

**NATIONAL
INDIAN
GAMING
COMMISSION**

JAN - 3 1996

John H. Teller
Chairman
Menominee Indian Tribe of Wisconsin
P.O. Box 910
Keshena, WI . 54135-0910

Dear Chairman Teller:

This letter responds to your request to review and approve the amendment to the Menominee Indian Tribe of Wisconsin (Tribe) tribal gaming ordinance submitted on August 28, 1995. The amendment was adopted by Resolution No. 93-30 on August 17, 1995. The ordinance was approved by the Chairman of the National Indian Gaming Commission (NIGC) on February 2, 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 amendment to the tribal gaming ordinance of the Menominee Indian Tribe of Wisconsin. 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

AUG 28 1995

MENOMINEE NATION

MENOMINEE TRIBAL LEGISLATURE

AMENDMENT TO ORDINANCE NO. 93-30

GAMING CODE

FINAL APPROVAL

An amendment to reduce the number of members on the Commission from seven to three; to clarify the role of the Director of the Commission; and to make other technical clarifications/corrections.

BE IT ORDAINED BY THE LEGISLATURE OF THE MENOMINEE INDIAN TRIBE OF WISCONSIN:

1. PURPOSE.

- 1.01 Menominee Nation Ordinance No. 93-30, entitled the "Gaming Code", which was enacted into law on January 20, 1994 by the Menominee Tribal Legislature, established the Menominee Tribal Gaming Commission (hereinafter, the "Commission"); a regulatory body organized and empowered therein to issue Class I, II, and III gaming rules and regulations and issue gaming licenses consistent with applicable Tribal, State, and Federal laws.
- 1.02 The Commission is funded solely by the Menominee Tribal Legislature, the duly elected, governing body of the Menominee Indian Tribe of Wisconsin (the "Tribe"). In its efforts to streamline and down-size government, the Tribe has determined that the Commission can continue to efficiently operate in a manner which is more cost effective if the Commission membership is reduced from seven members to three.

2. AMENDMENTS TO MENOMINEE NATION ORDINANCE NO. 93-30.

- 2.01 Chapter II, Section 2.03 is hereby amended to read as follows:

"The Menominee Tribal Gaming Commission is hereby established. The Commission shall consist of ~~seven (7)~~ three (3) members appointed to serve ~~three year terms~~ by a majority vote of the Legislature. Only enrolled members of the Tribe may be appointed to the Commission. A commissioner ~~shall serve for three (3) years and~~ may be removed from office prior to the end of his term ~~only~~ for cause by a unanimous vote of the Legislature following a public hearing, or may be removed for the purpose of changing the number of commissioners pursuant to amendment of this ordinance. ~~In order to establish an annually staggered Commission appointment schedule similar to that of the Legislature, the first commissioners shall be appointed by the Legislature as follows: three (3) members shall serve three (3) year terms, two (2) shall serve two (2) year terms and two (2) shall serve a one (1) year term for the initial appointment terms only. Thereafter, all successive terms of appointment shall run for three (3) years. Vacancies shall be filled within thirty (30) days by the Legislature.~~ The terms of office of the newly appointed Commissioners shall expire on August 17, 1998 and every third year thereafter. Upon the expiration of a commissioner's term, upon

resignation of a commissioner, or upon removal of a commissioner as provided for under this subsection, the MTL shall appoint his or her successor by majority vote."

2.02 Chapter II, Section 2.08 is hereby amended to read as follows:

"A quorum shall consist of ~~four (4)~~ two (2) members of the Commission. All decisions shall be made by a majority vote of the Commission, unless indicated otherwise in this code."

2.03 Chapter II, Section 2.14 is hereby amended to read as follows:

"Should an applicant file written objections to the determination of the Commission within ~~twenty~~ ten (10) working days of receiving written notice of such determination, the Commission shall hold a hearing to review its decision, within ~~three (3)~~ seven (7) working days from the date of the filing of such objections. At the hearing, the burden shall be on the applicant to show cause why the Commission's determination was incorrect. Following such hearing, the Commission shall, within ~~three (3)~~ seven (7) working days reach a determination concerning:"

The remainder of this section remains unaffected by this amendment.

2.04 Chapter II, Section 2.15 is hereby amended to read as follows:

"Within ~~three (3)~~ seven (7) working days following this determination, the Commission shall inform the subject in writing of that determination."

2.05 Chapter II, Section 2.17, first sentence is hereby amended to read as follows:

"~~The Legislature, with the advice and consent of the Commission,~~ shall appoint a Director who shall be responsible for the day-to-day management of the affairs of the Commission as well as overseeing the establishment and operation of all gaming activities."

2.06 Chapter II, Section 2.19 is hereby amended in its entirety to read as follows:

"(a) The Director shall be terminated immediately and without the necessity of a vote of the Legislature upon the Director's conviction in a federal, state, or tribal court of competent jurisdiction for any of the following:

1. Any felony;
2. Any misdemeanor related to illegal gambling or bribery;
3. Any charge that the Legislature finds relates to the Director's honesty, or ability to fulfill his duties; or
4. Any violation of any part of this code.

(b) Upon the majority vote of the Legislature, the Director may be terminated for inadequate performance of the duties required to be

performed or may additionally be terminated for associations or conduct that would tend to bring the gaming operation into disrepute.

