



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

SEP 30 2022

The Honorable Ronald Corn, Sr.
Chairman, Menominee Tribal Legislature
P.O. Box 910
Keshena, Wisconsin 54135

Dear Chairman Corn:

On August 17, 2022, the Menominee Indian Tribe (Tribe) and the State of Wisconsin (State) submitted the 2022 Amendments to the Menominee Indian Tribe of Wisconsin and the State of Wisconsin Gaming Compact of 1992 (Amendment), providing for the regulation of class III gaming activities by the Tribe.

We completed our review of the Amendment and conclude that it does not violate the Indian Gaming Regulatory Act (IGRA), any other provision of Federal law that does not relate to jurisdiction over gaming on Indian lands, or the trust obligations of the United States to Indians. 25 U.S.C. § 2710(d)(8)(B). The Amendment permits the Tribe to engage in event wagering and makes technical amendments to update and correct various provisions of the compact. Therefore, pursuant to my delegated authority and Section 11 of IGRA, I approve the Amendment. 25 U.S.C. § 2710(d)(8)(A). The Amendment takes effect when the notice of this approval is published in the *Federal Register*. 25 U.S.C. § 2710(d)(3)(B).

A similar letter is being sent to the Honorable Tony Evers, Governor, State of Wisconsin.

Sincerely,

Bryan Newland
Assistant Secretary – Indian Affairs

Enclosure

**2022 AMENDMENTS TO THE
MENOMINEE INDIAN TRIBE OF WISCONSIN AND
THE STATE OF WISCONSIN GAMING COMPACT OF 1992**

The Menominee Indian Tribe of Wisconsin (“Tribe”) and the State of Wisconsin (“State”) enter into the following amendments to the Menominee Indian Tribe of Wisconsin and the State of Wisconsin Gaming Compact of 1992 (“Compact”) as of the date this agreement is executed by the Governor of the State of Wisconsin as set forth below.

WHEREAS, the Tribe and the State entered into the Compact on or about June 3, 1992; and

WHEREAS, Section XXXI of the Compact provides that it may be amended upon the written agreement of both parties; and

WHEREAS, the Compact was subsequently amended by the Tribe and the State on August 18, 2000, in April 2003, and on November 1, 2010; and

WHEREAS, the Tribe and the State wish to further amend the Compact to permit the Tribe to engage in event wagering and to make various technical amendments to update and correct certain provisions of the Compact; and

WHEREAS, the Tribe and the State believe the amendments set forth below serve the best interest of both the Tribe and the State;

THEREFORE, the Tribe and the State do hereby agree to further amend the Compact as set forth below.

1. Section III, Definitions, is amended as follows:

- a. Subsection L, defining “Gaming Commission”, is re-lettered as subsection E.
- b. Subsection J, defining “Kenosha facility”, is re-lettered as subsection F.
- c. Existing subsection E, defining “Management contract”, is re-lettered as subsection G.
- d. Subsection N, defining “MICS”, is re-lettered as subsection H.
- e. New subsection I is created and states:

“Net win” is defined as follows:

1. For house banked games, as the amount wagered in Class III gaming, less fills and the amount paid out in jackpots and prizes, including the actual cost to the Tribe of any noncash prize which is distributed to a patron as the result of a specific, legitimate wager.
 2. For non-house banked games, as the amount of gross revenue received by the Tribe for conducting the Class III game.
 3. For Event Wagering, as the gross revenue received from all event wagers, less voided or canceled wagers, and less gaming payouts.
- f. Subsection N, defining “NIGC”, is re-lettered as subsection J.
- g. Existing subsection F, defining “Person”, is re-lettered as subsection K, and its text is amended as follows:
- i. a comma is inserted after “associations”; and
 - ii. the phrase “limited liability companies or their equivalents,” is inserted after the above new comma and before “and corporations”.
- h. Existing subsection G, defining “State”, is re-lettered as subsection L.
- i. New subsection M is created and states:
- “State Fiscal Year” means the period beginning July 1 of a given year and ending June 30 of the following year.
- j. Existing subsection H, defining “Tribal lands”, is re-lettered as subsection N.
- k. New subsection O is created and states:
- “Tribal Fiscal Year” means the period beginning October 1 of a given year and ending September 30 of the following year, or such other time period as the Tribe and the State mutually agree in writing.
- l. Existing subsection I, defining “Tribe”, is re-lettered as subsection P.
- m. Existing subsection K, regarding computing of time, is re-lettered as subsection Q, and the following text is inserted before the existing text: “Computing of Time.”.

