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CROW TRIBE
GAMING ORDINANCE

Section 1. Title.

This Ordinance shall be known as the Crow Indian Tribe of Montana Gaming Ordinance.

Section 2. Findings.

The Tribal Council of the Crow Indian Tribe, finds that:

A. The Crow Tribe has the exclusive authority to regulate Class I and II gaming activities on Indian lands as defined at 25 U.S.C. § 2703(4)(b) within the State of Montana; and

B. The Crow Tribe is authorized to operate, license and regulate Class III gaming on Indian Lands, as defined at 25 U.S.C. § 2703 (4) (b) within the State of Montana, provided it has entered into, and operates Class III gaming consistent with, a compact entered into between the Tribe and the State of Montana; and

C. it is essential to the health, safety and general welfare of the Crow Tribe and the visitors to Crow Reservation that standards and regulations be promulgated to govern the conduct of gaming activities on Crow Indian lands.

Section 3. Purposes.

The purposes of this Gaming Ordinance are to:

A. Provide standards and regulations governing the conduct of gaming activities on Crow Indian lands;

B. Promote tribal economic development;

C. Enhance employment opportunities for tribal members;

D. Strengthen the economy of the Crow Tribe; and

E. Generate revenue for use in improving the health, education and general welfare of enrolled members of the Crow Tribe.

I. General Provisions

Section 4. Definitions.

1. "Act" or "I.G.R.A." means the Indian Gaming Regulatory Act, 25 U.S.C. § 2701 et seq.
2. "Banking Card Game" means any card game in which the house is a participant in the game, while the house takes on all players, collects from all losers, and pays all winners and the house can win.
3. "Bingo" means the game of chance (whether or not electronic, computer or other technological aids are used in connection therewith) which is played for prizes, including monetary prizes, with cards bearing numbers or other designations; in which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; and in which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards. "Bingo" includes, if played at the same location, pull tabs, lotto, punch boards, tip jars, and other games similar to bingo.

4. "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.
5. "Class II Gaming" means all forms of gaming which are defined as "Class II Gaming" in the Indian Gaming Regulatory Act, P.L. 100—49~7 (1988), codified at 25 U.S.C. §~ 2701—2721, and shall include, but not be limited to, the following forms of gaming:
bingo, lotto, pulltabs and punch boards, tip jars and non—banking card games, when played in conformity with 25 U.S.C. § 2703(7).
6. "Class III Gaming" means all forms of gaming that are not Class I Gaming or Class II Gaming, as defined in the Indian Gaming Regulatory Act, Pub.L. No. 100—497 (1988), codified at 25 U.S.C. § 2701—2721.
7. "Compact" means the Compact by and between the Crow Indian Tribe and the State of Montana setting forth an agreement for operation of Class III gaming on Crow Indian lands within the State of Montana.
 8. "Entity" means any organization, including any division, department or other unit therein, and includes, but shall not be limited to, a public or private Corporation, partnership, joint venture, voluntary or unincorporated association, organization, proprietorship, trust, estate, commission, bureau, department of governmental agency except that "entity" shall not include the Crow Indian Tribe.
 9. "Equipment" means any article, device, or other item, employed in gaming activity, including but not limited to Bingo cards, lottery tickets, any electronically operated blower machine, computer, electronic selection machine, gambling machines, gaming tables, associated paraphernalia, chips tokens, dice and any other items employed in gaming activity.
 10. "Gaming Commission" or "Commission" means the Tribal Gaming Commission, created by this Ordinance.
 11. "Gambling Machine" or "slot machine" means a mechanical, electrical, electronic or other gambling device or machine that, upon, insertion of a coin, currency, token, credit card or other similar object, or redemption of a credit or upon payment of any valuable consideration, is available to play or operate, play or operation of which, whether by reason of skill or chance or both may deliver or entitle the player to receive a prize whether the payoff is made automatically from the machine or in any other manner. The term does not include pinball machines.
 12. "Gross Receipts" means the total receipts from the conduct of gaming activities.
 13. "Indian Lands" or "Crow Indian lands" means all lands within the exterior boundaries of the Crow Indian reservation; and any lands title to which is either held in trust by the United States for the benefit of the Crow tribe or individual Crow tribal member or held by any Indian tribe or individual Crow Tribal member subject to restriction by the United States against alienation and over which an Indian tribe exercises governmental power.
 14. "Key employee" means:
 - (a) A person who performs one or more of the following functions:
 - (1) Bingo caller;
 - (2) Counting room supervisor;
 - (3) Chief of security;
 - (4) Custodian of gaming supplies or cash;
 - (5) Floor manager;
 - (6) Pit boss;
 - (7) Dealer;
 - (8) Croupier;
 - (9) Approver of credit; or
 - (10) 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.

15. “License” or “Licensed” means a tribal gaming license, or having a valid tribal gaming license, issued by the Crow Tribe, or its agency, pursuant to this Ordinance.

16. “Lottery” means any scheme for the disposal or distribution of property, by chance, among persons who have paid or any valuable consideration for the chance of obtaining such property, or a portion of it, or for any share or any interest in such property upon any agreement, understanding or expectation that it is to be distributed or disposed of by lot or chance, whether called a lottery, raffle or gift enterprise, or by whatever name the same may be known.

17. “National Indian Gaming Commission” or “NIGC” means the National Indian Gaming Commission, created by the Act, 25 U.S.C. § 2701, et seq.

18. “Net Profits” means the total gross receipts from a gaming operation, less all reasonable sums actually expended for conducting said games, gaming supplies and equipment, prizes, facilities, janitorial services, security services, rent, employees, criminal investigation and prosecutions, or other reasonable operating expenses except that management fees shall not be deducted to determine net profits.

