



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 7-07-09 K

- 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

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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 Legislature approved amendments to the Ho-Chunk Nation’s Class II Internal Control Manual on April 7, 2009 via Resolution 4-07-09 A; and
- WHEREAS,** these amendments were necessary to conform with the 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 ...”; and
- WHEREAS,** the Gaming Commission diligently worked to amend the Nation’s Class II Internal Control Manuals to conform to this deadline; and
- WHEREAS,** during a recent review of Class II and III Standard Operating Procedures, the Gaming Commission learned that the Class II Internal Control Manuals did not include standards for complimentary services as required by the National Indian Gaming Commission’s Internal Control Standards at 25 CFR § 542.17.

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 to incorporate the attached Standards for Complimentary Services and Items.

CERTIFICATION

I, the undersigned, as Tribal Secretary for the Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of 13 members, of whom 11 constituting a quorum were present at a meeting duly called and convened and held on the 7th day of July, 2009, that the foregoing resolution was adopted at said meeting by an affirmative vote of 11 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.

Hope B. Smith

 Hope Smith, Tribal Secretary

7-07-09

 Date