2. Section IV, Authorized Class III Gaming, is amended as follows:

- a. New paragraph A.9. is created and states:

Event Wagering; “Event Wagering” means accepting wagers on the outcomes of, and occurrences within, sports and non-sports games, competitions, and matches, but shall not include pari-mutuel wagering on horse, harness, and dog-racing events; and

- b. Existing paragraphs A.9. and A.10. are renumbered as paragraphs A.10. and A.11.
c. In existing paragraph A.10. (now renumbered as A.11), the number “9” is replaced with “10”.

3. Section V, Conduct of Games, is amended as follows:

- a. The text of subsection D is deleted in its entirety and replaced with the following:

Except as herein provided, no person shall be extended credit or receive an advance of funds for gaming by any tribal gaming facility, nor shall the Tribe permit any other person to offer such credit or advance for a fee. This subsection shall not restrict the right of the Tribe to install third-party automated teller machines or accept bank card or credit card transactions in the same manner as normally would be permitted at any retail business within the state. This subsection shall not prohibit the use of wagering accounts pursuant to the terms of this Compact or the Tribe’s minimum internal control standards, where such wagering accounts do not extend credit or advance funds to the account holder.

- b. The text of subparagraph G.1.c. is deleted in its entirety and replaced with the following:

Placing a wager after acquiring knowledge not available to all players, or aiding a third person in acquiring such knowledge for purposes of placing a wager, regarding the potential outcome of the Class III game on which the wager is placed.

4. Section VII, Gaming Related Contractor; Contractor to Hold State Certificate, is amended as follows:

- a. New paragraph A.9. is created and states:

Contracts for event wagering goods or services, including but not limited to event wagering systems, event wagering risk management services, betting line services, integrity providers, and hardware and software used for purposes of placing event wagers.

- b. New paragraph A.10. is created and states:

Contracts for geolocation, geotracking, or geofencing services for purposes of tracking the location of customers using remote wagering devices.

- c. Subsection B is amended as follows:

- i. In the first sentence, "\$25,000" is deleted and replaced with "\$100,000"; and
- ii. The second and third sentences of the subsection (beginning with "If the total . . ." and ending with ". . . Section VII shall apply") are deleted in their entirety.

- d. In subsection C, "\$10,000" and replaced with "\$100,000".

- e. New subdivision D.1.f.(4) is created and states:

A limited liability company or its equivalent (collectively "LLC"), then subdiv. a. applies to the LLC and each member and manager of the LLC or their equivalents.

- f. Existing subdivision D.1.g. is deleted and replaced with the following:

The restrictions under subdiv. a. do not apply to the partnership, association, LLC, or corporation if the Department determines that the partnership, association, LLC, or corporation has terminated its relationship with the partner, officer, director, member, manager, or owner who was convicted or entered the plea or with the partner, officer, director, member, manager, owner or other individual whose actions directly contributed to the partnership's, association's, LLC's, or corporation's conviction or entry of plea.

- g. Subsection H is deleted in its entirety.

- h. Existing subsections I through L are re-lettered as subsections H through K.
- i. In existing subsection J (now re-lettered as subsection I), “\$10,000” is deleted and replaced with “\$100,000”.
- j. In existing subparagraph K.1.d. (now re-lettered as subparagraph J.1.d.), “\$10,000” is deleted and replaced with “\$100,000”.