19. “Non banking card games” means any card game in which two or more players play against each other and the players do not wager against the house. Non—banking card games played in conformity with State law regulating hours of play, wage and pot limits is Class II gaming. All other non—banking card games are Class III games.

20. “Person” means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, partnership, joint venture, club, company, joint stock company, business trust, corporation, -association, society, or any group of individuals acting as a unit, whether mutual cooperative, fraternal or nonprofit doing business within the Indian lands. The Tribe is not within the definition of person.

21. “Pinball Machine” means a video, mechanical, electrical or electronic machine which upon insertion of a coin or token or upon redemption of a credit, is available for play, the play or operation of which, by reason of skill, chance or a combination of both, may entitle a player to an automatic, immediate free replay or replays, which cannot be redeemed for anything of value.

22. “Player” means any person participating in gaming activity, who is participating with the reasonable expectation of, or for the chance of, receiving a prize of some value.

23. “Primary management officials” means:

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

(b) Any person who has authority;

(1) To hire and fire employees; or

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

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

24. “Prize” means any U.S. currency, cash or other property or thing of value awarded to a player or players, or received by a player or players as a result of their participation in a

gaming activity.

25. "Secretary" means the Secretary of the Interior.

26. "State" means the State of Montana.

27. "Tribal Council" means the Tribal Council of the Crow Indian Tribe of Montana.

28. "Tribal Court" means the Crow Tribal Court.

29. "Tribal gaming facility" or "Gaming facility" means any location where Class II or Class III gaming is conducted.

30. "Tribal gaming operation" means any class II or class III gaming operation conducted on Crow Indian lands.

31. "Tribe" means the Crow Indian Tribe within the State of Montana, recognized by the Secretary of the Interior, and having special rights of self government, its agencies and officials.

Section 5. Gaming Authorized and Regulated.-

A. Class I gaming is authorized on Indian lands, and may be conducted by any person. Class I gaming shall not be regulated by this Ordinance.

B. Class II gaming is authorized on Indian lands. Class II gaming shall be regulated by the Gaming Commission and shall only be operated consistent with the provisions of this ordinance and 25 U.S.C. § 2710.

C. Class III gaming is -authorized on Indian lands. Class III gaming shall be regulated by the Gaming Commission and shall only be operated consistent with this Ordinance, the Compact and 25 U.S.C. § 2701(d) (1) and (2) (A).

Section 6. Use of Revenues from Class II and Class III Gaming Activities.

only to: A. Tribal revenues from class II and Class III gaming activities shall be used

1. fund tribal government operations or programs;
2. provide for the general welfare of the Community or Community members;
3. promote economic development within the Crow Tribe Indian Reservation;
4. fund operations of local tribal government agencies; and/or
5. donate to charitable organizations.

Section 7. Gaming Facilities.

A. To ensure that the environment and the public safety and welfare are adequately protected, each gaming facility shall be constructed and maintained in compliance with applicable tribal and federal laws, including but not limited to fire codes, safety codes and building codes.

B. Each gaming facility shall be subject to inspection to insure compliance, annually or on such basis as the Tribal Building inspector, or if none, Tribal Council, determines necessary and appropriate.

Section 8. Minors, Employees Prohibited.

a. He or she is a person of good character, honesty and integrity, who's prior activities, criminal record, if any, reputation, habits and associations do not pose a threat to the public interest of the Tribe, its members 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 conducting of gaming or the carrying on of the business and financial arrangements incidental thereto; and

b. He or she has no interest in any private gaming activity on Crow Indian lands or any activity which may have interests in conflict with the Tribal gaming operations.

5. The Commissioner and members may be removed for good cause, after written notice and opportunity to be heard by the Tribal Council. Good cause shall exist when any condition occurs or is discovered which would exclude a person from appointment.

C. Duties and Powers.

The Gaming Commissioner shall administer the provisions of this Ordinance and shall have all powers necessary therefore. In exercise of its duties, the Commission shall:

1. Promulgate such rules and regulations as may be necessary and desirable for the proper implementation of this ordinance;

2. Identify and define the rules of play for each class II and Class III game permitted;

3. License, supervise, inspect and oversee all gaming activities and persons employed in gaming activities conducted on Indian lands;

4. Conduct background investigations of key employee and primary management official applicants;

5. Carry on a continuous study and investigation of Class II and Class III gaming on Indian lands for the purpose of:

a. Ascertaining any defects in or abuses of the standards and regulations in this Ordinance or applicable rules and regulations;

b. Formulating recommendations for changes in the standards and regulations in this Ordinance and any and all applicable rules and regulations;

c. Preventing abuses and evasions of the standards and regulations prescribed by this Ordinance and applicable rules;

6. Report to the Tribal Council on any matters related to gaming which are deemed by the Gaming commission to constitute an emergency requiring immediate action;

7 - Take any action it deems necessary and appropriate to effect -and enforce this Ordinance, applicable rules and/or regulations and to prevent and/or redress violations, including but not limited to license suspension, revocation, prosecution, referral for prosecution, civil suit, and issuance of subpoenas; and

8. Employ such employees as are necessary to carry out the specific and general powers and duties of the commission.

D. Compensation.

The Gaming Commissioner and members, and employees shall be reasonably compensated, as determined by the Tribal Council. The compensation shall be paid from the Tribe's income from gaming activities.

Section 11. Licensing.

A. Authority to License.

1 - The Tribal Gaming Commission shall have the sole and exclusive authority to license and regulate Class II and class III gaming operations on Crow Indian lands which are now, or may hereafter, be permitted by federal law and the Compact.

