with, tribal ceremonies or celebrations.
  
- C.    "Class II Gaming" means those activities described in § 6-20-010 of this Gaming Ordinance.
  
- D.    "Class III Gaming" means all forms of Gaming that are not Class I or Class II Gaming, as defined in this Gaming Ordinance.
  
- E.    "Compact" means an agreement between the Tribe and a State about Class III Gaming, consistent with 25 U.S.C. § 2710(d).
  
- F.    "Gaming" means those activities defined in § 6-20-009, § 6-20-010, and § 6-20-011 of this Gaming Ordinance.
  
- G.    "Gaming Commission" means the Nez Perce Tribal Gaming Commission, the single agency of the Tribe primarily responsible for Licensing, regulatory oversight, and monitoring compliance with applicable Tribe, federal, and

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State regulations for Class II and Class III Gaming on the Tribe's Indian Lands.

- H. "Gaming Employee" means any natural person employed in the operation or management of a Gaming Operation, excluding persons providing maintenance, janitorial, or other such ancillary non-Gaming services to a Gaming Operation, such as food service employees. Gaming Employee shall include any employee whose duties include the handling of cash generated from Class II or Class III Gaming.
- I. "Gaming Facility" means all buildings, improvements, and facilities Licensed by the Gaming Commission to be used or maintained in connection with the conduct of Class II or Class III Gaming on the Tribe's Indian Lands.
- J. "Gaming Operation" means any economic entity that provides Class II or Class III Gaming activities on the Tribe's Indian Lands. A Gaming Operation may be operated by the Tribe directly, by a Management Contractor, or, under certain conditions, by another person or entity, if allowed under this Gaming Ordinance.
- K. "Gaming Ordinance" means the regulations adopted by the NPTEC, as amended from time-to-time, governing Gaming on the Tribe's Indian Lands.
- L. "IGRA" means the federal Indian Gaming Regulatory Act, Pub. L. 100-497, 25 U.S.C. §§ 2701 *et. seq.*
- M. "Indian Lands" means:
  - 1. land within the limits of an Indian reservation; or
  - 2. land over which an Indian tribe exercises governmental power and that is either:
    - a. held in trust by the United States for the benefit of any Indian tribe or individual; or
    - b. held by an Indian tribe or individual subject to restriction by the United States against alienation.
- N. "Key Employee" means the employees listed at 25 C.F.R. § 502.14.
- O. "License" means:
  - 1. an approval or certification issued by the Gaming Commission to any natural person to be involved in Class II or Class III Gaming or in providing Class II or Class III Gaming services to a Class II or Class III Gaming Operation on the Tribe's Indian Lands;
  - 2. the approval or certification issued by the Gaming Commission to any facility authorizing it to house Class II or Class III Gaming on the Tribe's Indian Lands; or

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3. an approval or certification issued by the Gaming Commission to any Vendor of gaming services or supplies to allow them to transact business valued at or exceeding \$25,000 with a Gaming Operation on the Tribe's Indian Lands.
- P. "Licensee" means any natural person, Gaming Facility, or Vendor that has been approved and Licensed by the Gaming Commission to be involved in, house, or transact business with a Class II or Class III Gaming Operation.
- Q. "Management Contract" means any contract, subcontract, or collateral agreement between a Gaming Operation and a contractor or between a contractor and a subcontractor, if such contract or agreement provides for the management of all or part of a Gaming Operation.
- R. "Net Revenue" means gross Gaming receipts of a Gaming Operation less:
1. amounts paid out as, or paid for, prizes; and
  2. total Gaming-related operating expenses, including all expenses of the Gaming Operation commonly known as operating expenses and non-operating expenses consistent with professional accounting pronouncements, excluding management fees.
- S. "NIGC" means the National Indian Gaming Commission.
- T. "NPTEC" means the Nez Perce Tribal Executive Committee, the Tribe's governing body.
- U. "Pari-Mutual Betting" means a system of wagering on a live race whereby the winners divide the total amount wagered, in proportion to the amount individually wagered after deducting commissions, fees, and taxes. Wagering on live races is authorized if it occurs either at a track or on the Tribe's Indian Lands by means of a simulcast of a live race and is approved by the Gaming Commission.
- V. "Primary Management Official" means the employees listed at 25 C.F.R. § 502.19.
- W. "Simulcast" means a simultaneous telecast of a live race, including horses, dogs, mules, and any other race contest of a species legal in the jurisdiction.
- X. "State" means any State comprising the United States, its authorized officials, agents, representatives, and territory.
- Y. "State Lottery" means any type of game that a State conducts as a lottery game.
- Z. "Track" means a facility licensed to operate horse or other racing where Pari-Mutual Betting on races is conducted.
- AA. "Tribe" means the Nez Perce Tribe, its authorized officials, agents, and representatives.

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BB. "Vendor" means any business that provides Gaming supplies or services to a Gaming Operation.

**Section 6.20.002 Purpose**

This Gaming Ordinance is enacted to:

- A. Regulate and govern all forms of permissible and authorized Gaming on the Tribe's Indian Lands.
- B. Safeguard all persons from unscrupulous and illegal operations of any type of Gaming on the Tribe's Indian Lands.
- C. Protect all persons from the infiltration of organized crime into any Gaming Operation on the Tribe's Indian Lands.
- D. Provide for an audit system of all Gaming Operations on the Tribe's Indian Lands.
- E. Provide that the Tribe will have primary regulatory authority over all forms of Gaming on the Tribe's Indian Lands, subject to applicable federal law.
- F. Provide for a system of investigations of all persons associated with Gaming on the Tribe's Indian Lands.
- G. Provide a system of Licensing for all Gaming on the Tribe's Indian Lands.
- H. Provide revenue for the operation of the Tribe's government.
- I. Allow the Tribe's government to use Gaming revenue to provide additional services, employment for Tribal members, and for the general economic development and individual self-sufficiency of Tribal members.
- J. Harmonize with and adhere to IGRA.
- K. Cooperate and agree on a sovereign-to-sovereign basis with concerned or affected States to enter into Compacts or other agreements for Class III Gaming Operations on the Tribe's Indian Lands.
- L. Establish a commission within the Tribe's government to oversee and regulate Gaming consistent with this Gaming Ordinance and within the precepts established by the NPTEC.

