

PS 60: Tribal Gaming Ultimate Guide

Opening

Hello! Today's episode #60 of the Professor Slots podcast discusses the ultimate guide to tribal gaming including those states about to get their first tribal casino, maybe. I'm looking forward to explaining what I mean by maybe.

Thank you for joining me for the Professor Slots podcast show. I'm Jon Friedl and this is the podcast about slot machine casino gambling. It is where I provide knowledge, insights, and tools for helping you improve your slot machine gambling performance.

On Last Week's Episode...

In case you missed it, on my last episode I went over West Virginia Slots in 2019 with its five casinos and nearly 15-hundred retailers having up to 10 VLT gaming machines.

I hope you enjoyed listening to my last episode as much as I enjoyed making it for you.

Call to Action #1 (add sound effect afterward)

Remember to visit professorslots.com/subscribe to get my Free Report Revealing ... The top 7 online resources for improving your gambling performance, including the one I've used as a top-tier slot machine casino gambler.

Introduction to Tribal Gaming

Since a federal law from 1988 first permitted them, the number of U.S. states with tribal casinos continues to climb. Whether your state has tribal gaming or not, you've likely had the opportunity to visit a tribal casino somewhere in the U.S.

Each week for over a year, I've reviewed each state's tribal gaming as part of my Online Resource. I haven't summarized them as a group until now. This overview provides useful insights for all slots enthusiasts.

This episode has the following sub-sections:

- An Introduction
- States with Tribal Gaming
- States Getting Tribal Gaming, Maybe?
- Tribal Gaming Classifications
- Understanding Class II Versus Class III Slot Machines

- Learning from Tribal-State Gaming Compacts
- A Summary

States with *Tribal Gaming*

Thirty-one of the fifty U.S. states have American Indian tribal casinos. Below, I list:

- Each state with a tribal casino.
- How many tribal casinos in each of these states.
- If the state also has Class III Vegas-style slots.

Every state on my list can have Class II competition-style or bingo-style electronic gaming machines. This list can be found by visiting the episode show notes on my website at professorslots.com/episode60 or searching for my article called *The Ultimate Guide to Tribal Gaming*.

Further, I identify which states with tribal casinos also have Class III Vegas-style electronic gaming machines. I explain these two legal definitions in another section.

Each entry that follows is based on my annual review on the slots gaming industry in that state, weekly research I've done for over 2 years at this point, which I'll very briefly summarize here. The associated state-by-state articles, each with their own podcast episode segment, go into far greater detail relative to what you'll find in this episode.

Also, none of the 5 U.S. territories ([American Samoa](#), [Guam](#), [Northern Mariana Islands](#), [Puerto Rico](#), and the [U.S. Virgin Islands](#)) have tribal casinos, although only American Samoa and Guam are the only U.S. territories without non-tribal casinos.

1. Alabama tribal casinos (3)
 - a. All 3 tribal casinos in Alabama are owned and operated by a single federally-recognized American Indian tribe. Because Alabama prohibits all forms of gambling except for bingo, these tribal casinos can only offer Class II bingo-style electronic gaming machines.
2. Alaska tribal casinos (8)
 - a. The state of Alaska prohibits most gambling, although bingo and pull-tabs are allowed. Alaska's 8 tribal casinos are effectively community bingo halls. Five of them are either in Juneau or south of Juneau. The remaining three casinos are, in a word, remote. They are either on the Alaskan peninsula or on the northernmost tip of the state with a lovely view of the Beaufort Sea.
3. Arizona tribal casinos (25) – Class III machines allowed by compact.
 - a. The 25 tribal casinos in Arizona have tribal gaming compacts which allow a limited form of Class III Vegas-style gaming. This limitation is video gaming machines, either video slots, video poker, video blackjack, and video keno. It's interesting and unusual that the tribal-gaming compacts have different

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minimum payout return limits for Arizona video gaming machines. It's 80% for slots.

