

Title 16 - Gaming

Chapter 2 – The Federal Act (IGRA)

Sec.

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Legislative History

Enacted:

Gaming Ordinance, Ord. 171 (6/30/03), BIA (7/3/03), NIGC (10/3/03).

Repealed or Superseded:

Ord. 104 (11/3/93), BIA (11/8/93), NIGC (11/10/93) (amending Ord. 103).
Gaming Ordinance, Ord. 103 (10/5/93), BIA (10/14/93), NIGC (11/10/93) (repealing Ord. 50).

16-02.010 Construction to Be Consistent With The IGRA.

This Title shall be construed in a manner that conforms to the Indian Gaming Regulatory Act (“Act”) in all respects, and if inconsistent with the Act in any manner, the provisions of the Act shall govern.

[History] Ord. 171 (6/30/03); Ord. 104 (11/3/93); Ord. 103 (10/5/93).

16-02.020 Limitation on Gaming Operations.

In compliance with 25 U.S.C. § 2710(b)(2)(A), the Tribe shall have sole proprietary interest and responsibility for the conduct of any gaming activity on the Swinomish Indian Reservation; provided, however, that nothing herein shall interfere with the exercise by any secured party of its rights under any collateral lease, leasehold, mortgage or other financing agreement with the Tribe to enforce its security interest in the premises on which such gaming activities may be conducted, or to enforce its rights against gross revenues of the Tribe from its gaming activities for the purpose of repayment of the debt obligations of the Tribe to such secured party in accordance with the provisions of such agreements.

[History] Ord. 171 (6/30/03); Ord. 104 (11/3/93); Ord. 103 (10/5/93).

16-02.030 Application of Net Revenues.

In compliance with 25 U.S.C. § 2710(b)(2)(B), net revenues from any gaming activity are not to be used for purposes other than:

- (A) to fund tribal government operations or programs;
- (B) to provide for the general welfare of the Tribe and its members;
- (C) to promote tribal economic development;
- (D) to donate to charitable organizations;
- (E) to help fund operations of local government agencies; or
- (F) to provide per capita payments to tribal members, but only upon approval of a plan by the Secretary of Interior in accordance with 225 U.S.C. § 2710(b)(3).

[History] Ord. 171 (6/30/03); Ord. 104 (11/3/93); Ord. 103 (10/5/93).

16-02.040 Annual Audit.

In compliance with 25 U.S.C. § 2710(b)(2)(C) and (D) and Section X.B(3) of the Compact, all gaming activities shall be subject to an audit by independent certified public accountants, not less than annually, and copies of the annual audit shall be provided to the National Indian Gaming Commission. All contracts for supplies, services, or concessions for a contract amount in excess of \$25,000 annually (except contracts for professional legal or accounting services) relating to Class II or Class III gaming shall be subject to such audits.

[History] Ord. 171 (6/30/03); Ord. 104 (11/3/93); Ord. 103 (10/5/93).

16-02.050 Public Safety Standards.

In compliance with 25 U.S.C. § 2710(b)(2)(E), the construction and maintenance of any gaming facilities, and the operation of gaming activities, shall be conducted in a manner that adequately protects the environment and the public health and safety and for that purpose shall comply with the requirements of Section XIII of the Compact and all other applicable health, safety and environmental standards enacted by the Tribe.

[History] Ord. 171 (6/30/03); Ord. 104 (11/3/93); Ord. 103 (10/5/93).

16-02.060 Background Investigations.

In compliance with 25 U.S.C. § 2710(b)(2)(F):

- (A) All Class III gaming employees, as defined in the Compact, including all primary management officials and key employees of any Class III gaming enterprise, together with such Class II gaming employees as are required by the Gaming Enterprise to secure a tribal license and state certification, shall be subject to the state certification requirements of the Compact as set forth in Section V of the Compact, which include requirements for background investigations and ongoing review including annual renewal of such tribal licenses and state certification for all gaming employees. The Tribe shall notify the National Indian Gaming Commission of the results of the state certification process for its primary management officials and key employees. The investigation shall be conducted in accordance with the regulations and procedures established by the National Indian Gaming Commission 25 C.F.R. Parts 537, 556 and 558.

- (B) All Class II gaming employees who are not certified by the state as gaming employees pursuant to the Compact shall be required to obtain a license from the Commission established pursuant to this Title, and for that purpose the Commission shall conduct background investigations of all such employees and shall deny or revoke such licenses for any employee whose prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the public interests or to the effective regulation of gaming or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming. The Commission shall notify the National Indian Gaming Commission of the results of its background investigation for the primary management officials and key employees of its Class II gaming operations who are not certified by the state as gaming employees pursuant to the Compact. The investigation shall be conducted in accordance with the regulations and procedures established by the National Indian Gaming Commission, 25 C.F.R. Parts 537, 556 and 558.

[History] Ord. 171 (6/30/03); Ord. 104 (11/3/93); Ord. 103 (10/5/93).

16-02.070 Separate License.

In compliance with 25 U.S.C. § 2710(b)(1), a separate license shall be required for each gaming place, facility or location on the Swinomish Indian Reservation.

[History] Ord. 171 (6/30/03); Ord. 104 (11/3/93); Ord. 103 (10/5/93).