

**NATIONAL
INDIAN
GAMING
COMMISSION**

APR 28 1998

Clement J. Frost
Chairman
Southern Ute Indian
Tribal Council
P.O. Box 737
Ignacio, Colorado 81137

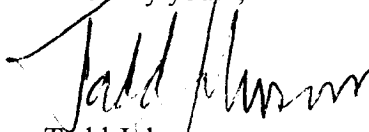
Dear Clement J. Frost:

This letter responds to the request by the Southern Ute Indian Tribe ("Tribe") to review and approve the amendment to the Tribe's gaming code, Resolution No. 98-28 submitted on March 9, 1998. The amendment does not require approval by the NIGC because the document addresses issues not raised in the IGRA or the NIGC's regulations.

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. Provisions other than those required under the IGRA or the NIGC regulations that may be included in a tribal ordinance are not subject to review and approval.

Thank you for submitting the Southern Ute Tribe's amendment for review. If you have questions or require further assistance, please contact the NIGC at (202) 632-7003.

Sincerely yours,



Tadd Johnson
Chairman



SOUTHERN UTE INDIAN TRIBAL COUNCIL

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MAR 13 1998

Clement J. Frost, Chairman
Marvin E. Cook, Vice Chairman
Vida B. Peabody, Treasurer
Pearl E. Casias, Council Member
Leonard C. Burch, Council Member
Howard D. Richards, Sr., Council Member
Corliss Taylor, Council Member

March 9, 1998

Mr. Tadd Johnson, Chairman
National Indian Gaming Commission
1441 "L" Street, NW 9th. Floor
Washington, DC 20005

Dear Chairman Johnson,

Enclosed is a copy of Southern Ute Indian Tribe Resolution No. 98-28 which was approved by the Southern Ute Indian Tribal Council on March 9, 1998 and amends the Southern Ute Indian Tribe Class III Gaming Code. This submission is made pursuant to the Indian Gaming Regulatory Act, Pub. L. 100-497, codified at 25 U.S.C. 2701, *et seq.*, § 522.3(a).

Please note that the resolution and amendment pertain to only one (1) subject, "free play", and amend two (2) sections of the Code, namely the definition section and the accounting regulations.

Because of the simplicity of this amendment, we would ask for an expedited review and approval by the National Indian Gaming Commission.

Thank you for your consideration.

Sincerely,

Clement J. Frost, Chairman
Southern Ute Indian Tribal Council

Edna J. Frost, Chairman
Southern Ute Indian Tribal Gaming Commission

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RECEIVED
NATIONAL INDIAN GAMING
COMMISSION
WASHINGTON, D.C.

RESOLUTION NO. 98-28

MAR 13 1998

**RESOLUTION
OF THE
COUNCIL OF THE SOUTHERN UTE INDIAN TRIBE**

March 9, 1998

WHEREAS, authority is vested in the Southern Ute Indian Tribal Council by the Constitution adopted by the Southern Ute Indian Tribe, and approved November 4, 1936, and amended October 1, 1975, to act for the Southern Ute Indian Tribe, and;

WHEREAS, pursuant to said constitutional authority and the Indian Gaming Regulatory Act, Pub. L. 100-497, codified at 25 U.S.C. 2701, *et seq.*, the Southern Ute Indian Tribal Council is empowered to govern the conduct of certain gaming activities on land within the Southern Ute Indian Reservation, and;

WHEREAS, the Southern Ute Indian Tribe desires to amend its Class III Gaming Code, which governs and regulates Class III gaming activities; and

WHEREAS, pursuant to the Indian Gaming Regulatory Act, said Code is subject to approval by the National Indian Gaming Commission, which has reviewed and approved the current Class III Gaming Code; and

WHEREAS, Casino management and the Southern Ute Indian Tribe Division of Gaming recommend the following amendments to the existing Class III Gaming Code:

16-1-103 Definitions be amended to include a definition of "free play" as reflected in attachment 1.

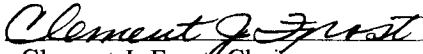
16-13-115 be amended to include the regulation of "free play" as reflected in attachment 1; and

WHEREAS, the Southern Ute Indian Tribal Council and the Southern Ute Indian Tribal Gaming Commission have reviewed the proposed amendments and concur with adopting them.

NOW, THEREFORE, BE IT RESOLVED that the Southern Ute Indian Tribal Council hereby approves and adopts the amendment to the Class III Gaming Code, a copy of which is attached hereto and incorporated herein by reference.

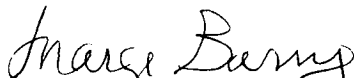
BE IT FURTHER RESOLVED that the Chairman of the Southern Ute Indian Tribal Council is hereby authorized to sign this resolution and take actions deemed necessary to carry out the intent of this resolution.

This resolution was duly adopted on the 9 day of March, 1998.


Clement J. Frost, Chairman
Southern Ute Indian Tribal Council

CERTIFICATION

This is to certify that there were 6 of the regularly elected Southern Ute Indian Tribal Council members present at the above meeting at which 5 voted for and 0 voted against, it being a quorum and the above resolution was passed, the Chairman not being permitted to vote in this instance due to a Constitutional provision.


Marge Barry, Administrative Assistant
Southern Ute Division of Gaming

APPROVED: _____
Tadd Johnson, Chairman
National Indian Gaming Commission

Bureau of Indian Affairs
Department of the Interior

ATTACHMENT 1

SOUTHERN UTE INDIAN TRIBE

CLASS III GAMING CODE

TITLE 16

ARTICLE 1. GENERAL PROVISIONS


16-1-103 (18) "Free play" in relation to promotional items, means the use of a coupon that is issued to a patron by an establishment for play for which no bet is required.

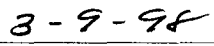
ARTICLE 13. ACCOUNTING REGULATIONS


16-13-115. Free Play Items. Free play items are allowed, but once used may not be retained for subsequent play by the customer. A free play coupon must have printed on it the name of the issuing establishment, the monetary worth of the coupon and a sequential control number. All coupons must have an expiration date printed on them. When a free play item is used in a game, there will be no effect on calculation of AGP.


Subsequent sections of Articles 1 & 13 will be renumbered to accommodate insertions.

APPROVED:


Clement J. Frost, Chairman
Southern Ute Indian Tribal Council


Date


Edna J. Frost, Chairman
Southern Ute Indian Tribal Gaming Commission


Date