4. Arkansas tribal casinos (2)
 - a. Arkansas has 2 tribal casinos and no tribal-gaming compacts. So, they only offer Class II skill-based slot machines. Arkansas is one of the few other states with tribal-state compacts with a minimum payout return. It's 83%.
 - b. Arkansas is one of three states with the possibility of offering a Class III tribal casino. It's pending.
5. California tribal casinos (66) – Class III machines allowed by compact.
 - a. At last count, California has 66 tribal casinos. It also has quite a few card rooms and pari-mutuel racetracks, just over a hundred, but none of these non-tribal locations have gaming machines. As is typical, California's tribal-state gaming compacts haven't set payout limits or publicly provide return statistics.
6. Colorado tribal casinos (2) – Class III machines allowed by compact.
 - a. Colorado has 2 tribal casinos offering Class III Vegas-style gaming machines in remote areas of the state. Colorado also has 25 non-tribal casinos in 3 historic mountain towns. The gaming compacts are publicly available, and they have no payout limits set or any requirement to publicly report returns.
7. Connecticut tribal casinos (2) – Class III machines allowed by compact.
 - a. Connecticut has 2 tribal casinos, where one of them has been, at times in recent years, the largest tribal casino in the world: Foxwoods. The tribal-state compacts of these two tribes don't set payout limits but return statistics are reported to the state government of Connecticut which makes them publicly available.
 - b. Neither Delaware or the District of Columbia have tribal casinos.
8. Florida tribal casinos (7) – Class III machines allowed by compact.
 - a. Florida has two federally-recognized American Indian tribes, one of which has successfully negotiated a tribal-state compact for Class III Vegas-style gaming. The tribal casino in Miami is limited to Class II skill-based games, but the 6 Seminole tribal casinos across the state can also offer Class III games.
 - b. Georgia does not have tribal casinos.
9. Idaho tribal casinos (7) – Class III machines allowed by compact.
 - a. Idaho has 7 tribal casinos and no non-tribal casinos. Four tribes have tribal-state gaming compacts in place with the state and offer Class III Vegas-style gaming machines such as slots but no table games. No payout limits have been set nor are return statistics publicly available in Idaho.
 - b. Neither Hawaii or Illinois have tribal casinos.
10. Indiana tribal casinos (1)
 - a. Indiana mostly has riverboat casinos, but it does have one tribal casino offering Class II competition-style gaming machines. In late 2018, Four Winds Casino South Bend began offering live poker tables on the basis of poker also being a skill-based, competition-style game. Without a tribal-gaming compact being necessary for Class II gaming, there are no payout limits or return statistics for the Class II slot machines available in South Bend, Indiana.

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11. Iowa tribal casinos (3) – Class III machines allowed by compact.
 - a. Iowa has 22 casinos, of which three are tribal casinos. In an interesting turn of events, the tribal casino has payout limits while the non-tribal casinos do not. Further, the tribal casinos do not offer publicly available return statistics, which the non-tribal casinos do offer them.
12. Kansas tribal casinos (5) – Class III machines allowed by compact.
 - a. There are 5 tribal casinos in Kansas and 4 non-tribal casinos run by the state. The tribal casinos have a payout limit of 80%, mis-reported elsewhere as not existing. The minimum is 87% at the state-run, non-tribal casinos, by the way. Return statistics for not available from any Kansas casino. Further, Kansas has the interesting circumstance of allowing (after extensive litigation) a tribal casino in Kansas City run by a tribe from Oklahoma. Their tribal-state compact is with Oklahoma, not Kansas, so the state gaming regulations it is associated with is somewhat, well, murky. Tribal casinos have a national gaming commission, discussed in a later section, but they must negotiate terms with their state. In this case, a tribe from Oklahoma has worked with their neighboring state of Kansas, which is breaking new legal ground. This situation is something to keep a close eye on.
 - b. Kentucky does not have tribal casinos.
13. Louisiana tribal casinos (4) – Class III machines allowed by compact.
 - a. Louisiana has 24 casinos. Three of their 4 tribal casinos have a tribal-state gaming compact allowing them to also offer Class III Vegas-style games. The fourth tribal casino can only offer Class II bingo-style gaming machines. No legal limit have been set for payouts at tribal casinos, at least not online, and no return statistics are publicly available.
14. Maine tribal casinos
 - a. Maine has three non-tribal racinos offering slot machines and table games, but no tribal casinos offering the same. However, bingo is offered throughout the state, often by tribal communities. There are numerous tribal bingo halls quite possibly also having bingo-style gaming machines, but there aren't any tribal-state gaming compacts allowing Class III Vegas-style games despite Maine having 4 federally-recognized American Indian tribes.
 - b. Neither Maryland or Massachusetts have tribal casinos. However, Massachusetts may end up with one soon, which I'll discuss shortly.
15. Michigan tribal casinos (23) – Class III machines allowed by compact.
 - a. Michigan has 3 non-tribal casinos in Detroit, a Canadian casino just across the border in Windsor, and 23 tribal casinos spread throughout the state. Neither payout limits or return statistics are available for the tribal casinos.
16. Minnesota tribal casinos (19) – Class III machines allowed by compact.
 - a. All 19 casinos in Minnesota are tribal casinos. They have tribal-state gaming compacts allowing them to have video slot machines and limited table games with cards. Minimum and maximum payout limits are 80% and 95% for slots, but both are 3% higher for video poker and video blackjack. No return statistics are publicly available in Minnesota.
17. Mississippi tribal casinos (3) – Class III machines allowed by compact.