**Section 6.20.003 Ownership of Gaming and Use of Gaming Revenue**

- A. The Tribe shall have the sole proprietary interest in, and responsibility for, the conduct of any Gaming Operation authorized by this Gaming Ordinance, except as otherwise provided in this Gaming Ordinance.
- B. In order for any person or entity who is not the Tribe to conduct Gaming on the Tribe's Indian Lands, that person or entity must obtain a License or Licenses from the Gaming Commission, comply with the other provisions of this Gaming Ordinance, and:

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1. pay to the Tribe not less than 60 percent of the individually-owned Gaming Operation's Net Revenues to be used only for the purposes set forth below;
  2. pay an assessment to the NIGC as set forth in 25 C.F.R. § 514.1; and
  3. comply with Licensing standards that are at least as restrictive as those established by State law, governing similar Gaming within the jurisdiction of the surrounding State. If the individual owner is ineligible to receive a State license to conduct the same activity within that jurisdiction, the Gaming Commission shall deny a License and otherwise comply with 25 C.F.R. § 522.11(f).
- C. Net Revenues from Gaming shall be used only for the following purposes:
1. to fund the Tribe's government operations or programs;
  2. to provide for the general welfare of the Tribe and its members;
  3. to promote the Tribe's economic development;
  4. to donate to charitable organizations; and
  5. to help fund the operations of local government agencies.
- D. Net Revenues from any Class II or Class III gaming activities conducted or licensed by the Tribe may be used to make per capita payments only if such payments are consistent with IGRA, as set forth in 25 U.S.C. § 2710(b)(3).
- E. The Tribe hereby specifically reserves, through its inherent power, the full right and authority to adopt or impose a uniform and comprehensive system of revenue, taxation, and Licensing relating to the Gaming allowed under this Gaming Ordinance.

**Section 6.20.004 Severability**

If any clause, provision, or section of this Gaming Ordinance shall be ruled invalid or unenforceable by any court of competent jurisdiction by final order after all appellate jurisdiction is exhausted, such holding shall not invalidate or render unenforceable any remaining provisions of this Gaming Ordinance. Until such final order is entered and review exhausted, the questioned provisions shall be valid and in full force and effect, absent an enforceable injunction to the contrary.

**Section 6.20.005 Amendment**

All powers of amendment for this Gaming Ordinance are retained by the NPTEC.

**Section 6.20.006 Sovereignty**

The NPTEC, acting for the Tribe, by this enactment does expressly retain and does not in any way waive its right of sovereignty as expressed in treaties, laws, or in any other manner.

**Section 6.20.007 Nez Perce Tribe Gaming Commission Established**

- A. The Gaming Commission shall consist of three (3) Tribal members appointed by the NPTEC. Gaming Commission members shall meet the Licensing qualifications of a Primary Management Official, as set forth in this Gaming Ordinance.
- B. The NPTEC shall establish such application procedures as it deems appropriate for members of the Tribe interested in serving on the Gaming Commission.
- C. The following persons are not allowed to serve on the Gaming Commission:
  - 1. current members of the Nez Perce Tribal Enterprises board;
  - 2. persons having a direct or indirect financial interest in a Management Contract (including any principal or member of a Management Contractor) or any “close relatives” of such persons, as defined in the Nez Perce Tribal Enterprises Human Resource Manual;
  - 3. current Key Employee/Primary Management Officials; or
  - 4. persons previously convicted of a felony, embezzlement, theft, or any other money related or honesty related crimes (such as fraud).
- D. Each Gaming Commission member shall serve for a term of three (3) years, with the term beginning on January 1 of the year of the appointment and ending on December 31 of the third (3rd) year.
- E. Gaming Commission members shall serve beyond their term only if the NPTEC fails to promptly make appointments to fill expired Gaming Commission member seats. Upon appointments by the NPTEC to fill expired seats, the prior appointments shall end.
- F. Gaming Commission positions vacated prior to the end of a term shall be promptly filled by the NPTEC so that a full Gaming Commission may serve on a continual basis. However, a 90-day temporary vacancy on the Gaming Commission shall not mean the Gaming Commission cannot conduct business; business can be conducted with a quorum of two members present during a 90-day temporary vacancy.
- G. The Gaming Commission shall elect among themselves the offices of President, Vice President, and Secretary Treasurer. Elections for such offices shall be conducted each year, within two (2) weeks after the NPTEC Gaming Commission member appointment is made.
- H. The Gaming Commission shall be independent of, and act independently and autonomously from, the NPTEC regarding all matters within the Gaming Commission’s purview. No prior or subsequent review by the NPTEC of any Gaming Commission actions shall be required or permitted, except as otherwise explicitly provided in this Gaming Ordinance.



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- I. Current and former Gaming Commission members shall keep confidential all information and communications relating to Licensing decisions, except that confidential information or communications related to Licensing decisions may be released to law enforcement to further a law enforcement investigation or to otherwise comply with the law.

**Section 6.20.008 Powers and Duties of the Nez Perce Tribal Gaming Commission and of the Nez Perce Tribal Executive Committee**

- A. Gaming Commission powers and duties shall include:
1. the inspection of Gaming Facility premises subject to the Gaming Commission's regulation and oversight;
  2. the safeguarding and regulation by civil fines and other actions as specified in this Gaming Ordinance;
  3. the issuance of Licenses when such are required by this Gaming Ordinance and in accordance with this Gaming Ordinance;
  4. the denial or revocation of Licenses when the results of a thorough and objective investigation by the Gaming Commission indicates that such action is appropriate and in accordance with this Gaming Ordinance;
  5. the formulation and promulgation of rules and regulations, which shall govern in detail the issuance and the denial or revocation of Licenses and License fee amounts;
  6. ensuring the proper record keeping of gambling proceeds by the Nez Perce Tribal Enterprises of Licenses and of Gaming activities, subject to the Gaming Commission's regulation and oversight, on the Tribe's Indian Lands subject to the provisions of the Bank Secrecy Act, C.F.R. Title 12, Banks and Banking, or to C.F.R. Title 31, Money and Finance, or to any other applicable requirement of the U.S. Internal Revenue Service;
  7. ensuring the review of appropriate records for Licensees at least every three (3) years (appropriate records are those records directly related to determining a Licensee's suitability to hold a License);
  8. conducting annual, independent audits of all Class II and Class III Gaming Operations on the Tribe's Indian Lands and submitting the results of those audits to the NIGC within one hundred twenty (120) days after the end of each fiscal year of the Gaming Operation. All Gaming related contracts that result in the purchase of supplies, services, or concessions worth \$25,000.00 or more in any year (except contracts for professional legal and accounting services) shall be specifically included within the scope of audits conducted under this Gaming Ordinance. Audits shall conform to generally-accepted auditing standards.

