

Status of Regulation CGCC-1

07/02/02 CGCC-1 was approved by the Association of Tribal and State Gaming Regulators, pursuant to compact section 8.4.1(b), on June 5, 2002. This regulation will become final and effective for all tribes, pursuant to compact section 8.4.1(c), upon adoption by the Commission “30 days after submission of the proposed regulation to [each] Tribe for comment as a proposed regulation, and after consideration of [each] Tribe’s comments, if any.” This proposed regulation was submitted to each Tribe on June 14, 2002.

CGCC-1 currently applies to The Cabazon Band of Mission Indians, per Resolution No. 061702-01 adopted June 17, 2002.

Uniform Tribal Gaming Regulation CGCC-1.

Letter-of-Credit-Backed Bonds.

- (a) A holder of any bond issued by a Compacted Tribe or tribal entity of the Compacted Tribe is not a Financial Source requiring licensing under section 6.4.6 of a Tribal-State Compact (Compact) or a determination of suitability under Compact section 6.5.6, so long as the criteria set forth in both paragraphs (1) and (2) are met:
- (1) The bond, and any payments required thereby, are solely secured by and payable from amounts available under a letter of credit issued by a federal or state chartered bank, savings association, savings bank, credit union, or other financial institution with deposits insured by an agency or instrumentality of the United States Government, or issued by a bank not domiciled in the United States that has United States banking operations that are supervised by a federal or state banking authority.
 - (2) Neither the holder of the bond nor any person acting on behalf of the holder has any right to enforce any payment obligation relating to the bond as against any revenues, property, or rights of the Compacted Tribe or a tribal entity of the Compacted Tribe.

- (b) Nothing in this regulation shall be construed to preclude a Tribal Gaming Agency from requiring licensure of bondholders otherwise exempted by this regulation.
- (c) Nothing in this regulation shall be construed to supersede or limit the authority otherwise of a Tribal Gaming Agency to make discretionary exclusions from the licensing requirements of Compact section 6.4.6, where expressly permitted by those provisions.
- (d) As used in this regulation:
 - (1) “Bond” means any security within the meaning of the Securities Act of 1933 (15 U.S.C. 77a et. seq.) that constitutes an evidence of indebtedness issued pursuant to a trust indenture between the issuer of the security and a trustee who has a right to enforce the terms of the bonds on behalf of all holders of the bonds.
 - (2) “Compacted Tribe” means any federally recognized Indian tribe that has entered into a Compact with the State, including any tribe operating fewer than 350 Gaming Devices.
 - (3) “Holder” means the record or beneficial owner of a bond.
 - (4) “Tribal entity” means a Compacted Tribe and any branch, department, agency, instrumentality, division, subsidiary, enterprise, authority, wholly-owned corporation or business of the Compacted Tribe.