2. Class I gaming shall not be regulated by this Ordinance and no licensing shall be required for Class I gaming.

B. Types of Licenses to be Issued.

1 The-Gaming--Commission shall issue the following licenses for gaming on Crow Indian lands:

- a. Manager License
- b. Class II Owner License
- c. Operator License
- d. Contractor License
- e. Primary Management Official License
- f. Key Employee License
- g. General Employee License
- h. Facility License
- i. Manufacturer's and Distributor's License
- j. Vendor's License
- k. Other Licenses necessary and appropriate

2. Licenses shall be issued for Class II or class III gaming, and shall indicate the type and class of license on the face of the license. A combined Class II and Class III license may be issued if appropriate.

Section 12 License Fees: Application Fees and Continuing Yearly Fees.

A. Any person making application for a tribal gaming license pursuant to this ordinance shall submit his or her application, and required forms and information, as set forth by the Tribal Gaming Commission, pursuant to this ordinance, together with an application fee as follows:

- 1. Class II License fees:

- a. Manager License — \$500.00
- b. Owner License — \$1,500.00
- c. Operator License — \$1,000.00
- d. Contractor License — \$2,500.00
- e. Primary Management Official License — \$1,500.00
- f. Key Employee License — \$1,500.00
 - g. General Employee License — \$15.00
 - h. Facility License — \$100.00
- 2. Class III License fees:
 - a. Manager License — \$1,500.00
 - b. Contractor License — \$7,500.00
 - c. Primary Management Official License — \$4,500.00
 - d. Key Employee License — \$4,500.00
 - e. General Employee License - \$45.00

3. General License Fees:

- a. Manufacturer and Distributor's License — 6,000.00
- b. Vendor's License — \$3,000.00

The Board may waive fees in its discretion if a proponent is unable to pay fees.

- B. A Licensee shall, at least sixty (60) days prior to the expiration of their license make application for renewal, as required by the Gaming Commission, and shall submit the application required forms and information together with a renewal fee equivalent to 75% of the above stated license fee applicable.

Section 13. License Validity: Effective Period and Place.

A. Period. Tribal gaming licenses shall be valid and effective for a period of one year from the date of issue, unless same is sooner suspended or revoked for cause after notice and hearing, pursuant to this Ordinance. The effective date and period shall be stated on the face of the license.

B. Place.

1. A tribal gaming license shall be valid for one (1) facility or location only, and the location shall be identified on the face of the license.

2. If a person or entity desires to be employed with, or operate, more than one gaming location, a separate gaming license must be obtained for each separate facility or location.

C. Facility License. Each facility must be separately licensed.

Section 14. License: Qualifications and Requirement.

A. General.

1. An application to receive a license or to be found suitable to receive a license shall not be granted unless the Tribal Gaming Commission is satisfied, after review of a background investigation that such applicant is:

- a. A person of good character, honesty and integrity;
- b. A person whose prior activities, criminal record, if any, reputation, habits and associations do not pose a threat to the public interest of the Tribe, its members or to the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair or illegal practices and methods and activities Section 25 in the conducting of gaming or the carrying on of the business and financial arrangements incidental thereto; and
- c. In all other respects is qualified to be licensed or found suitable consistent with the declared policy of the Crow Tribe.
- d. An application to receive a license or to be found suitable constitutes a request for a determination of the applicant's general character, integrity and ability to participate or engage in, or be associated with gaming. Any written or oral statement made in the course of an official proceeding of the Gaming Commission or the National Indian Gaming Commission established pursuant to 25 U.S.C. § 2704, by any member thereof or any witness testifying under oath which is relevant to the purpose of the proceeding is absolutely privileged and does not impose liability or defamation constituting a ground for recovery in any civil action.

B. Primary Management Officials, Key and Other Employees; Requirements.

1. No person shall be employed by a gaming enterprise operated on Crow Indian lands who:

- a. Has been convicted of or who has pled guilty or nolo contendere to any felony, gambling offense, or other offense involving moral turpitude (except that misdemeanors committed before such person's 18th birthday shall not act to bar his/her employment) or
- b. Is under the age of 18, except that, no person shall be employed as a primary management official or key employee

who is under the age of 21.

2. No person shall be employed as a primary management official or key employee in a Class II or Class III gaming activity who:

- a. Has not first applied for and obtained a tribal gaming license, pursuant to this ordinance.
- b. Is ineligible for fidelity bonding or similar insurance covering employee dishonesty.

3. Every person employed at a gaming facility operated on Crow Indian lands shall wear an identification badge which conspicuously states the place of employment, the full name of the person and their position of employment.

C. Primary Management Officials and Key Employees; License Application, Notices.

1. The Commission shall require primary management officials and key employees make application on a form specified by the Commission.

2. The application form shall include the following notices:

a. Privacy Notice:

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

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

b. Notice Regarding False Statements.

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).

3. a. All applicants shall be required to sign an acknowledgement of receipt and reading of the Privacy Notice and Notice Regarding False Statements, which shall be placed on the same page immediately following the Notice.

b. A tribe shall notify in writing existing key employees and primary management officials that they shall either;

- (1) Complete a new application for that contains a Privacy Act notice; or
- (2) Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.

4. The application shall at minimum require the following information:

- (1) Full name, other names used (oral or written), social security numbers(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
- (2) Currently and for the previous 5 years;
business and employment positions held,
ownership interests in those businesses,
business and residence addresses, and drivers
license numbers;
- (3) 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 (a) (2) of this section;
- (4) Current business and residence telephone numbers;
- (5) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;

- (6) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- (7) 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;

(8) 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;

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

(10) For each criminal charge (excluding minor traffic charges) whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (a) (8) or (a) (9) of this section, the criminal charge, the name and address of the court involved, and the date and disposition;

(11) 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;

(12) A photograph;

(13) Fingerprints consistent with procedures adopted by the Tribal police or the Commission consistent with 25 C.F.R. § 522.2(h). Fingerprints shall be taken by the Tribal Police, or the State police of the State in which the applicant resides, and shall be sent directly to the Federal Bureau of Investigation by the law enforcement agency taking the fingerprints; and

(14) Any other information the Commission deems relevant.

