



Mille Lacs Band of Ojibwe Indians
Gaming Regulatory Authority
Office of Gaming Regulation and Compliance

RESOLUTION 01-09

**A RESOLUTION APPROVING REGULATION DGR 23
FACILITY LICENSING**

WHEREAS, the Gaming Regulatory Authority Board is the duly-appointed governing body of the Gaming Regulatory Authority, and

WHEREAS, the Gaming Regulatory Authority Board has the power and duty to develop, adopt, and promulgate regulations in accordance with 15 MLBSA §305, and


WHEREAS, the Gaming Regulatory Authority Board has complied with 15 MLBSA §305 (b)(2), Regulation DGR 23-Facility Licensing was posted for a 30 day comment period beginning September 11, 2008 and closing October 10, 2008, and

WHEREAS, the Gaming Regulatory Authority Board has received comments during the posted comment period and in accordance with 15 MLBSA §305 (b)(3) has reviewed all comments and has made such changes to Regulation DGR 23-Facility Licensing as it deemed reasonable and appropriate.

NOW, THEREFORE IT IS RESOLVED, that the Gaming Regulatory Authority Board approves Regulation DGR 23-Facility Licensing and establishes the effective date for as November 6, 2008.

WE DO HEREBY CERTIFY, that the foregoing resolution was duly concurred with and adopted at a special meeting of the Gaming Regulatory Authority Board, a quorum of members being present, held on the 6th day of November 2008 at Hinckley, Minnesota by a vote of 3 FOR, 0 AGAINST, 0 SILENT.

IN WITNESS WHEREOF, we the Gaming Regulatory Authority Board hereunto cause to have set the signature of the Gaming Regulatory Authority Chairperson to be affixed to this Resolution.



Gaming Regulatory Authority Board Chairperson

OFFICIAL SEAL OF THE BAND



Mille Lacs Band of Ojibwe Indians
Gaming Regulatory Authority
Office of Gaming Regulation and Compliance

November 6, 2008

NOTICE OF ADOPTION

Pursuant to 15 MLBSA § 305(b)(2), this serves as the official notice of adoption for the following:

**Detailed Gaming Regulation 23,
Facility Licensing**

Summary of Regulation:

Detailed Gaming Regulation to establish Facility Licensing for any facility operated, in whole or in part, for the conduct of class II or III gaming or related to gaming activities within the jurisdiction of the Band.

Effective Date: November 6, 2008

Copies of this regulation can be obtained at the Office of Gaming Regulation and Compliance

Gaming Regulatory Authority Board Chairperson

11/6/08

Date



Mille Lacs Band of Ojibwe Indians

Gaming Regulatory Authority

Detailed Gaming Regulations

Facility Licensing

Document No. DGR – 23

Effective: November 6, 2008

I. Facility Licensing

Section 1. Scope. This section includes the Detailed Gaming Regulation for Facility Licensing for any facility operated, in whole or in part, for the conduct of class II or III gaming or related to gaming activities within the jurisdiction of the Band to:

- A. Ensure that each gaming entity, facility, or location where class II or III gaming will occur is located on Indian lands eligible for gaming and that the construction and maintenance of the gaming facility, and the operation of that gaming is conducted in a manner which adequately protects the environment and the public health and safety pursuant to 15 MLBSA § 106 and the Indian Gaming Regulatory Act; and
- B. Each gaming entity, facility, or location conducting class II or III gaming pursuant to 15 MLBSA and the Indian Gaming Regulatory Act or on which the Band intends to conduct class II or III gaming pursuant to 15 MLBSA and the Indian Gaming Regulatory Act is subject to the requirements of this regulation.

Section 2. Definitions applicable to this regulation.

- A. Construction and maintenance of the gaming facility, and the operation of that gaming facility is conducted in a manner which adequately protects the environment and the public health and safety means the Band has identified and enforces laws, resolutions, codes, policies, standards or procedures applicable to each gaming entity, facility or location that protect the environment

and the public health and safety, including standards under a tribal-state compact or Secretarial procedures. Laws, resolutions, codes, policies, standards or procedures in this area shall cover, at a minimum:

1. Emergency preparedness, including but not limited to fire suppression, law enforcement, and security;
2. Food and potable water;
3. Construction and maintenance;
4. Hazardous materials;
5. Sanitation (both solid waste and wastewater); and
6. Other environmental or public health and safety standards adopted by the Band in light of climate, geography, and other local conditions and applicable to its gaming facilities, places or locations.

- B. Facility Licensing means a separate license issued by the Gaming Regulatory Authority to each gaming entity, facility, or location on Indian lands where the Band elects to allow class II or III gaming.

Section 3. Facility License

- A. At least annually the Gaming Regulatory Authority will issue a separate facility license to each gaming entity, facility, or location on Indian lands where the Band elects to allow class II or III gaming.
- B. The Corporate Commission will be required to submit to the Gaming Regulatory Authority within 60 days prior to the issuance or renewal of a facility license