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- a. Mississippi has 28 non-tribal riverboat casinos and 3 tribal casinos. A single tribe owns and operates all three tribal casinos. Neither payout limits nor return statistics are available for Mississippi tribal casinos.
 - b. Missouri has no tribal casinos.
18. Montana tribal casinos (8) – Class III machines allowed by compact.
 - a. Montana has 8 tribal casinos along with nearly 15-hundred bars and taverns with video gaming machines. Five of the 7 tribes with casinos have negotiated a tribal-state gaming compact with Montana. All tribal casinos offer Class II competition-style gaming machines, but only 5 tribal casinos also offer Class III Vegas-style gaming machines. No payout limits or return statistics are available.
19. Nebraska tribal casinos (4) – Class III machines allowed by compact.
 - a. Nebraska has 21 gambling centers, of which 4 are tribal casinos. Frankly, the non-tribal gaming industry in Nebraska is a confusing mess. What is least confusing are the tribal casinos. There are no tribal-state compacts in place and no payout limits set or return statistics available.
20. Nevada tribal casinos (2) – Class III machines allowed by compact.
 - a. Nevada is well-known for its gaming options, but did you know they also have two tribal casinos in Laughlin and Moapa? These tribal casinos offer Class III gaming machines and table games. Their tribal-state gaming compacts attach the same payout limit and return statistics requirements to tribal casinos as Nevada's many non-tribal casinos. Therefore, the minimum payout limit is 75% with return statistics rolled up with the non-tribal casinos revenue reports available for the Nevada gaming commission.
 - b. Neither New Hampshire or New Jersey have tribal casinos.
21. New Mexico tribal casinos (21) – Class III machines allowed by compact.
 - a. New Mexico has 21 tribal casinos and 5 non-tribal racetracks with slot machines. 13 identical tribal-state gaming compacts are in place for the tribes operating these casinos, allowing them to offer Class III Vegas-style gaming machines. For tribal casinos, no payout limits have been set or return statistics available.
22. New York tribal casinos (11) – Class III machines allowed by compact.
 - a. New York has 11 tribal casinos as well as 4 non-tribal casino resorts and racetrack racinos with slots. Each tribal casino can have Class II skill-based machines but only 7 of the 11 tribal casinos can have Class III Vegas-style gaming machines. I identify each type of tribal casino on my website blog article for this state at professorslots.com/NY. Note that all Class III slot machines at tribal casinos are Video Lottery Terminals controlled by the New York State Lottery. These Class III tribal VLT slot machines have a payout limit of 92%. No return statistics are publicly available for them.
23. North Carolina tribal casinos (2) – Class III machines allowed by compact.
 - a. North Carolina has two popular tribal casinos. Both have tribal-state gaming compacts but the games must be games of skill or dexterity. Both minimum and maximum payout limits have been set at 83% and 98%, but no return statistics are publicly reported.