D. Primary Management Officials and Key Employees; Background Investigation; Report.

1. The Commission shall conduct, or cause to be conducted, by an investigator appointed by it, a background investigation for each primary management official and key employee. The investigation shall include, at minimum:

- a. Verification of all information on the application;
- b. Interviews of current and prior employers and immediate supervision for the preceding five (5) years;
- c. Interviews of all personal references;
- d. Obtaining a criminal history record; and
- e. An interview with the applicant.

2. The investigator shall be required to make written report to the Commission of the investigation, including therein the steps taken in conducting the investigation, the names, addresses and relationship to the applicant of all persons interviewed, the information obtained from

person interviewed regarding the applicant's reputation, habits and associations and the apparent candidness (or lack thereof) of the persons, and any other information garnered or learned about the applicant and the source of the information, and shall particularly identify all potential problem areas and sources of the information.

3. The Commission shall review the report and any additional information known to it and make a determination of whether the applicant is eligible, meets the requirements for employment and is suitable or poses a threat to the public interest or to the effective regulation of gaming or creates or enhances the dangers of unsuitable, unfair or illegal practices and methods and activities in the conduct of gaming, particularly identifying all potential problem areas and disqualifying information.

4. The Commission shall create a report, that at minimum identifies and describes the steps taken in conducting the investigation, the results obtained, the conclusions reached and the basis for these conclusions.

5. The Commission shall not issue a license to any applicant who is not eligible and/or does not meet the requirement for employment as a primary management official or key employee.

6. Following its-determination, the Commission shall notify the NIGC and prior to issuance of a license to an applicant determined to meet the requirements, the Commission shall forward to the NIGC the investigative report and a copy of the eligibility determination. The Commission may forward the investigative report and a copy of the eligibility determination of applicants denied license.

Section 15. License Suspension and Revocation.

A. Suspension and Revocation.

1. Any license issued by the Commission shall be suspended, without prior notice, if the National Indian Gaming Commission, after notification by the Commission of the issuance of a license, and after appropriate review, indicates that a primary management official, operator, or key employee does not meet the standards established and set forth herein, pursuant to 25 U.S.C. § 2710, and after notice and hearing may revoke such license.

2. The Tribal Gaming Commission shall immediately suspend, and after notice and hearing, revoke the license of any owner, primary management official or key employee of a Class II or Class III gaming activity or entity who is or becomes ineligible to hold a license under this ordinance or who violates any provision of this Ordinance or of 25 U.S.C. § 1166, 1167, 1168 or 2701 or of 18 U.S.C. § 1163 or regulations promulgated and adopted thereunder.

B. Revocation Notice.

1. The Tribal Gaming Commission shall promptly notify in writing any licensee whose license has been or will be revoked and shall include in said notice:

- a. The effective date of the revocation;
- b. The reason(s) for the revocation;
- c. The right of the licensee to appeal the revocation to the Tribal Court within ten (10) days of the licensee's receipt of the revocation notice.

2. A copy of the revocation notice shall be sent to the National Indian Gaming Commission.

C. Revocation Hearing.

1. A licensee may appeal the revocation of his/her license to the Tribal Court by sending a written notice of appeal of the revocation to the Tribal Court and the Tribal Gaming Commission no later than 10 days after the licensee receives notice that his/her license has been revoked. The notice of appeal shall clearly state the reason(s) why the licensee believes his/her license should not be revoked.
2. Upon receipt of the notice of appeal of the license revocation, the Tribal Court shall schedule a revocation hearing to be conducted within twenty (20) days of receipt of the licensee's notice of appeal. Written notice of the time, date and place of the hearing shall be delivered to the licensee no later than five days before the scheduled date of the hearing.
3. The licensee and the Tribal Gaming Commission may be represented by legal counsel at the revocation hearing. The licensee and the Tribal Gaming Commission may present witnesses and evidence in support of their respective positions and may examine witnesses and evidence presented by the opposing side.
4. The Tribal Court shall issue its decision no later than ten (10) working days following the revocation hearing. The decision of the Tribal Court shall be final and conclusive, and no appeal to a higher court shall be allowed.
5. A copy of the Tribal Court's decision regarding the revocation of a license shall - be sent to the Tribal Gaming Commission and NIGC.

D. Application for Relicensing.

No person or entity whose Class II or Class III gaming license has been revoked shall be eligible for a new license until 12 months after the effective date his/her license was revoked.

III. Class II Gaming

Section 16. Definitions.

1. "Bingo" means bingo as defined in Section 3 of this ordinance.
2. "Bingo Occasion" means a single session or gathering at which a series of successive bingo games are played.
- 3 - "Card games" means non-banking card games played in conformity with Montana State law regulating hours, wages and pot limitations.
 4. "Game Card" and "Bingo game card" means a regular or special Bingo Card.
 5. "Lotto" means a game of chance with cards bearing numbers or other designations, in rows of 9, in which the player holding the card covers such numbers or designations when objects similarly, numbered or designated are drawn or otherwise randomly determined, in which the game is won by the first player to cover a predesignated arrangement on the card.
 - (6) "Pull Tabs" means a game of chance in which player(s) purchase a card containing predetermined numbers, colors, symbols or other designations which when revealed may result in the award of a prize on the basis of a designated winning number, color, symbol or other designation or combination thereof, whether or not electronic, computer, or other technological aids, to the extent permitted by law, are used in connection therewith.