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9. ensuring that each Gaming Facility, subject to the Gaming Commission's regulation and oversight, shall be constructed, maintained, and otherwise operated in a manner that adequately protects the environment and the health and safety of the public; and
  10. conducting background investigations and eligibility and suitability determinations of potential Key Employees and Primary Management Officials at least as stringent as those found in 25 C.F.R. §§ 556 and 558.
- B. The NPTEC's direct and delegated powers and duties shall include:
1. determining who hires and supervises the Gaming Commission Director;
  2. to set the maximum hours and hourly compensation for Gaming Commission members;
  3. any Gaming Commission member may be removed by the NPTEC for cause, including for neglect of duty, for failure to recuse themselves in cases of conflicts of interest, for gross misconduct, or for any offense listed in the Nez Perce Tribal Code;
  4. the Chairman or Vice Chairman of the NPTEC's Law & Order Subcommittee shall be appointed by the NPTEC to act as the Gaming Commission for purposes of making the eligibility determinations for a License applicant if the Gaming Commission cannot reach a quorum for any reason;
  5. the NPTEC has the sole authority to approve the Gaming Commission budget; and
  6. the NPTEC Chairman shall be the agent for service of any official determination, order, or notice of violation concerning the Tribe.

**PART II. AUTHORIZED GAMBLING ACTIVITIES**

**Section 6.20.009 Class I Gaming**

Class I Gaming may be engaged in by individuals and organizations without restriction and is not subject to the provisions of IGRA or this Gaming Ordinance.

**Section 6.20.010 Class II Gaming**

A. Class II Gaming is defined as:

1. the game of chance commonly known as Bingo or lotto; or
2. non-banking card games that:

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- a. are explicitly authorized, or not explicitly prohibited, by the laws of the State in which they are played and are played at any location in the State; and
  - b. are played in conformity with those laws and regulations (if any) of the State regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games.
- B. Until this Gaming Ordinance is amended by appropriate action of the NPTEC in a manner consistent with the relevant provisions of IGRA, the Tribe shall be the only entity or organization authorized to engage in Class II Gaming on the Tribe's Indian Lands for profit to the exclusion of any other entity, organization, or person. The Tribe may conduct or License Gaming on behalf of bona fide charitable, religious, and non-profit organizations, subject to regulations promulgated by the Gaming Commission and IGRA.

**Section 6.20.011 Class III Gaming**

- A. Class III Gaming means all forms of Gaming that are not Class I or Class II Gaming.
- B. Only the NPTEC shall authorize or conduct any form of Class III Gaming on the Tribe's Indian Lands. The NPTEC shall only authorize any form of Class III Gaming that is:
  - 1. consistent with IGRA;
  - 2. consistent with a Compact for Class III Gaming; and
  - 3. Licensed by the Tribe.
- C. The NPTEC has authorized the Tribe to operate Class III gaming on the Tribe's Indian Lands within the State of Idaho through the 1995 Class III Gaming Compact (amended in 1998 and 2002) between the Nez Perce Tribe and the State of Idaho.
- D. The NPTEC has authorized Idaho State Lottery Terminals to be placed on the Tribe's Indian Lands within the exterior boundaries of the Nez Perce Reservation through the 2008 Class III Gaming Compact between the Nez Perce Tribe and the State of Idaho.
- E. The NPTEC shall enact rules and regulations regarding the Licensing of Class III Games, which shall be consistent with the provisions of IGRA and the laws of the Tribe.

**Section 6.20.012 Gaming Prohibited**

All Gaming on the Tribe's Indian Lands not authorized by this Gaming Ordinance is unlawful and prohibited.

**PART III. GAMING OPERATIONS**

**Section 6.20.013 General Gaming Operation Requirements**

- A. Each Gaming Employee and Primary Management Official, prior to beginning work, shall be required to be Licensed as provided for in this Gaming Ordinance by the Gaming Commission and shall be required to apply to the Gaming Commission for a determination that they:
  - 1. have not been convicted of a felony or an offense related to gambling, fraud, misrepresentation, deception, or drugs for the past ten (10) years;
  - 2. have no prior activities, reputation, habits, or associations affecting their present conduct that would pose a threat to the effective regulation and control of Gaming or that would enhance the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the conduct of Gaming; and
  - 3. have no present interest in the conduct of any Gaming business.
- B. Gaming Commission determinations made in accordance with § 6-20-013(A) shall be confidential unless otherwise required for purposes of the Nez Perce Tribal Enterprises Human Resources Manual, the Nez Perce Tribe's Human Resources Manual, or the requirements of law or regulation.
- C. Gaming Commission members are subject to periodic background investigations, at the discretion of the NPTEC and by the NPTEC, based on any findings brought to the attention of the NPTEC by the internal auditor or background investigator.
- D. Prospective Gaming Employees and Management Contractors shall follow the application procedure for Licenses described in this Gaming Ordinance. No Gaming Employee may accept any gift or thing of value from a contractor, including from any Vendor.
- E. In addition to any provisions of the Nez Perce Tribal Enterprises Human Resources Manual or the Nez Perce Tribe's Human Resources Manual that may be applicable, any Gaming Employee or Gaming Operation shall be required to comply with the provisions of this Gaming Ordinance, the provisions of their contract or terms of employment with the Tribe, if any, and the provisions of applicable federal and state law.
- F. Gaming Operations or Gaming Employees shall provide to the Gaming Commission required reports, audits, and the results of any contract for service or supplies at least quarterly or sooner if required.
- G. Gaming Operations and Gaming Employees shall deposit the proceeds of the Gaming Operation in accordance with applicable federal law and the Nez Perce Tribal Code.

