



Little River Band of Ottawa Indians
2608 Government Center Drive
Manistee, MI 49660
(231) 723-8288

**Moved to
Open Session
02/24/21**

Resolution # 20-0122-029

Approving the Tribal Ogema to Submit the Attached Letter to Governor Whitmer to Request the Inclusion of Internet Gaming and Sports Betting in the Tribe's Compact with the State of Michigan

WHEREAS, the status of the *Gaá Čhíng Ziibi Daáwaa Aníshinaábek* (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; and

WHEREAS, the Tribe adopted amendments to the Constitution on July 11, 2016 which became effective upon approval by the Assistant Secretary-Indian Affairs on August 24, 2016; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; and

WHEREAS, the Tribal Council is authorized by Article IV, Section 7(b) to authorize and ratify agreements and contracts negotiated by the Tribal Ogema on behalf of the Tribe with political subdivisions or private parties on all matters within the authority of the Tribal Council; and

WHEREAS, the executive powers of the Tribe are vested in the Tribal Ogema according to Article V, Section 1 of the Constitution; and

WHEREAS, the Tribal Ogema is authorized to consult, negotiate and execute agreements and contracts on behalf of the Tribe with governments, political subdivisions and private parties, subject to authorization and ratification by Tribal Council; and

WHEREAS, Section 3B of the Tribal State Gaming Compact allows the Tribal Chairperson to request amendments to the compact from the Governor of Michigan; and

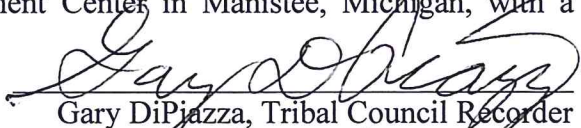
WHEREAS, the State of Michigan has passed legislation approving online gaming and sports betting including authorization for the Governor to approve amendments to tribal compacts to allow for these activities.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council authorize the Ogema's execution of the attached letter to Governor Whitmer.

IT IS FURTHER RESOLVED THAT the Tribal Council authorizes the application for online gaming and sports betting licensing, which includes a limited waiver of tribal sovereignty for jurisdiction and enforcement actions related to the licensing of this activity.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 9 FOR, 0 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on January 22, 2020, at the Government Center in Manistee, Michigan, with a quorum being present for such vote.



Gary DiPiazza, Tribal Council Recorder



Ron Pete, Tribal Council Speaker

Attest:

Distribution: Council Records
 Tribal Ogema



*Little River Band of Ottawa Indians
Office of Tribal Ogema
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Manistee, MI 49660
231-723-8288 (Fax) 231-723-3270*

January 24, 2020

Honorable Gretchen Whitmer, Governor
Office of the Governor – State of Michigan
George W. Romney Building
111 S. Capital
Lansing, MI 48909

Re: Request for Agreement Pursuant to Section 3 of the Gaming Compact between the State of Michigan and the Little River Band of Ottawa Indians.

Dear Governor Whitmer:

On behalf of the Little River Band of Ottawa Indians (the “Tribe”), I write to secure your agreement to expressly authorize sports betting as an additional Class III game and to authorize online versions of authorized Class III games, including authorization to receive and accept wagers which are initiated or placed utilizing the internet. The authorization is pursuant to Section 3 of the Compact between the Little River Band of Ottawa Indians and the State of Michigan.

Section 3 of the Compact provides that a new Class III game may be lawfully conducted by the Tribe upon mutual agreement of the State and Tribe to add the new game to the compact as an additional Class III game.

Section 3(B)(1) describes the role of the Tribe in initiating a request for additional Class III games:

The Tribe shall request additional games by letter from the tribal Chairperson on behalf of the Tribe to the Governor on behalf of the State. The request shall identify the additional proposed gaming activities with specificity and any proposed amendments to the Tribe’s regulatory ordinance.

Section 3(B)(2) vests authority in the Governor to act on behalf of the State to agree to the addition of a new Class III game under the Compact. The decision to agree to a request for an additional Class III game must be made based upon the criteria provided in Section 3(B)(2) of the Compact. These Section 3(B)(2) criteria are as follows:

- a. Whether the proposed gaming activities are permitted in the State of Michigan for any purpose by any person, organization or entity; and
- b. Whether the provisions of this compact are adequate to fulfill the policies and purposes set forth in the IGRA with respect to such additional games.

Upon your approval of the "Lawful Sports Betting Act" and the "Lawful Internet Gaming Act", both sports betting and internet gaming (and internet wagering activities) would constitute "gaming activities [which] are permitted in the State of Michigan".

