

JAN 27 2009



VIA FACSIMILE & REGULAR MAIL

Matthew Pilcher, Chairman
Winnebago Tribe of Nebraska
P.O. Box 687
Winnebago, Nebraska 68071

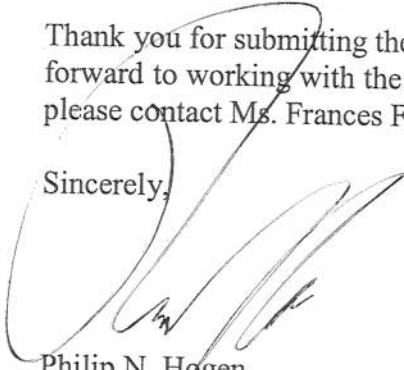
RE: Approval of Amended Winnebago Tribal Code

Dear Chairman Pilcher:

This letter responds to your request for the National Indian Gaming Commission (NIGC) to review and approve an amendment to the Winnebago Tribe of Nebraska's gaming license fees in Title 9, Article 3, Section 9-314 of the Winnebago Tribal Code. The Tribal Council adopted the amendment by Resolution #08-85 on August 14, 2008. I understand that through this amendment the Tribal Council has revised the fee structure in its gaming ordinance to better address the needs of the Tribe. This amendment is consistent with IGRA and is hereby approved under the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2701 *et seq.*

Thank you for submitting the amendment for review and approval. The NIGC staff and I look forward to working with the Tribe in implementing the IGRA. If you need further assistance, please contact Ms. Frances Fragua at 202-632-7003.

Sincerely,



Philip N. Hogen
Chairman

WINNEBAGO TRIBE OF NEBRASKA

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2008 SEP 18 PM 12:42

RESOLUTION #08-85

Gaming Code Amendment 9-134

WHEREAS; the Winnebago Tribe of Nebraska is a Federally recognized Indian Tribe organized pursuant to Section 16 of the Act of June 18, 1934 (48 Stat 984), (25 USC 476) as amended by the Act of June 15, 1935, (49 Stat 378), and

WHEREAS; pursuant to Article I, Section 1 of the Winnebago Tribal Constitution, and its inherent powers of self government, the Tribal Council is vested with the power, *inter alia*, "This Constitution shall apply to the territory embraced in the Winnebago Reservation in Nebraska, as the same as described by the Treaty of March 8, 1865 (14 Stat. 671) and the twenty (20) sections included in the strip purchased in Nebraska for Wisconsin Winnebagos (18 Stat. 170, June 22, 1874) and such lands as may be added by Congress or the Tribe or reaffirmation of the title to lands through the courts to the Tribe, except as otherwise provided by law", and

WHEREAS; pursuant to Article IV, Section 1(c) of the Winnebago Tribal Constitution, and its inherent powers of self government, the Tribal Council is vested with the power, *inter alia*, "To safeguard and promote the peace, safety, morals and general welfare of the Tribe", and

WHEREAS; the Tribal Gaming Commission desires to amend the Tribal Code at Title 9, Article 3, Licensing Provisions, and

WHEREAS; the amendment shall change Section 9-314, "License Application Fee" to reflect the increase in the fees and the inclusion of Class II and Class II Facilities along with the inclusion of Management Company.

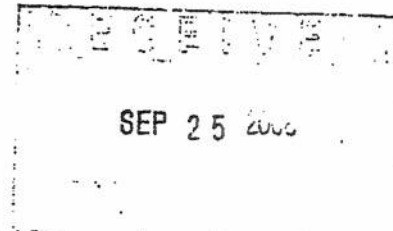
NOW, THEREFORE BE IT RESOLVED; that the Winnebago Tribal Council hereby approves the amended Winnebago Tribal Code Title 9, Article 3, Section 9-314, "License Application Fee" as attached hereto.

THEREFORE BE IT FINALLY RESOLVED; this Resolution shall supersede Resolution #99-14 in its entirety.

C E R T I F I C A T I O N

We, the undersigned Officers of the Winnebago Tribal Council, hereby certify that on August 14, 2008; at a meeting duly convened by the Winnebago Tribal Council, voted to adopt the above Resolution by a vote of 5 for, 0 against, 0 abstentions, with the Chairman not voting, and 3 Member(s) absent.

Dated this 14th day of August, 2008.



TRIBAL COUNCIL

CHAIRMAN - MATTHEW PILCHER

VICE-CHAIRMAN - JAMES E. SNOW

SECRETARY - LOUIS C. HOUGHTON, JR.

TREASURER - DARWIN SNYDER

MEMBERS : JOHN BLACKHAWK, KEN MALLORY, CHARLES NOBLE RICE, PETE SNOWBALL SR., RAMONA C. WOLFE

Resolution #08-85
Page 2

Attest:

Matthew Pilcher

Chairman, Winnebago Tribal Council -

Jeanie C. Houghton, Jr.

Secretary, Winnebago Tribal Council

Received:

[Signature]
Superintendent, Winnebago Agency

RECEIVED

SEP 25 2008



June 03, 2008

To: Matthew Pilcher, Chairman
Winnebago Tribe of Nebraska

DEC - 8 2008

From: Winnebago Gaming Commission

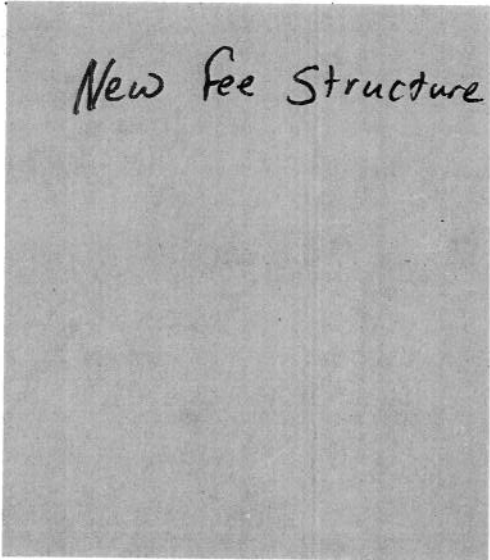
Re: Code Revision - Licensing Provisions

Be advised that the Gaming Commission is requesting an amendment to the Title 9, Article 3, Section 9- 314, Licensing Provisions. The current language is as follows:

9-314 License Application Fee.

