

APR 7 1999

Les Cusher, Gaming Commissioner
Miami Tribe of Oklahoma
202 South Eight Tribes Trail
P.O. Box 1326
Miami, Oklahoma 74355

Dear Mr. Cusher:

This letter responds to your request to review and approve the amendment to the Miami Tribe of Oklahoma's (Tribe) tribal gaming ordinance submitted on December 31, 1998. The amendment to the ordinance was adopted by the Tribe by Resolution No. 97-02 on October 8, 1996, and approved by the Chairman of the National Indian Gaming Commission (NIGC) on October 27, 1993, on its Class II and on December 15, 1994, on Class III. This letter constitutes approval under the Indian Gaming Regulatory Act (IGRA).

Under the IGRA and the regulations of the NIGC, the Chairman is directed to review ordinances and amendments with respect to the requirements of the IGRA and the implementing regulations. Thus, the scope of the Chairman's review and approval is limited to the requirements of the IGRA and the NIGC regulations.

Thank you for submitting the amendments to the tribal gaming ordinance of the Miami Tribe of Oklahoma. The NIGC staff and I continue to look forward to working with you and the Tribe in implementing the IGRA.

Sincerely yours,



Montie R. Deer
Chairman

Miami Tribe of Oklahoma



202 South Eight Tribes Trail
P.O. Box 1326 - Miami, Oklahoma 74355
Phone: 918-542-1445 - Fax: 918-542-7260

RESOLUTION NO: 97- 02

RESOLUTION TO ADOPT AN ACT RELATING TO MIAMI INDIAN TRIBE OF OKLAHOMA

REGARDING THE TERMS OF CLASS II AND III GAMING OPERATIONS

**SUPPLEMENTS TO MIAMI CLASS II GAMING ORDINANCE 93-45 (8/23/1993)
AND CLASS III GAMING ORDINANCE 94-55 (9/19/1994)
PROVIDING FOR LICENSING OF INDIVIDUALLY OWNED GAMING OPERATIONS
OTHER THAN THOSE OPERATING ON SEPTEMBER 1, 1986.**

WHEREAS, the Miami Tribe of Oklahoma is a federally recognized Tribe of Indians organized pursuant to a Constitution and By-laws ratified by the People of the Miami Tribe on December 4, 1995, approved by operation of law on January 18, 1996 and by the Secretary of the Interior on February 22, 1996, as amended by the People of the Miami Tribe from time to time as provided in the Oklahoma Indian Welfare Act of June 26, 1936; and

WHEREAS, Article VI of the Constitution and By-laws of the Miami Tribe of Oklahoma provides that the Miami Business Committee shall have power to act on behalf of the Tribe in all matters on which the Tribe is empowered to act; and

WHEREAS, the Miami Business Committee is the Supreme governing body of the Miami Tribe of Oklahoma with the authority to enact laws and ordinances and to interpret provisions of the Constitution and By-laws; and

WHEREAS, in certain treaties entered into between the Miami Tribe and the United States, the Miami Tribe undertook to provide protection to businesses which were located within its jurisdiction and retained all of its inherent rights of self government; and

WHEREAS, the Miami Tribe of Oklahoma desires to provide for licensing of individually owned gaming operations other than those operating on September 1, 1986, as provided for by 25 CFR § 522.10; and

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WHEREAS, the Miami Tribe of Oklahoma has received approval of Gaming Ordinances 93-45 and 94-55 by the Chairman of the National Indian Gaming Commission on October 27, 1993, and December 15, 1994, respectively, as required by the Indian Gaming Regulatory Act and the National Indian Gaming Commission's (NIGC) regulations providing for the establishment and operation of gaming enterprises; and

WHEREAS, the Constitution and By-laws of the Miami Tribe provides that enactments are to be passed by a majority of the Business Committee members present; and

THEREBY, BE IT RESOLVED that both ACTS, 93-45 and 94-55 are hereby supplemented to provide for licensing of individually owned gaming operations provided that the requirements of 25 CFR § 522.10 are met. Specifically; the license must provide:

1. That the gaming operation be licensed and regulated under an ordinance or resolution approved by the Chairman of the NIGC; and
2. That income to the Miami Tribe be used only for the purposes listed in 25 CFR § 522.4(b)(2); and
3. That not less than sixty (60%) of the net revenues be income to the Tribe; and
4. That the owner will pay an assessment to the Commission (NIGC) as provided under 25 CFR § 514.1; and
5. Licensing standards that are at least as restrictive as those established by State law governing similar gaming within the jurisdiction of the surrounding State; and
6. Denial of a license for any person or entity that would not be eligible to receive a State license to conduct the same activity within the jurisdiction of the surrounding State. State law standards shall apply with respect to purpose, entity, pot limits, and hours of operation.

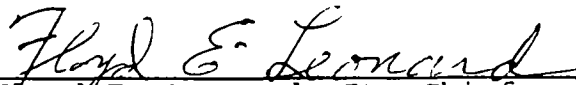
THEREBY, BE IT FURTHER RESOLVED Chief of the Miami Tribe of Oklahoma is authorized to forward this Resolution 97-02 to the Chairman of the National Indian Gaming Commission for approval as required by 25 CFR § 522.4 for Class II and 25 CFR § 522.6 for Class III.

THEREBY, BE IT FURTHER RESOLVED that the Chief of the Miami Tribe of Oklahoma is authorized to sign any additional documents and agreements required to obtain approval of this Resolution.

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

The foregoing resolution was duly adopted this date, October 8, 1996, in a regular session of the Miami Tribe of Oklahoma Business Committee meeting at which a quorum was declared by a vote of 4 for, 0 against, 0 abstaining.



Floyd E. Leonard, Its Chief

Attest:



Julie Olds, Secretary/Treasurer