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- H. Gaming Operations and Gaming Employees may request the assistance of the Gaming Commission in obtaining training or instruction for the benefit of a Gaming Operation.
- I. The Gaming Commission may require that any Gaming Operation or Gaming Employee be bonded for a particular amount. Nez Perce Tribal Enterprises will pay for the bonds of the Tribe's Gaming Employees.
- J. The Gaming Commission may recommend to the NPTEC that a particular type of Gaming be operated through a Management Contract. The Management Contract must comply with applicable federal law. The Gaming Commission shall require that the proposed Management Contractor comply with the requirements for Licenses under this Gaming Ordinance. The NPTEC has the sole authority to approve Management Contracts. Any entity that enters into a Management Contract with a Gaming Operation shall be required to submit to a determination as required in § 6-20-013(A).
- K. All Gaming Operations are subject to monitoring and inspection by the Gaming Commission or agents of the Gaming Commission.
- L. The Gaming Commission shall issue regulations, which will control:
  - 1. the possession of firearms in Gaming Facilities.
    - a. the Gaming Commission shall prohibit firearms and weapons of any kind within Gaming Facilities, except when carried by armored car personnel and on-duty law enforcement officers.
  - 2. the security requirements for the Gaming Operations;
  - 3. the posting of rules of play; and
  - 4. rules for the conduct of Gaming, should the Gaming Commission deem that such rules are necessary for the proper conduct of Gaming.
- M. If the NPTEC makes changes to the Gaming Ordinance or enters into or makes changes to any Compact with a State, it shall provide written notice to the Gaming Commission in a reasonably timely manner before such changes take effect.
- N. The Gaming Commission may charge Licensing fees, to be set by the Gaming Commission, to cover the expenses it incurs investigating and Licensing applicants, but the Gaming Commission may not charge a fee more than that approved by the NPTEC for each application for License renewal.
- O. Members of the Gaming Commission and its employees are prohibited from participating in any Class II or III Gaming subject to the Gaming Commission's regulation and oversight.

**Section 6.20.014 Inspection of Premises**

- A. Gaming Facilities shall be subject to inspection and audit at any reasonable time by the Gaming Commission or the Gaming Commission's agents.
- B. The Gaming Commission shall be provided, at such reasonable intervals as the Gaming Commission shall determine, with a report under oath detailing all receipts and disbursements in connection with regulated Gaming Operations together with such other reasonable information as required to determine whether the Gaming Operation is complying with this Gaming Ordinance and other applicable laws or regulations.

**Section 6.20.015 Penalties for Violations**

- A. The Gaming Commission may subject any person or Gaming Operation who violates provisions of this Gaming Ordinance, commits acts of fraud or deceit, or engages in professional gambling to one or more of the following:
  - 1. a letter of warning;
  - 2. a letter of reprimand;
  - 3. a civil fine of up to a maximum of \$500.00 per occurrence, per day; and/or
  - 4. the revocation of License.
- B. The Gaming Commission may refer violations under this Gaming Ordinance to the Tribal Prosecutor for possible civil or criminal prosecution in conformance with the Nez Perce Tribal Code.

**Section 6.20.016 Exclusion of Individuals from Gaming**

- A. Any person may be excluded from a Gaming Facility on the Tribe's Indian Lands for good cause at any time at the discretion of the Gaming Operation. Good cause may include but is not limited to:
  - 1. a person appears to be violating rules or regulations governing Gaming as established by this Gaming Ordinance, the Gaming Commission, the Gaming Operation, or applicable Tribe, federal, or state law;
  - 2. a person, by virtue of their condition or activities, disturbs the peaceful participation of other individuals in Gaming or disrupts the orderly conduct of Gaming;
  - 3. a person, either intentionally or negligently, causes injury or harm to any patron or Gaming Employee or threatens to do so; or
  - 4. a person possesses any illegal narcotics or controlled substances.
- B. A Gaming Operation or its agents may make reasonable inquiries of individuals in the course of determining whether any of the activities defined listed above are occurring.

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- C. A Gaming Operation or its agents who exclude any person pursuant to this section shall not incur any liability, criminal or civil, in Nez Perce Tribal Court as a result of doing so.
- D. Any person who is excluded from Gaming by a Gaming Operation pursuant to this section may pursue the dispute resolution process contained in §6-20-017.

**Section 6.20.017 Non-Licensing Dispute Resolution Process**

- A. The Gaming Commission is authorized to adjudicate disputes that may arise by the Gaming public.
- B. Any person having a dispute with a Gaming Operation may request that the Gaming Operation's Gaming manager resolve the dispute. If dissatisfied with the result, the person may request a hearing with the Gaming Commission. Such a hearing shall be held within thirty (30) days of receipt of a written request from the grievant. A decision shall be issued by the Gaming Commission at the hearing or within fourteen (14) days of the hearing.

**PART IV. INDIVIDUAL LICENSES**

**Section 6.20.018 Applications for Key Employee and Primary Management Official Positions**

- A. Applications for Key Employee and Primary Management Official positions shall be submitted to the Gaming Commission for Licensing and background investigations.
- B. The following notice shall be placed on the Gaming Commission's License application form for a Key Employee or a Primary Management Official before that form it is filled out by an applicant:

*In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. §§ 2701 et. seq. The purpose of the requested information is to determine the eligibility of individuals to be granted a gaming license. The information will be used by the Tribal gaming regulatory authorities and by the NIGC members and staff who have need for the information in the performance of their official duties. The information may be disclosed by the Tribe or the NIGC to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal, or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the NIGC in connection with the issuance, denial, or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe being unable to license you for a Primary Management Official or Key Employee position.*

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

- C. The following additional notice shall be placed on the application form for a Key Employee or Primary Management Official before it is filled out by an applicant:

*A false statement on any part of your license application may be grounds for denying a license or the suspension or revocation of a license. Also, you may be punished by fine or imprisonment (U.S. Code, Title 18, Section 1001).*

- D. Existing Key Employees and Primary Management Officials shall be notified in writing that they shall either:
1. complete a new application form that contains the Privacy Act notices provided in § 6-20-018(B) and (C); or
  2. sign a statement that contains the Privacy Act notices provided in § 6-20-018(B) and (C) and consent to the routine uses described in that notice.

