

ADDRESSES: Brenda Tapia, Division of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 212, Arlington, VA 22203; fax (703) 358-2280; or email DMAFR@fws.gov.

FOR FURTHER INFORMATION CONTACT: Brenda Tapia, (703) 358-2104

(telephone); (703) 358-2280 (fax); DMAFR@fws.gov (email).

SUPPLEMENTARY INFORMATION: On the dates below, as authorized by the provisions of the ESA (16 U.S.C. 1531 *et seq.*), as amended, and/or the MMPA, as amended (16 U.S.C. 1361 *et seq.*), we issued requested permits subject to

certain conditions set forth therein. For each permit for an endangered species, we found that (1) The application was filed in good faith, (2) The granted permit would not operate to the disadvantage of the endangered species, and (3) The granted permit would be consistent with the purposes and policy set forth in section 2 of the ESA.

Permit No.	Applicant	Receipt of application Federal Register notice	Permit issuance date
Endangered Species			
10814B	Larry Bell	78 FR 45954; July 30, 2013	September 12, 2013.
13216B	Anthony Gaglio	78 FR 50083; August 16, 2013	September 25, 2013.
13270B	Shane Erving	78 FR 50083; August 16, 2013	September 25, 2013.
Marine Mammals			
056326	Dr. Graham Worthy, University of Central Florida	78 FR 30325; May 22, 2013	September 30, 2013.
067925	U.S. Geological Survey, Alaska Science Center ..	78 FR 37562; June 21, 2013	September 20, 2013.
837923	Gordon Bauer, New College of Florida	78 FR 37563; June 21, 2013	September 30, 2013.
19806A	Thomas Postel	78 FR 40762; July 8, 2013	September 27, 2013.
672624	U.S. Geological Survey, Biological Resources Division, Santa Cruz Field Station.	78 FR 44961; July 25, 2013	September 13, 2013.
05202B	Renegade Pictures	78 FR 48711; August 9, 2013	September 11, 2013.

Availability of Documents

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to: Division of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 212, Arlington, VA 22203; fax (703) 358-2280.

Brenda Tapia,
Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.
 [FR Doc. 2013-24541 Filed 10-21-13; 8:45 am]
 BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[DR.5B711.IA000813]

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Tribal-State Class III Gaming Compact taking effect.

SUMMARY: This notice publishes the Class III Gaming Compact between the North Fork Rancheria of Mono Indians and the State of California taking effect.

DATES: *Effective Date:* October 22, 2013.

FOR FURTHER INFORMATION CONTACT: Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant

Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219-4066.

SUPPLEMENTARY INFORMATION: Under section 11 of the Indian Gaming Regulatory Act (IGRA), Public Law 100-497, 25 U.S.C. 2701 *et seq.*, the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. The Compact between the State of California and the North Fork Rancheria of Mono Indians allows for one gaming facility and authorizes the Tribe to operate up to 2,000 gaming devices, any banking or percentage card games, and any devices or games authorized under State law to the State lottery. The Compact, also authorizes limited annual payments to the State for statewide exclusivity. Finally, the term of the compact is until December 31, 2033. The Secretary took no action on the Compact within 45 days of its submission by the Tribe and the State. Therefore, the compact is considered to have been approved, but only to the extent that the Compact is consistent with IGRA. *See* 25 U.S.C. 2710(d)(8)(C).

Dated: September 30, 2013.
Kevin K. Washburn,
Assistant Secretary—Indian Affairs.
 [FR Doc. 2013-24350 Filed 10-21-13; 8:45 am]
 BILLING CODE 4310-4N-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[DR.5B711.IA000813]

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Approved Tribal-State Class III Gaming Compact.

SUMMARY: This notice publishes the approval of an amendment to the Class III Tribal-State Gaming Compact (Amendment), between the Tunica-Biloxi Tribe of Louisiana (Tribe) and the State of Louisiana (State).

DATES: *Effective Date:* October 22, 2013.

FOR FURTHER INFORMATION CONTACT: Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219-4066.

SUPPLEMENTARY INFORMATION: Under section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA) Public Law 100-497, 25 U.S.C. 2701 *et seq.*, the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. On August 19, 2013 the Tribe and the State submitted an amendment for review and approval. The Amendment between the State and the Tribe facilitates refinancing of the Tribe's existing gaming-related debt. A presumption of suitability is granted for a Qualified Institutional Buyer as

defined by Rule 144A of the Securities Act of 1933. Pursuant to 25 CFR 293.4, all compacts and amendments are subject to review and approval by the Secretary. Pursuant to 25 CFR 293.15, an approved compact or amendment takes effect on the date that notice of its approval is published in the Federal Register.

Dated: September 30, 2013.
 Kevin K. Washburn,
Assistant Secretary—Indian Affairs.
 [FR Doc. 2013–24348 Filed 10–21–13; 8:45 am]
 BILLING CODE 4310–4N–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[DR.5B711.IA000813]

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of extension of Tribal-State Class III Gaming Compact.

SUMMARY: This publishes notice of the extension of the Class III gaming compact between the Rosebud Sioux Tribe and the State of South Dakota.

DATES: *Effective Date:* October 22, 2013.

FOR FURTHER INFORMATION CONTACT: Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Pursuant to 25 CFR 293.5, an extension to an existing tribal-state Class III gaming compact does not require approval by the Secretary if the extension does not include any amendment to the terms of the compact. The Rosebud Sioux Tribe and the State of South Dakota have reached an agreement to extend the expiration of their existing Tribal-State Class III gaming compact to February 15, 2014. This publishes notice of the new expiration date of the compact.

Dated: September 30, 2013.
 Kevin K. Washburn,
Assistant Secretary—Indian Affairs.
 [FR Doc. 2013–24349 Filed 10–21–13; 8:45 am]
 BILLING CODE 4310–4N–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[124A2100RM. AADD003200. A087C222. 999900. AR. DED. 97C22214. 001]

Request for Nominees to Serve on the Bureau of Indian Education Advisory Board for Exceptional Children

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Indian Education (BIE) is seeking nominations for individuals to be considered as a member of the Advisory Board for Exceptional Children (Advisory Board). There are six positions available. BIE will consider nominations received in response to this request for nominations, as well nominations received from as other sources.

DATES: Nomination applications must be received on or before November 15, 2013.

ADDRESSES: Submit nomination applications to Sue Bement, Designated Federal Officer, Bureau of Indian Education, 1011 Indian School Road NW., Suite 332, Albuquerque, New Mexico 87104–1088, telephone (505) 563–5274 or fax (505) 563–5281.

FOR FURTHER INFORMATION CONTACT: Sue Bement, Designated Federal Officer, at the above-listed address and telephone number.

SUPPLEMENTARY INFORMATION: The Advisory Board was established in accordance with the Federal Advisory Committee Act, 5 U.S.C. App 2. The following provides information about the Committee, the membership and the nomination process.