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1. An attestation certifying that
 - a. The Corporate Commission has identified and enforces the environmental and public health and safety laws, resolutions, codes, policies, standards or procedures applicable to its gaming operation;
 - b. The gaming entity, facility or location being licensed is in compliance with those laws, resolutions, codes, policies, standards, or procedures, or if not in compliance with any or all of these same, Corporate Commission will identify those with which it is not in compliance, and will adopt and submit its written plan for the specific action it will take, within a period not to exceed six months, required for compliance. At the successful completion of such written plans, or at the expiration of the period allowed for its completion, Corporate Commission shall report the status thereof to the Gaming Regulatory Authority. In the event that Corporate Commission estimates that action for compliance will exceed six months, the Gaming Regulatory Authority must concur in such an extension of the time period, otherwise Corporate Commission will be deemed noncompliant. The Gaming Regulatory Authority will take into consideration the consequences on the environment and the public health and safety, as well as mitigating measures Corporate Commission may provide in the interim, in their consideration of requests for such an extension of the time period.
 - c. The Corporate Commission is ensuring that the construction and maintenance of the gaming facility, and the operation of that gaming is conducted in a manner which adequately protects the environment and the public health and safety.
2. A document listing all laws, resolutions, codes, policies, standards or procedures identified by the Corporate Commission as applicable to its gaming facilities in the following areas:
 - a. Emergency preparedness, including but not limited to fire suppression, law enforcement, and security;
 - b. Food and potable water;
 - c. Construction and maintenance;
 - d. Hazardous materials;
 - e. Sanitation (both solid and wastewater); and
 - f. Other environmental or public health and safety laws, resolutions, codes, policies, standards or procedures adopted by the Band in light of climate, geography, and other local conditions and applicable to its



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- gaming places, facilities, or locations.
- C. As a condition of licensure, any time a facility that has a Facility License issued by the Gaming Regulatory Authority, has conducted a version upgrade of its gaming systems the facility will be required to have the system tested on site by an independent testing laboratory (i.e. Gaming Laboratories International) licensed in the state of Minnesota. Such testing shall include at a minimum:
1. Software verification of files and configuration of the host system and each interface element in the system;
 2. Review of security rights to ensure accurate assignment;
 3. Communication testing in conjunction with the machines on the floor with regard to accounting and security events;
 4. Wireless testing to determine if wireless communications being used within the facility are secure;
 5. Security review of the network configuration; and
 6. Review of backup scheme.
- D. The Corporate Commission will be required to provide proof of compliance with these standards to the Gaming Regulatory Authority before issuance or renewal of a facility license. The Corporate Commission will only be required to submit updates or changes to the information already provided for any renewal of license.
- E. The Corporate Commission will submit to the Gaming Regulatory Authority and the NIGC Chairman a notice that a facility license is under consideration for issuance at least 120 days before opening any new place, facility, or location on Indian lands where class II or III gaming will occur. This notice shall contain the following:
1. The name and address of the property;
 2. A legal description of the property;
 3. The tract number for the property as assigned by the Bureau of Indian Affairs, Land Title and Records Offices, if any;
 4. If not maintained by the Bureau of Indian Affairs; Department of the Interior, a copy of the trust or other deed(s) to the property or an explanation as to why such documentation does not exist; and
 5. If not maintained by the Bureau of Indian Affairs, Department of the Interior, documentation of the property's ownership.
- F. The Gaming Regulatory Authority does not need to submit to the NIGC Chairman a notice that a facility license is under consideration for issuance for occasional charitable events lasting not more than a week.
- G. The Corporate Commission will submit to the Gaming Regulatory Authority and to the NIGC Chairman within 30 days of issuance
1. A copy of each newly issued or renewed facility license,
 2. An attestation certifying that
 - a. The Corporate Commission has identified and enforces the



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- environmental and public health and safety laws, resolutions, codes, policies, standards or procedures applicable to its gaming operation;
- b. The gaming entity, facility or location being licensed is in compliance with those laws, resolutions, codes, policies, standards, or procedures, or if not in compliance with any or all of these same, Corporate Commission will identify those with which it is not in compliance, and will adopt and submit its written plan for the specific action it will take, within a period not to exceed six months, required for compliance. At the successful completion of such written plans, or at the expiration of the period allowed for its completion, Corporate Commission shall report the status thereof to the Gaming Regulatory Authority. In the event that Corporate Commission estimates that action for compliance will exceed six months, the Gaming Regulatory Authority must concur in such an extension of the time period, otherwise Corporate Commission will be deemed noncompliant. The Gaming Regulatory Authority will take into consideration the consequences on the environment and the public health and safety, as well as mitigating measures Corporate Commission may provide in the interim, in their consideration of requests for such an extension of the time period.
- c. The Corporate Commission is ensuring that the construction and maintenance of the gaming facility, and the operation of that gaming is conducted in a manner which adequately protects the environment and the public health and safety.
3. A document listing all laws, resolutions, codes, policies, standards or procedures identified by the Corporate Commission as applicable to its gaming facilities, other than Federal laws, in the following areas:
- Emergency preparedness, including but not limited to fire suppression, law enforcement, and security;
 - Food and potable water;
 - Construction and maintenance;
 - Hazardous materials;
 - Sanitation (both solid and wastewater); and
 - Other environmental or public health and safety laws, resolutions, codes, policies, standards or procedures adopted by the Band in light of climate, geography, and other local conditions and applicable to its gaming places, facilities, or locations.



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4. After the first submission of a document under paragraph (3) of this section, upon reissuance of a license to an existing gaming place, facility, or location, and in lieu of complying with paragraph (3) of this section, the Corporate Commission may certify to the Gaming Regulatory Authority and to the NIGC Chairman that it has not substantially modified its laws protecting the environment and public health and safety.
 - H. The Gaming Regulatory Authority will notify the NIGC Chairman within thirty (30) days if a facility license is terminated or not renewed or if a gaming place, facility or location closes or reopens.
 - I. These documents may be submitted to NIGC electronically in acceptable document formats and means of transmission.

History. Approved by the Gaming Regulatory Authority Board on November 6, 2008.
Effective date November 6, 2008.