2024 AMENDMENTS TO THE
LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS
and
STATE OF WISCONSIN
GAMING COMPACT OF 1992

The Lac du Flambeau Band of Lake Superior Chippewa Indians ("Tribe") and the State of Wisconsin ("State") enter into these amendments to the Lac Du Flambeau Band of Lake Superior Chippewa Indians and the State of Wisconsin Gaming Compact of 1992, as amended (the "Compact"), as of the last signature date set forth below.

WHEREAS, the gaming allowed by the Compact is an important source of economic development for the Tribe and generates revenue that enables the Tribe to provide a variety of vital services to both Tribal members and non-member Wisconsin residents within its reservation boundaries; and

WHEREAS, the Tribe has a strong interest in exercising its sovereignty throughout the boundaries of its reservation and in offering gaming throughout the boundaries of its reservation; and

WHEREAS, event wagering, and especially mobile event wagering, is a rapidly expanding business in the United States that the Tribe elects to offer to remain competitive and successful; and

WHEREAS, it is in the interest of both the Tribe and the State that the Tribe's gaming businesses remain successful; and

WHEREAS, the Tribe and the State wish to amend the Compact to approve event wagering as an authorized Class III game; and

WHEREAS, Section XXX of the Compact allows the Compact to be amended upon mutual agreement of the parties;

NOW THEREFORE, the parties mutually agree to amend the Compact as follows:

1. In Section I, "1991" is deleted and replaced with "1992".

2. Section III is amended as follows:

    a. Existing subsection C, which defines "Lottery Board," is deleted.

    b. Existing subsection B, which defines "Department of Justice," is relettered as subsection C.

c. New subsection B is created and states:

"Department" means the State of Wisconsin Department of Administration, including the Division of Gaming, or any successor State regulatory agency, and the Department or successor agency's authorized officials, agents, and representatives.

d. In subsection E, the existing text is deleted and replaced with the following:

"Net win" shall be defined as follows:

1. For house banked games, as the amount wagered in Class III gaming, less fills and the amount paid out in jackpots and prizes, including the actual cost to the Tribe of any noncash prize which is distributed to a patron as the result of a specific, legitimate wager.

2. For non-house banked games, as the amount of gross revenue received by the Tribe for conducting the Class III game.

3. For Event Wagering, as the gross revenue received from all event wagers, less voided or canceled wagers, and less gaming payouts.

4. The State and the Tribe may further clarify the procedures to be used for calculating net win with respect to specific games through memoranda of understanding which the State and Tribe shall comply with for purposes of this Compact.

e. Subsection F, which defines "Person," is amended as follows:

i. a comma is added after "associations";

ii. the word "and" in between "associations" and "corporations" is deleted;

iii. the period after "corporations" is deleted and replaced with a comma; and

iv. the following text is added after the new comma: "and limited liability companies (or their equivalents)."

f. The second subsection F, which defines "State", and subsections G and H, which define "Tribal lands" and "Tribe", are relettered as subsections G through I.

3. The phrase "Lottery Board" is replaced with the word "Department" at all locations in the Compact.

4. The phrase "Executive Director of the" is deleted in the following locations:

   a. subdivision VII.E.2.a.

   b. subdivision XV.D.17.b.

5. In subdivision VII.E.2.b., the phrase "Executive Director" is deleted and replaced with "Department".

6. Current subparagraph IV.A.12. is renumbered IV.A.13. and is amended as follows:

   a. In the first sentence, a period is inserted after the word "devices" and the words "except sports book" are deleted.

   b. The second sentence, beginning with "For purposes . . ." and ending with ". . . pari-mutuel racing" is deleted in its entirety.

7. Current subparagraph IV.A.13 is renumbered as subparagraph IV.A.14.

8. New subparagraph IV.A.12. is created and reads as follows:

   > Event Wagering. "Event Wagering" means accepting wagers on the outcomes of, and occurrences within, sports and non-sports games, competitions, and matches, but shall not include pari-mutuel wagering on horse, harness, and dog-racing events.