1. Objective and Duties

(a) Members of the Advisory Board will provide guidance, advice, and recommendations with respect to special education and related services for children with disabilities in Bureau-funded schools in accordance with the requirements of the Individuals with Disabilities Education Act of 2004 (IDEA).

(b) The Advisory Board will:

- (1) Provide advice and recommendations for the coordination of services within BIE and with other local, State, and Federal agencies;
- (2) Provide advice and recommendations on a broad range of policy issues dealing with provision of educational services to American Indian children with disabilities;
- (3) Serve as an advocate for American Indian students with special education

needs by providing advice and recommendations regarding best practices, effective program coordination strategies, and recommendations for improved educational programming;

(4) Provide advice and recommendations for preparation of information required to be submitted to the Secretary of Education under 20 U.S.C. 1411(h)(2);

(5) Provide advice and recommend policies concerning effective inter- and intra-agency collaboration, including modifications to regulations, and elimination of barriers to inter- and intra-agency programs and activities; and

(6) Report and direct all correspondence to the Assistant Secretary-Indian Affairs through the Director, BIE with a courtesy copy to the Designated Federal Officer (DFO).

2. Membership

(a) Pursuant to 20 U.S.C. 1411(h)(6), the Advisory Board will be composed of up to 15 individuals involved in or concerned with the education and provision of services to Indian infants, toddlers, children, and youth with disabilities. The Advisory Board composition will reflect a broad range of viewpoints and will include at least one member representing each of the following interests: Indians with disabilities; teachers of children with disabilities; Indian parents or guardians of children with disabilities; service providers; state education officials; local education officials; state interagency coordinating councils (for states having Indian reservations); tribal representatives or tribal organization representatives; and other members representing the various divisions and entities of BIE.

(b) The Assistant Secretary—Indian Affairs may provide the Secretary of the Interior recommendations for the chairperson; however, the chairperson and other Advisory Board members will be appointed by the Secretary. Advisory Board members shall serve staggered terms of two years or three years from the date of their appointment.

3. Miscellaneous

(a) Members of the Advisory Board will not receive compensation, but may be reimbursed for travel, including subsistence, and other necessary expenses incurred in the performance of their duties in the same manner as persons employed intermittently in government service under 5 U.S.C. 5703.

(b) A member may not participate in matters that will directly affect, or



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

OCT 30 2013

The Honorable Bobby Jindal
Governor of Louisiana
Baton Rouge, Louisiana 94004

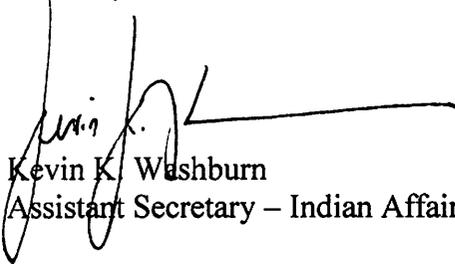
Dear Governor Jindal:

On August 19, 2013, the Department of the Interior (Department) received the Class III Tribal State Gaming Compact (Compact) between the Tunica-Biloxi Tribe (Tribe) and the State of Louisiana (State), providing for the regulation of Class III gaming by the Tribe.

We have completed our review of the Compact and we conclude that it does not violate the Indian Gaming Regulatory Act (IGRA), any other provision of Federal law that does not relate to jurisdiction over gaming on Indian lands, or the trust obligations of the United States to Indians. 25 U.S.C. § 2710(d)(8)(B). Therefore, pursuant to my delegated authority and Section 11 of IGRA, I approved the Compact on September 30, 2013. 25 U.S.C. § 2710(d)(8)(A). Due to the Government shutdown, my signature and transmission of this approval letter was delayed. Please accept my apologies for any inconvenience this may have caused.

This Compact took effect when the notice of this approval was published in the Federal Register. 25 U.S.C. § 2710(d)(3)(B). A similar letter is being sent to the Honorable Marshall Pierite, Vice Chairman of the Tunica-Biloxi Tribe.

Sincerely,



Kevin K. Washburn
Assistant Secretary – Indian Affairs

Enclosure



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

OCT 30 2013

The Honorable Marshall Pierite
Vice Chairman, Tunica-Biloxi Tribe of Louisiana
P.O. Box 1589
Marksville, Louisiana 71351

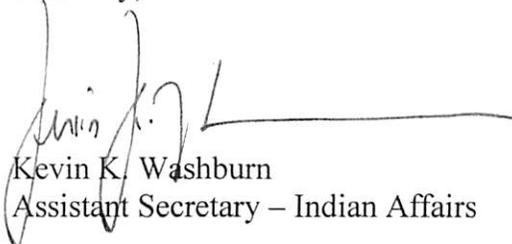
Dear Vice Chairman Pierite:

On August 19, 2013, our office received from the Tunica-Biloxi Tribe (Tribe), the Class III Tribal-State Compact Amendment (Amendment) between the Tribe and the State of Louisiana (State), providing for the regulation of Class III gaming by the Tribe.

We have completed our review of the Compact Amendment and we conclude that it does not violate the Indian Gaming Regulatory Act (IGRA), any other provision of Federal law that does not relate to jurisdiction over gaming on Indian lands, or the trust obligations of the United States to Indians. 25 U.S.C. § 2710(d)(8)(B). Therefore, pursuant to my delegated authority and Section 11 of IGRA, I approved the Compact on September 30, 2013. 25 U.S.C. § 2710(d)(8)(A). Due to the Government shutdown, my signature and transmission of this approval letter was delayed. Please accept my apologies for any inconvenience this may have caused.

This Compact took effect when the notice of approval was published in the Federal Register. 25 U.S.C. § 2710(d)(3)(B). A similar letter is being sent to the Honorable Bobby Jindal, Governor of the State of Louisiana.

Sincerely,



Kevin K. Washburn
Assistant Secretary – Indian Affairs

Enclosure

TUNICA-BILOXI
TRIBE OF LOUISIANA



COMPACT AMENDMENT



**2013 AMENDMENT TO
TRIBAL-STATE COMPACT FOR THE CONDUCT OF CLASS III GAMING
BETWEEN THE TUNICA-BILOXI INDIAN TRIBE OF LOUISIANA AND
THE STATE OF LOUISIANA**

THIS 2013 AMENDMENT TO THE TRIBAL-STATE COMPACT FOR THE CONDUCT OF CLASS III GAMING (this "Compact Amendment") dated as of June 24, 2013, is between the Tunica-Biloxi Tribe of Louisiana, a federally recognized Indian tribe (the "Tribe") and the State of Louisiana (the "State").