5. Section X, Records, is amended as follows:

- a. The following text is added to the end of paragraph B.1.:

The Tribe’s minimum internal control standards and rules of play are not confidential gaming records, except portions of the Tribe’s minimum internal control standards may remain confidential to the extent necessary to ensure the integrity of games and to prevent the circumvention of security measures.

6. Section XII, Audits, is amended as follows:

- a. The phrase “Tribal fiscal year” is replaced with “Tribal Fiscal Year” throughout the Section.
- b. In paragraph C.1.:
 - i. ““Accounting and Audit Guide - - Casinos”” is deleted and replaced with ““Gaming Audit and Accounting Guide””, and
 - ii. “Public” is deleted and replaced with “Professional”.

7. Section XIV, Public Health and Safety, is amended as follows:

- a. In subsection A, all of the text beginning with “chs. ILHR 14 . . .” and ending with “. . . 81-86 (Plumbing),” is deleted and replaced with:

chs. SPS 314 (Fire Prevention), 316 (Electrical), 328 (Smoke Detectors and Carbon Monoxide Detectors), 366 (Existing Buildings), 377 (Theatres and Assembly Halls), and 381-387 (Plumbing),

- b. Subsection C is deleted in its entirety.
- c. Existing subsection D is re-lettered as subsection C.

8. New Section XIX, Event Wagering, is created and states:

XIX. EVENT WAGERING.

- A. The Tribe shall adopt minimum internal control standards and rules of play governing event wagering which shall be approved by the department as provided in this Compact. Rules of play for event wagering shall be publicly posted and a copy shall be made readily available to players upon request.
- B. Event wagers placed using remote wagering devices shall be placed only from locations permitted by the Tribe's minimum internal control standards governing event wagering.
- C. Event wagers shall be placed only on permitted events as set forth in the Tribe's minimum internal control standards governing event wagering.
- D. The Tribe shall engage the services of an integrity provider approved by the Department, which approval shall not be unreasonably withheld. For purposes of this subsection, an "integrity provider" means a third-party service that provides information regarding potential fraud, improper manipulation, misuse of insider information, and other improper conduct regarding event.
- E. If the scope of permissible event wagering in the state is expanded in any of the manners set forth below, then, upon written notice by the Tribe to the Department, the Tribe's minimum internal control standards shall be deemed to include such expansion of scope and the Tribe may, upon written notice to the State, offer event wagering consistent with that expansion. Promptly thereafter the Tribe and the State shall negotiate in good faith to amend the Tribe's minimum internal control standards to reflect the change:
 - 1. The State legalizes event wagering on an event or events not included as permitted events in the Tribe's minimum internal control standards.

2. The State legalizes event wagering which allows a customer located outside of land owned by a Wisconsin Indian Tribe or held in trust by the federal government for the benefit of a Wisconsin Indian Tribe to place an event wager through the use of a remote wagering device.
 3. The State enters a Tribal-State gaming compact or gaming compact amendment with another Wisconsin Indian Tribe, or agrees to minimum internal control standards with another Wisconsin Indian Tribe, which allow event wagering on an event or events not included as permitted events in the Tribe's minimum internal control standards, or the Secretary of the United States Department of the Interior prescribes procedures for another Wisconsin Indian Tribe pursuant to section 11((d)(7)(B)(vii) of the Act which allow event wagering on an event or events not included as permitted events in the Tribe's minimum internal control standards.
 4. The State enters a Tribal-State gaming compact or gaming compact amendment with another Wisconsin Indian Tribe, or agrees to minimum internal control standards with another Wisconsin Indian Tribe, which allow event wagering through the use of remote wagering devices under terms more favorable than those set forth in the Tribe's minimum internal control standards, including but not limited to permitted locations, or if the Secretary of the United States Department of the Interior prescribes procedures for another Wisconsin Indian Tribe pursuant to section 11((d)(7)(B)(vii) of the Act which allow event wagering through the use of remote wagering devices under terms more favorable than those set forth in the Tribe's minimum internal control standards, including but not limited to permitted locations.
 5. The State enters a Tribal-State gaming compact or compact amendment with another Wisconsin Indian Tribe, or enters an agreement with another Wisconsin Indian Tribe, or agrees to minimum internal control standards with another Wisconsin Indian Tribe, which provide for a different procedure or procedures than set forth in the Tribe's minimum internal control standards for adding permitted events for event wagering.
- F. Promptly, but no later than ten (10) business days after entering a Tribal-State compact or compact amendment with another Wisconsin Indian Tribe, or entering an agreement with another Wisconsin Indian Tribe, or agreeing to minimum internal

