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**SISSETON-WAHPETON SIOUX TRIBE
CHAPTER 72**

**SPECIAL INTERPRETIVE ORDINANCE
ON THE AUTHORITY OF THE SISSETON-WAHPETON SIOUX TRIBE
TO ISSUE BONDS**

**Subchapter 1
General Provisions**

72-01-01 Title and Purpose

It being necessary to strengthen the government of the Sisseton-Wahpeton Sioux Tribe by exercising the specific grant of authority contained in Article VII, Sections 1(g) of the Sisseton-Wahpeton Sioux Tribe Revised Constitution and Bylaws to take any action by ordinance, resolution, or otherwise which are reasonably necessary through committees, boards, agents or otherwise, in order for the Tribe to efficiently and effectively exercise its confirmed inherent sovereignty and governmental responsibilities and enhance the general well-being of members of the Tribe and others within the jurisdiction of the Tribe, the Tribe hereby adopts this Chapter 72, the Sisseton-Wahpeton Sioux Tribe 1998 Special Interpretive Ordinance on the authority of the Sisseton-Wahpeton Sioux Tribe to issue bonds.

72-02-01 Jurisdiction

In accordance with Article I of the Sisseton-Wahpeton Sioux Tribe Revised Constitution and Bylaws, the Council hereby affirmatively declares, asserts, and extends the jurisdiction of the Tribe over all areas within the original exterior boundaries of the Lake Traverse Indian Reservation, as described in Article III of the Treaty of February 19, 1867, that are held by the United States in trust for the Tribe or any individual Indian, all other lands owned by the Tribe or any individual Indian, all allotments covered by 18 U.S.C. § 1151(c), and all dependent Indian Communities within the original boundaries of the Lake Traverse Indian Reservation as defined by 18 U.S.C. § 1151(b), as well as all dependent Indian Communities otherwise deemed to be Indian Country and subject to jurisdiction of the Sisseton-Wahpeton Sioux Tribe.

72-03-01 Severability

If any clause, sentence, paragraph, section, or part of this Special Interpretive Ordinance shall, for any reason be adjudicated by any Court of competent jurisdiction, to be invalid or unconstitutional, such judgment shall be not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which the judgment shall have been rendered.

72-04-01 Continuity of Law

It is hereby declared that the legislative intent of the Sisseton-Wahpeton Sioux Tribal Council is that enactment of the Sisseton-Wahpeton Sioux Tribe 1998 Special Interpretive Ordinance is to affirm and assert the existing powers of the Tribe to issue bonds.

72-05-01 Construction

This Special Interpretive Ordinance shall be interpreted and applied in a manner consistent with all other Codes, Laws, Ordinances, Resolutions, and Regulations of the Sisseton-Wahpeton Sioux Tribe.

72-06-01 Effect of Headings

Headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any portion of this Special Interpretive Ordinance.

72-07-01 Effective Date

The effective date of this Special Interpretive Ordinance shall be the date of adoption by the Council.

**Subchapter 2
Special Provisions**

72-08-01 Special Provisions

This Chapter 72 of the Sisseton-Wahpeton Sioux Tribe Codes of Law is adopted to affirm and assert the authority of the Sisseton-Wahpeton Sioux Tribe to issue bonds, by interpreting its Revised Constitution and Bylaws and analyzing its inherent sovereign powers.