WHEREAS, In 1988, the Congress of the United States of America enacted the Indian Gaming Regulatory Act, which provided a statutory basis for the operation and regulation of gaming by Indian Tribes;

WHEREAS, Pursuant to the Indian Gaming Regulatory Act, a Tribal-State Compact for the conduct of Class III Gaming between the Tunica-Biloxi Indian Tribe of Louisiana and the State of Louisiana was executed and signed by Chairman Earl J. Barbry, Sr. and Governor Murphy J. Foster, Jr., on August 14, 2001 (the "2001 Compact");

WHEREAS, The Tribal-State Compact for the conduct of Class III Gaming became effective upon being published in the *Federal Register*, on October 9, 2001;

WHEREAS, In 2006, the Governor of the State agreed to an amendment to the 2001 Compact (the "2006 Amendment") to facilitate the Tribe's issuance of \$150,000,000 of senior notes (the "2005 Notes") in consideration of the substantial economic development benefits to be realized therefrom that would inure to the benefit of Avoyelles Parish, the State and the Tribe, including, but not limited to, the creation of jobs, increased income and sales tax revenues, and the drawing of additional visitors and customers to the area; and

WHEREAS, There is \$150,000,000 of the 2005 Notes presently outstanding and there is not more than \$10,000,000 outstanding under a bank credit facility (collectively, the "Existing Debt"); and

WHEREAS, The Tribe is now pursuing a new financing that would include a refinancing of the Existing Debt and has requested the Governor of the State to enter into an amendment to the 2001 Compact as amended to date (the "Compact") to facilitate such financing; and

WHEREAS, It is the clear understanding of all parties to this amendment to the Compact that it in no way constitutes an adoption, re-adoption, ratification, renewal or extension of the 2001 Compact but in all respects

Exhibit A

is solely an agreement to additional provisions and clarifications to the Compact; and

NOW THEREFORE, the Tribe and the State hereby agree as follows:

1. Amendment to Section 6, Part C of the Compact. As of the Effective Date defined below, Section 6, Part C of the Compact shall be amended to add the following as the last provisions thereof:

8. Notwithstanding any other provision in this Section 6, with respect to extending financing to the gaming facilities or operations, a qualified institutional buyer (and any nominee of record thereof) shall be presumed suitable with no need for submission of any notice, information, certification or filing to the State of Louisiana or any agency of the State of Louisiana to establish such presumed suitability; provided, however:
 - a. This Section 6, Part (C)(8) shall not be construed to preclude the State of Louisiana from investigating the suitability or qualifications of a qualified institutional buyer should the State of Louisiana or the Tribe become aware of facts or information which may result in such qualified institutional buyer being found unsuitable or disqualified;
 - b. The State of Louisiana may revoke any grant of presumptive suitability made pursuant to this Section 6, Part (C)(8) and require any person or entity to demonstrate by clear and convincing evidence his/her or its suitability and qualifications for State Certification, by submitting to the normal process of such certification;
 - c. The Tribe warrants and agrees that, during the term of any such financing, either the Tribe or a trustee shall (a) file with the State of Louisiana on a biannual basis the following information for each registered holder of such debt: (1) name; (2) address; (3) phone and fax number; (4) name and phone number of a contact person; and (5) the approximate dollar amount of such debt held by the holder, and (b) provide to the State of Louisiana on the same biannual basis, a notarized statement signed by the Tribe or a trustee that all such purchasers are qualified institutional buyers; and
 - d. The State of Louisiana may rescind the presumption of suitability for a qualified institutional buyer if the qualified institutional buyer exercises or intends to exercise influence or control over the affairs of the Tribe, any governmental entity of the Tribe, or the gaming operations of the Tribe.

Exhibit A

2. Amendment to Section 6, Part J of the Compact. As of the Effective Date, Section 6, Part J of the Compact shall be amended to add the following as the last sentence thereof:

Any financial statements or other information relating to any gaming facilities which the Tribal Council of the Tunica-Biloxi Tribe of Louisiana has approved to be made available to any of the following shall not be deemed "sensitive or privileged information" for purposes of this Section 6, Part J: (i) qualified institutional buyers owning or considering the purchase of debt financing the gaming facilities or operations; (ii) nationally recognized credit rating organizations; (iii) broker-dealers registered pursuant to the federal Securities and Exchange Act of 1934 or (iv) securities research firms.

3. Miscellaneous. This Compact Amendment shall become effective on the date (the "Effective Date") on which notice of its approval on behalf of the United States Secretary of the Interior is published in the Federal Register in accordance with 25 U.S.C. § 2710(d)(3)(B) and § 2710(d)(8)(D). This Compact Amendment shall not be amended or modified except in a writing signed by both parties hereto and approved by the United States Secretary of the Interior.

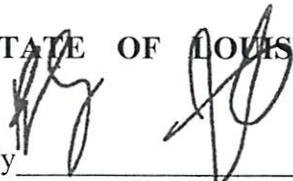
IN WITNESS WHEREOF, this Compact Amendment has been signed as of the above date.

TUNICA-BILOXI TRIBE OF
LOUISIANA

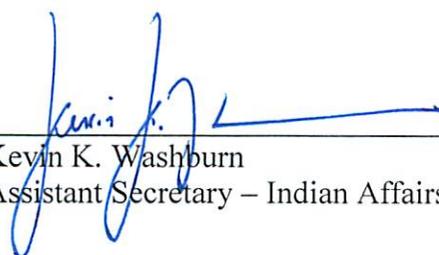
By 

Earl J. Barbry, Sr., Chairman

STATE OF LOUISIANA

By 
Bobby Jindal, Governor

DEPARTMENT OF THE INTERIOR

BY: 
Kevin K. Washburn
Assistant Secretary – Indian Affairs

OCT 30 2013

Dated: _____

TUNICA BILOXI RESOLUTION APPROVING COMPACT AMENDMENT



Final

TUNICA-BILOXI TRIBE OF LOUISIANA
RESOLUTION NO. ~~13~~ 05-28-13 C

A RESOLUTION OF THE TRIBAL COUNCIL OF THE TUNICA-BILOXI TRIBE OF LOUISIANA (THE "TRIBE") AUTHORIZING AN AMENDMENT TO THE TRIBE'S ~~TRIBAL-STATE COMPACT FOR THE CONDUCT OF CLASS III GAMING AND~~ AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION.