7 “Punch Board” means a small board that has many holes, each filled with a rolled up printed slip to be punched out upon payment of a player fee, in an effort to obtain a slip that entitles the player to a designated prize.

8. “Regular Bingo Card” means a board card issued to a person upon payment of admission fee which affords a person the opportunity to participate in all regular bingo games played at a bingo occasion.

9. “Special Bingo Card” means a disposable, specially marked bingo card which affords a person the opportunity to participate in a special bingo game for special prizes, or a game card generated by and appearing on the screen of a computer employed by the gaming facility and assigned to a player for a bingo games).

10. “Special Bingo Game” means any bingo game which is not a regular bingo game and which is played with special bingo cards whether or not for special prizes.

1. “Tip Jars” means a game of chance, wherein a person upon payment of a fee, is permitted to reach into, or tip a jar containing printed slips, and extract one slip in an effort to obtain a slip that entitles the player to a designated prize.

Section 17. Persons Authorized to Conduct Class II Gaming.

1. No person or entity shall own, operate or conduct a Class II gaming activity on Indian lands unless that person or entity has first received a license to conduct a Class II gaming activity from the Gaming Commission.

2. Nothing in subparagraph (1) above, or elsewhere, in this Ordinance, shall be interpreted as requiring the Crow Tribe to obtain a license as a condition of conducting a Class II gaming activity wholly owned and operated by the Tribe.

Section 18. Ownership of Class II Gaming Activity.

1. No person or entity shall own an interest in or conduct Class II gaming in any location without first having applied for, and been issued, a Class II gaming owner and/or operator’s License.

2 Any person or entity who owns an interest in a Class II gaming enterprise shall apply to the Gaming Commission for an owner and/or operator license for a Class II gaming facility, as is appropriate, on a form prescribed by the Gaming Commission. A separate application and license shall be required for each place, facility, or location on Indian lands at which Class II gaming will be conducted.

3. Preference shall be given to permitting Class II gaming activities in which the Crow Tribe has the sole proprietary interest to be conducted on Indian lands.

4. Notwithstanding subparagraph (3) above, the Gaming Commission may license a Class II gaming activity owned in whole or in part, by a person or entity other than the Crow Tribe, provided that (a) the licensing standards for individually owned Class II gaming other than those operating on September 1, 1986, shall be at least as restrictive as those established by State law governing similar gaming within the jurisdiction of the State; and (b) no license may be issued to such a person or entity unless the person or entity has first expressly agreed, commemorated in writing on a form prescribed by the Gaming Commission, that:

a. The gaming activity shall be subject to the regulations prescribed in this Section;

b. Not less than sixty (60%) percent of the net revenues from the gaming activity shall be income to the Tribe;

c. The person(s) who own the gaming activity or entity:

(i) is (are) eligible to receive a license from the State of Montana to conduct the same gaming activity on lands subject to State jurisdiction; and

(ii) shall pay an appropriate assessment to the National Indian Gaming Commission for the regulation of the gaming activity, as required by 25 U.S.C. § 2717(a) (1).

5. a. A license to own or operate a Class II gaming establishment shall not be granted unless the applicant has satisfied the Tribal Gaming Commission that:

(i) he has adequate business probity, confidence and experience in gaming.

(ii) the proposed financing of the operation is adequate for the nature of the proposed operation and from a suitable, source. Any lender or other source of money or credit which the Commission finds does not meet the standards set forth in Section 14(A) (1) may be deemed unsuitable. -

b. The Gaming Commission may in its discretion grant a license to a corporation which has complied with the provisions of the tribal gaming ordinance.

c. The Gaming Commission may in its discretion grant a license to a limited partnership which has complied with the Tribal gaming ordinance.

d. No person or limited partnership, except one whose sole limited partner is a publicly traded corporation which has registered with the Gaming Commission, or business trust organization or other association of a quasi corporate character, is eligible to receive or hold any license, or be a licensee or operator under this ordinance unless all persons having any direct or indirect interests therein or any nature whatsoever, whether financial, administrative, policy making or supervisory, are individually qualified to be licensed under the provisions of this chapter.

e. The Gaming Commission may limit the number of persons who may be financially interested in the nature of their interest in any corporation or other organization or association licensed under this ordinance, and consistent with 25 U.S.C. § 2700 *et seq.* and establish such other qualifications for licenses as they may, in their discretion, deem to be in the public interest and consistent with the declared policy of the Tribe.

6. Income to the Tribe from the gaming activity shall only be used for the purposes described in Section 6 of this ordinance.

Section 19 Management Contracts.

The Crow Tribe may enter into a management contract for the operation and management of Class II gaming activities. Each such contract must comply with the provisions of this Ordinance, other applicable provisions of tribal law (including, but not limited to, tribal employment preference laws), and provisions of federal law (including, but not limited to, 25 U.S.C. § 2711).

Section 20. Games Permitted.

A. The Tribe, and licensed Class II owners and operators may conduct bingo, Class II card games or a combination of bingo and Class II card games.

B. A bingo facility at each bingo occasion shall conduct bingo games and may additionally conduct such other Class II games as are permitted by the Gaming Commission as its operators or managers choose.

C. A schedule of the Class II games to be conducted must be conspicuously posted at each entrance to the bingo facility each week in which games will be conducted at least 24 hours prior to the start of the first game scheduled. The schedule must include a statement of the prizes offered for each game.

Section 21. Bingo Game cards.

A. Each facility shall provide the game cards to be used for each bingo game conducted and each card shall be marked to indicate the issuing facility.

