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CHEROKEE NATION GAMING COMMISSION

ADMINISTRATIVE PROCEDURES ACT POSTING

TITLE: Proposed Cherokee Nation Gaming Commission Rules and Regulations

TYPE OF ACTION: Notice of Proposed Rule Amendment

PROPOSED RULES:

Chapter VII – B – Gaming Systems Activity

PUBLICATION DATE: 24 June 2019

SUMMARY:

The purpose of the attached proposed rule amendment is to implement recommended changes to the shipping requirements for all electronic gaming machines and associated software.

AUTHORITY:

Title 4 CNCA §§ 22, 27, and 41
Tribal-State Compact Part 4 (B)
NIGC MICS § 543.8 (g)
NIGC MICS § 542.13 (g)
NIGC § 547
Class III Guidance – Section 5 (e)

REGULATORY ANALYSIS:

No regulatory analysis of the revised rule was performed.

COMMENT PERIOD:

Written comments must be received on or before 5 p.m., Wednesday, 24 July 2019.

SUPPLEMENTARY INFORMATION:

Comments may be submitted electronically at gaming-commission@cherokee.org. Written comments may be sent to the Cherokee Nation Gaming Commission, P. O. Box 627, Tahlequah, OK 74465 and must be postmarked by the date above.

A copy of the current Cherokee Nation Gaming Commission Rules and Regulations may be obtained by submitting a request electronically or in writing using either of the above electronic / physical addresses.

The Tribal-State Compact may be accessed by visiting the State Compliance Agency website at [www.ok.gov/OSF/Tribal Gaming](http://www.ok.gov/OSF/Tribal_Gaming).

PUBLIC HEARING:

Persons requesting public hearings or submitting comments must include their name, address, phone number, and e-mail address, if the submission is electronic, but may request this identifying information be kept confidential. Anonymous comments will not be accepted.

A request for a public meeting shall not end before fifteen- (15) days following the public notice of all responses to written comments. A request for a public meeting shall include a statement of the issues desired to be discussed and a summary of the argument supporting the person's position on the issues. A public hearing on a rule proposed to be adopted may not be held earlier than twenty- (20) days after notice of its location and time is published on the website.

Public hearings may be held only from 8:00 A.M. to 10:00 P.M. on Monday thru Saturday. The public hearing shall be recorded by audio, audio and video, stenographic or other means.

Persons requesting an opportunity to comment at a public meeting may be required to register by name and indicate whether they support or oppose the rule or a part of the rule.

BACKGROUND:

The Indian Gaming Regulatory Act (IGRA) was enacted by the United States Congress on 17 October 1988, establishing the National Indian Gaming Commission (NIGC). Under the IGRA, the NIGC is charged with regulating Class II gaming and certain aspects of Class III gaming.

The Cherokee Nation adopted Legislative Act 30-89 on 8 April 1989 establishing the Cherokee Nation Gaming Commission (CNGC) to regulate the conduct of gaming owned and operated by the Cherokee Nation. The Act was amended several times with the last revision being passed by the Tribal Council in July 2014 and approved by the National Indian Gaming Commission (NIGC) in October 2014.

The Cherokee Nation entered into a gaming compact with the State of Oklahoma in 2005. Within the Compact, the Nation agreed to play Covered Games that meet the requirements of Sections 11 – 18 of the State Gaming Act. These sections provide the basis for technical standards governing the functional characteristics of Covered Games. From these sections, the State of Oklahoma and tribes that entered into the model compact agreed upon a set of technical standards for independent testing laboratories to use to evaluate and certify covered games.

The CNGC published a proposed rule on 1 May 2019 that would at Game Authentication Terminal (GAT) protocol to be used in certifying all electronic game platforms offered in gaming facilities under the jurisdiction of the CNGC. As a part of employing GAT, the CNGC and the gaming facilities would also benefit from additional security options in the shipping and installation of GAT compatible platforms. By using GAT, electronic gaming machines may be shipped with software installed, removing the need for separate shipments and installation procedures.

The proposed regulation seeks to amend the Gaming Systems Activity regulation to take advantage of the opportunity to further expedite the shipping and installation process, allowing for faster release for play.



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CHEROKEE NATION
GAMING COMMISSION
MEMORANDUM

To : John Sparks, Chairman
Steve Barrick, Vice-Chairman
Jennifer Goins, Commissioner
Janice Walters-Purcell, Commissioner

From : Jamie Hummingbird, Director

Date : 24 June 2019

Re : Gaming Systems Activity – Proposed Amendments

On 26 April 2019, the Cherokee Nation Gaming Commission (CNGC) authorized the publication of the proposed Game Authentication Terminal (GAT) Protocol.

To complement the GAT protocol, I recommend revising the Gaming Systems Activity Regulation, as follows, to allow for the implementation of the GAT Protocol:

Chapter VII – B – Gaming Systems Activity Regulation

(D)(1)(d)(3) – “Indicate if hardware and/or software are GAT capable;”

(D)(1)(f) – “For gaming systems containing programmable storage media or sensitive devices, which are non-GAT capable, software shall be shipped separately from the gaming device and directly to CNGC. Software shall be tested according to applicable ITL letters for non-GAT capable software. CNGC shall maintain possession of software in a secure place, issued as approved and scheduled.”

(D)(1)(g) – “For gaming systems ~~that~~ containing programmable storage media or sensitive devices, which are GAT capable, the vendor shall ~~send all shipments directly to CNGC office for compliance, testing, and proper distribution~~ ship media pre-installed in the device and software will be tested using GAT protocol. ~~CNGC shall maintain possession of game and payout control media in a secure place and issue them as approved and scheduled.~~”

(D)(1)(h) – “Replacement and/or repair software shall be shipped directly to the CNGC and shall be tested appropriately based on GAT capability. The CNGC shall maintain possession of software in a secure place, issued as approved and scheduled.”

(D)(2)(a – c) –

2. “GAT Protocol Shipping Waiver

- a. Vendor shall notify the CNGC and gaming facilities a minimum of fourteen (14) days prior to shipment of intent to deviate from GAT protocol.
- b. Vendor shall submit a waiver request detailing why device and/or software are not GAT compliant.
- c. CNGC shall notify vendor and the gaming facilities upon waiver approval or denial.”

Subsequent sections will be renumbered to ensure proper formatting.

(E)(5) – “If a gaming system, component, or device is removed from the casino gaming floor and stored on CNE property, the CNGC shall remove software and maintain possession, unless otherwise approved.”