WHEREAS, the Tribe was federally-recognized by the United States Secretary of the Interior (the "Secretary") on July 27, 1981; and

WHEREAS, the Tunica-Biloxi Tribal Council (the "Tribal Council") is the duly-elected governing body of the Tribe, as authorized by Article VII, Section 1, of the Constitution of the Tribe; and

WHEREAS, under the Constitution the Tribal Council has the power to negotiate with the federal, state and local governments; to supervise and manage tribal economic affairs and enterprises in accordance with the Constitution and tribal laws; to administer all property of the Tribe; and to pass laws and resolutions incidental to the exercise of any powers of the Tribal Council expressly stated in the Constitution; and

WHEREAS, the Tribal Council may also exercise all other inherent tribal powers not expressly listed without amendment to the Constitution pursuant to tribal law consistent with federal law; and

WHEREAS, pursuant to the Indian Gaming Regulatory Act ("IGRA"), a Tribal-State Compact for the conduct of Class III Gaming between the Tunica-Biloxi Indian Tribe of Louisiana and the State of Louisiana (the "State") was executed and signed by Chairman Earl J. Barbry, Sr. and Governor Murphy J. Foster, Jr., on August 14, 2001, that became effective on October 9, 2001 after affirmative approval on behalf of the Secretary (the "2001 Compact"); and

WHEREAS, in 2006, the Governor of the State agreed to an amendment to the 2001 Compact (the "2006 Amendment") to facilitate the Tribe's issuance of \$150,000,000 of senior notes (the "2005 Notes") in consideration of the substantial economic development benefits to be realized therefrom that would inure to the benefit of Avoyelles Parish, the State and the Tribe, including, but not limited to, the creation of jobs, increased income and sales tax revenues, and the drawing of additional visitors and customers to the area; and

WHEREAS, the Tribal Council has been presented at this meeting for consideration and approval a document entitled "2013 AMENDMENT TO TRIBAL-STATE COMPACT FOR THE CONDUCT OF CLASS III GAMING BETWEEN THE TUNICA-BILOXI INDIAN TRIBE OF LOUISIANA AND THE STATE OF LOUISIANA," a true and correct copy of which is attached hereto as EXHIBIT A (the "2013 Gaming Compact Amendment"); and

(Continued)

WHEREAS, this meeting ("Meeting") is a meeting of the Tribal Council, within the meaning of the Constitution, that has been duly noticed, called and convened.

NOW, THEREFORE, BE IT RESOLVED BY THE TRIBAL COUNCIL:

Section 1. Findings. The Tribal Council hereby determines and finds that (a) ~~the Tribal Council is the duly elected and governing body of the Tribe, with full power and authority to adopt this Resolution,~~ (b) adoption of this Resolution is in the best interest of the Tribe and the members of the Tribe; and (c) members of the Tribal Council constituting a quorum as referred to in the Constitution are in physical attendance at this Meeting.

Section 2. Approval and Authorizations. The Tribal Council hereby approves the form of the 2013 Gaming Compact Amendment attached hereto, and authorizes the Chairman of the Tribe and any person authorized under the Constitution or laws of the Tribe to act in the stead of the Chairman (each, an "Authorized Representative") for and on behalf of the Tribe to execute and deliver the 2013 Gaming Compact Amendment, either in the form attached or in any other form, with such non-material changes as the Authorized Representative may approve (that approval to be conclusively demonstrated by the Authorized Representative's execution thereof) and to deliver the same to the Governor of the State. The Authorized Representative and all other members of the Tribal Council are further authorized to take or to authorize others to take all such actions as are necessary or desirable to consummate the transactions herein authorized or contemplated.

Section 3. Waiver of Sovereign Immunity. Responsive to Article IV of the Constitution, with respect to any dispute or claim arising under the 2013 Gaming Compact Amendment, the Tribal Council hereby expressly authorizes, approves and grants a limited waiver of the Tribe's sovereign immunity and consents to dispute resolution, but in each case, only upon the same terms that apply to claims and disputes related to the 2001 Compact.

Section 4. Determination. The Tribal Council hereby determines that no law, ordinances, rules, regulations, resolutions or other actions of the Tribal Council or any of the agencies or instrumentalities of the Tribe, either written or established by custom or tradition: (a) prohibit the members of the Tribal Council from taking the actions herein set forth, or the consummation of the transactions contemplated herein; or (b) create any obligation of the Tribal Council to submit these matters for approval of or consent from any officer, body, agency or instrumentality of the Tribe, or any vote by members of the Tribe, except for such approvals and consents that have already been obtained and are in full force and effect.

Section 5. Miscellaneous. If any provision of this Resolution or the application of any provision of this Resolution is held to be invalid, the remainder of this Resolution shall not be affected. This Resolution and the actions taken hereby shall become effective as of the date and time of its passage at this Meeting.

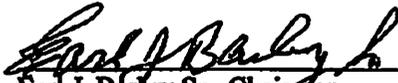
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TUNICA-BILOXI RESOLUTION # 13
(Continued)

CERTIFICATION

We, the undersigned duly elected Chairman and Secretary of the Tribal Council of the Tunica-Biloxi Tribe of Louisiana, certify that said Tribal Council is composed of 7 members, of whom 5, constituting a quorum, were present at a meeting thereof, duly called, noticed, ~~convened and held on May~~ 28, 2013; and that the foregoing Resolution was duly adopted by a vote of 5 Tribal Council members in favor, 0 opposed, and 0 abstaining.

Dated this 28 day of May, 2013


Earl J. Barbry Sr., Chairman
Tunica-Biloxi Tribe of Louisiana

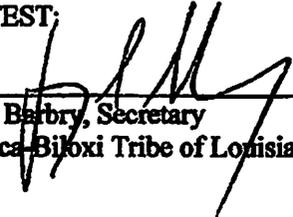
ATTEST:

Joey Barbry, Secretary
Tunica-Biloxi Tribe of Louisiana

Exhibit A

2013 Gaming Compact Amendment

TUNICA BILOXI CONSTITUTION



**CONSTITUTION
OF THE
TUNICA-BILOXI TRIBE OF LOUISIANA**

PREAMBLE

We, the members of the Tunica-Biloxi Tribe of Louisiana, a sovereign Indian nation, trusting in almighty God, adopt this Constitution providing for continued tribal existence, protecting both tribal and individual rights, setting forth tribal powers, governing principles, individual rights, promoting order in the conduct of tribal affairs and providing for the rule of law and not of men. Upon approval by the Secretary of the Interior, pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934, (48 Stat. 984), as amended, this Constitution shall supersede the "Articles of Incorporation of the Tunica-Biloxie Indians of Louisiana, Inc." All resolutions and ordinances by the Tribal Council shall continue in force unless they are contrary to this Constitution or repealed or modified by the Tribal Council.

ARTICLE I - NAME

The name shall be the Tunica-Biloxi Tribe of Louisiana and may be referred to as the "Tribe".

ARTICLE II - SEAT OF GOVERNMENT

The seat of tribal government shall be at a site within the reservation currently comprised of land in Section 65, Township 2, North, Range 4 East, Louisiana Meridian, Avoyelles Parish, Marksville, Louisiana.

