



# United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

SEP 29 2023

The Honorable Robert L. Larsen  
President, Lower Sioux Indian Community  
P.O. Box 308  
Morton, Minnesota 56270

Dear President Larsen:

On August 16, 2023, the Office of Indian Gaming received the Amendment to Technical Standards in Tribal-State Compact for Control of Class III Blackjack on the Lower Sioux Community (Community) Reservation in Minnesota (Blackjack Amendment) and the Amendment to Technical Standards in Tribal-State Compact for Control of Class III Video Games of Chance (Video Game Amendment) between the Community and the State of Minnesota (State), submitted by the Community and the State.

We note that the Blackjack Amendment incorporates two previous amendments dated 2002 and December 3, 2020, between the State and the Community, but not submitted to the Department of the Interior (Department) for review and approval as required by the Indian Gaming Regulatory Act (IGRA) and the Department's regulations at 25 C.F.R. Part 293. Those amendments provided technical corrections and other changes to the Community's compact. The Blackjack Amendment defines propositional wagers (side bets), allows the Community to permit side bets, and describes how cards will be dealt.

We note that the Video Game Amendment incorporates six previous amendments dated June 1, 1990, 2002, February 25, 2003, November 12, 2003, April 2, 2010, and April 2, 2015. The Video Game Amendment defines minimum payouts, odds, minimum media storage requirements, and provisions for cashless tickets, ticket redemption, ticket printing and printing errors, and ticket validation. The Video Game Amendment also adopts minimum internal control standards and software requirements.

Our regulations at 25 C.F.R. § 293.2(b)(1) defines *amendment* as "an amendment to a class III Tribal-State gaming compact. Further, our regulations at 25 C.F.R. § 293.4 clarifies that all compacts and amendments are subject to review and approval by the Secretary of the Interior and that such agreements are not in effect for the purposes of IGRA until notice of approval is published in the *Federal Register*. 25 C.F.R. § 293.15 implementing 25 U.S.C. § 2710(d)(3)(B). Parties who do not submit compacts or amendments for review and approval prior to implementing the amendments risk enforcement action from the National Indian Gaming Commission for gaming under a compact that is not in effect.

We completed our review of the Blackjack and Video Game Amendments and conclude that they do 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 approve the Blackjack Amendment, including the amendments dated 2002 and December 3, 2020, as amended, and the Video Game Amendment, including amendments dated June 1, 1990, 2002, February 25, 2003, November 12, 2003, April 2, 2010, and April 2, 2015, as amended. 25 U.S.C. § 2710(d)(8)(A). The Amendments take effect when the notice of this approval is published in the *Federal Register*, as required by 25 U.S.C. § 2710(d)(8)(D).

A similar letter is being sent to the Honorable Tim Walz, Governor, State of Minnesota.

Sincerely,



Bryan Newland  
Assistant Secretary - Indian Affairs

Enclosure

**AMENDMENT TO TECHNICAL STANDARDS  
IN TRIBAL-STATE COMPACT FOR CONTROL OF CLASS III  
VIDEO GAMES OF CHANCE ON THE LOWER SIOUX COMMUNITY  
RESERVATION IN MINNESOTA**

Pursuant to Section 6.12 of the Tribal-State Compact for Control of Class III Video Games of Chance on the Lower Sioux Community Reservation in Minnesota, the State of Minnesota, by and through its Commissioner of Public Safety, and the Lower Sioux Community, agree to amend such Compact as follows:

1. Section 6.9(9) is amended as follows (additions in underlined type; deletions in cross out type):

The coin and currency compartment shall be secured with a different key or combination than that used for the main cabinet door, except that a separate cash compartment shall not be required for coins necessary to pay prizes in a machine which pays prizes through a drop hopper, ~~or in a machine that accepts cashless tickets and issues cashless tickets,~~ or in a cashless video game of chance.

2. Section 6.9(16) is amended as follows (additions in underlined type; deletions in ~~cross out~~ type):

No Credit Card Meters Permitted. No video game of chance may be equipped with a device which permits the player to use a credit card or debit card rather than currency, tokens, coins, ~~or cashless tickets,~~ or cashless electronic credits to activate the game.

2. Section 6.9(17) is amended as follows (additions in underlined type; deletions in ~~cross out~~ type):

Cashless Video Games of Chance.