**Section 6.20.019 Background Investigations**

- A. The Gaming Commission shall perform a background investigation for each prospective or current Primary Management Official and Key Employee in a Gaming Operation sufficient to make an eligibility determination under § 6-20-021. The background investigation shall include the following:
1. a check of criminal history records information maintained by the Federal Bureau of Investigations;
  2. the Gaming Commission shall request from each prospective or current Primary Management Official and Key Employee all of the following information:
    - a. full name, other names used (oral or written), social security number, birth date, place of birth, citizenship, gender, and all languages (spoken and/or written);
    - b. currently, and for the previous five (5) years, business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license numbers;
    - c. the names and current addresses of at least three (3) personal references, including one personal reference who was acquainted with the applicant during each period of residence listed above under § 6-20-019(A)(2)(b);
    - d. current business and residence telephone numbers and all cell phone numbers;



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- e. a description of any existing and previous business relationships with other tribes, including ownership interests in those businesses;
  - f. a description of any existing and previous business relationships with the Gaming industry generally, including ownership interests in those businesses;
  - g. the name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to Gaming, whether or not such license or permit was granted;
  - h. for each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved and the date of disposition, if any;
  - i. for each misdemeanor for which there is an ongoing prosecution or a conviction (excluding minor traffic violations) within ten (10) years of the date of the application, the name and address of the court involved and the date of disposition, if any;
  - j. for each criminal charge (excluding minor traffic violations), whether or not there is a conviction, if such criminal charge is within ten (10) years of the date of the application, and is not otherwise listed pursuant to § 6-20-019(A)(2)(h) or § 6-20-019(A)(2)(i) of this section, the criminal charge, the name and address of the court involved, and the date of disposition, if any;
  - k. the name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
  - l. a photograph;
  - m. any other information the Tribe deems relevant; and
  - n. fingerprints obtained in accordance with procedures adopted by the Tribe; the law enforcement agency designated to take fingerprints is the Tribe's Police Department.
3. Nez Perce Tribal Enterprises Human Resources shall provide a written statement to the background investigator stating that three (3) personal references and three (3) employment checks were performed, stating that no problems were discovered, or stating the details of any problems discovered; and
  4. Nez Perce Tribal Enterprises Human Resources shall provide the Gaming Commission with employee action reports for Key Employees and Primary Management Officials, including employee action reports

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for new hires, terminations, and transfers. Such employee action reports shall include the employee's name and new position and shall be sent to the Gaming Commission within one (1) week of the employee action.

- B. The Gaming Commission shall provide the results of all background investigations in an investigation report. Background investigation reports shall include the following information:
  - 1. steps taken in conducting the background investigation;
  - 2. results obtained;
  - 3. conclusions reached; and
  - 4. the basis for those conclusions.
- C. Unless extraordinary circumstances apply, the Gaming Commission shall require, for a tri annual background investigation of an employee already issued a License, information regarding only the previous License term.

**Section 6.20.020 Procedures for Background Investigations**

- A. A background investigator shall not conduct the background investigation for a License applicant if that background investigator has a conflict or the appearance of a conflict, including the following:
  - 1. the background investigator has applied for the same position held or sought by a particular License applicant; or
  - 2. the background investigator is considered a "close relative" of a License applicant, as defined in the Nez Perce Tribal Enterprises Human Resources Manual.
- B. The background investigator shall conduct the initial investigation by:
  - 1. verifying written or oral information submitted by the applicant;
  - 2. inquiring into the applicant's prior activities, criminal record if any, reputation, habits, and associations;
  - 3. interviewing a sufficient number of knowledgeable people, such as former employers, personal references, and others to whom referred; and
  - 4. documenting all potential problem areas noted and disqualifying information obtained.
- C. The background investigator shall use the employment and personal reference checks conducted by Nez Perce Tribal Enterprises Human Resources.

- D. The Gaming Commission and its background investigators shall keep confidential the identity of each person interviewed in the course of conducting a background investigation.
- E. The Gaming Commission shall send to the NIGC the names and fingerprint cards for those Licensees or applicants who require a Federal Bureau of Investigations criminal background check, with the appropriate funds to cover the costs of such inquiry. Completed fingerprint cards will be returned to the Gaming Commission and placed in the applicant's confidential background file.
- F. Information obtained from NIGC as a result of Federal Bureau of Investigations criminal background checks shall be reviewed only by the Gaming Commission and the background investigator. No further dissemination of this information is authorized; and, in fact, the Gaming Commission is subject to the restrictions set forth in a Tribe's Memorandum of Understanding with NIGC dated September 9, 2021.

#### **Section 6.20.021 Eligibility Determination**

Before a License is issued to a Primary Management Official or Key Employee, the Gaming Commission shall make a finding, concerning the eligibility of that person for receiving a License by reviewing the applicant's prior activities, criminal record, if any, reputation, habits, and associations, and the information received from NIGC resulting from the Federal Bureau of Investigations fingerprint check.

#### **Section 6.20.022 Notice of Results**

- A. Before issuing a three (3)-year permanent License to a Primary Management Official or Key Employee, the Gaming Commission shall prepare a Notice of Results of the applicant's background investigation to submit to the NIGC. The Notice of Results shall include the following information:
  - 1. the applicant's name, date of birth, and social security number (if available);
  - 2. the date on which the applicant began, or will begin, working as a Primary Management Official or Key Employee;
  - 3. a summary of the information presented in the investigation report, including:
    - a. licenses, whether issued by the Gaming Commission or another entity, that have previously been denied;
    - b. licenses, whether issued by the Gaming Commission or another entity, that have been revoked, even if subsequently reinstated;
    - c. every known criminal charge brought against the applicant within the last ten (10) years of the date of the application; and

- d. every felony offense of which the applicant has been convicted or any ongoing felony prosecution.
- 4. a copy of the eligibility determination made in accordance with this section.
- B. The Notice of Results must be submitted to the NIGC no later than sixty (60) days after the applicant begins working. A response from NIGC shall be requested by the Gaming Commission within thirty (30) days of receipt of the Gaming Commission's Notice of Results.