ARTICLE III - JURISDICTION

Section 1. The jurisdiction of the Tunica-Biloxi Tribe of Louisiana shall extend, to the fullest extent possible under Federal law, to all land now owned by the Tribe, and any land acquired by the Tribe, whether held in trust or in fee status, and to its membership.

Section 2. The reservation, tribal lands, and tribal members shall be subject to tribal laws and customs and where applicable, Federal law. The laws of the State of Louisiana shall be applicable only in instances where the Tribal Council has expressly incorporated and adopted Louisiana law. Federal law shall supersede State and tribal law.

ARTICLE IV - SOVEREIGNTY

The sovereignty of the Tunica-Biloxi Tribe of Louisiana is its most sacred possession and birthright. Nothing in this Constitution shall be deemed or construed to be a waiver of the sovereign immunity of the Tribe. Sovereign immunity may be waived only by express resolution enacted by a majority vote of the Tribal Council, and only to the extent specified in such resolution. Before such resolution is enacted, the Tribal Council will seek the advice of legal counsel.

ARTICLE V - MEMBERSHIP

Section 1. The membership of the Tunica-Biloxi Tribe of Louisiana shall consist of the following:

- A. All persons listed on the July 27, 1981 base roll; and
- B. All lineal descendants of the persons listed on the July 27, 1981 base roll who possess at least 1/64 degree Tunica-Biloxi blood and were enrolled with the Tribe as of the date of the adoption of this Constitution, and
- C. All lineal descendants of those individuals defined in subsections A and B above and who are at least 1/64 degree Tunica-Biloxi blood.

Section 2. Future membership in the Tribe will be processed in accordance with the Tribe's membership ordinance.

Section 3. The Tribal Council shall have the power to pass ordinances governing tribal membership, including but not limited to, future membership and loss of membership.

Section 4. Adoption or Honorary membership in the Tribe shall not be permitted.

Section 5. No member of the Tunica-Biloxi Tribe shall be enrolled in another federally recognized tribe.

ARTICLE VI - LANDS

Section 1. The Tribal Council shall have the power to enact laws regulating land tenure and land use on tribal lands.

Section 2. The Tribal Council shall have the power to determine who shall possess home sites on tribal lands, in accordance with Section 1 of this Article.

ARTICLE VII - GOVERNING BODY

Section 1. Composition. The governing body of the Tribe shall be the Tunica-Biloxi Tribal Council composed of a Chairman, Vice-Chairman, Secretary/Treasurer and four Councilpersons. The Tribal Council shall be elected at large by the enrolled, qualified voters of the Tunica-Biloxi Indian Tribe as provided in Article XIII-Elections. Unless otherwise provided in this Constitution, all references to a Tribal Council Member shall include the officers, Chairman, Vice-Chairman, Secretary/Treasurer, and Councilpersons.

Section 2. Terms of Office. Tribal Council Members are to be elected for four (4) year terms. The elections are to be held by secret ballot in April of even numbered years, with the inauguration of the new Tribal Council Members taking place at the next regular meeting.

Section 3. Qualifications to Hold an Officer Position. Enrolled tribal members must be at least twenty-five (25) years of age to hold the office of Chairman, Vice-Chairman, or Secretary/Treasurer.

Section 4. Qualifications to Hold a Councilperson Position. Enrolled tribal members must be at least eighteen (18) years of age to hold a Councilperson position.

Section 5. Meetings. The Tribal Council shall hold regular monthly, open meetings at the seat of the tribal government. The Tribal Council may, by appropriate action, hold these meetings at other locations and at other times.

Section 6. Special Meetings. Special meetings of the Tribal Council may be called by the Chairman, however, the Tribal Chairman shall call a special meeting upon receipt of a request from the majority of the Tribal Council.

Section 7. Quorum. A quorum for conducting Tribal Council business shall be five (5) members. The conduct of the Tribal Council meetings shall be governed by Robert's Rules of Order, latest edition.

Section 8. Tribal Administrator. The Tribal Council may appoint a qualified administrator to execute tribal administrative affairs as delegated by the Tribal Council and he/she shall report to the Tribal Council at each meeting. The Chairman may serve as Tribal Administrator.

Section 9. Accounting Principles. The Tribal Council shall provide for appropriate and accurate accounting of all tribal funds and financial transactions including an annual audit.

Section 10. Oath of Office. All elected officials shall take an oath to support, defend and abide by the Constitution of the United States and the Constitution of the Tunica-Biloxi Tribe of Louisiana.

Section 11. Duties of the Chairman. The Chairman shall preside over all meetings of the Tribal Council, shall discharge all the usual duties of a presiding officer, and shall exercise any authority delegated him by the Tribal Council. The Chairman shall vote only in case of a tie. The Chairman shall be the chief executive officer of the tribal government.

Section 12. Duties of the Vice-Chairman. The Vice-Chairman shall assist the Chairman at the request of the Chairman, and in the absence of the Chairman shall have all rights, privileges, duties, obligations and responsibilities of the Chairman. While serving as the Chairman, the Vice-Chairman shall not vote except in the case of a tie.

Section 13. Duties of the Secretary/Treasurer. The Secretary/Treasurer shall prepare all minutes, records, resolutions and ordinances enacted, and forward copies to the Chairman. The Secretary/Treasurer shall maintain all files, records and correspondence of the Tribal Council in a manner for the convenience of the Tribal Council at the seat of tribal government.

The Secretary/Treasurer shall accept, receipt for, preserve and safeguard all tribal funds. The Secretary/Treasurer shall deposit all funds in such depository as the Tribal Council shall direct. He/she shall make and preserve a faithful record of all funds, and shall report all receipts, expenditures, and the nature of all funds to the Tribal Council monthly. Bonding shall be required of all officers and employees responsible for safeguarding tribal funds. All disbursements must be made by check bearing the signatures of the Chairman and the Secretary/Treasurer. The Vice-Chairman shall serve as an alternate co-signer.

ARTICLE VIII - OTHER POWERS OF THE TRIBAL COUNCIL

Section 1. In addition to the powers already set-out above, the Tribal Council of the Tunica-Biloxi Tribe of Louisiana shall have the following powers to:

- A. Negotiate with the Federal, State and local governments and any other appropriate agency;
- B. Employ legal counsel, the choice of counsel and the determination of fees to be subject to approval by the Secretary of the Interior, so long as such approval is required by Federal law;
- C. Approve or veto any sale, disposition, lease or encumbrance of all tribal lands, interests in land, tribal funds or other assets;
- D. Appropriate any available tribal funds for the benefit of the Tribe and its members;
- E. Supervise and manage tribal economic affairs and enterprises in accordance with this Constitution and tribal laws;
- F. Pass and enforce laws, rules and regulations in accordance with applicable Federal statutes or regulations providing for the management of tribal lands, including the making and revocation of assignments, and the disposition of timber and mineral resources;
- G. Promote and protect health, peace, morals, education and the general welfare of the Tribe;
- H. Administer all property of the Tribe;
- I. Do acts of governmental and public nature as are not prohibited by applicable laws or by this Constitution;
- J. Establish and regulate subordinate organizations for social and business purposes;
- K. Borrow money from any legitimate source for the purposes which the Tribal Council shall deem proper and to use all funds thus obtained to promote the social welfare and

betterment of the tribal members, and to promote economic development projects and to repay tribal debts;

- L. Pass laws and resolutions necessary or incidental to the exercise of any of the foregoing powers;
- M. Prescribe such salaries and compensation necessary to carry on its responsibilities and the responsibilities of its officials and employees.