9. Current subsection IV.D. is renumbered as subsection IV.E.

10. Current subsection IV.E. is renumbered as subsection IV.F.

11. New subsection IV.D. is created and reads as follows:

    D. Remote Wagering Devices

    1. The Tribe may permit customers to place wagers using a Remote Wagering Device only as set forth in this subsection and in the Tribe's minimum internal control standards. The term "Remote Wagering Device" shall have the meaning set forth in the Tribe's minimum internal control standards.

    2. The Tribe may offer remote wagering on all lands within the boundaries of the Tribe's reservation with the exception of

> parcels of land not owned by or held in trust for the Tribe that contain a public or private school conducting classes in any of the grades pre-kindergarten through grade 12.

12. Subsection V.D. is amended as follows:

    a. The first sentence, beginning with "All gaming . . ." and ending with "basis" is deleted.

    b. In the current second sentence:

        i. the phrase "or receive an advance of funds" is inserted after the word "credit" and before the phrase "for gaming"; and

        ii. the phrase "or an advance" is inserted after the phrase "such credit" and before the phrase "for a fee."

    c. In the current third sentence, the lowercase "s" in "section" is replaced with an uppercase "S".

    d. After the current second sentence and before the current third sentence, the following sentence is inserted:

> This Section shall not restrict the right of the Tribe to install automated teller machines ("ATMs") that may permit persons to withdraw funds from their bank account nor shall it restrict the Tribe to use third party processors for the purpose of conducting cash advances on their credit card.

    e. The following sentence is inserted at the end of the subsection:

> This Section shall not prohibit the use of wagering accounts pursuant to the terms of this Compact or the Tribe's minimum internal control standards, where such wagering accounts do not extend credit or advance funds to the account holder.

13. Section VII is amended as follows:

a. New subparagraph VII.A.7. is created and reads as follows:

> Contracts for Event Wagering systems, Event Wagering risk management services, betting line services, Integrity Providers, and hardware and software used specifically for purposes of placing Event Wagers.

b. New subparagraph VII.A.8. is created and reads as follows:

> Contracts for geolocation, geotracking, or geofencing services for purposes of tracking the location of customers using remote wagering devices.

c. In subsection VII.C. "$25,000" is deleted and replaced with "$100,000".

d. Subdivision VII.D.1.e.(4) is created and states:

> A limited liability company or its equivalent (collectively "LLC"), then subdiv. a. applies to the LLC and each member and manager of the LLC or their equivalents.

e. Existing subdivision VII.D.1.f. is deleted and replaced with the following:

> The restrictions under subdiv. a. do not apply to the partnership, association, LLC, or corporation if the Department determines that the partnership, association, LLC, or corporation has terminated its relationship with the partner, officer, director, member, manager, or owner who was convicted or entered the plea or with the partner, officer, director, member, manager, owner or other individual whose actions directly contributed to the partnership's, association's, LLC's, or corporation's conviction or entry of plea.

f. Subsection VII.G, titled "Transitional Provision," is deleted in its entirety.

14. Section XV is amended as follows:

    a. Existing subsection F, titled "Transitional provision", is deleted in its entirety;

    b. Existing subsection G, titled "Non-complying games", is relettered as subsection F; and

    c. Existing subsection H, titled "Game locations", is relettered as subsection G.

15. Existing Sections XVIII through XXXVIII are renumbered as Sections XIX through XXXIX and all cross-references to these Sections and their subparts in the Compact are renumbered to conform with this renumbering.

16. New Section XVIII is created and reads as follows:

EVENT WAGERING.

A. Definitions.

1. *"Event"* means sports and non-sports games, competitions, drafts, and matches, but shall not include pari-mutuel wagering on horse, harness, and dog-racing events.

2. *"Governing Body"* means an official body of managers which sanctions and regulates an Event (e.g., National Football League, National Collegiate Athletic Association, International Olympic Committee, analogous entities).

3. *"Integrity Provider"* means a third-party service that provides information regarding potential fraud, improper manipulation, misuse of insider information, and other improper conduct regarding Events. An Integrity Provider may also provide other Event Wagering services to the Tribe.