control standards with another Wisconsin Indian Tribe, which address permitted events for event wagering and/or permitted locations for remote wagering and/or procedures for adding permitted events for event wagering, the State shall provide written notice to the Tribe together with a copy of such compact, compact amendment, agreement, and/or minimum internal control standards.

Both the Tribe and the State have legitimate interests in protecting the integrity of events subject to event wagering.

9. Existing Sections XIX through XXIX are renumbered as Sections XX through XXX and all cross-references to these Sections and their subparts in the Compact are renumbered to conform with this renumbering.

10. Existing Section XXIX (now Section XXX), Notices, is amended as follows:

- a. The following sentence is added to the end of the Section below the addresses:

The Tribe shall also send by email to DOAGaming@wisconsin.gov a copy of each notice it serves on the Governor, or such other email or mailing address as the Department may specify.

11. Section XXXIII, Payment to the State, is amended as follows:

- a. Subsection B is amended as follows:

- i. Paragraph B.2. is amended as follows:

1. The first three sentences are deleted, which start with “Net win shall mean . . .” and end with “. . . of the following year.”
2. In the final sentence, after “January 30 thereafter”, the following text is inserted “(the “Payment Date”).

- ii. In paragraph B.11., in the final sentence, the apostrophe is deleted from the word “its”.

- iii. New paragraph B.12 is created and states:

Beginning with the payment to be made in January 2023, the Tribe may deduct from its annual payment an amount equal to the amount paid by the Tribe in the immediately preceding Tribal Fiscal Year for law

enforcement services, including but not limited to the Tribe's Police Department and Jail, up to a maximum deduction of \$200,000 per Tribal Fiscal Year. To establish the amount of the deduction the Tribe shall provide to the State documents evidencing the level of Tribal funds appropriated by the Tribe in its annual budget to fund these programs, and documents from the Tribal general ledger recording the expenditures for these programs. This paragraph B.12. is conditioned on Public Law 83-280, 67 Stat. 588 ("P.L. 280") being inapplicable to the Menominee Reservation. If at any time P.L. 280 is made applicable to the Menominee Reservation, this paragraph B.12. shall be null and void and of no effect.

- b. Subsection C is amended as follows:
 - i. In the opening sentence of the subsection, "subsec. A" is deleted and replaced with "subsec. B".
 - ii. In paragraph C.10., the first sentence is deleted.
- c. The existing text of subsection E is deleted and replaced with the following text:

In the event that a natural or human-made disaster renders impossible the operation of fifty (50) percent or more of the Class III electronic games of chance operated by the Tribe under this Compact for a period of fourteen (14) consecutive days or more (the "Closure Period"), the Payment Date for each State Fiscal Year during which all or a portion of the Closure Period occurs shall be extended and the Nation's Annual Payment shall be reduced as set forth in this section. For purposes of clarity, the Tribe's decision to reduce operations at its gaming facilities in response to a public health emergency shall be deemed a disaster for purposes of this section.

- 1. To invoke the provisions of this subsection, prior to the Payment Date of each State Fiscal Year in which the disaster occurs the Tribe shall provide the State with written notice describing the nature of the disaster and the number of Class III electronic games of chance that ceased operation.
- 2. The Tribe's Annual Payment for each State Fiscal Year during which all or a portion of the Closure Period occurs shall be reduced by a percentage equal to the percentage decrease in the Net win for the Tribal Fiscal Year in which the Closure Period occurred compared with the Net win for the previous Tribal Fiscal Year.

3. The Tribe's Annual Payment shall be due on or before 60 days from the end the Tribal Fiscal Year in which the Closure Period occurred.

