

**NATIONAL  
INDIAN  
GAMING  
COMMISSION**

JAN 13 1997

Keith Chamberlain  
Chairman  
Winnebago Gaming Commission  
Winnebago Tribe of Nebraska  
P.O. Box 643  
Winnebago, NE 68071

Dear Mr. Chamberlain,

This letter responds to your request to review and approve the amendment to the Winnebago Tribe of Nebraska's tribal gaming ordinance submitted on November 12, 1996. The amendments were adopted by Resolution No. 97-02 on October 28, 1996. The ordinance was approved by the Chairman of the National Indian Gaming Commission (NIGC) on March 23, 1994. This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

Under the IGRA and the regulations of the National Indian Gaming Commission (NIGC), the Chairman is directed to review amendments to ordinances 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.

Thank you for submitting the Winnebago Tribe of Nebraska's amendment for review. The NIGC staff and I continue to look forward to working with you and the Tribe in implementing the IGRA.

Sincerely yours,



Harold A. Monteau  
Chairman

cc: John Blackhawk, Chairman  
Winnebago Tribe of Nebraska

RESOLUTION  
of the  
WINNEBAGO TRIBE OF NEBRASKA

NOV 12 1996

Resolution # 97-02

'96 OCT 19 P 4:21

Title 9, Article 4, BINGO

**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 IV, Section 1(q) of the Tribal Constitution and the tribe's inherent powers of self-government, the Tribal Council has the power to, *inter alia*, "promulgate and enforce statutes governing the conduct of persons located within or passing through the reservation and providing for the maintenance of law and order and the administration of justice," and

**WHEREAS**, the Winnebago Tribe of Nebraska on August 5, 1986 adopted the Bingo and Lottery Ordinance of 1986 as the law governing the regulation of gaming activity on the Winnebago reservation, and

**WHEREAS**, the Winnebago Tribe now desires to amend or invalidate certain provisions of this ordinance,


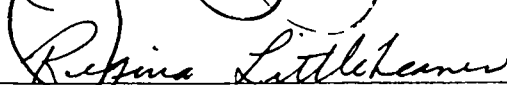
**NOW THEREFORE BE IT RESOLVED**, that the Winnebago Tribe of Nebraska does by resolution adopt the attached statute, Title 9, Article 4, entitled "Bingo."

**BE IT FURTHER RESOLVED**, that this statute supercedes all prior statutes regarding the regulation of Bingo and shall become effective on tribal council approval.

**CERTIFICATION**

We, the undersigned officers of the Winnebago Tribal Council certify on the 28 day of October, 1996, at a meeting duly convened, the Winnebago Tribal Council voted to adopt the above resolution by a vote of 7 for, -0- against, with -0- abstentions.

Dated this 28 day of October, 1996.

  
\_\_\_\_\_  
CHAIRMAN, WINNEBAGO TRIBAL COUNCIL  
  
\_\_\_\_\_  
SECRETARY, WINNEBAGO TRIBAL COUNCIL

RECEIVED:

  
\_\_\_\_\_  
SUPERINTENDENT, Winnebago Agency.

NOV 12 1996

**TITLE 9  
GAMING  
(Redesignated 29 October 1996)**

**ARTICLE 4  
BINGO**

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| <b>9-401 Citation.</b>                 | <b>9-416 Advertisement.</b>                     |
| <b>9-402 Gaming regulated.</b>         | <b>9-417 Sale of supplies and Refreshments.</b> |
| <b>9-403 Games authorized.</b>         | <b>9-418 Accounting.</b>                        |
| <b>9-404 General principles.</b>       | <b>9-419 Methods of play.</b>                   |
| <b>9-405 Conduct.</b>                  | <b>9-420 Bingo caller.</b>                      |
| <b>9-406 Method of payment.</b>        | <b>9-421 Charity night.</b>                     |
| <b>9-407 Equipment and supplies.</b>   | <b>9-422 Penalties.</b>                         |
| <b>9-408 Use of profits.</b>           | <b>9-423 Reports and procedures.</b>            |
| <b>9-409 Limitation of prizes.</b>     | <b>9-424 Bingo account.</b>                     |
| <b>9-410 Pricing.</b>                  | <b>9-425 Record availability.</b>               |
| <b>9-411 Management and operation.</b> | <b>9-426 Prize reserve account.</b>             |
| <b>9-412 Age limitation.</b>           | <b>9-427 Allocation of charity Night funds.</b> |
| <b>9-413 Permitted expenses.</b>       | <b>9-428 Amendments.</b>                        |
| <b>9-414 Alcohol and drugs.</b>        |   |
| <b>9-415 Winners and prizes.</b>       |   |