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24. North Dakota tribal casinos (6) – Class III machines allowed by compact.
 - a. North Dakota has 6 tribal casinos and charitable gaming which includes blackjack and poker but not slot machines. Tribal-state gaming compacts allow Class III Vegas-style gaming at tribal casinos. Further, payout limits of 80% and 100% have been set for slot machines. It's worth mentioning that the minimum limit is 83% for video poker and video blackjack. No return statistics are publicly available for tribal casinos in North Dakota.
 - b. Ohio does not have any tribal casinos.
25. Oklahoma tribal casinos – Class III machines allowed by compact.
 - a. Oklahoma has over a hundred, some reports list 108, tribal casinos. Most casinos offer Class II bingo-style gaming machines although they can also offer Class III Vegas-style machines. 33 tribes in Oklahoma have negotiated tribal-state gaming compacts. About 40% of gaming machines are Class II, with the remainder being Class III. The reasons for tribes making this balance of machines has to do with the low gaming income revenue percentage owed to the state for Class II machines versus tribal casino patrons often preferring Class III machines. Neither payout limits have been set nor are return statistics publicly available.
26. Oregon tribal casinos (9) – Class III machines allowed by compact.
 - a. All 9 casinos in Oregon are tribal casinos but nearly 4,000 non-tribal retailer sites have slot machines operated by the Oregon lottery. Tribal casinos do not have payout limits nor are return statistics made publicly available.
 - b. Pennsylvania, Rhode Island, and South Carolina do not have tribal casinos.
27. South Dakota tribal casinos (11) – Class III machines allowed by compact.
 - a. South Dakota has 11 tribal casinos outside of the 25 commercial casinos located in the tourist destination of Deadwood. There's also nearly 9,000 VLTs located at retailers throughout North Dakota. 9 tribes in North Dakota have negotiated tribal-state gaming compacts allowing Class III Vegas-style games. No payout limits or return statistics are available for tribal casinos in North Dakota.
 - b. Tennessee does not have tribal casinos.
28. Texas tribal casinos (2)
 - a. Texas has 2 tribal casinos with Class II competition-style gaming machines only. There are no payout limits or return statistics available. Texans in northern Texas often travel to tribal casinos in Oklahoma to meet their gaming needs.
 - b. Utah, Vermont, and Virginia do not have tribal casinos, although Virginia may end up with one soon, which I'll discuss momentarily.
29. Washington tribal casinos (30) – Class III machines allowed by compact.
 - a. The state of Washington has 29 tribal casinos with VLT slot machines based on lottery scratch tickets. This VLT approach is unique in the U.S. 29 tribes have tribal-state compacts, but the terms of these gaming compacts was negotiated with difficulty. Ultimately, a secondary tribal lottery system was put in place to control VLT-style slot machines at tribal casinos. Because scratch tickets are printed in batches, then these batches of scratch tickets are

loaded into a small group of video gaming machines to be played. Once all the tickets have been played, another batch needs to be digitally loaded into that group of machines. Each tribal casino has many such groups of machines. The payout limit for tribal VLTs is 75%. No return statistics are publicly reported.

- b. West Virginia does not have tribal casinos.
30. Wisconsin tribal casinos (24) – Class III machines allowed by compact.
- a. All 24 casinos in Wisconsin are tribal casinos. However, illegal gaming machines exist in many bars and taverns throughout the state. The tribal casinos offer Class III Vegas-style gaming machines. Class III slot machines have a lower payout limit of 80% and an upper payout limit of 100%. Both limits are 3% higher for skill-based electronic gaming machines such as video poker and video blackjack. An annual return statistic is available for all tribal casinos, combined, in Wisconsin.
31. Wyoming tribal casinos (4) – Class III machines allowed by compact.
- a. Wyoming has 4 tribal casinos only. These casinos offer both Class II bingo-style and, with tribal-state gaming compacts in place, typical Class III Vegas-style slot machines. No payout limits or return statistics are publicly available.

The state with the most tribal casinos goes to Oklahoma with over 108. Oklahoma also has many other convenience stores and truck stops which, while often quite small, also identify themselves as casinos.

With 66 tribal casinos, California has the second greatest number of tribal casinos. The only slot machines are in tribal casinos. California has no commercial casinos with slot machines, although it does have numerous card rooms with table games.

To learn more about any of these states, visit my state-by-state blog article for any of them. Each article is at professorslots.com followed by that state's two-letter postal designation. For instance, my Nevada slots article is available at professorslots.com/NV. You can also review my list of podcast episodes for the state or states you're interested in learning more about.

States Getting *Tribal Casinos*, Maybe?