**Section 6.20.023 Issuing and Revoking Primary Management Official and Key Employee Licenses**

- A. The Gaming Commission is authorized to issue and revoke ninety (90)-day temporary Licenses, three (3)-year permanent Licenses, and conditional Licenses not to exceed one (1) year.
  - 1. Gaming Commission members are authorized to sign issued Licenses; and
  - 2. the Gaming Commission may revoke a ninety (90)-day temporary License, a three (3)-year permanent License, or a conditional License not to exceed one (1) year at any time.
    - a. all revocations are subject to the appeal process set forth in §6-20-025; and
    - b. when the Gaming Commission revokes a previously issued three (3)-year permanent License or conditional License, it shall notify the NIGC and forward copies of its License Revocation Decision and Notice of Results of the applicant's background investigation to the NIGC for inclusion in the Indian Gaming Individuals Record System.
- B. All Primary Management Officials and Key Employees of a Gaming Operation must have a valid License issued by the Gaming Commission prior to beginning work.
- C. Issuing ninety (90)-day temporary Licenses:
  - 1. the Gaming Commission may issue a ninety (90)-day temporary License for a Gaming Operation or Gaming Employee based on a Nez Perce Tribal Enterprises Human Resources review and approval of a completed employee application.
    - a. the Gaming Commission Director has the authority to sign ninety (90)-day temporary Licenses on behalf of Gaming Commission members, if Gaming Commission members are not available and only after efforts are made and documented to locate them; and

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- b. Gaming Operations shall not employ an individual in a Primary Management Official or Key Employee position after ninety (90) days of beginning work at the Gaming Operation who does not have a three (3)-year permanent License or a conditional License not to exceed one (1) year.
- D. Issuing three (3)-year permanent Licenses and conditional Licenses not to exceed one (1) year:
- 1. before issuing a three (3)-year permanent License or a conditional License not to exceed one (1) year to a Primary Management Official or Key Employee applicant, the Gaming Commission must submit a Notice of Results, in accordance with §6-20-022, to NIGC. A Notice of Results must be submitted to NIGC no later than sixty (60) days after the applicant begins work.
  - 2. Gaming Commission actions based on NIGC's response to a Notice of Results:
    - a. objections made by NIGC prior to the Gaming Commission issuing a three (3)-year permanent License or conditional License not to exceed one (1) year:
      - i. if the Gaming Commission receives from NIGC a statement of itemized objections to the issuance of a License within thirty (30) days of NIGC receiving the Gaming Commission's Notice of Results for the applicant, the Gaming Commission must reconsider the License application for a Primary Management Official or Key Employee, taking into account the objections itemized by the NIGC; or
      - ii. if the Gaming Commission receives from NIGC a request for additional information within thirty (30) days of NIGC receiving the Gaming Commission's Notice of Results for the applicant, the Gaming Commission shall respond to the request. Such a request from NIGC shall suspend the thirty (30) day period under the preceding paragraph, §6-20-023(D)(2)(a)(i), until the Chairman of NIGC receives the additional information from the Gaming Commission.
    - b. objections made by NIGC after the Gaming Commission has issued a three (3)-year permanent License or conditional License not to exceed one (1) year:
      - i. if, after the Gaming Commission has issued a License to a Primary Management Official or Key Employee, the NIGC notifies that Tribe that it has received reliable information indicating that the Licensee is not eligible for

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employment, in accordance with 25 C.F.R. § 558.4 and 25 C.F.R. § 556.5, the Gaming Commission shall immediately, upon receipt of such notification, suspend such License and provide the Licensee with written notice of the suspension and its proposed revocation of the License. The Gaming Commission shall then follow the procedures set out in §6-20-025.

- E. Issuing conditional Licenses not to exceed one (1) year:
1. the Gaming Commission may issue a conditional License not to exceed one (1) year when an applicant does not meet the standards required of Licensees outlined in the Nez Perce Tribal Code, this Gaming Ordinance, a Compact, or the regulations promulgated by the Gaming Commission; and
  2. conditional Licenses not to exceed one (1) year are not renewable.
- F. Renewing three (3)-year permanent Licenses:
1. the Gaming Commission shall renew a three (3)-year permanent License following a satisfactory criminal background investigation for the preceding License period. Only when extraordinary circumstances warrant an additional background investigation shall the Gaming Commission's background investigation inquire into an applicant's activities earlier than the previous License period. This section does not relieve a Licensee of the obligation and responsibility of providing required updated information to the background investigator, such as:
    - a. criminal charges, convictions; and
    - b. status changes, new addresses.
- G. The Gaming Commission shall notify NIGC within thirty (30) days of the issuance of a three (3)-year permanent License, renewal of a three (3)-year permanent License, or issuance of a conditional License not to exceed one (1) year.

**Section 6.20.024 Denying Primary Management Official and Key Employee Gaming Licenses**

- A. The Gaming Commission is authorized to deny ninety (90)-day temporary Licenses, three (3)-year permanent Licenses, and conditional Licenses not to exceed one (1) year.
- B. The Gaming Commission shall not License a Primary Management Official or Key Employee if the Gaming Commission determines, in applying the standards for making a License eligibility determination, that Licensing the person:
1. poses a threat to the public interest;

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2. poses a threat to the effective regulation of Gaming; or
  3. creates or enhances the dangers of unsuitable, unfair, or illegal practices, methods and/or activities in the conduct of Gaming.
- C. When the Gaming Commission does not issue or denies a three (3)-year permanent License or a conditional License not to exceed one (1) year to an applicant for a Primary Management Official or Key Employee position it shall:
1. notify the NIGC;
  2. notify the applicant; and
  3. forward copies of its eligibility determination and Notice of Results of the applicant's background investigation to the NIGC for inclusion in the Indian Gaming Individuals Record System.