- (c) In addition to the above, the Director may be terminated pursuant to Menominee Nation Ordinance No. 83-6 and/or for violation of his contract"

2.07 Chapter II, Section 2.23, sixth sentence on through to the end of the paragraph, is hereby amended to read as follows:

"...The Commission and the Director shall ~~each~~ keep and maintain a confidential file of all applications for licenses under this chapter, together with a record of all action taken with respect to such applications. The Commission and the Director shall keep and maintain such other files and records as they may deem desirable and all such records may be open to public inspection as they may deem appropriate, provided that the annual Commission budget shall be made available to any tribal member upon demand. All records shall be open to inspection by the Commission and Director at any time."

2.08 Chapter II, Section 2.24 is hereby amended to read as follows:

"Any person who engages in activities on property subject to the provisions of this Gaming Code without a license, in violation of any license or terms imposed thereon, in violation of terms of suspension, or in violation of the Code, including any person who unlawfully trespasses upon any premises licensed by this Code without the consent of the licensee and/or the Commission shall be guilty of a crime and referred to the Prosecutor's Office within one year of the violation and be punished in accordance with the provisions of Section 2.26 hereinafter."

2.09 Chapter II, Section 2.25 is hereby amended to read as follows:

"No fine shall be assessed nor any action taken for any violation under the preceding section unless a charge is filed in proper form with the Tribal Court within ~~two (2)~~ one (1) years of the commission of the offense."

2.10 Chapter II, Section 2.28 is hereby amended in its entirety to read as follows:

"The Commission is authorized to use the services of any Tribal law enforcement officer to perform services reasonably necessary to assure compliance with the provisions of this Code only. Said special services of enforcement and surveillance shall be under the authorization and direction of the Director, unless otherwise determined by the Commission. This section shall in no way be deemed to limit the normal law enforcement functions of these or other tribal law enforcement officers not so authorized."

2.11 Chapter III, Section 3.03(a)(3) is hereby amended to read as follows:

"The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph ~~(1)(b)~~ (2) of this section;"

2.12 Chapter III, Section 3.03(a)(10) is hereby amended to read as follows:

"For each criminal charge (excluding minor traffic charges) whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph ~~(1)(h)~~ (8) or ~~(1)(i)~~ (9) of this section, the criminal charge, the name and address of the court involved and the date and disposition;"

2.13 Chapter III, Section 3.04(a) is hereby amended to read as follows:

"~~The Commission~~ Director shall conduct an investigation sufficient to make a determination under Section 3.05. In conducting a background investigation, the ~~Commission~~ Director and its agents shall keep confidential the identity of each person interviewed in the course of the investigation."

2.14 Chapter III, Section 3.04(d) is hereby amended to read as follows:

"The ~~Commission~~ Director is primarily responsible for the conduct of the background investigations and suitability determinations, in consultation with the National Indian Gaming Commission and/or the State of Wisconsin where appropriate."

2.15 Chapter III, Section 3.06(f), last sentence of the paragraph is hereby amended to read as follows:

"The Commission shall, by majority vote of the Commission, make the final decision whether to issue a license to such applicant."

2.16 Chapter III, Sections 3.15(c) and 3.15(d) are hereby renumbered to sections 3.15(d) and 3.15(e), respectively, and the following section numbered 3.15(c) is inserted after section 3.15(b), which reads as follows:

"The licensee shall advise the Director, within five (5) business days of being charged or receiving a summons, of any criminal charges (misdemeanor or felony), other than minor traffic violations, which are filed against the licensee. The licensee shall keep the Director advised of the status of the matter including any disposition or any other related written documents the Director may request."

3. COMMISSIONERS; REMOVAL AND REPLACEMENT.

3.01 The existing members of the Commission are hereby removed and replaced as provided for in §3.02 below.

3.02 Pursuant to Chapter II, Section 2.03 of Menominee Nation Ordinance, the succeeding commissioners of the Commission shall be:

Lloyd M. Waukau, who shall be a member of the Commission, and whose term shall expire three years upon the adoption of this ordinance as provided for in § 4 of this amendment thereto;

Joan M. Boyd, who shall be a member of the Commission, and whose term shall expire three years upon the adoption of this ordinance as provided for in § 4 of this amendment thereto; and

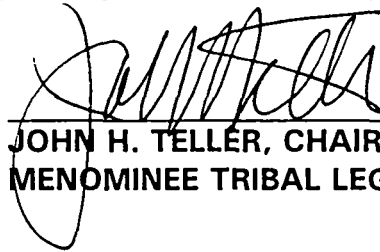
Max R. Dixon, who shall be a member of the Commission, and whose term shall expire three years upon the adoption of this ordinance as provided for in § 4 of this amendment thereto.

4. EFFECTIVE DATE OF AMENDMENTS. The foregoing amendment shall take effect immediately upon final passage of the Menominee Tribal Legislature.

CERTIFICATION

The undersigned officer of the Menominee Tribal Legislature do hereby certify that the foregoing amendment to Menominee Nation Ordinance No. 93-30, entitled "Gaming Code," was duly adopted at a regular meeting of the Menominee Tribal Legislature held on August 17, 1995, at which a quorum was present, by a vote of 7 for, 0 opposed, 0 abstentions, and 1 absent.

The undersigned further certify that the foregoing ordinance and amendment was posted in accordance with the Menominee Constitution and Bylaws of the Menominee Indian Tribe of Wisconsin.



JOHN H. TELLER, CHAIRMAN
MENOMINEE TRIBAL LEGISLATURE



LESLIE PENASS, SECRETARY
MENOMINEE TRIBAL LEGISLATURE

8/18/95

DATE