Section 2. Legislative Enactments. All legislative enactments of the Tribal Council shall be denominated as laws of the Tunica-Biloxi Tribe of Louisiana, and the Tribal Council shall have the power to arrange the duly enacted laws into codes which shall have the force and effect of law.

Section 3. Reserved Powers. The Tunica-Biloxi Tribal Council may exercise all other inherent tribal powers not expressly listed without amendment to this Constitution pursuant to tribal law consistent with Federal law.

ARTICLE IX - RIGHTS OF TRIBAL MEMBERS

Section 1. The Tunica-Biloxi Tribe of Louisiana guarantees that it shall not:

- A. Make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech or of the press, or the right of the people to assembly peaceably and to petition for a redress of grievances;
- B. Deny any person equal representation by Tribal government;
- C. Deny any person equal benefits to the extent permitted by tribal and Federal law;
- D. Violate the right of the people to be secure in their persons, houses, papers and effects against unreasonable search and seizures, not issue warrants but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;
- E. Subject any person for the same offense to be twice put in jeopardy;
- F. Compel any person in any criminal case to be a witness against himself/herself;
- G. Take any private property for a public use without just compensation;
- H. Deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense;

- I. **Require excessive bail, impose excessive fines, inflict cruel and unusual punishment, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of one year or a fine of five thousand dollars (\$5,000) or both;**
- J. **Deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;**
- K. **Pass any bill of attainder or ex post facto law;**
- L. **Deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six (6) persons.**

Section 2. These protections are guaranteed to persons by the Indian Civil Rights Act of April 11, 1968, (82 Stat. 77), as amended. The Tribal Council shall have the power to enforce these rights and shall have the affirmative duty to insure that these rights are not denied, abridged or encroached upon.

ARTICLE X - JUDICIAL POWERS

Section 1. The judicial power of the Tunica-Biloxi Tribe shall be vested in its Tribal Judiciary made up of a Tribal Court and Tribal Court of Appeals in accordance with existing tribal ordinance.

Section 2. The Tribal Judiciary shall adopt procedures for the conduct of the Tribal Court and Tribal Court of Appeals.

Section 3. Any unsuccessful party in a case before the Tribal Court may petition the Tribal Court of Appeals to review the Tribal Court's decision. The decision of the Tribal Court of Appeals shall be final.

ARTICLE XI - TRIBAL FUNDS

Section 1. The Tribal Council shall be responsible for the protection and the accounting of all tribal funds for the operation of the Tribal government and for the welfare of all enrolled tribal members.

Section 2. All tribal revenues from any tribal enterprise shall be allocated in accordance with revenue distribution plans approved by the Tribal Council and consistent with all tribal and Federal laws.

- A. **The Tribal Council shall have the power to modify all fund allocations as set forth in any Revenue Distribution Plan to serve the needs of the tribal members.**

- B. The Tribal Council shall have the power to provide per capita payments subject to availability of funds.

ARTICLE XII - LAND CLAIMS SETTLEMENT FUNDS

Section 1. All distribution of funds from land claims settlement(s) shall be consistent with Federal law and for the benefit of all enrolled tribal members.

ARTICLE XIII - TRIBAL ELECTIONS

Section 1. **First Election.** Within sixty (60) days after the effective date of this Constitution, the Chairman of the existing Tribal Council shall call a special election for the purpose of electing the members to the new Tribal Council. The existing Tribal Council shall appoint an Election Committee to conduct the special election in accordance with rules and regulations prescribed by that Tribal Council. Positions for the new Tribal Council shall be filled as follows:

- A. The Chairman, Secretary/Treasurer and two (2) Councilpersons will be elected to hold office until April of the year 2002. The terms of office for these positions thereafter will be for four years.
- B. The Vice-Chairman and two Councilpersons will be elected to hold office until April of the year 2000. The terms of office for these positions thereafter will be for four years.

Section 2. **Biannual Elections.** Elections shall be held on the first Sunday of April in even numbered years to elect the members of the Tribal Council. Candidates shall be elected by secret ballot and the candidate receiving the largest number of votes for each position shall be declared the winner. The inauguration of the new Tribal Council Members will take place at the next regular meeting of the Tribal Council.

Section 3. **Voter Eligibility.** Enrolled tribal members at least eighteen (18) years of age or older on his/her last birthday shall be eligible to vote in any election.

Section 4. **Election Ordinance.** The Tribal Council shall enact an ordinance governing the conduct of tribal elections and referenda provided that such election ordinance shall provide for secret balloting, absentee voting, and procedures for the settlement of election disputes.

ARTICLE XIV - OATH OF OFFICE

All duly elected members of the Tribal Council who have been certified shall be installed as provided for in Article VII, Section 10, upon subscribing to the following oath administered by a Tribal Council appointee:

I, _____, do solemnly affirm that I will support and defend the Constitution of the United States against all enemies, that I will faithfully and

impartially carry out the duties of my office to the best of my ability, that I will cooperate with, promote, and protect the best interests of the Tribe in accordance with the Constitution of the Tunica-Biloxi Tribe of Louisiana, so help me God.

ARTICLE XV - RECALL, REMOVAL & VACANCIES

Section 1. Recall. Any Tribal Council Member may be recalled from office by the qualified voters of the Tribe by petitioning the Election Committee to hold a recall election. However, no Tribal Council Member may be recalled if there is less than six month remaining in his term of office. No Tribal Council Member may be the subject of a recall election more than one time during his/her term of office.

- A. The petition must be signed by at least thirty percent (30%) of the qualified voters of the Tribe.
- B. Within 10 days of receipt of the petition, the Election Committee shall determine the validity of the petition.
- C. The Election Committee shall schedule a recall election within sixty (60) days of after finding that the petition comports with the requirements of this Article.
- D. The recall election shall be confined to the question of whether the subject Tribal Council Member remains in office. If a majority of the qualified voters vote in favor of recall, the Tribal Council Member shall be considered recalled and his/her position declared vacant.

Section 2. Removal. Any member of the Tribal Council shall be removed from office upon a majority vote of the Tribal Council and his/her position declared vacant for the following reasons:

- A. Conviction of a felony in Federal or State court;
- B. Failure to attend three (3) regular, monthly meetings during a twelve (12) month period without just cause.

