

**EIGHTH AMENDMENT TO THE AGREEMENT  
BETWEEN THE CROW TRIBE OF MONTANA AND  
THE STATE OF MONTANA CONCERNING CLASS III GAMING**

This document is the eighth amendment to the “Agreement Between the Crow Indian Tribe of Montana and the State of Montana Concerning Class III Gaming” (Compact), first entered into in 1998 and last amended in 2009.

Pursuant to Article XI. B. of the Compact, which generally provides for amendment in writing and with the consent of both parties, the Agreement is hereby amended as follows:

1. The definition of “Reservation,” at Article III., Paragraph D, is amended to read as follows:

“Reservation.” The term “Reservation” means:

1. All lands within the Crow Reservation as established by the Treaty of May 7, 1868, 15 Stat. 649, and further defined by the Act of April 11, 1882, 22 Stat. 42, Act of March 3, 1891, Sec. 31, 26 Stat. 1039, and Act of April 27, 1904, 33 Stat. 352; and
2. All lands contiguous to the Crow Reservation, as defined in Article III.D.1. above, meeting the requirements of both 25 U.S.C. §§ 2703(4) and 2719(a)(1) on which the Tribe is eligible to conduct gaming under 25 U.S.C. § 2701-2721.

2. Section VI.(E). is amended to read as follows:

The Tribe may operate up to 925 Video Gambling Machines, as defined in Appendix A, on the Reservation.

3. Section VI.(F.) is amended to read as follows:

The Tribe is authorized to conduct Class III gaming on the Reservation, as defined in this Compact, provided that any gaming facility must be properly licensed under an approved tribal gaming ordinance.

4. Section VI.(G.) is amended to read as follows:

(1). Up to 33.3 percent of the Tribe’s Class III video gambling machines may be classified as “high stakes” Video Gambling Machines. No prize may exceed the value of five-thousand dollars (\$5,000) per wager on a “high stakes” Video Gambling Machine.

(2) No less than 66.6 percent of the Tribe's Class III video gambling machines must be classified as "regular stakes" video gambling machines. No prize may exceed the value of three-thousand dollars (\$3,000) per wager on a "regular stakes" video gambling machine.

5. Section VI.(H.) is amended to read as follows:

No more than Ten Dollars (\$10) may be wagered per play on "regular stakes" Video Gambling Machines. No more than Fifty Dollars (\$50) may be wagered on "high stakes" Video Gambling Machines.

6. Section XI(A) is amended to read as follows:

The term of this Compact shall expire fifteen years from the effective date of this amendment, or upon the execution and approval of a new Class III tribal-state gaming compact, whichever occurs first.

7. Section XI(D), titled "Expansion of Class III Gaming" is amended to read as follows, in its entirety:

1. In the event that State law is amended to permit any form of gaming classified as Class III under the IGRA, in addition to those forms permitted by this Agreement; or, in the event that the State executes a Class III tribal-state gaming compact with another federally recognized Indian tribe that permits that tribe to operate additional forms of gaming classified as Class III under the IGRA ("Additional Class III Games"), then the following provisions shall apply:

(a) The State shall notify the Tribe of such an occurrence in writing within 30 days; and,

(b) Section V of this Compact shall be amended to allow the Nation to operate Additional Class III Games.

2. In the event that State law is amended to permit any establishment to operate a greater number of video gambling machines than permitted under Section VI(E) of this Compact, or, in the event that the State executes a Class III tribal-state gaming compact with another federally recognized Indian tribe that

permits that tribe to operate a greater number of Class III video gambling machines than permitted under Section VI(E) of this Compact, then the following shall apply:

- (a) The State shall notify the Tribe of such an occurrence in writing within 30 days; and,
- (b) Section VI(E) of this Compact shall be amended to allow the Nation to operate the maximum number of Class III video gambling machines permitted under state law or any other Class III tribal-state gaming compact in Montana, whichever is greater.

3. In the event that State law is amended to permit any entity to offer larger prizes or wagers for any game authorized under this Compact, or, in the event that the State executes a Class III tribal-state gaming compact with another federally recognized Indian tribe that permits that tribe to offer larger prizes or wagers for any game authorized under this Compact, then the following shall apply:

- (a) The State shall notify the Tribe of such an occurrence in writing within 30 days; and,
- (b) This Compact shall be amended to allow the Tribe to offer the largest prizes and wages permitted under state law or any other Class III tribal-state gaming compact in Montana, whichever is greater.

8. New Section XII, entitled, "Negotiation in Good Faith" is added to the Compact, and shall read as follows:

Upon the approval of this amendment by the Secretary of the Interior, the parties hereby agree to commence good faith negotiations on a new Class III tribal-state gaming compact within one year of the effective date of this amendment. Furthermore, the parties agree to use their best efforts conclude a new Class III tribal-state gaming compact that will supersede this agreement.

9. Appendix A, entitled "Video Gambling Machines," is amended to read as follows:

**I. Definition of "Video Gambling Machine"**

For purposes of this Compact, "Video Gambling Machine" means electronic or mechanical gambling devices that offer video bingo, video poker, video keno, video line games, progressive video line games, or any combination thereof. All video line games must be offered in a multigame video machine cabinet, as provided in Mont. Code Ann. § 23-5-602(11) and the applicable Administrative Rules of Montana, including ARM 23.16. 1907A.

**II. Changes in Conditions**

In the event that State law is amended to authorize additional types of games under M.C.A. § 23-5-603, or any other provision of state law authorizing additional types of electronic or mechanical gambling devices; or, in the event that the State executes a Class III gaming compact with another federally recognized Indian tribe that permits that tribe to license or operate additional types games under the definition of "video gambling machine," or "video gaming machine," or additional games played through the use of electronic or mechanical gambling devices, the following shall apply:

- A. The State shall notify the Tribe of such an occurrence in writing within 30 days; and,
- B. This Compact shall be amended to allow the Tribe to offer each such additional game.

**III. Technical Standards for Electronic Games of Chance**

Subject to the exceptions set forth in Section IV below, the State and the Tribe agree that all class III electronic games of chance will comply with the technical standards of the Montana Department of Justice, Gambling Control Division as set out in the Administrative Rules of Montana 23.16.1901 through 23.16.1911, 23.16.1920, and, where applicable, the definitions in 23.16.1802. The definitions set forth in 23.16.1802 shall not affect the definition of the term "Video Gambling Machine" for purposes of this Compact.

#### **IV. Exceptions to the Technical Standards for Electronic Games of Chance**

- a. Any definitions of bingo or electronic bingo that are electronic, computer or other technological aids to the Class II game of bingo, as defined by IGRA or Rules of the National Indian Gaming Commission (25 CFR Part 502).
- b. Any definitions or rules relating to the licensing or permitting of video gambling machine owners or operators.
- c. A video gambling machine authorized under this agreement shall be tested and approved by the Tribe before placement on the Reservation. Any gambling device approved and licensed by the Tribe under this agreement must meet all technical requirements as set forth in the Administrative Rules of Montana, as referenced in Sections I and III of this Appendix. The Tribe may contract with the State for certification and inspection of video gambling machines under a contract separate and apart from this Agreement.

#### **V. Minimum Internal Control Standards**

The Tribe agrees to follow the model Minimum Internal Control Standards used by the National Indian Gaming Commission unless the parties agree in writing to a simpler standard that will protect the fairness and integrity of the particular game or activity.