

## Idaho State Senate

February 9, 2015

SENATOR BOB NONINI

Jeff Anderson, Director  
Idaho State Lottery  
1199 Shoreline Lane, Suite 100  
Boise, Idaho 83702

Dear Director Anderson,

It has come to our attention that the Tribal casinos in Idaho may be operating a large number of gaming devices that may not comply with their Idaho gaming compacts.

Based on information we have received, the games in question seem to be actual slot machines and not stylized electronic bingo or electronic pull-tab games with spinning reels as were once used in the past by the tribes.

By way of example and like the other tribal casinos in Idaho, the Coeur d'Alene Casino, operated by the Coeur d'Alene Tribe in Worley, Idaho appears to be operating gaming devices that are in conflict with their December 22, 1992 class III gaming compact and the November 7, 2002 addendum between the State of Idaho and the Coeur d'Alene Tribe (hereinafter "the Compact").

As you will see from the attached "slot list" taken from the Coeur d'Alene Casino website, they operate hundreds of titles which are listed under the names of the Nevada manufacturers from whom they were purchased.

*In order to provide you with a specific concern, we've attached a photo, also taken from the Coeur d'Alene Casino website, that shows a "Game King" video poker slot machine made by IGT. Not only is the "Game King" a slot machine, the version in the picture is also a poker game, both of which are specifically prohibited under Article III, Section 20 of the Idaho Constitution.*

25 U.S.C. 2701(5) of the Indian Gaming Regulatory Act states:

Indian tribes have the exclusive right to regulate gaming activity on Indian lands if the gaming activity is not specifically prohibited by Federal law and

is conducted within a State which does not, as a matter of criminal law and public policy, prohibit such gaming activity. (emphasis added)

Article 6.1(a) of the Coeur d'Alene Compact states:

Types of Games. Under the applicable laws of the State before and after passage of HJR 4 (1992), the Act permits only state lottery, pari-mutuel betting on racing, and the simulcast thereof as authorized Class III games in Idaho.

It seems clear from §67-7409 that yours is the correct agency to monitor Class III gaming on Idaho reservations and has the authority under Article 15.1 of the Coeur d'Alene Compact to monitor and "ensure compliance" with the compact.

Page 14 of the September 5, 2014 United District Court For The District Of Idaho (State of Idaho v. Coeur d'Alene Tribe) states, "...the Compact obligates the Tribe to restrict its Class III games to the lottery, pari-mutuel betting, and the referenced simulcasts."

Since slot machines are clearly not allowed in Idaho, we respectfully request that you review for compliance the electronic games in use at all Idaho tribal casinos including the Coeur d'Alene Casino as defined in Article 4.18 of the Coeur d'Alene Compact. All of the games appear to be actual slot machines and poker machines in contrast to games allowed under Article 6.1(a) of the Compact. The manufacturers that have devices in the Coeur d'Alene Casino include IGT, Bally, WMS and Aristocrat, well known manufacturers of slot machines as widely used in Las Vegas.

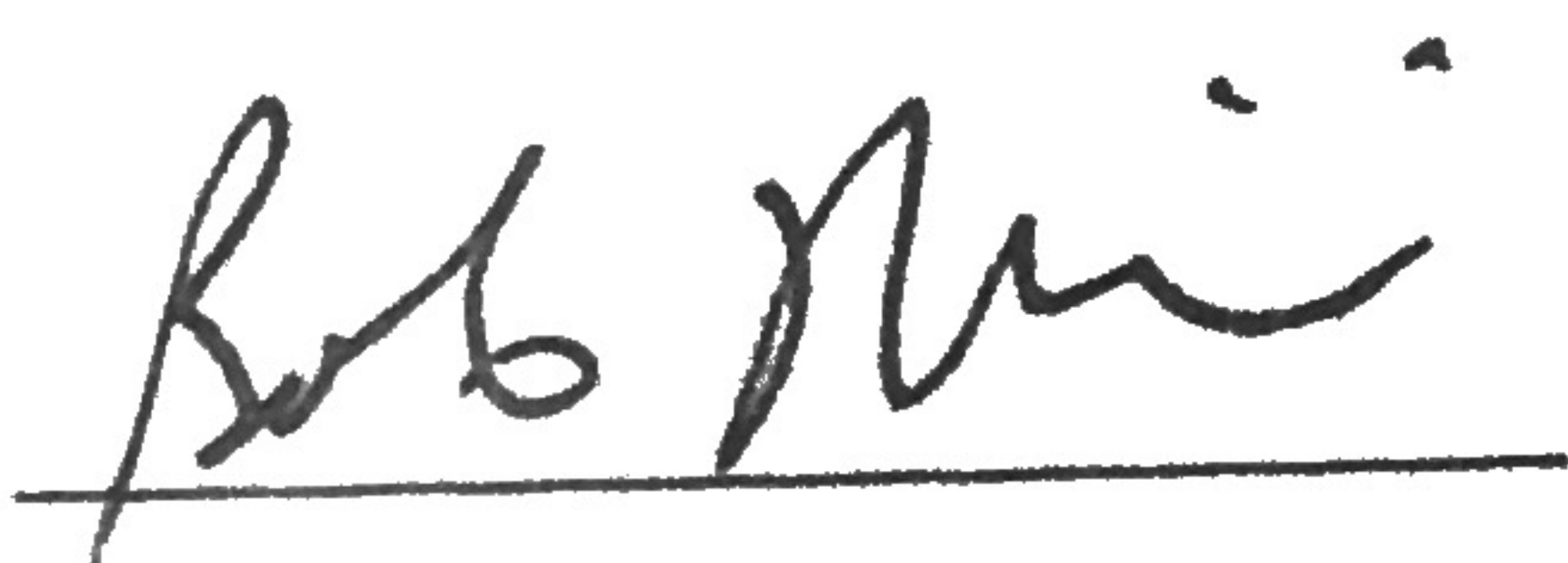
In light of at least two pieces of legislation currently before us, your most timely response is greatly appreciated.

