



# KIOWA TRIBE

P.O. Box 369 • Carnegie, Oklahoma • 73015  
Phone: (580) 654-2300 • Fax: (580) 654-1788  
OFFICE OF THE LEGISLATURE

## RESOLUTION NO. KL-CY-2018-021\_

### 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 13<sup>th</sup> day of October, 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;

**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 tables 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

Posted by the Kiowa Legislature on August 9, 2018 for the September 8<sup>th</sup>, 2018, XVII Legislative Session. A motion was made to approve with changes, Resolution KL-CY-2018-021; Model Gaming Compact Between the Kiowa Tribe and the State of Oklahoma on September 8<sup>th</sup>, 2018, XVII Legislative Session: Motion failed Yes-(2), No-(3), Abstain-(1), Absent-(1).

Re-posted by the Kiowa Legislature on September 12, 2018, for the October 13<sup>th</sup>, Legislative Session XVII.

**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 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;

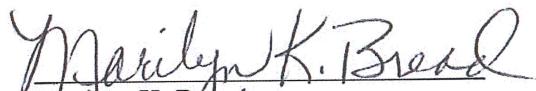
**NOW THEREFORE BE IT RESOLVED**; that the Legislature hereby accepts the offer by the State of Oklahoma to amend the Compact to permit the additional non-house banked table games, as set forth in the Compact Supplement, in accordance with applicable tribal law, and hereby authorizes, ratifies and approves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

#### C E R T I F I C A T I O N

The foregoing resolution was duly voted upon by the Legislature on October 13, 2018, at a Session with a vote of (3) in favor and (1) opposed, (0) abstaining, and (3) absent, pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.



  
Marilyn K. Bread  
Speaker of the Legislature

Kiowa Legislature on August 9, 2018 for the September 8<sup>th</sup>, 2018, XVII Legislative Session made to approve with changes, Resolution KL-CY-2018-021; Model Gaming Compact Kiowa Tribe and the State of Oklahoma on September 8<sup>th</sup>, 2018, XVII Legislative Session: Voted Yes-(2), No-(3), Abstain-(1), Absent-(1).

Re-posted by the Kiowa Legislature on September 12, 2018, for the October 13<sup>th</sup>, Legislative Session XVII.

**LEGISLATURE - RESOLUTION NO. KL-CY-2018-021:**

**SPONSOR:** Marilyn K. Bread, Legislator  
**CO-SPONSOR(S):**

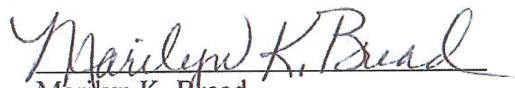
LEGISLATORS	YES	NO	ABSTAIN	ABSENT
Angela McCarthy District #1	X			
Michael Primus District #2	X			
Marilyn K. Bread District #3	X			
Charles Hines District #4				X
Anita Johnson District #5		X		
Ben Wolf District #6				X
Modina Waters District #7				X

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**DELIVERY OF THE RESOLUTION AND LAW TO THE CHAIRMAN**

Resolution No. KL-CY-2018-021 was presented to the Chairman of the Kiowa Tribe on the 9th day of November 2018, pursuant to the Article VI, Section 8(a)(iv) of the Constitution of the Kiowa Tribe, and will become effective after signature by the Chairman or veto override by the Legislature, and as otherwise required by the Constitution.

  
Marilyn K. Bread  
Speaker of the Legislature

Posted by the Kiowa Legislature on August 9, 2018 for the September 8<sup>th</sup>, 2018, XVII Legislative Session  
A motion was made to approve with changes, Resolution KL-CY-2018-021; Model Gaming Compact  
Between the Kiowa Tribe and the State of Oklahoma on September 8<sup>th</sup>, 2018, XVII Legislative Session:  
Motion failed Yes-(2), No-(3), Abstain-(1), Absent-(1).

Re-posted by the Kiowa Legislature on September 12, 2018, for the October 13<sup>th</sup>, Legislative Session XVII.

**CHAIRMAN'S ACTION:**

[] APPROVED

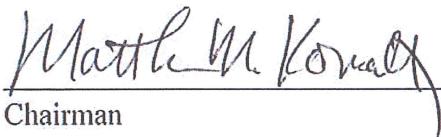
[] VETO - RETURNED TO LEGISLATURE WITH EXPLANATION:

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On this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_.

  
Chairman

Presented by the Chairman to the Legislature on the 16<sup>th</sup> day of Nov., 2018.

**LEGISLATURE'S ACTION:**

**Override of Chairman's veto:**

[] YES

[] NO

Posted by the Kiowa Legislature on August 9, 2018 for the September 8<sup>th</sup>, 2018, XVII Legislative Session  
A motion was made to approve with changes, Resolution KL-CY-2018-021; Model Gaming Compact  
Between the Kiowa Tribe and the State of Oklahoma on September 8<sup>th</sup>, 2018, XVII Legislative Session:  
Motion failed Yes-(2), No-(3), Abstain-(1), Absent-(1).

Re-posted by the Kiowa Legislature on September 12, 2018, for the October 13<sup>th</sup>, Legislative Session  
XVII.

LEGISLATORS	YES	NO	ABSTAIN	ABSENT
Angela McCarthy District #1				
Michael Primus District #2				
Marilyn K. Bread District #3				
Charles Hines District #4				
Anita Johnson District #5				
Ben Wolf District #6				
Modina Waters District #7				

#### C E R T I F I C A T I O N

The foregoing resolution was duly voted upon by the Legislature on \_\_\_\_\_, 201\_\_\_\_\_, at a meeting with a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed, and \_\_\_\_\_ abstaining pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

Speaker of the Legislature

\_\_\_\_\_  
Marilyn K. Bread

Posted by the Kiowa Legislature on August 9, 2018 for the September 8<sup>th</sup>, 2018, XVII Legislative Session  
A motion was made to approve with changes, Resolution KL-CY-2018-021; Model Gaming Compact Between the Kiowa Tribe and the State of Oklahoma on September 8<sup>th</sup>, 2018, XVII Legislative Session:  
Motion failed Yes-(2), No-(3), Abstain-(1), Absent-(1).

Re-posted by the Kiowa Legislature on September 12, 2018, for the October 13<sup>th</sup>, Legislative Session XVII.