Three states have their first tribal casinos pending. Arkansas, Massachusetts, and Virginia are each in the process of adding another casino, perhaps their first tribal casino.

Various delays have impacted establishing these casinos. For two of them, Massachusetts and Virginia, they shortly face an unusual decision point: Will the casino be tribal or commercial (non-tribal) casino?

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In Massachusetts, ongoing delays since 2016 are due to legal issues for transferring tribal land into a trust. Whether the construction of the First Light Resort & Casino in Taunton, located 38 miles south of Boston, will begin is uncertain.

However, there is recent progress. The Mashpee Wampanoag Tribe, the city of Taunton, and the U.S. Department of Interior have mutually agreed to a deadline. A final court decision on October 18, 2019, will define the future of tribal gaming in Massachusetts.

In Virginia, the Pamunkey Indian Tribe is still searching for a suitable site since federally-recognized in 2015. Under consideration is the state capital of Richmond as well as in downtown Norfolk on the Chesapeake Bay.

For years, driving an effective opposition to the establishment of this tribal casino in Virginia is the parent company of MGM National Harbor in nearby Maryland. Recent developments include the tribe establishing a \$10 million land purchase agreement with the city of Norfolk.

Another interesting issue with tribal casinos pending in the U.S. states of Massachusetts and Virginia are choices not yet made. These pending casinos may end up as either tribal casinos or as non-tribal commercial casinos with state gaming licenses.

For the pending Massachusetts casino, the legal results of the mid-October 2019 court decision will determine the choice. For the imminent Virginia casino, it centers on the financial terms pursued by the Pamunkey Indian Tribe in negotiation with the city council of Norfolk.

Arkansas has a tribal casino pending, hotly debated for years. The Cherokee Nation of Oklahoma has made progress with approvals for a tribal casino in northwest Arkansas.

This River Valley Casino Resort in the City of Russellville in Pope county is still working through some legal issues before construction can begin. If completed, this tribal casino in Arkansas will be the state's largest casino.

Tribal Gaming Classifications

The gaming regulatory framework for *tribal gaming* at the federal level is thanks to the Indian Gaming Regulatory Act (IGRA) of 1988. One requirement of this Act is that tribes can only offer games which are already legal within their state. For example, if all gambling is illegal, then a tribe cannot open a tribal casino.

This stipulation becomes vital with regards to the skill-based games of bingo and poker. If bingo is not illegal in a state, then tribes can open a community bingo hall without a negotiated tribal-state compact.

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For example, Alaska and Maine have tribal bingo halls only.

Besides community bingo halls, tribes in states where bingo is legal often open a tribal casino with bingo-style electronic gaming machines. This approach is a well-trodden legal path.

However, what about the skill-based game of poker? Might this precedent apply to electronic games of poker? Not so fast. States begin to object to tribal casinos offering video poker (VP) machines. States often interpret VP machines as Vegas-style gambling.

What's under discussion here is the legal definition of gambling. Each state defines what is and is not gambling. For instance, Nebraska states all gambling is illegal. However, feel free to enjoy any of the 21 locations in Nebraska offering video keno, video blackjack, and video poker. Why? Because, per Nebraska state law, they are not gambling.

While each state defines gambling for itself, there is one federal law which classifies gaming machines for all states. The IGRA of 1988 is that federal law with legal gaming classifications.

While this Act is about and for the regulation of tribal gaming in the U.S., it is a federal law. Any gaming definitions it provides at the national level makes them common across all the states. While it does not give a legal description of poker as gambling, for instance, it does contain three broad classifications for gaming machines.

In brief, these three gaming classifications are:

- Class I: Tribal ceremonies
- Class II: Games of skill
- Class III: Games of chance

All tribes have traditional ceremonies – it's part of what makes them a tribe. Class II games are legal if the state doesn't prohibit that specific game, like bingo. This allowance applies to electronic gaming machines based on bingo as well as the table game of bingo.

Class III applies to games of chance. It's also something of a catch-all. Another way to define Class III games is anything which is neither Class I or Class II.

One final note about Class II versus Class III electronic gaming machines: They can be challenging to tell apart. You can tell the difference between these machines by whether the player chooses an action during gameplay.

