



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE AUTHORIZATION TO DEDUCT AMOUNTS FROM ANNUAL GAMING COMPACT PAYMENT IN FISCAL YEAR 2011-12 FOR TRIBAL LAW ENFORCEMENT CENTER

RESOLUTION 01-17-12 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, pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS**, Article V, Section 2(a) of the Ho-Chunk Nation Constitution ("Constitution") gives the Ho-Chunk Nation Legislature ("Legislature") the power to make laws, including codes, ordinances, resolutions, and statutes; and
- WHEREAS**, Article V, Section 2(b) of the Constitution grants the Legislature the power to establish Executive Departments, and to delegate legislative powers to the Executive branch to be administered by such Departments, in accordance with the law; any Department established by the Legislature shall be administered by the Executive; the Legislature reserves the power to review any action taken by virtue of such delegated power; 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(i) of the Constitution authorizes the Legislature to negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals; and
- WHEREAS**, the Nation entered into a Gaming Compact with the State of Wisconsin in 1992 and has amended said Compact at various times over the years, the most recent of which taking place in 2008 (known as the Third Amendment to the Gaming Compact); 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, under Paragraph 8 of the Third Amendment to the Gaming Compact, subsections XXXIV.C. 2 through 6 of the Compact were created under the heading of “Credits;” and

WHEREAS, subsection XXXIV.C. 2 of the “Credits” provisions allows the Nation to deduct certain amounts from its Annual Payment to the State of Wisconsin under the Compact for public works projects, with certain restrictions, beginning in May 2010; and

WHEREAS, in taking this deduction, subsection XXXIV.C.2 requires that the Nation consult with the State regarding which public works projects qualify for the deduction prior to initiating the projects (though the Nation does not need the prior consent of the State); and

WHEREAS, the Nation is in the planning, development and discussion phases of a Law Enforcement Center Project, which will be located on Ho-Chunk tribal lands, but intended to benefit both the Nation and surrounding local government(s); and

WHEREAS, the Nation received federal grant funding approval for development of such Law Enforcement Center, including a matching contribution from the Nation; and

WHEREAS, the Legislature finds that such a Law Enforcement Center is intended to benefit both the Nation and State, including its political subdivisions and, therefore, Ho-Chunk Nation payments made toward such a project qualify for credit under Paragraph 8 of the Third Amendment to the Gaming Compact, subsection XXXIV.C. 2; and

WHEREAS, the Legislature finds that the Nation’s estimated costs toward such Law Enforcement Center public works improvements will amount to \$650,000 in Fiscal Year 2011-2012;

NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority and the terms of the Nation’s Gaming Compact, hereby authorizes a Gaming Compact deduction of the total amount of the Nation’s costs associated with the Law Enforcement Center project (\$650,000.00) from the Nation’s Annual Payment to the State;

BE IT FURTHER RESOLVED that the Nation, through its Legislature, President, Attorney General, Legislative Counsel, designated counsel and appropriate staff, shall consult with the State of Wisconsin regarding the above public works projects and the Nation’s intention to deduct the associated costs from the Tribe’s Annual Payment to the State.

CERTIFICATION

I, the undersigned, as Tribal Secretary of 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 **17th day of January, 2012**, adopted the foregoing resolution at said meeting by an affirmative vote of **9 members, 0 opposed, and 2 abstaining**, pursuant to the 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 the foregoing 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 B. Smith, Tribal Secretary

January 17, 2012

Date