For all Closure Periods, the State and Nation shall meet to discuss the possibility of providing the Nation additional assistance in light of the severity of the disaster.

12. Existing Sections XXXIX through XLII are renumbered as Sections XXXVI through XXXIX and all cross-references to these Sections and their subparts in the Compact are renumbered to conform with this renumbering.

13. Existing Section XXXIX (now Section XXXVI), Special Provisions for Off-Reservation Facility, is amended as follows:

- a. Subsections B and C are re-lettered as subsections A and B.

14. Existing Section XLII (now Section XXXIX), Minimum Internal Controls Standards, is amended as follows:

- a. New subsection E is created and states:

Minimum Internal Control Standards for Event Wagering and Remote Wagering. Notwithstanding anything in this Section to the contrary, the creation and amendment of minimum internal control standards for event wagering and remote wagering shall be governed exclusively by this subsection E. Except as otherwise provided in Section XIX, amendments to minimum internal control standards relating to event waging or remote wagering shall be made only by mutual agreement of the Tribe and the State. The Tribe may propose amendments to the Tribe's minimum internal control standards governing event wagering or remote wagering at any time. The Tribe and the State shall enter into good faith negotiations regarding such proposed amendments, except that the State shall have no obligation to negotiate regarding proposed amendments to minimum internal control standards governing events occurring in Wisconsin or involving Wisconsin teams that do not occur on land owned by the Tribe or held in trust for the Tribe by the federal government. Disputes regarding the obligation to negotiate in good faith under this provision shall be resolved under the provisions of Section XXIV.

- b. Existing subsection E is deleted and all of its text is moved to new Section XL as described in paragraph 15 below.

15. New Section XL is created and its text consists of the text moved from existing subsection XLII.E., except as amended as follows:


- a. The existing title, "Regulatory requirements . . . and records.", is deleted and replaced with: "DATA REPORTING."
- b. Existing paragraph XLII.E.1. is amended to be subsection XL.A.
- c. Existing paragraph XLII.E.2. is amended to be subsection XL.B., and within its text "XLII.D." is deleted and replaced with "XXXIX.D."
- d. Existing paragraph XLII.E.3. is amended to be subsection XL.C. and its text is deleted and replaced with the following:

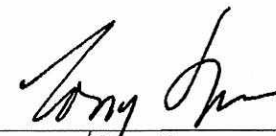
The Tribe shall submit the following to the Department on a monthly basis, in an electronic format mutually agreed upon by the State and the Tribe, not later than fourteen (14) days after the conclusion of each calendar month:

- 1. Daily revenue information for table games: type of table game, table number, shift, opening inventory, fills, credits, adjustments, closing inventory, drop, and win/loss; and
- 2. Daily revenue information for event wagering: the total amount of all wagers received less voided or canceled wagers and amounts paid out for winning wagers and the total amount of the write on events or games that occur during the month or will occur in subsequent months, less gaming payouts.


Dated this 22nd day of July, 2022

Dated this 8th day of August, 2022

By: 
 Ronald J. Corn, Sr.
 Chairperson, Menominee Tribal Legislature

By: 
 Governor Tony Evers

APPROVED:


 Bryan Newland
 Assistant Secretary --Indian Affairs

DATE: SEP 30 2022

CERTIFICATION OF THE GOVERNOR OF WISCONSIN
regarding
2022 AMENDMENTS TO THE
MENOMINEE INDIAN TRIBE OF WISCONSIN AND
THE STATE OF WISCONSIN GAMING COMPACT OF 1992

In accordance with the procedures for submission of Tribal-State Gaming Compacts, as specified in 25 C.F.R. 293.8(c), I hereby certify that, pursuant to the authority granted to me by Section 14.035 of the Wisconsin Statutes, I am duly authorized under Wisconsin law to enter into the 2022 Amendments to the Menominee Indian Tribe of Wisconsin and the State of Wisconsin Gaming Compact of 1992.

By: 

Tony Evers
Governor

Date: 8/9/2022