B. The Tribe shall be permitted to offer wagers on Events that are approved pursuant to the following procedures and limitations:

1. The Tribe may submit to the State in writing a request for approval of a proposed catalog of Events

or an amendment to an existing approved catalog of Events.

2. Within twenty-one calendar (21) days of receiving the request, the State shall notify the Tribe in writing whether it approves or objects to the request. The request shall be deemed approved if the State fails to respond within the above-stated timeframe.

3. Except as otherwise set forth in this Section XVIII, the State may object only to the following types of Events ("Wisconsin-Related Events"):

   a. Events that take place within Wisconsin and outside of Tribal lands.

   b. Events that take place outside of Wisconsin and include Wisconsin-based teams as competitors.

4. For Wisconsin-Related Events that take place outside of Wisconsin, the State may only object to the Tribe offering wagers on the specific portion of the Event in which the Wisconsin-based team is competing.

5. For Wisconsin-Related Events, the State may object to the Tribe's request for approval for any reason and the Tribe shall not be permitted to offer wagering on the requested Event. The State's decision shall not be subject to challenge through arbitration or the courts. The State shall be obligated to promptly participate in mediation at the written request of the Tribe in an effort to resolve the State's objection.

6. For Wisconsin-Related Events, after an Event has been approved for wagering, the State may rescind its approval of that Event only if the State presents evidence that there is a risk of improper manipulation of the Event's outcome or activities within the Event. If the State rescinds its approval of a Wisconsin-Related Event, the Tribe shall immediately cease offering wagers on that Event. All disputes regarding the State's rescission of its approval of

wagering on a Wisconsin-Related Event shall be resolved pursuant to the dispute resolution procedures of Section XXII of the Compact. The issue for decision by the arbitration panel shall be whether the preponderance of the evidence supports the State's objection.

7. For Events that are not Wisconsin-Related Events, the State may object to the Tribe's request for approval only on the grounds that the request fails to accurately identify the name of the Event or the Governing Body for the Event. The State shall withdraw its objection upon the Tribe correcting the inaccurate information.

C. The Tribe shall not offer wagers on any Events in which the majority of participants are under the age of 19.

D. The Tribe shall not offer wagers on the outcome of elections for public office.

E. The Tribe shall not offer wagering on Events or categories of Events that are not approved pursuant to this Section.

F. The Tribe shall engage the services of an Integrity Provider, certified pursuant to Section VII, for the purpose of providing information regarding potential fraud, improper manipulation, misuse of insider information, and other improper conduct regarding events. It is not required that the Integrity Provider be contracted as a stand-alone service; it may be provided as part of a package of Event Wagering services.

G. If the State legalizes Event Wagering on an Event or Events not included in the Tribe's approved catalog of Events, then the Event or Events shall be immediately added to the Tribe's approved catalog of Events.

H. If the State enters a Tribal-State gaming compact or gaming compact amendment with another Wisconsin Indian Tribe, or agrees to minimum internal control standards and/or a memorandum of agreement with

another Wisconsin Indian Tribe, which allow Event Wagering on an Event or Events not included in the Tribe's approved catalog of Events, or if the Secretary of the United States Department of the Interior prescribes procedures for another Wisconsin Indian Tribe pursuant to section 11 (d)(7)(B)(vii) of the Act that allow Event wagers to be placed on an Event or Events not included in the Tribe's approved catalog of Events, then the Event or Events shall be immediately added to the Tribe's approved catalog of Events.