Section 3. Vacancies. If a vacancy occurs on the Tribal Council because of death, resignation, recall or removal of any Tribal Council Member, the vacancy shall be filled by one of the following:

- A. Where there is a year or more left of the term of a Tribal Council Member, a special election shall be called by the Election Committee to take place within sixty (60) days of the date the position was declared vacant.

- B. Where there is less than a year in the term of the Chairman, Vice-Chairman, or Secretary/Treasurer, the Tribal Council shall, by majority vote, appoint a present Tribal Council Member to serve the balance of the term.
- C. Where there is less than a year in the term of a Councilperson, the Tribal Council shall, by majority vote, appoint an enrolled, qualified tribal member to serve out the balance of the term.

ARTICLE XVI - INITIATIVE AND REFERENDUM

Section 1. Initiative. The enrolled, qualified, voting members of the Tribe shall have the right to propose laws and resolutions by petitioning the Tribal Council. The petition shall be in writing and must be signed by at least thirty percent (30%) of the enrolled, qualified voters of the Tribe.

The Tribal Council shall immediately submit the petition to the Election Committee who shall determine its validity within ten (10) days of receipt. The Election Committee will conduct an election to be held within sixty (60) days of the date the petition was declared valid. The decision of the majority of the qualified voters in such election shall be binding on the Tribal Council.

Section 2. Referendum. The Tribal Council, at its own direction or upon receipt of a petition signed by thirty percent (30%) of the enrolled, qualified voters of the Tribe, shall submit any enacted or proposed laws or resolutions for a referendum vote of the qualified voters of the Tribe. Upon receipt of a petition, the Tribal Council shall immediately submit the petition to the Election Committee who shall determine its validity within ten (10) days of receipt. The Election Committee will conduct an election to be held within sixty (60) days of the date the petition was declared valid. The decision of the majority of the qualified voters in such election shall be binding on the Tribal Council.

Section 3. The Tribal Council shall enact appropriate laws regulating the petitioning process to be used under this Article, Article IX, and Article XV.

ARTICLE XVII - AMENDING THE CONSTITUTION

Section 1. This Constitution may be amended by a majority of the enrolled, qualified voters of the Tunica-Biloxi Tribe of Louisiana, voting in an election authorized for that purpose by the Secretary of the Interior or his authorized representative, provided that at least thirty percent (30%) of those entitled to vote shall cast ballots in such election. No amendment shall become effective until it is approved by the Secretary of the Interior. Such election shall be conducted pursuant to the Secretary's regulations.

Section 2. It shall be the duty of the Secretary of the Interior to authorize an election on any proposed amendment at the request of the Tribal Council or upon receipt of a petition signed by one-fourth (1/4) of the enrolled, qualified voters of the Tunica-Biloxi Tribe of Louisiana.

ARTICLE XVIII - ADOPTION

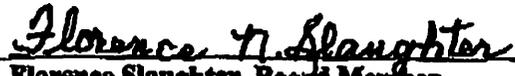
This Constitution was proposed to the eligible voters of the Tunica-Biloxi Tribe by the Tribal Council, Chairman Earl Barbry, Sr., Vice Chairman Byron S. Johnson, Sr., Secretary/Treasurer Cemonia S. Williams, Councilpersons Earby Strother, Marshall Pierite, Florence Slaughter and Alfred Barbre. This Constitution, when adopted by a majority vote of the enrolled, qualified, voting members of the Tunica-Biloxi Tribe of Louisiana voting in a special election called for that purpose by the Secretary of the Interior and in which at least thirty percent (30%) of those persons entitled to vote shall have voted, shall be submitted to the Secretary of the Interior for his approval. The date of such approval shall be the effective date of this Constitution.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to a Secretarial election authorized by the Bureau of Indian Affairs Eastern Area Director, on August 19, 1998, the attached Constitution and Bylaws of the Tunica-Biloxi Tribe of Louisiana was submitted to the qualified voters of the tribe and on November 17, 1998, was duly (adopted) (ratified) (rejected) or (revoked) by a vote of 164 for and 37 against and 13 cast ballots found spoiled or mutilated in an election in which at least 30 percent of the 221 members entitled to vote, cast their ballot in accordance with the Act of June 18, 1934, 48 Stat. 984, as amended.


Kaye Armstrong Vann
Election Board Chairperson


Michael Lopez, Board Member


Florence Slaughter, Board Member

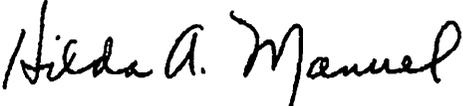

Joey Barbry, Board Member


Chris Barbry, Board Member


John Broussard, Board Member

CERTIFICATE OF APPROVAL

I, Hilda A. Manuel, Deputy Commissioner of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to me by Secretarial Order No. 3150 as extended by Secretarial Order No. 3177, as amended, do hereby approve the Constitution of the Tunica-Biloxi Tribe of Louisiana. This Constitution is effective as of January 1, 1999; PROVIDED, That nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal Law.


Deputy Commissioner of Indian Affairs

Washington, D.C.

Date: **FEB 10 1999**



United States Department of the Interior



BUREAU OF INDIAN AFFAIRS

Eastern Area Office

Suite 260

3701 North Fairfax Drive
Arlington, Virginia 22203

IN REPLY REFER TO:

Tribal Relations

FEB 22 1999

Earl Barbry, Chairman
Tunica-Biloxi Tribe
Post Office Box 331
Marksville, Louisiana 71351

Dear Chairman Barbry:

Congratulations on having adopted a tribal constitution pursuant to the 1934 Indian Reorganization Act, as amended. The enclosed document is viewed as a formal agreement between the United States and the Tunica-Biloxi Tribe that your tribe will be governed according to the terms set forth in the constitution and is conclusive evidence that the tribe is a Indian sovereign with all powers of self-government and self-determination.

We are transmitting to you the Bureau of Indian Affairs Deputy Commissioner's signed and dated Certificate of Approval. Please pass along the commendations of this office to the Constitution Drafting Committee and the Election Board for their excellent work.

Sincerely,

Franklin Keel
Eastern Area Director

Enclosure



IN REPLY REFER TO:

Tribal Government Services

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, D.C. 20240

FEB 10 1999

Mr. Franklin Keel
Area Director, Eastern Area Office
Bureau of Indian Affairs
3701 North Fairfax Drive, Suite 260
Arlington, Virginia 22203

Dear Mr. Keel:

We have received the results of the election held on November 16, 1998, by the qualified voters of the Tunica-Biloxi Tribe of Louisiana (Tribe). The election was called in accordance with the order issued by the Acting Deputy Commissioner of Indian Affairs on August 19, 1998, which permitted the qualified voters of the Tribe to vote on the adoption or rejection of the proposed Constitution of the Tunica-Biloxi Tribe of Louisiana.