**9-401 Citation.** This article shall be known as the Winnebago Tribe of Nebraska Bingo Act. All applicable articles of Title 9, the amended and restated gaming code of the Winnebago Tribe of Nebraska shall be incorporated into this article.

**9-402 Gaming regulated.** All Class II gaming, as defined by IRGA, 25 USC, Section 2703(7), conducted on the reservation shall be conducted only in licensed gaming operations by licensees. The commission shall monitor all such activities for compliance with this Title and the rules promulgated hereunder, where applicable. (TCR 94-37, 97-02)

**9-403 Games authorized.** Only those games that are defined by IRGA 25 USC Section 2703(7), shall be authorized and shall, collectively, constitute "Class II gaming" for purposes of this Title. (TCR 94-37, 97-02)

**9-404 General principles.** The Winnebago Tribe of Nebraska as a federally recognized Indian tribe and exercising its authority as a sovereign governmental entity establishes this statute to permit and regulate the conduct and operation of Bingo on the Winnebago reservation as follows:

1. All Bingo operations shall be conducted exclusively on tribal property.
2. All Bingo operations shall be conducted exclusively by the Winnebago Tribe of Nebraska and regulated by the gaming commission.
3. All profits from the conduct of the bingo operation shall be used exclusively for tribal purposes such as those that perpetuate tribal affairs, promote the tribe's social, educational and economic development, lessen the burdens of tribal government or support, augment and supplement those services which the tribal government would normally render to the people.
4. All bingo operations shall be conducted in accordance with the regulations as set forth in Title 9. (TCR 94-37, 97-02)

#### **9-405 Conduct.**

1. The Tribal Council of the Winnebago Tribe of Nebraska is hereby authorized to conduct and cause to be operated bingo games within the jurisdiction and ownership of the Winnebago Tribe of Nebraska.
2. Bingo may be conducted each and every day of the week and under the direction of the Tribal Council.
3. The sale of alcoholic beverages shall not be allowed during the times of bingo sessions except for special events, provided applicable state and federal licensing requirements are followed and current.
4. Games of bingo may be conducted at locations designated and approved by the Tribal Council.
5. No person under the age of eighteen (18) shall be allowed to play bingo.
6. Bingo for fund raising may not be conducted by any organization or person(s), Indian or non-Indian without the specific written authorization from the Tribal Council and licensure by the Gaming Commission.
7. No member of the Tribal Council, gaming Commission or employee may enter into any contract, agreement or arrangement with any supplier, distributor or any other person which may result in the sharing of profits between the individual or third person from the use, sale or rental of equipment, merchandise or supplies connected to the operation of bingo.
8. Purchase of bingo sheets and/or packages shall entitle each player to sufficient space and room in which to play.
9. The maximum capacity limit in the bingo facility shall be established with the consultation of insurance and other appropriate officials. (TCR 94-37, 97-02)

**9-406 Method of payment.** The Winnebago Tribe of Nebraska shall only accept cash as payment for any bingo sheet, package of bingo sheets, cards, concession items, or other bingo related operations, except for those person who have been granted check writing privileges in accordance with established policy. (TCR 94-37, 97-02)

#### **9-407 Equipment and supplies.**

1. The Tribal Council shall authorize the appropriate management of the bingo operation to purchase the necessary bingo supplies, bingo equipment and other bingo related items required to operate the games.

