

Cherokee Nation Code Annotated

Title 4: Amusements and Sports

Chapter 1: General Provisions

§ 4. Definitions

Cite as: 4 CNCA § 4

For the purposes of this Title, and unless a different code meaning is clearly indicated, the terms used in this Title shall have the same meaning as defined in the "Indian Gaming Regulatory Act," Public Law 100–497, codified at 25 U.S.C. § 2701 et seq., as amended:

1. **"Advisory Member"** means a member of the Tribal Council, appointed by the Tribal Council, to attend and participate in meetings of the Cherokee Nation Gaming Commission and shall serve in an advisory, non-voting capacity.
2. **"Agent"** and **"Officially Licensed Agent"** means any entity/corporation, wholly or majority owned by the Nation, its parent, subsidiary, and/or affiliate companies that conducts or has responsibility for gaming activities.
3. **"Class I Gaming"** means social games solely for prized 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.
4. **"Class II Gaming"** means:
 - a. Bingo or lotto (whether or not electronic, computer, or other technological aids are used) when players:
 - i. Play for prizes with cards bearing numbers or other designations;
 - ii. Cover numbers or designations when object, similarly numbered or designated, are drawn or electronically determined; and
 - iii. Win the game by being the first person to cover a designated pattern on such cards.
 - b. If played in the same location as bingo or lotto, Class II gaming includes:
 - i. Pull-tabs, punch boards, tip jars, instant bingo, and other games similar to bingo; and
 - ii. Non-banking games that:
 - (a) State law explicitly authorizes, or does not explicitly prohibit, and are played legally anywhere in the state; and
 - (b) Play in conformity with state laws and regulations concerning hours, periods of operation, and limitations on wagers and pot sizes.

c. Class II Gaming does not include any banking card games, including baccarat, chemin de fer, or blackjack (21), or electronic or electromechanical facsimiles of any game of chance or slot machines of any kind.

5. **"Class III Gaming"** includes all those forms of gaming that are not Class I or Class II gaming.

6. **"Compact"** means any agreement entered into between the Cherokee Nation and the State of Oklahoma, as approved by the Secretary of the Interior, for the purposes of conducting Class III gaming. Any such agreement shall only affect the scope of Class III gaming activities.

7. **"Facility License"** means a separate license issued by the Gaming Commission to each place, facility or location on Indian lands and any other lands owned by the Cherokee Nation where Class II or Class III gaming may be conducted.

8. **"Gaming Commission"** means the Cherokee Nation Gaming Commission.

9. **"Gaming Commissioner"** means any member of the Gaming Commission duly appointed by the Principal Chief and confirmed by the Tribal Council.

10. **"Gaming Equipment"** means all electronic, electro-mechanical, mechanical, or other physical components utilized in the play of Class II and Class III games.

11. **"Gaming Facility"** means any premises, buildings, facilities, improvements, and/or equipment used or maintained in connection with the conduct of gaming, including but not limited to the storage of gaming equipment and/or materials and directly tied to the gaming operation/facility. This definition shall not include non-gaming operations, even if such operations are within the same building as gaming operations.

12. **"Gaming Facility Employee"** means any employee of a gaming facility engaged in gaming or gaming related activity.

13. **"Gaming Public"** or **"Patron"** means any natural person that is on the premises of a gaming facility acting or serving in the capacity as a customer or guest for the purpose of gaming.

14. **"Gaming System"** means all components, whether or not technologic aids in electronic, computer, mechanical, or other technologic form, that function together to aid the play of one or more Class II games or any Class III games, inclusive of any and all support systems, player tracking and gaming accounting functions.

15. **"Gaming Vendor"** means any person or entity who provides, through the sale, lease, rental or otherwise, any games, parts, maintenance or service in connection therewith to the Officially Licensed Agent in any amount.

16. **"IGRA"** means the Indian Gaming Regulatory Act of 1988, Public Law 100–497, as codified at 25 U.S.C. § 2701 et. seq., as amended.

17. **"Indian Lands"** means land over which Cherokee Nation exercises governmental power and that is either:

a. Held in trust by the United States for the benefit of Cherokee Nation or any member of Cherokee Nation; or

b. Held by Cherokee Nation or any member of Cherokee Nation which is subject to restriction by the United States against alienation.

18. **"Jurisdiction"** means all lands owned by the Nation or over which the Nation exercises commercial and/or governmental authority or control.

19. **"Key Employee"** means:

a. A person who performs one or more of the following functions:

i. Bingo Caller;

ii. Counting room supervisor;

iii. Security and Surveillance;

iv. Custodian of gaming supplies or cash;

v. Floor manager;

vi. Pit boss;

vii. Dealer;

viii. Croupier;

ix. Approver of credit;

x. Information technology employee with access to gaming related systems and equipment; or

xi. 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 Fifty Thousand Dollars (\$50,000.00) per year; or,
- c. If not otherwise included, the four most highly compensated persons in the gaming operation;
- d. Any other person designated by the Nation as a Key Employee.

20. **"License"** means:

- a. In connection with a gaming facility, a license issued by the Cherokee Nation Gaming Commission authorizing the operation of a gaming facility at a particular location owned and operated by the Nation;
- b. In connection with an individual person, a license or permit issued by the Cherokee Nation Gaming Commission authorizing the person to be engaged as a non-gaming employee, Key Employee, or Primary Management Official of a licensed gaming facility; and
- c. In connection with certain vendors, a license or permit issued by the Cherokee Nation Gaming Commission authorizing an individual or entity to conduct business and/or engage in activities that impact the operation of a gaming facility.

21. **"Nation"** or **"Tribe"** means the Cherokee Nation.

22. **"NIGC"** means the National Indian Gaming Commission.

23. **"Non-Gaming Employee"** means any employee of the gaming operation who is not a Key Employee or Primary Management Official. If applicable, any Non-gaming employees licensed by the Gaming Commission shall be licensed in accordance with any limitations, restrictions, or regulatory requirements included in 4 CNCA § 22.

24. **"Non-Gaming Vendor"** means any person or entity who, directly or indirectly, provides or is likely to provide at least Twenty-Five Thousand Dollars (\$25,000.00) in goods or services to an Officially Licensed Agent within the gaming facility's fiscal year. PROVIDED, that attorneys or certified public accountants and their firms shall be exempt from this definition to the extent that they are providing services covered by their respective professional licenses.

25. **"Person"** means any natural individual, company, partnership, firm, joint venture, association, Limited Liability Company (LLC), corporation, estate, political entity of the Cherokee Nation, or other identifiable entity to which this Title can be applied.

26. **"Primary Management Official"** means:

- a. The person having management responsibility for a management contract;

b. Any person who has authority:

i. To hire and fire employees;

ii. To set up working policy for the gaming operation; or

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

d. Any other person designated by the Nation as a Primary Management Official.

27. **"Working Days"** means Monday through Friday, except for holidays recognized by the Cherokee Nation and/or the federal government.

Historical Data

LA 26–10, eff. September 19, 2010. Amended LA 10–11, eff. June 19, 2011; LA 07–14, eff. April 24, 2014; LA 17–14, eff. July 18, 2014.

Derivation

LA 30–89.

LA 09–90.

LA 01–94.

Former 4 CNCA §§ 3, 42.

LA 29–03.

LA 20–06.