B. Special bingo cards must be issued Separately from regular bingo cards, and must be specially marked to indicate the particular special bingo game, including date, and the facility of issuance. In the case of computer—generated cards, the computer must be programmed to lock on a card at the start of the game, prior to calling of the first number or designated symbol, so as not to permit altering or changing of the card during the game, and every winning card be verified. A special bingo card shall be valid only for the designated game.

Section 22. Player Limitation.

The number of persons permitted to play any Class II game shall be determined by the owner, operator or manager as is appropriate, except that:

A. the number of people permitted in the facility or in any room in the facility shall not exceed the limitation of the number permissible under the applicable fire, building or other safety Codes or standards.

B. the number of people permitted to play any bingo game shall not exceed the number of seats available in the room(s) in which the game is being played.

Section 23. Entry Prohibited.

No person may enter any room in which a bingo game is being played unless the person is a player, except facility employees and persons present by authority of the Gaming Commission, for purposes of inspection or regulatory duties.

Section 24. Hours of Operation; Notice to Commission.

1. Class II gaming may be conducted 24 hours a day, seven days a week, subject to approval by the Gaming Commission.

2. Prior to operation of Class II gaming or any change in hours of operation, the operator shall:

a. Notify the Commission of the proposed hours and days its facility will be open, and the hours and days gaming will be conducted.

b. The proposed schedule shall be approved unless the Commission notifies the owner or operator of its objection within 15 days of its receipt of the proposed schedule.

c. If the Commission makes objection, it shall state its reasons and the changes necessary, and the proposer may submit a revised proposal accommodating the Commission's objections, or may

request an opportunity to rebut the objections.

(i) Submission of a revised schedule, incorporating and accommodating the objections, shall be deemed approved upon its submission.

(ii) If an opportunity to rebut is requested, a conference shall be set within fifteen (15) days. The Commission shall issue its decision, which shall be final and not subject to further appeal, within fifteen (15) days of the conference.

IV. Class III Gaming

Section 25- Exclusive ownership by Tribe.

Class III gaming shall be owned and operated exclusively by the Tribe, and no license to own or operate any Class III gaming shall be issued to any other person or entity.

Nothing in this paragraph shall be Construed to require the Tribe to obtain an operator, owners or facility license as a condition of operating a Class III gaming operation.

Section 26. Authorized Operation.

1. The Tribe may operate Class III gaming, at one or more facilities on Crow Indian lands.
2. The Tribe shall submit its proposed Class III operation, which shall be approved by the Gaming Commission if:
 - a. the proposed facility is in compliance with safety requirements of this ordinance; and
 - b. the Class III gaming proposed is consistent with the Compact; and
 - c. the Class III gaming operation proposal complies with all other applicable laws and Tribal ordinances.
3. The decision of the Gaming Commission shall be deemed a final administrative decision subject to review under the standard of review set out in 5 U.S.C. § 706. The decision shall be reviewable under the exclusive jurisdiction of the Crow Tribal Court, which is hereby granted jurisdiction to hear such appeals.

Section 27. Management Contracts.

The Tribal Council may enter into a management contract for the operation and management of Class III gaming activities. Each such contract must comply with the provisions of this Ordinance, the Compact, other applicable provisions of tribal law (including, but not limited to, tribal employment preference laws), and provisions of federal law (including, but not limited to, 25 U.S.C. § 2711)

Section 28. Games Permitted.

- A. The Tribe may conduct any Class III game or games permitted pursuant to the Compact.
- B. The Tribe may conduct any Class III game which is first legalized within the State of Montana after the date of the Compact then in effect, or which heretofore becomes permitted on Indian lands under federal law, pursuant to the Compact or amendments thereto.

Section 29. Compliance with Compact.

All C Lass III games conducted on Crow Indian lands shall be conducted n compliance with the Compact.

Section 30. Regulation and Inspection.

1. Class III gaming shall be regulated by the Tribal Gaming Commission, which shall adopt all necessary and appropriate rules and regulations for Class III gaming including but not limited to:

- a. Game rules and conduct
- b. Public display of rules requirements
- c. Facility requirements
- d. Permitted Games Specifications and Requirements
- e. Background investigations, application and release forms.

2. Class III facilities shall be open at all usual business hours for inspection by the Tribal Gaming Commission, and the State agency designated by the State of Montana pursuant to the Compact.

Section 31. Hours of Operation.

1. Class III gaming may be conducted 24 hours a day, seven days a week, subject to approval by the Gaming Commission.

2. The Tribe shall submit, and the Gaming Commission shall approve, proposed hours of operation unless the proposed hours pose a risk to the health, welfare or safety of the public.

V. Records and Audits

Section 32 Records Maintenance.

A. Each gaming facility shall maintain accurate and up—to— date records for each gaming activity conducted.

Records shall include records of:

- 1. all financial transactions;
- 2. all gaming machine testing, malfunctions, maintenance and repairs;
- 3. personnel;
- 4. complaints of patrons;
- 5. facility in—house investigations of any kind;
- 6. incidents and accidents;
- 7. actions by facility against players or facility visitors;
- 8. actions by facility against or in reprimand of employees.

Section 33. Independent Audits.

A. Gaming Activities Licensed or Conducted by the Tribe.

The Tribal Gaming Commission shall require, and the Tribal Council shall cause, an audit to be conducted each year on all Class II and Class III gaming activities licensed or Conducted on Indian lands. Such audit(s) shall be conducted by an independent auditing firm, selected at the sole discretion of the Tribal Council, or the Tribal Gaming Commission on its behalf. However, nothing in this paragraph shall prohibit the annual audit of tribal gaming activities from being encompassed within the Tribe's existing audit system.