Each application for an initial or renewal license shall be accompanied by payment of a non-refundable license fee. The Gaming Commission's imposition of the license fee properly owed under the code shall be final. No license fee may be considered an operating expense of the gaming operation. This fee is imposed for the revocable privilege of being licensed to engage in public gaming activities within the jurisdiction of the Tribe. All license fees collected under authority of the Gaming Code shall be paid to the Treasurer of the Tribe and the Treasurer shall deposit them in a separate account to be applied to expenses incurred by the Gaming Commission from the enforcement of this Code. The Gaming Commission, in its sole discretion, may waive or reduce any license application fee. The license application fees are as follows:

- | | | |
|----|----------------------------------|---------------------|
| 1. | Facility License | |
| | Class II Gaming | \$25,000.00 |
| | Class III Gaming | \$25,000.00 |
| 2. | Operators license | \$1000.00 |
| 3. | Key Employee License | |
| | 0.00 to 24,999.99 | \$75.00 |
| | 25,000.00 to 49,999.99 | \$150.00 |
| | 50,000.00 an over | \$300.00 |
| 4. | Non Key Employee License | \$25.00 |
| 5. | Distributor/Manufacturer License | \$2,500.00 |
| 6. | Gaming Device License (per Unit) | \$350.00 |
| 7. | Vendor License | \$25.00 - \$2500.00 |



These license fees were revised on November 09, 1998

9-312 License Suspension: Revocation.

1. The Commission may revoke or suspend the License of any Licensee who is charged with a Class II or a Class III Offense under the tribal code.
2. The Commission shall immediately suspend the License of any Licensee who is charged with a Class I Offense under the tribal code. If convicted of such charge, such License shall be revoked with no opportunity for reinstatement. The Commission shall draft Rules implementing this section which assure the due process and equal protection rights of Licensees.
3. The Commission shall honor the suspension of any occupational License of any person currently under suspension or in bad standing in any other gambling jurisdiction in the United States.
4. The Commission may revoke or suspend the License of any Licensee who fails to follow a Commission directive or becomes subject to any civil penalty under this Title Nine.
5. The Commission may revoke or suspend the License of any Licensee who fails to comply with any aspect of this Title or the Rules, and may impose civil penalties as provided by this Title and the Rules.
6. The Commission may revoke or suspend the License of any Licensee who fails to comply with any Winnebago Tribe of Nebraska Tribal Court order.
7. The Commission may rescind or reduce penalties, including the reinstatement of suspended or revoked Licenses, but only after the reason for such suspension, revocation, or penalties has been cured.

9-313 Forms of Licenses. The Commission shall establish the standard form and content of all Applications, Licenses and certificates authorized under this Article Three.

9-314 License Application Fee. Each application for an initial or renewal License shall be accompanied by payment of a non-refundable License fee. The Gaming Commission's imposition of the License fee properly owed under this Code shall be final. No License fee may be considered an operating expense of a Gaming Operation. This fee is imposed for the revocable privilege of being Licensed to engage in public Gaming activities within the jurisdiction of the Tribe. All License fees collected under authority of the Gaming Code shall be paid to the Treasurer of the Tribe and the Treasurer shall place them in a separate account to be applied to expenses incurred by the Gaming Commission from the enforcement of this Code. The Gaming Commission, in its sole discretion, may waive or reduce any License application fee. The License application fees are as follows:

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old fee structure
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1.	Facility License	\$25,000.00
2.	Operator's License	1,000.00
3.	Employee/Key Employee License	50.00
4.	Distributor/Supplier License	500.00
5.	Machine License	150.00

9-315 Background Investigations. All Applicants for an Operators License including any person having a direct or indirect financial interest in the holders of any management contract and their spouses, are subject to a complete background investigation. This requirement is in addition to the background investigation required for a Key Employee. The cost of such investigation is in addition to the application fee for an Operator's License and is payable by the Applicant and shall not be considered an operating expense of a Gaming Operation. If an Applicant refuses to cooperate with the Commission in any way concerning the background investigation, it shall be within the Commission's authority to decline to issue a License, to suspend or revoke an existing License and/or to subject the Applicant to appropriate civil penalties authorized under this Title Nine. The results of background investigations shall be made available to the National Commission in accordance with the procedures provided under this Title Nine.

9-316 Eligibility Determination. The Commission shall review an Applicant's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of an Applicant for a License as a Key Employee or Operator. If the Commission determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, the License Application shall be denied and no Tribal Gaming Operation shall employ that person.

9-317 Forwarding Applications and Reports to the National Commission.

1. After a preliminary determination of Eligibility has been made regarding Applicants for Key Employee or Operator Licenses, and Provisional Licenses have been issued, the Commission shall forward to the National Commission the completed Applications and investigation reports as required by 25 CFR §558.3 (a) (1).
2. The Commission shall expeditiously conduct background investigations and reports referred to in section 9-318 to the National Commission within 60 days after an employee begins work as required by 25 CFR §558.3 (a) (2) and §558.3 (b).