2. All suppliers of bingo sheets, bingo packages, bingo equipment or other bingo related items shall be licensed by the Gaming Commission as outlined in Title 9 of the Amended and Restated Tribal Gaming Code and applicable regulations.
3. All bingo supplies, equipment and other related items shall be the exclusive property of the Winnebago Tribe of Nebraska.
4. All bingo supplies, equipment and bingo related items shall be secured and accounted for in a manner to prevent possible tampering, alterations or adjustments of any kind.
5. All bingo equipment and bingo related items shall be maintained in good repair and sound condition. (TCR 94-37, 97-02)

**9-408 Use of profits.** The profits from any tribal bingo operation may be used for any purposes as set forth in section 9-404 of this article. (TCR 94-37, 97-02)

**9-409 Limitation of prizes.** There shall be no limit to the size of prize or prizes which may be awarded to the winner or winners of the bingo games at any session. If a prize of merchandise is awarded in any bingo game, its value shall be at the current retail price. No merchandise prize shall be redeemable directly or indirectly as cash. (TCR 94-37, 97-02)

**9-410 Pricing.** All bingo sheets and bingo packages shall be purchased at a uniform price with such prices posted as to be conspicuous to the public on the premises where a bingo session is being held. The price of the bingo sheets and bingo packages may differ for different or special games and the price of bingo sheets and bingo packages used in the same game may differ if the higher priced bingo sheets and bingo packages carry a prize of greater value if declared the winner. (TCR 94-37, 97-02)

**9-411 Management and operation.** The Tribal Council shall designate or assign the operation of bingo to an individual provided all licensing requirements are met as outlined in Title 9 of the Gaming Code. (TCR 94-37, 97-02)

**9-412 Age limitation.** No person under the age of eighteen (18) shall be permitted to play bingo at a bingo session owned and operated by the Winnebago Tribe of Nebraska. No person under the age of eighteen (18) shall be allowed to enter the premises where a bingo session is being held unless employed by the Winnebago Tribe of Nebraska gaming operations. (TCR 94-37, 97-02)

**9-413 Permitted expenses.** No expenses may be incurred or amounts paid in connection with the conduct of bingo except those essential for the operation of the game including but not limited to bingo supplies, equipment, prizes, utilities, wages and promotions. (TCR 94-37, 97-02)

**9-414 Alcohol and drugs.** As provided for in section 9-405(3), the sale of alcoholic beverages shall not be allowed except in cases where special events are being held and provided applicable state and federal licensing requirements are followed and current. Any person found under the influence of illegal drugs or in possession of drug paraphernalia shall be denied entrance to the bingo facility and/or removed from the premises. (TCR 94-37, 97-02)

**9-415 Winners and prizes.** All winners shall be paid in cash or when appropriate, by check. No merchandise prize shall be redeemable for cash as outlined in section 9-409. Any person who wins a prize over \$1,200.00 must complete the applicable tax forms as are required by the Internal Revenue Code. (TCR 94-37, 97-02)

**9-416 Advertisement.** Bingo may be advertised and promoted in any media or medium available provided such advertisement is not contrary to any tribal, state or federal law. (TCR 94-37, 97-02)

**9-417 Sale of supplies and refreshments.** No person shall sell any merchandise, food or refreshments on the premises where bingo is conducted unless authorized by the Tribal Council and licensed by the Gaming Commission. (TCR 94-37, 97-02)

**9-418 Accounting of bingo sheets and packages.** The individual designated by the Tribal Council shall keep an accurate count of the number of bingo packages, extra sheets of regular, specials, and jackpot games which are sold for each bingo session. The required information outlined in this section shall be made available at the close of the bingo session or at any reasonable time thereafter for inspection by members of the Tribal Council and the Gaming Commission. (TCR 94-37, 97-02)

**9-419 Methods of play.**

1. Each bingo game shall be conducted so that each player has an equal opportunity to win.
2. All seventy-five (75) numbered objects shall be drawn at the beginning of the session for verification and remain in the receptacle as the game/session proceeds, only one (1) object shall be drawn at a time.
3. Each object selected from the seventy-five (75) objects in the receptacle shall be announced to the audience in a clear audible manner.
4. Each object selected from the seventy-five (75) objects in the receptacle shall not be returned to the receptacle until the game is finished and declared "game closed."
5. The selection of objects from the receptacle shall be visible to the player.
6. The method of winning and the prize(s) for each game shall be clearly announced before each game commences.
7. The winner(s) of each game shall be verified in a manner so that all present may hear.

