

**FIFTH AMENDMENT TO THE TRIBAL-STATE COMPACT
FOR CLASS III GAMING BETWEEN
THE COWLITZ INDIAN TRIBE
AND THE
STATE OF WASHINGTON**

INTRODUCTION

The COWLITZ INDIAN TRIBE (hereafter, "Tribe") and the STATE OF WASHINGTON (hereafter, "State") entered into a Class III gaming compact (hereafter "Compact") June 16, 2014, pursuant to the Indian Gaming Regulatory Act (hereafter, "IGRA"). At the request of the Tribe, the Tribe and State entered into negotiations for further amendments to the Compact. The parties have reached an agreement on Compact amendments as set forth in this document. The parties believe the conduct of Class III gaming under the terms and conditions set forth below will benefit the Tribe and the State and protect members of the Tribe and citizens of the State consistent with the objectives of IGRA.

COMPACT AMENDMENT

Amend Compact Appendix X2, Section 14.5 to read:

14.5 Smoking Cessation and Prevention. Thirteen one-hundredths of one percent (0.13%) of the net win derived from the Tribal Lottery System activities, determined on an annual basis, shall be ~~dedicated to~~ paid to governmental, charitable, and/or nonprofit organizations that have as a purpose smoking or tobacco cessation, prevention, education, awareness, and treatment in the State of Washington. Contributions shall be made to governmental, charitable and/or nonprofit organizations that have as a purpose the discouragement of the use of tobacco. However, if the Tribe operates any of its Class III Gaming Facilities as entirely smoke-free, or a portion of a Gaming Facility as smoke-free, the Tribe's smoking cessation contribution shall be reduced proportionally, in a method easily calculated and verified, based upon the pro rata number of Tribal Lottery System machines operated by the Tribe in that ~~non-smoking~~ smoke-free Gaming Facility or the smoke-free portion of the Gaming Facility compared to the total number of Tribal Lottery System machines operated by the Tribe. The calculation method will be approved by the Tribal Gaming Agency and provided to the State Gaming Agency. For the purposes of this Subsection, a smoke-free portion of a Gaming Facility means the Tribe has a designated smoking area within the Gaming Facility designed and operated to prevent patrons participating in Gaming in the smoke-free portion from exposure to secondhand smoke using industry-accepted control strategies including physical barriers, an independent ventilation system (e.g. HVAC) serving only the designated smoking area, and exhaust, airflow and pressure control measures. Additionally, it is also agreed that if the Tribe completely prohibits the sale and use of alcohol in all of its Class III gaming facilities, the Tribe shall be entirely excused from making the smoking cessation contribution required by this subsection for as long as the prohibition on the sale and use of alcohol remains in effect. The 0.13 percent of net win shall be paid annually, commencing with the conclusion of the Tribe's first full fiscal

year following the date upon which this Appendix becomes effective and shall be paid annually within one year of the close of the Tribe's fiscal year as set forth in section 14.6.3.

This Amendment shall take effect upon publication of notice of approval by the United States Secretary of the Interior in the Federal Register in accordance with 25 U.S.C. §2710(d)(3)(B).

IN WITNESS WHEREOF, the Cowlitz Indian Tribe and the State of Washington have executed this Fifth Amendment to the Compact.

COWLITZ INDIAN TRIBE

STATE OF WASHINGTON

BY: _____
PATTY KINSWA-GAISER
Chairman

BY: _____
JAY INSLEE
Governor

Dated: _____

Dated: _____

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