DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

October 28, 1994.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Amendment to Approved Tribal-State Compact.

SUMMARY: Pursuant to 25 U.S.C. § 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100-497), the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Amendments to Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary-Indian Affairs, Department of the Interior, through her delegated authority, has approved the Amendment to the Tribal-State Compact Between the Mississippi Band of Choctaw Indians and the State of Mississippi, which was executed on August 26, 1994.

DATES: This action is effective upon date of publication.

FOR FURTHER INFORMATION CONTACT: Larry Scrivner, Acting Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, D.C. 20240 (202) 219-4068.

Dated: October 28, 1994.

Ada E. Deer,

Assistant Secretary, Indian Affairs.

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United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

TAKE PRIDE IN AMERICA

OCT 28 1994

Honorable Phillip Martin
Tribal Chief
Mississippi Band of Choctaw Indians
P.O. Box 6010 - Choctaw Branch
Philadelphia, Mississippi 39350

Dear Chief Martin:

On September 13, 1994, we received the Amendment to the Tribal-State Compact for Regulation of Class III Gaming between the Mississippi Band of Choctaw Indians (Tribe) and the State of Mississippi (State), dated August 26, 1994. We have completed our review of this Amendment and conclude that it does not violate the Indian Gaming Regulatory Act of 1988 (IGRA), Federal law, or our trust responsibility. Therefore, pursuant to my delegated authority and Section 11 of the IGRA, we approve the Amendment. The Amendment shall take effect when the notice of our approval, pursuant to Section 11 (d)(3)(B) of IGRA, 25 U.S.C. § 2710(d)(3)(B), is published in the FEDERAL REGISTER.

Notwithstanding our approval of the Amendment, Section 11(d)(1) of the IGRA, 25 U.S.C. § 2710(d)(1), requires that tribal gaming ordinances be approved by the Chairman of the National Indian Gaming Commission (NIGC). Regulations governing approval of Class II and Class III gaming ordinances are found in 25 C.F.R. §§ 501.1-577.15 (1994). Pursuant to the IGRA and the regulations, even previously existing gaming ordinances must be submitted to the NIGC for approval when requested by the Chairman. The Tribe may want to contact the NIGC at (202) 632-7003 for further information to determine when and how to submit the ordinance for approval by the NIGC.

In addition, if the Tribe enters into a management contract for the operation and management of the Tribe's gaming facility, the contract must likewise be submitted to, and approved by the Chairman of the NIGC pursuant to Section 11(d)(9) of the IGRA, 25 U.S.C. § 2710(d)(9) and the NIGC's regulations

governing management contracts. The Tribe may want to contact the NIGC for information on submitting the ordinance and the management contract for approval by the NIGC.

We wish the Tribe and the State success in their economic venture.

Sincerely,

Ada E. Deer

Ada E. Deer
Assistant Secretary - Indian Affairs

Enclosures

Identical letter sent to: Honorable Kirk Fordice
Governor of Mississippi
P.O. Box 139
Jackson, Mississippi 39205

AMENDMENT TO TRIBAL STATE COMPACT

WHEREAS, on the 4th Day of December 1992, the Mississippi Band of Choctaw Indians ("Tribe") and the State of Mississippi ("State") entered into a Tribal-State Compact ("Compact") for the regulation of Class III gaming on the Choctaw Indian Reservation, and,

WHEREAS, Section 16 of the Compact provides for amendments and by letter dated April 14, 1994 and duly delivered unto the Honorable Kirk Fordice ("Governor") under the provisions of the Compact for same, the "Tribe" requested that certain technical amendments be made, and,

WHEREAS, the Governor has given careful review and consideration to the requested amendments, and being fully advised in the premises, has found that the requested amendments are lawful reasonable, appropriate, and within the recognized public policy of the "State".

IT IS THEREFORE, mutually agreed that the Compact be amended for the sections as follows and that the language as set forth in this amendment be substituted for that of the present Compact subject to the terms and conditions of Section 16 thereof.

6.3 - Reporting of Violations.

A Choctaw Gaming Commission inspector shall make inspections of the gaming operation on a daily basis and shall have immediate access to any and all areas of the Class III Gaming Operation for the purpose of ensuring compliance with the provisions of this Compact and Tribal Ordinances. Any violation(s) of the provisions of this Compact, or of Tribal Gaming Ordinances by a management contractor, a Gaming employee, or any person on the Casino premises whether or not associated with the Tribal Gaming operation shall be reported immediately to the Choctaw Gaming Commission. The Choctaw Gaming Commission shall forward copies of all completed investigation reports and final dispositions to the Mississippi Gaming Commission on a continuing basis. If requested by the Choctaw Gaming Commission, the Mississippi Gaming Commission shall assist in any investigation initiated by the Choctaw Gaming Commission, and provide other requested services to ensure proper compliance with the provisions of this Compact, Tribal Gaming Ordinances, laws of the Tribe, or applicable federal laws.

8.3 - Application Process for Class III Gaming Licenses; Background Investigations

(1) The Choctaw Gaming Commission shall require all applicants for Class III Gaming licenses (entities proposing to enter into Class III Gaming management contracts and management officials and key employees) to pay a non-refundable application fee in an amount to be determined by the Choctaw Gaming

Commission and to complete an application form containing sufficient information to allow a background investigation of the applicant, including without limitation all information required by regulations promulgated pursuant to the IGRA. The Choctaw Gaming Commission shall send a copy of the completed applications to the Mississippi Gaming Commission and the National Indian Gaming Commission. If the Choctaw Gaming Commission determines that investigative costs shall exceed the application fee, the Choctaw Gaming Commission shall notify the applicant in writing of the estimated costs to be incurred by the Choctaw Gaming Commission in performing or causing to be performed a background investigations, and the applicant must pay such estimated costs to the Choctaw Gaming Commission prior to the Choctaw Gaming Commission processing the application.

8.8 - Employee Gaming

Persons holding a work permit or license from the Choctaw Gaming Commission in connection with Class III Gaming or who are employed by any of the Tribe's supplies of gaming equipment may be permitted to participate in Tribal Class III gaming under such regulations as may be promulgated by the Choctaw Gaming Commission. Any regulations promulgated by the Choctaw Gaming Commission shall contain at a minimum, the following criteria:

1. No person licensed as an owner, director, officer, management official or party in interest of any management contractor shall play or be permitted to play, either directly or indirectly through another person, any gambling game, including slot machines in the casino.

2. All internal audit and accounting department personnel are prohibited from gambling in the Casino.

3. Casino employees that are employed in a gaming area (i.e. pit games, keno, bingo and slots, with the exception of slot change personnel), are prohibited from gaming in their gaming area. They may gamble in any other gaming areas.

4. All other employees that are considered to have a conflict of interest as determined by the management contractor or the Choctaw Gaming Commission are prohibited from gambling in games where the conflict occurs.

5. Casino employees are not allowed to gamble during working time. Casino Employees may gamble when they are off duty and not dressed in their working attire.

In all other respects the Compact shall remain in full force and effect according to its terms and tenor.

So executed on this the 26th day of August, 1994.

STATE OF MISSISSIPPI

Kirk Fordice - Governor

APPROVED:

ASSISTANT SECRETARY - INDIAN AFFAIRS

Ada E. Deer

Date: OCT 28 1994

MISSISSIPPI BAND OF CHOCTAW INDIANS

Phillip Martin - Chief

Frank Steve - Secretary / Treasurer