The following technical standards are applicable for video games of chance that accept coins, tokens, currency, cashless electronic credits, or cashless tickets and issue cashless tickets. For the purpose of this section, the term "cashless electronic credits" means electronic credits awarded by a cashless promotional system. ~~These video gaming devices~~ Cashless gaming devices and the associated equipment must be tested and approved by a gaming test laboratory as provided by Section 6. In order to ensure that the cashless system and the cashless video games of chance are properly functioning ~~P~~prior to public play, the State of Minnesota, through its Commissioner of Public Safety, will test and certify the cashless video games of chance operated as part of an initial installation of a cashless

system. This requirement shall apply only to those video games of chance which are part of the initial installation of devices on a cashless system, and shall not apply to subsequent additions of video gaming devices on a cashless system. Nothing contained in this provision is intended to, nor does, modify, alter or otherwise restrict the authority of the State of Minnesota, through its Commissioner of Public Safety, to conduct those inspections contemplated by Section 4.4 of the Tribal-State Compact for Control of Class III Video Games of Chance on the Lower Sioux Community Reservation, including, for the purposes of investigating potential criminal activity, any related promotional systems.

3. Section 6.10(5) is amended as follows:

Software Requirements for Play Transaction Records.

Each game shall maintain electronic accounting meters. Such meters shall be maintained at all times, whether or not the game is being supplied with external power, unless an online gaming machine monitoring system is utilized that captures similar data. Mechanical meters are not required. If mechanical meters are utilized, they must be fully functional. The following information must be recorded and stored on meters capable of maintaining totals no less than eight digits in length:

- (a) Total number of coins inserted (the meter must count the total number of coins, or the equivalent value if a bill acceptor is used, which are inserted by players);
- (b) Number of Credits Wagered;
- (c) Number of Credits Won;
- (d) Credits paid out by Printed Ticket Voucher or cash paid by the device.

The following information must be recorded and stored on meters capable of maintaining totals no less than six digits in length:

- (e) Number of Times the Logic Area was accessed;
- (f) Number of Coins or Credits Wagered in the Current Game;
- (g) Number of Coins or Credits Wagered in the last complete, valid game; and
- (h) Number of cumulative credits representing credits won and money inserted by a player but not collected, commonly referred to as the credit meter.

Meter Requirements for Promotional Gaming Devices.

The following specific promotional meters are required:

- (a) Total Promotional Awards In (received by game) meter, which includes:

- 1) Total non-restricted (cashable), Promotional In, if applicable
  - 2) Total restricted (non-cashable), Promotional In, if applicable
- (b) Total Promotional Awards Out (removed from game and transferred back to player account) meter, if applicable, which includes:
- 1) Total non-restricted (cashable), Promotional Out
  - 2) Total restricted (non-cashable),

Audit Trails for Promotional Transactions.

A cashless promotional system must have the ability to recall the last twenty-five (25) promotional transactions received from the system and the last twenty-five (25) promotional transactions transmitted to the system for each gaming device associated with the system. However, if a gaming device has Bonusing or host-cashless features, or both enabled simultaneously with promotional features, a single 100-event log shall suffice. The following information must be displayed:

- (a) The type of transaction (upload/download) including restrictions (cashable or non-cashable, etc.) if utilizing a single 100-event log;
- (b) Transaction value;
- (c) Time and date;
- (d) The players account number or a unique identifier, either of which can be used to authenticate the source of the funds (i.e., source of where the funds came from/went to.)

Section 6.10(8) is added and amended as follows:

Prior to public use of those video gaming devices activated by cashless tickets and cashless electronic credits installed by the Community in its gaming facilities, the Community shall adopt minimum internal control standards (MICS”) governing the use by the Community of such video gaming devices. The controls imposed by the MICS adopted by the Community on the operation and use of video gaming devices activated by cashless tickets and cashless electronic credits shall be no less stringent than those proposed by the National Indian Gaming Commission for use of cashless technology. The MICS adopted by the Community shall be provided to the State of Minnesota for its review and comment. Five business days before the implementation of any proposed changes to the MICS, such changes will be provided to the State for its review and comment.

DATED: 4/2/2010

STATE OF MINNESOTA

Name: Michael Campion  
Michael Campion

Commissioner of Public Safety  
State of Minnesota

DATED: 3/23/2010

LOWER SIOUX COMMUNITY

Name: Gabe Prescott  
Gabe Prescott

President  
Lower Sioux Community Council

Consistent with 25 U.S.C. §2710(d)(8)(A), "The Secretary is authorized to approve any Tribal-State compact entered into between an Indian tribe and a State governing gaming on Indian lands of such Indian tribe." Therefore, the Amendment to Technical Standards in Tribal-State Compact for Control of Class III Video Games of Chance on the Lower Sioux Community Reservation in Minnesota, executed by Minnesota Commissioner of Public Safety Michael Campion on April 2, 2010, and by Lower Sioux Indian Community President Gabe Prescott on March 23, 2010, subsequently amended on April 2, 2015 and July 19, 2023, and received by the Department of the Interior for review and approval on September 18, 2023, is hereby approved.

APPROVED

UNITED STATES DEPARTMENT OF THE INTERIOR

B. Newland  
Bryan Newland  
Assistant Secretary – Indian Affairs

SEP 29 2023  
Date