**Section 6.20.025 Notice and Appeal of Decisions of the Nez Perce Tribal Gaming Commission**

- A. This section applies to all Vendor Licenses and Gaming Facility Licenses the Gaming Commission has denied or revoked and all individual Licenses the Gaming Commission has denied, suspended and proposed for revocation under 25 C.F.R. § 558.4 and 25 C.F.R. § 556.5, or revoked.
- B. If the Gaming Commission denies a License, suspends and proposes revocation of a License previously granted, or revokes a License previously granted, the Gaming Commission shall do so in writing, outlining the reasons for such decision, and deliver such written notice to the person.
- C. If the Gaming Commission denies or revokes a License, the License applicant or former Licensee has five (5) days from the date they receive the Gaming Commission's notice of denial or revocation to submit a written request for a hearing before the Gaming Commission. If the License applicant or former Licensee requests a hearing before the Gaming Commission within the five (5)-day period, the Gaming Commission shall notify the Licensee in writing of a time and place for a hearing on the denial or revocation of the License.
- D. If the Gaming Commission proposed revocation of a License based on notice from NIGC that the Licensee is not eligible for employment, in accordance with 25 C.F.R. § 558.4 and 25 C.F.R. § 556.5, the Gaming Commission shall automatically schedule a hearing and notify the Licensee in writing of the time and place for the hearing on the proposed License revocation.
- E. The Gaming Commission shall schedule hearings as soon as practicable.
- F. The Gaming Commission shall provide to all persons for whom a hearing has been scheduled, upon their written request, full disclosure of all information and evidence that forms the basis for the hearing.

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- G. The Gaming Commission shall provide a copy of the Gaming Commission's hearing procedures to all persons for whom a hearing has been scheduled.
- H. Both the Gaming Commission and the person whose License application, License, or former License are at issue in the hearing may submit evidence.
- I. After a hearing, the Gaming Commission shall decide in writing whether to issue, revoke, or reinstate the License at issue. The Gaming Commission shall notify the Licensee by certified mail, return receipt requested, of their decision within fourteen (14) days following the hearing.
  - 1. The Gaming Commission shall notify the NIGC of its decision revoke or reinstate a License proposed for revocation within forty-five (45) days of receiving notification from the NIGC, in accordance with 25 C.F.R. § 558.4 and 25 C.F.R. § 556.5, that the Licensee is not eligible for employment.
- J. If the License applicant, Licensee, or former Licensee does not receive written notice of a Gaming Commission decision by certified mail, return receipt requested, within fourteen (14) days of the revocation hearing, the person may immediately file notice in the Nez Perce Tribal Court for an order requiring the Gaming Commission to issue a 90-day temporary License to work pending a rehearing on the matter.
- K. If the License applicant, Licensee, or former Licensee is dissatisfied with the decision issued by the Gaming Commission, they may appeal the Gaming Commission's decision to the Nez Perce Tribal Court within thirty (30) days of the Gaming Commission's written decision. Their appeal to the Nez Perce Tribal Court shall be only on the hearing record and shall not be heard de novo. If Nez Perce Tribal Court finds that the order of the Gaming Commission was issued arbitrarily and capriciously, clearly erroneously, in violation of the Tribe's Constitution or the constitutional rights of Indians (25 U.S.C. §§ 1301 1303), made upon unlawful procedure, or there was some other clear error of law, the Court shall vacate the same and remand. Otherwise, the decision of the Gaming Commission shall be upheld. If the former Licensee is dissatisfied with the decision issued by the Nez Perce Tribal Court, they may appeal to the Nez Perce Court of Appeals, in accordance with the Nez Perce Tribal Code.

**Section 6.20.026 Records Retention**

- A. When a Primary Management Official or Key Employee is employed by the Tribe, a complete application file, containing all the information listed in section §6-20-019(A), shall be maintained by the Gaming Commission.
- B. The Gaming Commission shall retain, for no less than three (3) years from the date a Primary Management Official or Key Employee is terminated from employment, the following documentation:



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1. applications for Licensing;
2. investigation reports; and
3. eligibility determinations.

**PART V. GAMING FACILITY LICENSES**

**Section 6.20.027 Licenses for Gaming Facilities**

- A. The Gaming Commission shall issue a separate Gaming Facility License to each place, facility, or location on the Tribe's Indian Lands where Class II or Class III Gaming is conducted under this Gaming Ordinance.
- B. The Gaming Commission shall submit to the NIGC Chair a notice that issuance of a Gaming Facility License is under consideration by the Gaming Commission. This notice must be submitted at least one hundred twenty (120) days before the opening of any new Gaming Facility on the Tribe's Indian Lands where Class II or Class III Gaming will occur.
  1. The notice must contain the following:
    - a. a legal description of the property;
    - b. the tract number for the property as assigned by the Bureau of Indian Affairs, Land Title Records Offices, if any;
    - c. if not maintained by the Bureau of Indian Affairs, a copy of the trust or other deed(s) to the property or an explanation as to why such documentation does not exist; and
    - d. if not maintained by the Bureau of Indian Affairs, Department of the Interior, documentation of property ownership.
- C. The Gaming Commission does not need to submit to the NIGC Chair a notice that a Facility License is under consideration for issuance for occasional charitable events lasting not more than one week.
- D. The Gaming Commission may request an expedited review of sixty (60) days and the NIGC Chair shall respond to the Tribe's request, either granting or denying the expedited review, within thirty (30) days.
- E. The Gaming Commission shall only issue a Gaming Facility License if the application includes the required information and documentation and sufficiently satisfies any additional conditions deemed necessary by the Tribe.
- F. Gaming Commission members are authorized to sign issued Licenses.
- G. The Gaming Commission shall submit a copy of each newly issued or renewed Gaming Facility License to the NIGC Chair within thirty (30) days of issuance, along with any other required documentation.
- H. The Gaming Commission may revoke a Gaming Facility License at any time.

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- I. The Gaming Commission shall notify the NIGC Chair within thirty (30) days if a Gaming Facility License is revoked or expires or if a Gaming Facility closes or reopens.
- J. All denials and revocations of Gaming Facility Licenses are subject to the appeal process set forth in §6-20-025.

**PART VI. VENDOR LICENSES**

**Section 6.20.028 Licenses for Vendors**

- A. Vendors of Gaming services or supplies, with a value of \$25,000 or more annually, must have a Vendor License from the Gaming Commission to transact business with a Gaming Operation. Contracts for professional legal and accounting services are excluded from this section.
- B. Gaming Commission members are authorized to sign issued Vendor Licenses.
- C. The Gaming Commission may revoke a Vendor License at any time.
- D. All denials and revocations of Vendor Licenses are subject to the appeal process set forth in §6-20-025.

