



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 2012-2013
FOR NIIKUUSRA COMMUNITY SCHOOL**

RESOLUTION 04-08-13B

- 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
- 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

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W9814 Airport Road P.O. Box 667 Black River Falls, WI 54615
(715) 284-9343 Fax (715) 284-3172 (800) 294-9343

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 Nekoosa School District has granted a charter to the Niikuusra Community School; and

WHEREAS, the Nation has financially supported the Niikuusra Community School in the past and would like to continue to support the School; and

WHEREAS, the Nekoosa School District has Ho-Chunk Nation communities located within its boundaries; and

WHEREAS, the Niikuusra Community School is open to all students, Ho-Chunk members and non-Ho-Chunk members, who reside within the Nekoosa School District and to students who reside outside of the Nekoosa School District through the Wisconsin Open Enrollment Program; and

WHEREAS, the Legislature finds that the Nekoosa School District and the Niikuusra Community School serves 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 a contribution by the Nation to the Nekoosa School District in the amount of \$564,511.00 for the Niikuusra Community School for Fiscal Year 2012-2013 would be appropriate;

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 amount of the Nation's contribution of \$564,511.00 to the Nekoosa School District for the Niikuusra Community School from the Nation's Annual Payment to the State for Fiscal Year 2012-2013;

BE IT FURTHER RESOLVED that the Nation, through its Legislature, President, Attorney General, Legislative Counsel, designated counsel and appropriate staff, may consult with the State of Wisconsin regarding the above county project 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 certifies that the Legislature of the Ho-Chunk Nation, composed of 13 members of whom 10 constituting a quorum were present at a meeting duly called and convened and held on the 8th day of April, 2013, that the foregoing resolution was adopted at said meeting by an affirmative vote of 7 members, 2 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

April 8, 2013
Date

