



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE ADOPTION OF AMENDMENTS TO AMENDED AND RESTATED GAMING ORDINANCE (5 HCC §1) RESOLUTION 1-28-08 D

- 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(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 to authorize expenditures by law and appropriate funds to the various Departments in an annual budget; and
- WHEREAS,** Article V, Section 2(e) of the Constitution grants the Legislature the power to raise revenue, including the power to levy and collect taxes and license fees; 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(g) of the Constitution grants the Legislature the authority to set its own procedures, select its officers, and to enact laws governing attendance of its members, including penalties for absences; 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(l) of the Constitution grants the Legislature the power to enact laws to manage, lease, permit, or otherwise deal with the Nation's lands, interests in lands or other assets; and
- WHEREAS,** Article V, Section 2(r) of the Constitution grants the Legislature the power to protect and foster Ho-Chunk religious freedom, culture, language, and traditions; and

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WHEREAS, Article V, Section 2(s) of the Constitution grants the Legislature the power to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Ho-Chunk Nation; 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, 25 U.S.C. §§2710 (b) & (d) provide that one requirement of an Indian tribe conducting Class II and Class III gaming on its land is for the gaming to be authorized by a Resolution or Ordinance that is approved by the Chairman of the National Indian Gaming Commission; and

WHEREAS, 25 U.S.C. §2712 provides that any Amendment to a Tribal Gaming Ordinance or Resolution shall not be effective until the Chairman of the National Indian Gaming Commission has approved it; and

WHEREAS, The Legislature has adopted an Amended and Restated Gaming Ordinance (5 HCC §1) (hereinafter "Gaming Ordinance") of the Ho-Chunk Nation, with the most recent currently effective Amendment adopted by Legislative Resolution 8/3/05B; and

WHEREAS, Section 105 of the currently effective Gaming Ordinance provides that in order for the Ordinance to be amended it requires "an affirmative vote of eight (8) members of the Legislature at any time at a duly called meeting at which a quorum is present."

WHEREAS, The Legislature adopted proposed Amendments to the Gaming Ordinance on December 19, 2007; and

WHEREAS, The NIGC raised concerns with two provisions of the proposed Gaming Ordinance adopted by the Legislature at its December 19, 2007 session; and

NOW THEREFORE BE IT RESOLVED, that the Legislature pursuant to its Constitutional authority hereby Amends the Gaming Ordinance to address the two concerns raised by the NIGC.

BE IT FURTHER RESOLVED, that the Amendments to the Gaming Ordinance approved by the Legislature at its December 19, 2007, session and these proposed Amendments shall only be effective upon the approval of the Chairman of the National Indian Gaming Commission.

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 **28th day of January, 2008**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **9 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.



Elliott Garvin, Tribal Secretary

1-28-08

Date