**Section 6.20.029 Submission of a Vendor License Application**

To obtain a Vendor License, the business must complete a Vendor application and submit to background investigations of itself and its principles. Principles of a business include those officers, directors, managers, owners, and non-institutional stockholders that either own 10% or more of the business' stock or are the 10 largest stockholders, as well as the on-site supervisors or managers designated in an agreement with the Tribe, if applicable.

**Section 6.20.030 Contents of the Vendor License Application**

- A. Applications for Vendor Licenses must include the following:
  - 1. name of business;
  - 2. any other names used by the applicant in business;
  - 3. business address;
  - 4. main office address (if different from business address);
  - 5. business phone number(s);
  - 6. federal tax identification number (or social security number if sole proprietorship);
  - 7. type of services applicant will provide;
  - 8. whether applicant is a partnership, corporation, limited liability company, sole proprietorship, or other entity;

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9. if the applicant is a corporation, the state of incorporation, and the applicant's qualification to do business in the state of the Gaming Operation, if the Gaming Operation is in a different state than the corporation's state of incorporation;
  10. trade name, other names ever used and names of any wholly-owned subsidiaries or other businesses owned by the Vendor or its principals;
  11. general description of the business and its activities;
  12. whether the applicant will be investing in, or loaning money to, the Gaming Operation, and, if so, how much;
  13. description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
  14. a list of Indian tribes with which the Vendor has an existing or previous business relationship, including ownership, financial, or management interests in any non-Gaming activity;
  15. names, address, and telephone numbers or three (3) business references with whom the company has regularly done business for the past five (5) years;
  16. the name and address of any licensing or regulatory agency with which the business has filed an application for a license or permit related to Gaming, whether or not such license or permit was granted;
  17. if the business has ever had a license revoked for any reason and the circumstances involved;
  18. a list of lawsuits to which the business has been a defendant, including the name and address of the court involved, and the date and disposition, if any;
  19. a list of the business' funding sources and liabilities of \$50,000 or more;
  20. a list of the principals of the business, their social security numbers, addresses, telephone numbers, titles, and percentage of ownership in the company; and
  21. any further information the Tribe deems relevant.
- B. The following notice shall be placed on the application form for a Vendor and its principals:
- Inclusion of false or misleading information in the Vendor application may be grounds for denial or revocation of the Tribe's Vendor License.*
- C. A Vendor may submit to the Gaming Commission a copy of a recent license application to another jurisdiction if it contains the information listed above.

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The Vendor will be required to submit, in writing, any changes in the information contained in the other license application as well as any additional information requested by the Tribe.

**Section 6.20.031 Vendor Background Investigations**

- A. The Gaming Commission shall employ, or otherwise engage, an investigator to complete a background investigation of a Vendor. This background investigation shall include, at minimum, the following steps:
1. verification of the Vendor business' incorporation status and qualifications to do business in the state where the Gaming Operation is located;
  2. obtaining a business credit report, if available, and conducting a Better Business Bureau check of the Vendor;
  3. conducting a check of the Vendor business' credit history;
  4. calling and questioning each of the references listed in the Vendor application; and
  5. investigating the principals of the Vendor's business, including facilitating a criminal history check, obtaining criminal history check results, obtaining a credit report, and interviewing the personal references listed.

**Section 6.20.032 Vendor Background Investigation Reports**

The investigator shall complete a background investigation report covering each of the steps taken in the background investigation of the Vendor and the Vendor's principals and shall present the background investigation report to the Gaming Commission.

**Section 6.20.033 Vendors Licensed By Recognized Regulatory Authorities**

The Gaming Commission may adopt regulations authorizing exemptions to the Vendor Licensing process for Vendors who have received licenses from specific licensing authorities recognized, and named, by the Gaming Commission.

**Section 6.20.034 Compliance with Federal Law**

The Tribe shall comply with all applicable federal laws, including the Bank Security Act, 31 U.S.C. § 5311 *et. seq.*

RESOLUTION

WHEREAS, the Nez Perce Tribal Executive Committee has been empowered to act for and on behalf of the Nez Perce Tribe, pursuant to the Revised Constitution and By-Laws, adopted by the General Council of the Nez Perce Tribe, on May 6, 1961 and approved by the Acting Commissioner of Indian Affairs on June 27, 1961; and

WHEREAS, the Nez Perce Tribe (Tribe) is a federally recognized Indian Tribe that provides essential governmental services on and adjacent to the Nez Perce Reservation; and

WHEREAS, the Nez Perce Tribal Executive Committee ("NPTEC") has the responsibility under the Tribal Constitution to "promulgate and enforce ordinances governing the conduct of all persons and activities within the boundaries of the Nez Perce Reservation..."; and

WHEREAS, there is need to amend Chapter 6-2 Gaming Ordinance, Title 6 Intergovernmental Rules and Regulations, of the Nez Perce Tribal revised Code (NPTrC) to comply with the requirements of the National Indian Gaming Commission and federal law and to include other changes deemed necessary by the NPTEC; and;

WHEREAS, the proposed amendments to Chapter 6-2 Gaming Ordinance were posted for public comment on April 12, 2023, with a comment period exceeding the fifteen (15) business day minimum required by NPTrC Chapter 1-4; and

WHEREAS, the Office of Legal Counsel held a Gaming Code Workshop on August 21, 2023, to receive additional comments and answer questions from NPTEC members and Nez Perce Tribe staff; and

WHEREAS, the NPTEC has considered those comments received regarding amendment of Chapter 6-2 Gaming Ordinance of the NPTrC.

NOW, THEREFORE, BE IT RESOLVED, the NPTEC hereby approves the amendment to the NPTrC Nez Perce Tribal Code Chapter 6, Chapter 6-2 Gaming Ordinance; and

BE IT FINALLY RESOLVED that the NPTEC Chairman and Secretary are hereby authorized to sign all necessary correspondence and the NPTEC Treasurer is authorized to disburse funds accordingly.

CERTIFICATION

The foregoing resolution was duly adopted by the Nez Perce Tribal Executive Committee meeting in Special Session, September 26, 2023 in the Richard A. Halfmoon Council Chambers Lapwai, Idaho, and a quorum of its Members being present and voting.

BY: *Rachel P. Edwards*  
Rachel P. Edwards, Secretary

ATTEST:

*Shannon F. Wheeler*  
Shannon F. Wheeler, Chairman