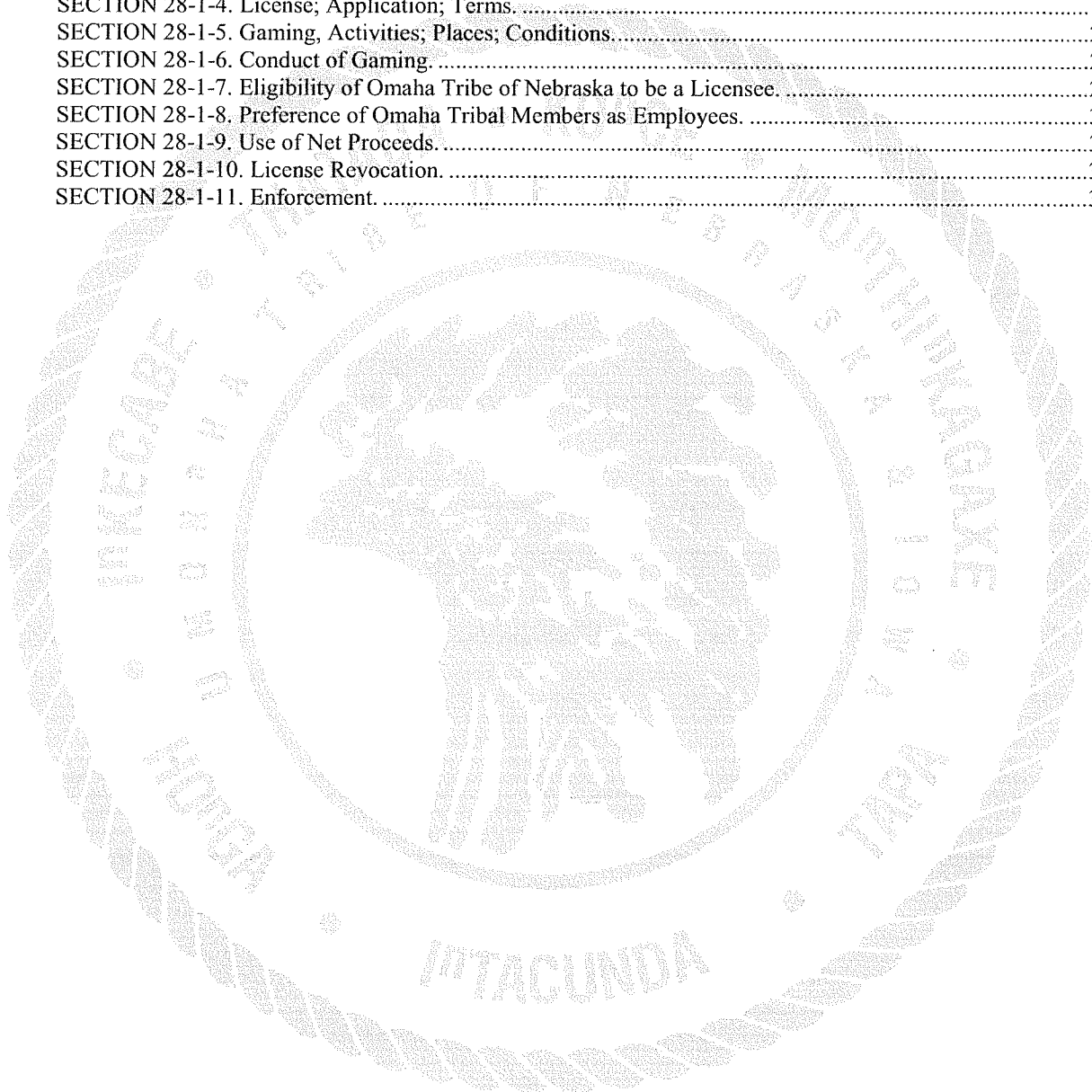


OMAHA TRIBAL CODE (2013)

TITLE 28. CLASS II GAMING

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OMAHA TRIBAL CODE (2013)

TITLE 28. CLASS II GAMING

Source: Omaha Tribal Council Resolution No. 81-68 (6-2-81).

SECTION 28-1-1. Statement of Purpose and Policy.

The purpose of this Ordinance is to regulate, license and control the operation of gaming activities on the Omaha Tribal Reservation in accordance with the mores, traditions and customs of the Omaha Tribe of Nebraska, and to raise revenue from the gaming activities conducted on the Reservation which may be used to support the health, education, welfare and safety of the Omaha Tribe of Nebraska.

History: Resolution 87-50 (5-6-87) amended 81-68 (6-2-81) to read "to raise revenue from the gaming activities conducted on the Reservation which may be used to support the health, education, welfare and safety of the Omaha Tribe of Nebraska." from "in the forum of net receipts from the operation of Bingo of the Reservation which may be used to support the tribe's health, education welfare and safety programs"

SECTION 28-1-2. Gaming Activity.

"Gaming Activity" means to deal, operate, carry on, conduct, or maintain for play any banking or percentage game or other game of chance levied for money, property, credit, or any representative value, but does not include social games played solely for prizes of minimal value or games played in private homes or residences for prizes of minimal value, or traditional forms of Indian gambling engaged in by individuals as part of or in connection with tribal ceremonies or celebrations.

SECTION 28-1-3. Gaming Activities; Permitted.