Sports Betting:

For purposes of the first part of this request, the Tribe requests your agreement to expressly include "sports betting" as an authorized Class III game under Section 3 (A) of the Compact. For purposes of such approval, the Tribe proposes that "sports betting" be defined to mean to operate, conduct, or offer for play wagering on athletic events. Authorized sports betting would include, but not be limited to, single-game bets, teaser bets, parlays, over-under, moneyline, pools, exchange betting, in-game betting, proposition bets, and straight bets. Sports betting would not include a fantasy contest as that term is defined in 31 U.S.C. Section 5362(1)(E)(ix).

With the approval of this request, sports betting would be an authorized Class III game under both the Compact and the Tribe's Gaming Ordinance. As an authorized Class III under the Compact, the Tribe's sport betting operations would be subject to all regulatory requirements prescribed in Section 4 and Section 6 of the Compact, which prescribe minimum standards for employment and licensing of "primary management officials" and "key employees", posting of rules for Class III games, accounting standards and record-keeping, background investigations of suppliers of gaming equipment and the requirement that all gaming equipment and supplies meet the technical standards prescribed by either the State of Nevada or the State of New Jersey. Additionally, more comprehensive standards for licensing of employees, suppliers of gaming equipment and supplies, and other controls are prescribed in the Tribe's Gaming Ordinance and Gaming Commission Regulations.

The Tribe's Gaming Commission is in the process of developing detailed regulations to further define the regulatory requirements for sports betting to be conducted by the Tribe under the Compact. No sports betting would be authorized within the Tribe's gaming facility until such time as the Tribe's Gaming Commission has approved regulations and verified that the Tribe's Compact-authorized sports betting will be conducted in compliance with the Compact, the Gaming Ordinance, the regulations and other applicable federal law. The conditions precedent to authorization and operation of internet sports betting are described in the following portion of this request.

Internet Gaming:

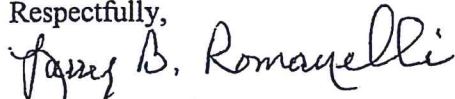
For purposes of the second part of this request, the Tribe expects your agreement that online versions of all authorized class III games" be authorized Class III games under Section 3 (A) of the Compact, and that the Tribe be authorized to offer and accept wagers on any authorized Class

III game, which is placed by a person using a method that involves the use of the internet or a mobile application, so long as the wager is either: (i) an "intratribal transaction" as defined in 31 U.S.C. 5362(10)(C); or (ii) initiated or placed by a person authorized to initiate or place such wager under the laws of the State and the wager is received by the Tribe in compliance with the laws of the State, including compliance with the conditions under which the Tribe holds any State license(s) the Tribe is required to possess that authorizes the Tribe to receive and accept a wager that is not an "intratribal transaction" as defined in 31 U.S.C. 5362(10)(C).

Upon approval, the Tribe's regulation of online versions of authorized Class III would be subject to the regulatory requirements set forth in the Compact and the online versions of Class III games would be subject to the regulatory requirements of the Tribe's Gaming Ordinance, IGRA, the Unlawful Internet Gambling Enforcement Act, and regulations prescribed by the Tribe's Gaming Commission, including Minimum Internal Control Standards, that apply each specific Class III game offered within the Tribe's brick and mortar casino. Except for those limited internet gaming operations (including internet sports betting) that are not subject to the exclusion described in Section 4(4) of each of the Lawful Sports Betting Act and/or the Lawful Internet Gaming Act, the Tribe would be required to apply for and maintain either or both of a "sports betting operator license" and an "internet gaming operator license" in order to accept wagers from persons off Indian lands. In order to qualify for those licenses, the Tribe's gaming operation would be required to conduct its internet sports betting and internet gaming operations in compliance with the substantive requirements set forth in the Lawful Sports Betting Act and/or the Lawful Internet Gaming Act and pursuant to the regulations adopted by the Michigan Gaming Control Board. In addition to the above regulatory requirements, the Tribe intends to adopt certain amendments to its Gaming Commission Regulations, which would both authorize internet gaming activities and prescribe minimum regulatory requirements for internet games, internet gaming platforms, and internet gaming activities, including procedures that assure compliance with the requirements of 31 U.S.C. Section 5362 (10)(C)(ii)-(iv).

Based upon the above-described considerations, the Tribe believes this request meets all of the requirements for your approval under Section 3(B) of the Compact and we respectfully request your approval of the same. Thank you for your consideration of this request and we look forward to prompt approval of the same.

Respectfully,



Larry Romanelli
Tribal Ogema

Cc: Little River Band of Ottawa Indians Tribal Council
Wenona Singel, Deputy Legal Counsel Office of the Governor
Bill Willis, Chairperson of the Little River Band of Ottawa Indians Gaming Commission
Rebecca Liebing, Unified Legal Department of the Little River Band of Ottawa Indians