B. Contracts for Supplies, Services or Concessions.

Each contract for supplies, services, or concessions with a contract amount in excess of \$25,000 annually (except contracts for professional legal or accounting services) relating to a Class II or Class III gaming activity shall be subject to the independent audit required by subparagraph (A), above.

C. Audit Report to be Provided to National Indian Gaming Commission The Tribal Gaming Commission shall furnish a copy of each annual gaming activities audit report to the Gaming Committee and the National Indian Gaming Commission, as required by 25 U.S.C. § 2710(b) (:)(C).

V. Violations

Section 34. Crimes; Penalties.

A. It shall be unlawful for any person to:

1. Operate or participate in gaming on Indian lands in violation of the provisions of this Code or in violation of rules and/or regulations promulgated pursuant to this Code;
2. Knowingly make a false statement in an application for employment with a gaming activity or enterprise, or in an application for a license to operate a gaming activity or enterprise on Crow Indian lands; or
3. Bribe or attempt to bribe, or unduly influence or attempt to unduly influence, any person who licenses, operates, conducts, assists, or is otherwise employed in a gaming activity or enterprise located on Crow Indian lands.

B. Any Indian who violates a provision of this Ordinance or of other tribal law relating to gaming activities may be fined not more than \$1,000 and/or imprisoned for up to one year for each violation. A separate violation occurs on each day that a violation arises or continues.

C. Any property used in the commission of a violation or a provision of this Ordinance may be seized by the Gaming Commission or their agents. The owner of the property shall be afforded an opportunity to object and be heard in accordance with principles of due process. If no objection is raised, or the objection is not sustained, the Tribe may dispose of the seized property.

D. Any non—Indian who violates a provision of this Ordinance may be excluded from the Indian lands within the jurisdiction of the Crow Tribe.

Section 35. Civil Penalties.

- A. Any person or entity who violates any term or condition of any license issued pursuant to this Ordinance or any provision of a management contract issued pursuant to Sections 19 and/or 27 or Section 34, above, may be assessed a civil penalty by the Tribe. Such penalty may be assessed only after the person or entity has been given notice and an opportunity to be heard before the Tribal Court. Each violation

shall be treated separately and may be assessed as a separate violation.

- B. The penalty assessed pursuant to subparagraph A, above, shall not exceed \$5,000 per violation, or twice the amount of any grand prize awarded in a gaming activity which is directly associated with the violation, whichever is greater.
- C. Civil penalties provided for in this Section may be imposed in addition to the criminal penalties provided for in Section 34 above.

Section 36. Enforcement.

After any person or entity fails or refuses to pay a final assessment levied pursuant to Section 34 and/or 35 above, the Tribe may proceed to collect the assessment by initiating a Civil action against the person or entity in the Tribal Court or in any other court of competent jurisdiction. In such civil action, validity and amount of the assessment shall not be subject to judicial review. The Tribe shall be entitled to all remedies in law or in equity that are available to civil litigants generally.

VI. Validity of Ordinance

Section 37 Severability.

If any provision or provisions in this Ordinance are held invalid by a court of competent jurisdiction, this Ordinance shall continue in effect as if the invalid provision(s) were not a part hereof.

Section 38. Effective Date of ordinance.

This Ordinance shall take effect upon adoption of the Tribal Council.

FIRST AMENDMENT TO CROW TRIBE GAMING ORDINANCE

(As Amended, 1994)

This First Amendment is a technical amendment to the Crow Tribe Gaming Ordinance (as Amended, 1994) (hereinafter "Amended Gaming Ordinance"). On January 8, 1994, pursuant to Resolution No. 94—20, the Crow Tribal Council adopted and approved the Amended Gaming Ordinance to conform with all applicable requirements of the National Indian Gaming Commission (hereinafter "NIGC") and directed the Crow Tribal Officials to finalize and implement the Amended Gaming Ordinance. In order to conform with all applicable requirements of the NIGC, Section 14 (C) (4) (13) of the Amended Gaming Ordinance is amended to read in its entirety as follows:

- “(13) Fingerprints consistent with procedures adopted by the Tribal police or the Commission consistent with 25 C.F.R. §522.2(h). Fingerprints shall be taken by the Tribal Police, or the State police of the State in which the applicant resides, and shall be sent directly to the National Indian Gaming Commission by the law enforcement agency taking the fingerprints; and”

RESOLUTION NO. 94-20

A RESOLUTION OF THE CROW TRIBAL COUNCIL ADOPTING AMENDMENTS TO THE CROW TRIBAL GAMING ORDINANCE TO GOVERN ALL CLASS I, II S III GAMING ACTIVITIES ON THE CROW INDIAN RESERVATION.

WHEREAS, the Crow Tribal Council is vested with authority to manage the affairs of the Crow Tribe pursuant to Article 7, section 6 of the Crow Tribal Constitution, and

WHEREAS, an Ordinance regulating Class I, II and III gaming, known as the Crow Indian Tribe of Montana's Gaming Ordinance was adopted on April 9, 1992 by Resolution No. 92—26 for the purpose of authorizing Class I, II and III gaming on the Crow Indian Reservation pursuant to, and consistent with, the Indian Gaming Regulator; Act, 25 U.S.C. § 2701 et seq., and

WHEREAS, the said Ordinance was submitted to the National Indian Gaming Commission (“NIGC”) on August 24, 1993 for approval pursuant to 25 U.S.C. § 2701, and

WHEREAS, the NIGC has promulgated and adopted additional regulations governing the required contents of gaming ordinances since the adoption of Resolution No. 92—26, and

WHEREAS, the NIGC advised the Tribe by letter dated October 29, 1993 that its Gaming Ordinance required amending so as to be in compliance with its regulations 25 C.F.R. §§ 502.14, 502.18, 522 in order to be approved.