Notwithstanding anything to the contrary in the tribal code of laws, including this Ordinance, no one connected in any way with or engaging in the gaming activities shall be deemed guilty of gambling or participating in gambling if said gaming activity is conducted by a person or organization possession an unexpired and unrevoked license from the Omaha Tribe, and provided further, that the gaming activity is conducted in accordance with the provisions of this Resolution licensing and regulating gaming operations on the Omaha Reservation. The Tribal Council shall promulgate rules and regulations to regulate the gaming activities carried on pursuant to this Ordinance.

History: Resolution 87-50 (5-6-87) amended 81-68 (6-2-81) to include "The Tribal Council shall promulgate rules and regulations to regulate the gaming activities carried on pursuant to this Ordinance."

SECTION 28-1-4. License; Application; Terms.

(a) Any person or organization which meets the requirement of this section shall be eligible to apply for, receive and hold a license to conduct gaming activities upon the Omaha Reservation, and such holders of a valid and unrevoked license granted pursuant to this Ordinance shall have the right to operate and conduct gaming activities upon the Omaha Reservation.

History: Resolution 87-50 (5-6-87) amended 81-68 (6-2-81) to change "bingo operation" to "gaming activity."

(b) All applications for licenses shall be submitted to the Omaha Tribal Council upon forms which shall include the following information, and may include such other information as the Tribal Council shall from time-to-time adopt regulations pursuant to it.

History: Resolution 87-50 (5-6-87) amended 81-68 (6-2-81) to change "by a majority vote at any regular or special Tribal Council meeting" to "regulations pursuant to it."

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(1) The application shall contain the following information:

- (A) The name and address of the applicant.
- (B) The place, or places, where the applicant intends to conduct the gambling activity, and the capacity of the place or places.

History: Resolution 87-50 (5-6-87) amended 81-68 (6-2-81) to change “bingo operation” to “gaming activity.”

(c) Each license shall be issued for a specific period not to exceed 5 years, the expiration date shall be clearly stated on the license. If a person or organization is licensed to conduct gaming activity at more than one location, separate licenses shall be issued for each location. Each licensee shall display his, her or its license at the appropriate location at all times.

History: Resolution 87-50 (5-6-87) amended 81-68 (6-2-81) to change “bingo operation” to “gaming activity.”

(d) Each licensee shall be eligible to apply for a renewal of any existing license. The application for renewal shall affirm or state that all of the information contained in the original application is still correct, and if any of the information contained in the original application is no longer accurate and correct, then the renewal application shall state the accurate and correct information. All renewals shall be issued for a specified period not to exceed 5 years.

History: Resolution 87-50 (5-6-87) amended 81-68 (6-2-81) to change “for a five year period” to “a specified period not to exceed five years.”

(e) Each application for an original license, and each renewal application shall be accompanied by a fee of \$100.00 which shall be retained by the Omaha Tribe whether or not any license or renewal is granted. Per each license or renewal granted by the Omaha Tribe, the license holder shall pay to the Omaha Tribe the sum of \$150.00 for each location at which he, she or it has been licensed.

History: Resolution 87-50 (5-6-87) amended 81-68 (6-2-81) to change “\$50” to “\$150” and to remove “to conduct a bingo operation,” from the last sentence.

SECTION 28-1-5. Gaming, Activities; Places; Conditions.

All gaming activities shall be conducted by a license holder and only at the location or locations stated in the license.

SECTION 28-1-6. Conduct of Gaming.

- (a) No person who is conducting or assisting in the conduct of a game shall play that game.
- (b) No person under the age of 18 shall be permitted to play.
- (c) All prizes shall be paid to the winner, or winners within six hours after the game at which they were a winner has been concluded.
- (d) There is no limit to the size of prize, or prizes, which may be awarded to the winner, or winners of the gaming activity.

Source: Resolution 87-50 of the Omaha Tribal Council (5-6-87).

SECTION 28-1-7. Eligibility of Omaha Tribe of Nebraska to be a Licensee.

The Omaha Tribe of Nebraska is eligible to apply for, hold and operate gaming activities under a license on the same terms and conditions as any other applicant, except that no fee shall be charged for either an original or a renewal license.

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Source: Resolution 87-50 of the Omaha Tribal Council (5-6-87).

SECTION 28-1-8. Preference of Omaha Tribal Members as Employees.

Each licensee shall employ qualified Omaha Tribal Members in preference to other equally qualified applicants for work.

Source: Resolution 87-50 of the Omaha Tribal Council (5-6-87).

SECTION 28-1-9. Use of Net Proceeds.

All net proceeds shall be paid over to the Tribal Treasurer, and shall be used by the Tribe for the purposes specified in this ordinance.

Source: Resolution 87-50 of the Omaha Tribal Council (5-6-87).

SECTION 28-1-10. License Revocation.

In the event a licensee violates this ordinance or regulations promulgated pursuant to this Ordinance their license shall be revoked.

Source: Resolution 87-50 of the Omaha Tribal Council (5-6-87).

SECTION 28-1-11. Enforcement.

Jurisdiction over this Ordinance is hereby granted to the Tribal Court of the Omaha Tribe of Nebraska.

Source: Resolution 87-50 of the Omaha Tribal Council (5-6-87).

History: Resolution No. 81-68 (6/2/81) was amended by Resolution No. 83-62 (4/29/83), and Resolution No. 84-91 (9/27/84), which, also, repealed Resolution No. 83-62. Resolution No. 85-20 (11/5/84) added a new subsection repealed by Resolution No. 87-50 (5/6/87), also, repealing Resolution No. 84-91 and amending Resolution No. 81-68

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