8. If more than one (1) player is declared a winner, the prize shall be equally divided.
9. If the prize is merchandise, then a play-off shall occur between the winners utilizing the remaining objects in the receptacle until a single winner is declared. (TCR 94-37, 97-02)

**9-420 Bingo caller.** Only the bingo employee licensed and designated as the "caller" may call bingo. (TCR 94-37, 97-02)

**9-421 Charity night.** One night per month may be set aside as a charity night. All net proceeds from this night will be placed in the "Charity night" fund and allocated to organizations who submit written requests and are approved by the Winnebago Tribal Council. (TCR 94-37, 97-02)

**9-422 Penalties.**

1. No organization or other person, Indian or non-Indian, shall conduct bingo within the exterior boundaries or jurisdiction of the Winnebago Tribe of Nebraska reservation except as provided in this article.
2. The Tribal Council and/or the gaming Commission may commence an action to recover the amount determined proper for recovery of an alleged violation of this article. (TCR 94-37, 97-02)

**9-423 Reports and procedures.** A monthly financial report shall be submitted to the Tribal Council and the Gaming Commission. The financial report shall contain the following:

1. The time and date of all bingo sessions.
2. The attendance for each bingo session.
3. An itemized statement of the gross receipts from each bingo session.
4. An itemized listing of all expenditures.
5. The statement shall indicate the balance in the bingo account, charity night account and any other account necessary for the bingo operation.
6. The name of the bank and account numbers.
7. The report shall be signed by the individual designated to operate bingo for the Winnebago Tribe of Nebraska. (TCR 94-37, 97-02)

**9-424 Bingo account.**

1. There shall be one (1) account designated as the bingo account which will be used a regular checking account.
2. All receipts derived from the bingo operation shall be deposited into the bingo account.
3. The gross receipts derived from the conduct of bingo shall not be co-mingled with any other tribal funds.
4. Checks drawn on the bingo account shall require two (2) signatures and may only be for the payment of necessary expenses incurred in the bingo operation including prizes, bingo supplies, bingo equipment and payroll.

5. The disbursement of funds derived from the operation of bingo for approved purposes will be done using generally accepted accounting principles. (TCR 94-37, 97-02)

**9-425 Record availability.** All records shall be open for inspection by any member of the Tribal Council or a designated representative and/or the Gaming Commission. (TCR 94-37, 97-02)

**9-426 Prize reserve account.**

1. One (1) account may be designated the prize reserve account.
2. The prize reserve account shall require two (2) signatures and shall be used for the following purposes:
  - a. withdrawal of the prize payout advance.
  - b. disbursement of funds to a winner of prizes over the amount of \$1,200.00.
  - c. deposits into the prize reserve account will be identified as advance returned or being set aside for a particular game. (TCR 94-37, 97-02)

**9-427 Allocation of charity night funds.** Any benefit tribal organization or department shall be eligible to receive a grant from the revenues derived from the bingo session with the following provisions:

1. The request must be in writing and directed to the Tribal Council.
2. State the nature of the organization.
3. State the intended use of the funds and reason.
4. The request must be signed by the person responsible for the proper utilization of the funds for the organization.
5. The person responsible for the utilization of the funds shall submit monthly financial reports to the Tribal Council.
6. Any and all allocations shall be approved by the Tribal Council. (TCR 94-37, 97-02)

**9-428 Amendments.** This article may be amended by a majority vote of the Tribal Council. (TCR 94-37, 97-02)