

[KIOWA TRIBE LETTERHEAD]

RESOLUTION NO. KL-CY-2018-_____

MODEL TRIBAL GAMING COMPACT SUPPLEMENT BETWEEN THE KIOWA INDIAN TRIBE OF OKLAHOMA AND THE STATE OF OKLAHOMA

At a duly called Session of the Legislature of the Kiowa Tribe held this 14th day of July, 2018, the following Resolution and Law were adopted.

WHEREAS, the Legislature is vested with the authority to pass laws and resolutions pursuant to Article VI, Section 6(a) of the Constitution of the Kiowa Tribe; and

WHEREAS, the Kiowa Tribe and the State of Oklahoma are parties to a “Tribal Gaming Compact” (the “Compact”), which was approved by the Secretary of the Interior, by and through his designee, on or about September 5, 2006, and which Compact became effective upon notice of its approval published in the Federal Register on October 23, 2006, 71 *Fed. Reg.* 62,120; and

WHEREAS, pursuant to the Compact the Kiowa Tribe operates at its casinos, and pays an exclusivity fee to the State of Oklahoma for, certain class III non-house banked table games authorized under the Compact as “covered games” through the Oklahoma State-Tribal Gaming Act, Title 3A, Section 261 *et seq.* (the “Act”), and which covered games may be amended or expanded from time to time by the Oklahoma Legislature; and

WHEREAS, on April 10, 2018, the Governor of the State of Oklahoma signed into law House Bill 3375 (the “Amendment”), which amends the Act to expand the definition of covered games under the Compact to authorize tribal casinos to offer “table games involving a wheel, ball, or dice” within the definition in the Compact of “non-house banked table games”; and

WHEREAS, the Amendment did not change the existing exclusivity payments required under the Compact for non-house banked table games, which was the products of arm’s length negotiations between the Oklahoma tribes and the State of Oklahoma, and which is not a tax or a fee or other assessment prohibited under the Indian Gaming Regulatory Act, 25 U.S.C. § 2710(d)(4), and which exclusivity fees have been approved by the Secretary of the Interior; and

WHEREAS, in order to be permitted to offer at its casinos the additional non-house banked table games permitted under the Amendment, the Kiowa Tribe will be required to approve and enter into a proposed amendment or supplement to the Compact, which is titled the “Model Tribal Gaming Compact Supplement Between the Kiowa Indian Tribe of Oklahoma and the State of Oklahoma,” as set forth in Title 3A, Section 280.1(2)(B) of the Oklahoma Statutes (the “Compact Supplement”), and a copy of which is attached hereto; and

WHEREAS, under the Amendment the Compact will continue to authorize the Kiowa Tribe to offer class III games at its casinos, will continue to provide for a zone of exclusivity, will continue to limit non-tribal gaming, and will continue to require certain offsets if the State of

SPONSOR: Rhonda Ahhaitty, Secretary of the Kiowa Legislature

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Oklahoma permits non-tribal gaming operations to expand in violation of the exclusivity provisions in the Compact; and

WHEREAS, the Legislature has determined that it is in the best interests of the Kiowa Tribe to authorize the Compact Supplement as to permit the Tribe's gaming enterprises to offer the additional non-house banked table games, including games involving wheels, balls, and dice, as permitted under the Amendment.

NOW THEREFORE BE IT RESOLVED; that the Legislature hereby accepts the offer by the State of Oklahoma to amend the Compact to permit the additional non-house banked table games, as set forth in the Compact Supplement, in accordance with applicable tribal law, and hereby authorizes and approves the Compact Supplement.

BE IT FURTHER RESOLVED; that the Legislature authorizes the Chairman of the Kiowa Tribe to execute such Gaming Compact Supplement and cause it to be submitted to the Secretary of the Interior for approval pursuant to 25 C.F.R. Part 293, and other applicable law.

CERTIFICATION

The foregoing Resolution No. KL-CY-2018-_____ was duly voted upon by the Legislature on July 14, 2018, at a Session with a vote of () in favor and () opposed, () abstaining, and () absent, pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

Rhonda J. Ahhaitty
Secretary of the Legislature

MODEL TRIBAL GAMING COMPACT SUPPLEMENT
Between the KIOWA INDIAN TRIBE OF OKLAHOMA
and the STATE OF OKLAHOMA

To be governed in accord with the Kiowa Indian Tribe of Oklahoma's State-Tribal Gaming Compact ("Compact"), approved by the United States Department of the Interior on September 5, 2006, the Kiowa Indian Tribe of Oklahoma ("Tribe") accepts the State's offer of additional covered game codified in Section 280.1 of Title 3A of the Oklahoma Statutes, which offer and this acceptance are subject to the following terms:

Part 1. TITLE

This document shall be referred to as the "Kiowa Indian Tribe of Oklahoma and State of Oklahoma Gaming Compact Non-house-Banked Table Games Supplement ("Gaming Compact Supplement").

Part 2. TERMS

A. The Tribe hereby memorializes its election to accept the State's offer of an additional covered game, which offer is codified in Section 280.1 of Title 3A of the Oklahoma Statutes.

B. The Tribe agrees, subject to the enforcement and exclusivity provisions of its Compact, to pay to the State ten percent (10%) of the monthly net win of the common pool(s) or pot(s) from which prizes are paid for non-house-banked table games. The Tribe is entitled to keep an amount equal to State payments from the common pool(s) or pot(s) as part of its cost of operating the games. For all purposes, such payment shall be deemed an exclusivity and fee payment under paragraph 2 of subsection A of Part 11 of the State-Tribal Gaming Compact between the electing Tribe and the State.

C. The Tribe's operation of non-house-banked table games pursuant to this supplement shall, for all purposes, including enforcement and exclusivity, be treated as subject to and lawfully conducted under the terms and provisions of the Compact.

Part 3. AUTHORITY TO EXECUTE

This Gaming Compact Supplement, to the extent it conforms with Section 280.1 of Title 3A of the Oklahoma Statutes, is deemed approved by the State of Oklahoma. No further action of the State or any state official is necessary for this Gaming Compact Supplement to take effect upon approval by the Secretary of the United States Department of the Interior and publication in the Federal Register. The undersigned tribal official(s) represents that he or she is duly authorized and has the authority to execute this Gaming Compact Supplement on behalf of the Tribe for whom he or she is signing.

APPROVED:

Posted: June 08, 2018

SPONSOR: Rhonda Ahhaitty, Secretary of the Kiowa Legislature

Posted: Friday, June 08, 2018, for the July 14, 2018, Kiowa Legislative Regular Session XV

Kiowa Indian Tribe of Oklahoma

Matthew M. Komalty, Chairman

Date

Posted: June 08, 2018

SPONSOR: Rhonda Ahhaitty, Secretary of the Kiowa Legislature

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