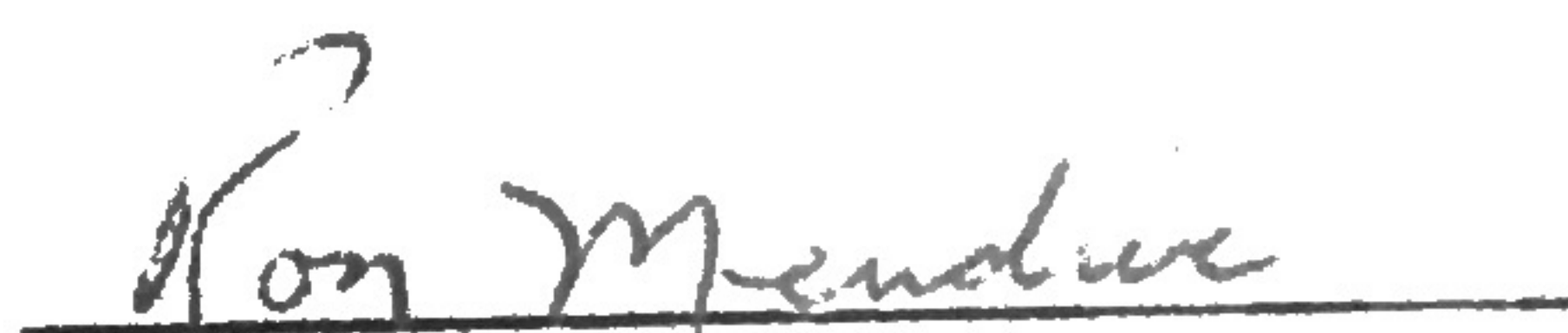
Thank you for your attention to this issue.

Respectfully,

Senator Bob Nonini  
District 3

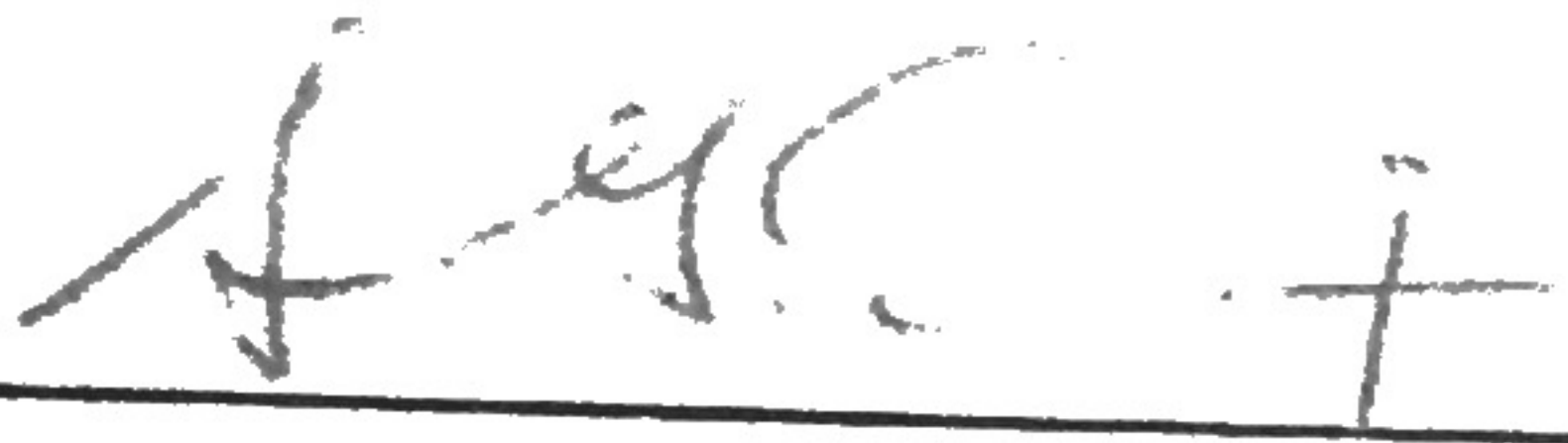
Representative Ron Mendive  
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Representative Vito Barbieri  
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