As evinced by the completed Certificate of Results of Election, the proposed Constitution was duly adopted on November 16, 1998, by a vote of 164 for to 37 against and 3 ballots found spoiled, in an election in which at least thirty percent of the 221 members registered and entitled to vote cast their ballots.

Pursuant to the Act of June 18, 1934 (48 Stat. 984), as amended, (Act) the Secretary shall approve the constitution and bylaws or amendments thereto within 45 days after an election. If the Secretary does not approve or disapprove the constitution and bylaws or amendments thereto within 45 days, the Secretary's approval shall be considered as given. In this case, the 45 days ended on December 31, 1998.

Action to approve this election pursuant to the authority delegated to the Secretary of the Interior by the Act and delegated to me by 230 DM 2.4 was not taken because the timely submission of the original text of the material voted upon was not submitted for review to this office until after December 31, 1998. Therefore, the Constitution of the Tunica-Biloxi Tribe as adopted on November 16, 1998, became effective on January 1, 1999. Please deliver the enclosed original document to the Tribe.

Sincerely,

Hilda A. Manuel
Deputy Commissioner of Indian Affairs

Enclosure

**LOUISIANA ATTORNEY
GENERAL OPINION**



La. Atty. Gen. Op. No. 2000-98; 2000 La. AG LEXIS 152, *

OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF LOUISIANA

OPINION 00-98

La. Atty. Gen. Op. No. 2000-98; 2000 La. AG LEXIS 152

March 31, 2000

SYLLABUS:

[*1]

53-3 INDIANS

TRIBAL-STATE CLASS III GAMING COMPACT(S)

Under the provisions of the existing Tribal-State Class III Gaming Compact(s), the Governor of the State of Louisiana has the authority to renegotiate the terms of and sign amendments and extensions to the existing Compact(s).

REQUESTBY:

Mr. Bernard E. Boudreaux,
Executive Counsel
4th Floor, State Capitol
Baton Rouge, LA 70804

OPINION BY:

RICHARD P. IEYOUB, ATTORNEY GENERAL; JAMES A. SMITH, II, ASSISTANT ATTORNEY GENERAL

OPINION:

This office is in receipt of your opinion request of recent date wherein you ask whether the Attorney General concurs that the Governor of the State of Louisiana has the authority to renegotiate the terms of and sign amendments and extensions to existing compacts?

The Tribal-State Class III Gaming Compact ("Compact") is instructive in resolving the issue about which you have inquired. Section 15(A) of the Compact contains the following language:

"This Tribal-State Compact shall become effective and binding upon the (name of tribe) and the State of Louisiana upon the publication in the Federal Register of notice of approval by the Secretary of the Interior of the United States of America."

The existing compacts were signed [*2] by the previous Governor and the Tribal Chairmen. They were then approved, signed, and published by the Secretary of the Interior of the United States of America. They are, therefore, effective documents (cf. *Langley v. Edwards* 872 F. Supp. 1531, 1534 (W.D.La., Jan 03, 1995)(No. Civ. A. 94-1953); affirmed 77 F.3d 479 (5th Cir.(La.) Jan 12, 1996).

Section 13 of the Compact(s) is entitled "Amendment and Revision" and addresses amendments and revisions to the Compact(s). As will appear from Section 13(A), the pertinent portion of which is quoted below, the Compact may be (and may only be) amended by written instrument signed by the appropriate Tribal Chairman and the Governor, and approved by the Secretary. Therefore, the Compact contemplates amendments and revisions and that it will be the Governor who will act on behalf of the State.

"This Tribal-State Compact may be amended only through a written instrument that is signed by the Tribal Chairman of the (name of tribe) and the Governor of the State of Louisiana, and that is approved by the Secretary of the Interior of the United States of America."

It should [*3] also be noted that Section 15(C) provides that the Compact(s) will automatically renew for seven (7) year periods, unless the State or a Tribe affirmatively acts to interrupt the automatic renewal. Accordingly, a Governor may extend a compact, on its existing terms, by simply doing nothing. On the other hand, if he wishes to terminate a compact

or to extend a compact on different terms, Section 15 contains a procedure whereby the automatic renewal may be dispensed with and negotiations had. Section 15(C) states the following:

"This Tribal-State Compact shall automatically be extended for terms of seven (7) years, unless the (name of tribe) or the State of Louisiana provides written notice of non-renewal not less than 180 days prior to the expiration of the original term of this Tribal-State Compact or any extension thereof."

Accordingly, because "The Compact is valid under IGRA because it was approved by the Secretary of the Interior. In the present case, the compact comports with the provisions of IGRA" (*Langley v. Edwards* 872 F. Supp. 1531 (W.D.La., Jan 03, 1995); the Compact itself provides for its amendment and revision and contemplates [*4] that it may be extended, and that the Governor will act for the State in such cases; and permits the Governor to either extend the compact on its existing terms by inaction, or follow the Compact procedure to terminate, renegotiate, amend, or extend it; I concur that the Governor of the State of Louisiana has the authority to renegotiate the terms of and sign amendments and extensions to existing Compact(s).

Exhibit A

2. Amendment to Section 6, Part J of the Compact. As of the Effective Date, Section 6, Part J of the Compact shall be amended to add the following as the last sentence thereof:

Any financial statements or other information relating to any gaming facilities which the Tribal Council of the Tunica-Biloxi Tribe of Louisiana has approved to be made available to any of the following shall not be deemed "sensitive or privileged information" for purposes of this Section 6, Part J: (i) qualified institutional buyers owning or considering the purchase of debt financing the gaming facilities or operations; (ii) nationally recognized credit rating organizations; (iii) broker-dealers registered pursuant to the federal Securities and Exchange Act of 1934 or (iv) securities research firms.

3. Miscellaneous. This Compact Amendment shall become effective on the date (the "Effective Date") on which notice of its approval on behalf of the United States Secretary of the Interior is published in the Federal Register in accordance with 25 U.S.C. § 2710(d)(3)(B) and § 2710(d)(8)(D). This Compact Amendment shall not be amended or modified except in a writing signed by both parties hereto and approved by the United States Secretary of the Interior.

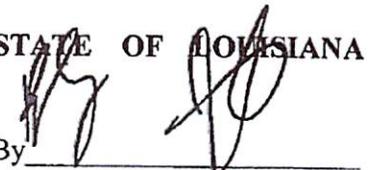
IN WITNESS WHEREOF, this Compact Amendment has been signed as of the above date.

TUNICA-BILOXI TRIBE OF
LOUISIANA

By 

— Earl J. Barbry, Sr., Chairman

STATE OF LOUISIANA



By Bobby Jindal, Governor