HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE
AMENDMENT TO HO-CHUNK NATION
CLASS II INTERNAL CONTROL MANUAL
RESOLUTION 4-07-09 A

WHEREAS, on November 1, 1994, the United States Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation, formerly known as the Wisconsin Winnebago Tribe; and

WHEREAS, the Ho-Chunk Nation ("Nation") is a federally recognized Indian Tribe, organized pursuant to the Indian Reorganization Act of 1934; and

WHEREAS, Article V, Section 2(a) of the Ho-Chunk Nation Constitution ("Constitution") grants the Ho-Chunk Nation Legislature ("Legislature") the power to make laws, including codes, ordinances, resolutions, and statutes; and

WHEREAS, Article V, Section 2(d) of the Constitution grants the Legislature the power to authorize expenditures by law and appropriate funds to the various Departments in an annual budget; and

WHEREAS, Article V, Section 2(f) of the Constitution grants the Legislature the power to set the salaries, terms and conditions of employment for all governmental personnel; and

WHEREAS, Article V, Section 2(h) of the Constitution grants the Legislature the power to enact all laws prohibiting and regulating conduct, and imposing penalties upon all persons within the jurisdiction of the Nation; and

WHEREAS, Article V, Section 2(i) of the Constitution grants the Legislature the power to negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals; and

WHEREAS, Article V, Section 2(t) of the Constitution grants the Legislature the power to enact laws governing law enforcement on lands within the jurisdiction of the Nation; and

WHEREAS, Article V, Section 2(x) of the Constitution grants the Legislature the power to enact any other laws, ordinances, resolutions, and statutes necessary to exercise its legislative powers delegated by the General Council pursuant to Article III including but not limited to the foregoing list of powers; and

WHEREAS, the Legislature adopted an *Amended and Restated Gaming Ordinance* (5 HCC §1) (hereinafter "*Gaming Ordinance*"); and

WHEREAS, the most recent amendments to the *Gaming Ordinance* were adopted by Legislative Resolution 1-28-08 D; and

WHEREAS, the *Gaming Ordinance* provides that the Nation may provide additional regulations as part of the Nation's Class II Internal Control Manuals; and

WHEREAS, the National Indian Gaming Commission in Title 25, Part 542 "establishes the minimum internal control standards for gaming operations on Indian land."; and

Executive Offices
W9814 Airport Road P.O. Box 667 Black River Falls, WI 54615
(715) 284-9343 Fax (715) 284-3172 (800) 294-9343

WHEREAS, 25 Code of Federal Regulations §542.3(c) requires that "each Tribal gaming regulatory authority shall, in accordance with the Tribal gaming ordinance, establish and implement tribal internal control standards."; and

WHEREAS, the Legislature last approved revisions to the Ho-Chunk Nation's Class II Internal Control Manual on April 8, 2008; and

WHEREAS, further amendments are necessary in order to conform with the recent addition of 25 CFR Parts 543 and 547 by the National Indian Gaming Commission; and

WHEREAS, 25 CFR Part 543.1 provides "[t]his part, along with §§542.14 through 542.15, 542.17 through 542.18, 542.20 through 542.23, 542.30 through 542.33, and 542.40 through 542.43 of this chapter establishes the minimum internal control standards for the conduct of Class II bingo and other games similar to bingo on Indian lands as described in 25 U.S.C. 2701 *et seq.*"; and

WHEREAS, 25 CFR Part 543.3 provides that "[w]ithin six months of October 10, 2008, [April 10, 2009] each tribal gaming regulatory authority must, in accordance with the tribal gaming ordinance, establish or ensure that tribal internal control standards are established and implemented …"

WHEREAS, the Gaming Commission has been diligently working to amend the Nation's Class II Internal Control Manuals to conform to this deadline; and

WHEREAS, the amendments to the Nation's Class II Internal Control Manual were reviewed by the Nation's Surveillance Administrator, IT Director, the Department of Business, and all Class II Executive Managers; and

WHEREAS, the Gaming Commission also held a work group meeting at DeJope Gaming with Class II management; and

WHEREAS, on March 19, 2009 the Gaming Commission submitted the amendments to the Nation's Class II Internal Control Manual to the Development Committee; and

WHEREAS, the Development Committee passed a motion to send the amendments to the Legislature for its approval.

NOW THEREFORE BE IT RESOLVED, that the Ho-Chunk Nation Legislature, pursuant to its Constitutional authority, hereby amends the Ho-Chunk Nation's Class II Internal Control Manual.

CERTIFICATION

I, the undersigned, as Tribal Secretary for the Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **11 members**, of whom **9** constituting a quorum were present at a meeting duly called and convened and held on the **7th day of April, 2009**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **9 members, 0 opposed, and 0 abstaining**, pursuant to the authority of Article V, Section 2(a) and (x) of the Constitution of the Ho-Chunk Nation approved by the Secretary of the Interior on November 1, 1994, and that said resolution has not been rescinded or amended in any way. I further certify that this is a verified copy of said resolution.

Elliott Garvin, Tribal Secretary

Date 4-7-09