Many tribal casinos have better financial terms for skill-based machines, so they've gotten rid of all their chance-based machines. Others have negotiated compacts with similar financial terms, so offer a mix of the two types of machines.

The classification of a gaming machine, in terms of winning slots strategies, matters. However, knowing the difference is a casino-by-casino decision. Understand what your tribal casino is offering, so you understand the basics of the machine on which you're trying to win.

Understanding Class II Versus Class III Slot Machines

If a tribal casino exists, it can offer Class II games. Further, if the tribe has negotiated a tribal-state gaming compact, their tribal casino also offers various table games, Class III games, or both. Much depends upon the terms of the agreement.

Twenty-seven out of 31 states with tribal casinos offer Class III gaming machines. Of these 27 states, only Nebraska does not offer traditional slot machines. Nebraska limits their gaming machines to video keno, video blackjack, and video poker.

The states with a successfully negotiated tribal-state gaming compact allowing some or all their tribal casinos to offer Class III Vegas-style gaming machines are above. Be sure to check each state's link for important details about their tribal casino offerings.

The tribal status of casinos in Arkansas, Massachusetts, and Virginia is pending. Once a decision is known for them, I'll update the state list above as appropriate.

Learning from Tribal-State Gaming Compacts

Reviewing a state's gaming regulations for commercial casinos is a way to learn how that state protects players to make sure slot machines are fair. A similar learning approach for tribal casinos is to review their tribal-state gaming compacts. But where are they?

Negotiated tribal-state gaming compacts aren't always publicly available. When they are available, however, the first place to look is at the National Indian Gaming Commission (NIGC). The IGRA of 1988 established the NIGC to regulate the tribal gaming industry.

The NIGC website has a link to the Bureau of Indian Affairs (BIA) tribal compact database at the U.S. Department of the Interior. The searchable database has more than just compacts, however. It also provides numerous other related documents by year, state, and tribe.

I'd recommend searching by state, as gaming compacts get updated as technologies change. For example, ticket-in/ticket-out replacing coins needed regulatory guidelines which, in turn, drove compact updates. Plus, most gaming compacts expire over time.

However, I've noticed that not all available tribal-state gaming compacts make it to the national BIA database. If the compact you are looking for isn't there, try looking for them online at the state gaming control board.

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State gaming commissions often exist even when there are no commercial casinos, but only tribal casinos, in the state. It's another way to provide oversight as a service or in partnership with the tribes. See my state-by-state online resource for links to each state with its gaming commission.

The third place to look for tribal-state gaming compacts is on the website of the tribe owning the tribal casino. Not all tribes have a website, and not all of them make their gaming compacts publicly available, but it's worth checking as a last resort.

Summary of *Tribal Gaming*

The federal IGRA of 1988 provided a regulatory framework for tribal gaming, including establishing a national gaming commission for tribal casinos. More than 30 U.S. states have tribal gaming, with potential tribal casinos pending in Arkansas, Massachusetts, and Virginia.

Call to Action #2 (add sound effect afterward)

Remember to visit professorslots.com/subscribe to get my Free Report Revealing ... The top 7 online resources for improving your gambling performance, including the one I've used as a top-tier slot machine casino gambler.

On the Next Episode of Professor Slots

On the next episode of the Professor Slots podcast I'll be reviewing Wisconsin Slots 2019.

To suggest a topic or ask a question which might end up as a blog article or on a podcast episode, email it to jon@professorslots.com where Jon is spelled J-O-N or by calling 702-90-SLOTS to leave a voicemail.

Closing (closing music)

That's the end of another great episode of the Professor Slots podcast. Thanks so much for listening!

Show notes for this episode are now available within most podcast Apps, but are also available on my website at professorslots.com/episode60.

I plan to have the next episode come out very soon for you, where I'll have more amazing content for the show.

Until the next episode: Have fun, be safe, and make good choices! Bye.

320-character description:

My tribal gaming ultimate guide offers insights on thirty out of fifty U.S. states with tribal gaming as well as three other states with tribal casinos pending. The federal IGRA of 1988 regulated tribal gaming and established a national gaming commission. Oklahoma has the most tribal casinos and California the second-most.

156-character description:

My tribal gaming ultimate guide summarizes the dynamic changes seen in 30 U.S. states with tribal gaming, including tribal casinos pending in 3 other states.