



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

**HO-CHUNK NATION LEGISLATURE
APPROVE AND ENACT THE BUSINESS SITE LEASING POLICY
PURSUANT TO THE HEARTH ACT**

RESOLUTION 12-17-13F

- WHEREAS,** on November 1, 1994, the United States Secretary of Interior approved a new Constitution of the Ho-Chunk Nation, formerly known as the Wisconsin Winnebago Nation; 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 Constitution of the Ho-Chunk Nation grants the Legislature to make laws, including codes, ordinances, resolutions, and statutes; and
- WHEREAS,** Article V, Section 2(k) of the Constitution grants the Legislature the power to acquire or purchase lands for the benefit of the Nation and its members; 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(o) of the Constitution grants the Legislature the power to enact laws to regulate and zone any lands within the jurisdiction of the Ho-Chunk 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,** the Nation currently exercises authority to lease its lands, when appropriate, by Legislative approval and/or upon approval by the Bureau of Indian Affairs ("BIA"); and
- WHEREAS,** in July 2012, the Helping Expedite and Advance Responsible Tribal Homeownership Act of 2012 ("HEARTH Act") was adopted to establish a process by which Indian tribes can approve their own surface land leases without needing BIA approval of each lease; and
- WHEREAS,** under the HEARTH Act, tribes, at their discretion, may develop and implement regulations governing leasing on tribal trust lands upon approval of the Secretary of the Interior that are consistent with any regulations issued by the Secretary under 25 U.S.C. § 415(a); and

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WHEREAS, the Legislature finds it appropriate for the Nation to consider the development of its own laws and/or regulations applicable to leasing tribal trust lands, so that it may assume greater sovereign control of leasing for, but not limited to, residential, governmental, and business purposes.

NOW, THEREFORE, BE IT RESOLVED, that the Legislature, pursuant to its authority under the Constitution and tribal law, has reviewed the Business Site Leasing Policy attached hereto and hereby approves and enacts the Business Site Leasing Policy; and

BE IT FURTHER RESOLVED, that the Legislature hereby authorizes the President to execute and deliver the Business Site Leasing Policy to the United States Department of Interior for review and approval pursuant to the HEARTH Act.

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 **12** constituting a quorum were present at a meeting duly called and convened and held that on the **17th day of December, 2013**, adopted the foregoing resolution at said meeting by an affirmative vote of **12 members, 0 opposed, and 0 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.

Kathleen Lone Tree-Whiterabbit
Kathleen Lone Tree-Whiterabbit, Tribal Secretary

12.17.13
Date