NOW, THEREFORE BE IT RESOLVED, that the Crow Tribal Council hereby adopts and approves the attached amended Crow Tribe Gaming Ordinance which supersedes the Gaming Ordinance which was previously approved by Resolution No. 92—26 so that it conforms to all NIGC requirements, and

BE IT FURTHER RESOLVED, that the Crow Tribal Council hereby authorizes the establishment of Crow Gaming Technology, Inc. as a tribally—owned business entity organized for all lawful purposes to include the ownership, development, management and operation of a gaming test laboratory and related facilities on lands within the jurisdiction of the Crow Tribe, and the procurement of gaming machines, devices and equipment for distribution and supply to gaming operations both within and without the jurisdiction of the Crow Tribe.

BE IT FURTHER RESOLVED, that the Crow Tribal Council- hereby approves the Articles of Incorporation of Crow Gaming Technology, Inc., a copy of which are attached hereto and incorporated herein by reference, and that Crow Gaming Technology, Inc. shall exist and be empowered pursuant to its Articles of Incorporation.

E IT FURTHER RESOLVED, that the Crow Tribal Council hereby authorizes and directs the Chairperson of the Tribal Council to execute the Articles of Incorporation of Crow Gaming Technology, Inc. and to appoint the initial Board of Directors, and further authorizes that Tribal Officials to take all necessary actions under the articles of Incorporation and/or otherwise necessary to implement and fulfill the intent of this Resolution, and further authorizes the Board of Directors of Crow Gaming Technology, Inc. to waive the sovereign immunity of Crow Gaming Technology, Inc. in the manner and to the extent deemed necessary by said Board of Directors to carry on the business affairs of the corporation.

BE IT FURTHER RESOLVED, that the Crow Tribal council hereby authorizes the establishment of Absaloka Casino Enterprises, Inc. as a tribally—owned business entity organized for all lawful purposes to include the ownership, development, management and operation of a Tribal Casino and additional Tribal gaming activities and facilities on lands within the jurisdiction of the Crow Tribe.

BE IT FURTHER RESOLVED, that the Crow Tribal Council hereby approves the Articles of Incorporation of Absaloka Casino Enterprises, Inc., a copy of which are attached hereto and incorporated herein by reference, and that Absaloka Casino Enterprises, Inc. shall exist and be empowered pursuant to its Articles of Incorporation.

BE IT FURTHER RESOLVED, that the Crow Tribal Council hereby authorizes and directs the Chairperson of the Tribal Council to execute the Articles of Incorporation of Absaloka Casino Enterprises, Inc., and to appoint the initial Board of Directors, and further authorizes the Tribal Officials to take all necessary actions under the Articles

of Incorporation and/or otherwise necessary to implement and fulfill the intent of this Resolution, and further authorizes the Board of Directors of Absaloka Casino Enterprise, Inc. to waive the sovereign immunity of Absaloka Casino Enterprise, Inc. in the manner and to the extent deemed necessary by said Board of Directors to carry on the business affairs of the corporation.

BE IT FURTHER RESOLVED, that the Crow Tribal council does hereby transfer and convey all of the Crow Tribe's right, title, and interest in all personal property located on the land known as the Little Bighorn casino Site and/or intended for use in the gaming operations to be conducted on the Little Bighorn Casino Site to Absaloka Casino Enterprise, Inc., and that the Chairperson of the Tribal Council is hereby authorized to execute any documents and to take any and all actions necessary or incidental to said transfer and conveyance.

BE IT FURTHER RESOLVED, that the Crow Tribal Council hereby authorizes the execution, delivery and performance of a Business Lease by and between the Crow Tribe as Lessor and Absaloka Casino Enterprises, Inc. as Lessee leasing the lands and improvements known as the Little Bighorn casino Site on the terms and conditions of the Business Lease attached hereto and incorporated herein by reference, and further authorizes the Chairperson of the Tribal Council to execute on behalf of the Tribe said Business Lease and all documents relating to or required by said Business Lease and to otherwise take all actions necessary to the performance of the Tribe thereunder.

BE IT FURTHER RESOLVED, that the Crow Tribal Council does hereby grant to Absaloka Casino Enterprise, Inc. the exclusive right to conduct Class II and Class III gaming activities, as authorized by the Crow Tribe's Gaming Ordinance, the Indian Gaming Regulatory Act (IGRA) and the Class III Gaming Compact between the Crow Tribe and the state of Montana, on that portion of the Crow Tribe's "Indian Lands" (as such term is defined within IGRA) within a twenty-five (25) mile radius of Crow Agency, Montana, and further authorizes the Chairperson of the Tribal Council to extend said exclusivity to additional Indian Lands as the Chairperson may from time to time deem appropriate.

BE IT FURTHER RESOLVED, that the Crow Tribal Council does hereby authorize the chairperson of the Tribal Council on behalf of the Crow Tribe to approve and/or consent to an Investment Agreement, and Exhibits thereto, by and between Absaloka Casino Enterprise, Inc. and Crow Investment Partners, to the extent such approval and/or consent is required to consummate said Agreement, which Investment Agreement is attached hereto for reference and provides for the funding necessary to the development of Class II and Class TIE gaming activities on the Little Bighorn Casino Site, and further authorizes the Chairperson and Secretary of the Tribal Council to execute and deliver any documents relating to said approval and/or consent and to take any action necessary to fulfill any obligations of the Crow Tribe under said Investment Agreement or necessary to facilitate the satisfaction of the obligations of Absaloka casino Enterprise, Inc. under said Investment Agreement.