I. If the State enters a Tribal-State gaming compact or gaming compact amendment with another Wisconsin Indian Tribe, or agrees to minimum internal control standards with another Wisconsin Indian Tribe, which allow Event Wagering through the use of Remote Wagering Devices under terms more favorable than those set forth in the Tribe's minimum internal control standards, including but not limited to permitted locations, or if the Secretary of the United States Department of the Interior prescribes procedures for another Wisconsin Indian Tribe pursuant to section 11(d)(7)(B)(vii) of the Act which allow Event Wagering through the use of Remote Wagering Devices under terms more favorable than those set forth in the Tribe's minimum internal control standards, including but not limited to permitted locations, upon written notice to the State the Tribe's minimum internal control standards shall be deemed to include such more favorable terms and the Tribe may conduct Event Wagering through the use of Remote Wagering Devices under such more favorable terms. Promptly thereafter the Tribe and the State shall negotiate in good faith to amend the Tribe's minimum internal control standards to reflect the change as provided for in Sec. XXXV.E.

J. If the State enters a Tribal-State gaming compact or compact amendment with another Wisconsin Indian Tribe, or enters an agreement with another Wisconsin Indian Tribe, or agrees to minimum internal control standards with another Wisconsin Indian Tribe, which provide for a different procedure or procedures than set forth in the Tribe's minimum internal control standards

for adding permitted Events for Event Wagering, upon notice to the State the Tribe's minimum internal control standards shall be deemed to include such different procedure or procedures and shall replace the existing procedure or procedures in the minimum internal control standards. Promptly thereafter the Tribe and the State shall negotiate in good faith to amend the Tribe's minimum internal control standards to reflect the change as provided for in Sec. XXXV.E.

K. Promptly, but no later than ten (10) business days after entering a Tribal-State compact or compact amendment with another Wisconsin Indian Tribe, or entering an agreement with another Wisconsin Indian Tribe, or agreeing to minimum internal control standards with another Wisconsin Indian Tribe, which address permitted Events for Event Wagering and/or permitted locations for remote wagering and/or procedures for adding permitted Events for Event Wagering, the State shall provide written notice to the Tribe together with a copy of such compact, compact amendment, agreement, and/or minimum internal control standards.

17. Existing Section XXVIII (now Section XXIX), is amended by adding the following to the end of the Section:

> The Tribe shall also send by email to DOAGaming@wisconsin.gov a copy of all notices required by the Compact it serves on the Governor, or such other email address as the Department may specify.

18. The first sentence of existing subsection XXXIV.A. (now subsection XXXV.A.) is amended as follows:

    a. In the first sentence, after the phrase "minimum internal control standards", insert the following language: "(the Tribe also refers to its minimum internal control standards as "Tribal Internal Control Standards")".

19. Section XXXV (now XXXVI) is amended as follows:

    a. Subsections XXXV.C. and XXXV.D. are renumbered as XXXVI.D. and XXXVI.E.

    b. New subsection XXXVI.C. is created and reads as follows:

    The Tribe shall submit to the Department on a monthly basis, in an electronic format determined in the reasonable discretion of the Tribe, the following daily revenue information for Event Wagering: the total amount of all wagers received, less voided or canceled wagers and amounts paid out for winning wagers, and the total amount of wagers received for Events that occur after the conclusion of the calendar month. The Tribe shall submit such information not later than fourteen (14) days after the conclusion of each calendar month.

IN WITNESS WHEREOF, the Lac du Flambeau Band of Lake Superior Chippewa Indians and the State of Wisconsin have hereto set their hands and seals.

LAC DU FLAMBEAU BAND OF
LAKE SUPERIOR CHIPPEWA INDIANS

John Johnson, Sr.
President

STATE OF WISCONSIN

Tony Evers
Governor

CERTIFICATION OF THE GOVERNOR OF WISCONSIN

REGARDING THE 2024 AMENDMENTS TO THE

LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS

and

STATE OF WISCONSIN

GAMING COMPACT OF 1992

In accordance with the procedures for submission of Tribal-State Gaming Compacts, as specified in 25 C.F.R. 293.8(c), I hereby certify that, pursuant to the authority granted to me by Section 14.035 of the Wisconsin Statutes, I am duly authorized under Wisconsin law to enter into the 2023 Amendments to the Lac du Flambeau Band of Lake Superior Chippewa Indians and the State of Wisconsin Gaming Compact of 1992.

By: Tony Evers

Tony Evers
Governor

Date: 2/2/2024