HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE
AMENDMENT TO HO-CHUNK NATION
CLASS III INTERNAL CONTROL MANUAL
RESOLUTION 4-07-09 B

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 III Internal Control Manuals; and

WHEREAS, the National Indian Gaming Commission in Title 25, Part 542.1 "establishes the minimum internal control standards for gaming operations on Indian land."; and

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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 Second Amendment to the Nation's Compact with the State of Wisconsin in Section XV provides "MINIMUM STANDARDS FOR THE PLAYING OF GAMES. Within sixty (60) days from the date of execution of this Second Amendment by the Parties, the Nation shall submit to the State Minimum Internal Control Standards (MICS) for, at a minimum, all areas subject to the MICS established by the National Indian Gaming Commission (NIGC). These procedures shall meet or exceed the MICS established by the NIGC. … Either Party may propose a change or amendment to the MICS,…, at any time during the term of this Compact. The new proposed MICS and any MICS or any changes to the MICS proposed thereafter, shall be subject to the objection and arbitration process set forth herein [Section XV of the Compact] until the proposed MICS are either not objected to by either Party or are approved by the Arbitrators."; and

WHEREAS, the Nation's Class III Internal Control Manual were approved March 31, 1994, and last amended on January 17, 2007; and

WHEREAS, the Ho-Chunk Nation Gaming Commission has been working on amendments to the Nation's Class III Internal Control Manual; and

WHEREAS, the amendments to the Nation's Class III Internal Control Manual were sent by the Gaming Commission to the Vice President, the Nation's Surveillance Administrator, IT Director, the Department of Business, and all Class III Executive Managers; and

WHEREAS, the Gaming Commission also held numerous work group meetings with respect to these proposed amendments; and

WHEREAS, on March 19, 2009 the Gaming Commission submitted the amendments of the Nation's Class III 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 III Internal Control Manual.

BE IT FURTHER RESOLVED that prior to these amendments becoming effective the Ho-Chunk Nation Gaming Commission, working in conjunction with the Ho-Chunk Nation Department of Justice, shall ensure that the Nation complies with the requirements of Section XV of the Compact with the State of Wisconsin.

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 **8members, 0 opposed, and 1 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

4-7-09
Date