1. The Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation is organized under a Revised Constitution and Bylaws adopted by the members of the Tribe on August 1-2, 1966 and approved by the Commission of Indian Affairs on August 25, 1966; and,
2. Article VII, Section 1, of the Revised Constitution and Bylaws authorizes the Council to: (b) to acquire, own, use, manage, lease and otherwise encumber, and to dispose of tribal property, both real and personal, wherever situated; (c) to engage in any business that will further the economic development of the Tribe and its members, and to use tribal funds or other resources for such purposes; (g) to take any action by ordinance, resolution, or otherwise, which are reasonably necessary through committees, boards, agents, or otherwise, to carry into effect the foregoing purposes; (h) to promote public health, education, charity, and other services as may contribute to the social advancement of the members of the Sisseton-Wahpeton Sioux Tribe; (i) to adopt resolutions regulating the Council, its officials and committees in the conduct of tribal affairs; (k) to promulgate and enforce ordinances governing the conduct of persons under the jurisdiction of the Tribe; and
3. The Sisseton-Wahpeton Sioux Tribe is a federally recognized Indian tribe exercising inherent sovereign authority derived from its status as a separate people existing since time immemorial and all of the Tribe's sovereign authority, including the issuance of bonds for governmental purposes, shall forever exist unless expressly divested by Congress; and
4. Congress has not expressly or impliedly limited or divested the Tribe from undertaking the governmental action of issuing bonds for the development of its infrastructure and buildings; in fact, Congress has only encouraged self-governance and economic development; and
5. The Sisseton-Wahpeton Sioux Tribe adopted a Revised Constitution and Bylaws in 1966 that expressly establishes the Council as the legislative body of the Tribe and empowering the Council with the authority, among other things, to "acquire, own, use, manage, lease and otherwise encumber, and to dispose of tribal property, both real and personal, wherever situated,"

and to "promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Sisseton-Wahpeton Sioux Tribe"; and

6. The Tribe recognizes and exercises all inherent powers not specifically set forth in the Revised Constitution and Bylaws and which are possessed by the Tribe as a sovereign entity; and
7. Not all of the sovereign powers existing in the Sisseton-Wahpeton Sioux Tribe are contained in the Tribe's Revised Constitution and Bylaws; and
8. The Council's express power to acquire and dispose of tribal property and to promote educational services to benefit tribal members carries with it the authority to execute these express powers by the appropriate means, as chosen by the designated legislative body representing all of the members of the Tribe.
9. Therefore, the Council hereby determines, asserts, and proclaims that the Sisseton-Wahpeton Sioux Tribe, as a sovereign government and a federally recognized Indian tribe, acting through the Council, in exercising its governmental duty to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Sisseton-Wahpeton Sioux Tribe, and in exercising the confirmed inherent sovereignty of the Tribe and its governmental responsibilities to enhance the general well-being of members of the Tribe and others within the jurisdiction of the Tribe, possesses the authority, by express Constitutional delegation and by virtue of the inherent sovereign powers of the Tribe, to issue bonds of all types by resolution in order to acquire, construct, finance, operate and maintain public improvements of the Tribe as may from time to time be designated by the Sisseton-Wahpeton Sioux Tribal Council.



Sisseton - Wahpeton Sioux Tribe

LAKE TRAVERSE RESERVATION

OLD AGENCY BOX 509 • AGENCY VILLAGE, SOUTH DAKOTA 57262-0509
PHONE: (605) 698-3911

TRIBAL COUNCIL RESOLUTION NO. SWST-98-160

Chapter 72 – Special Interpretive Ordinance to Issue Bonds

WHEREAS, The Sisseton-Wahpeton Sioux Tribe is organized under a Constitution and By-laws adopted by the members of the Tribe on August 1-2, 1966, and approved by the Commissioner of Indian Affairs on August 25, 1966; and,

WHEREAS, The Constitution and By-laws ARTICLE VII, Section 1, that the Tribe shall be governed by the Tribal Council, and that the Tribal Council shall have the power to: (a) represent the Tribe in all negotiations with federal, state, and local governments; (c) to engage in any business that will further the economic development of the Tribe and its members and to use tribal funds or other resources for such purposes; (d) to make rules governing the relationship of the members of the Tribe, to Tribal property, and to one another as members of the Tribe; (g) to take actions by ordinance, resolution or otherwise which are reasonably necessary, through committees, boards, agents, or otherwise, to carry into effect the foregoing purposes; (h) to promote public health, education, charity and other services as may contribute to the social advancement of the members of the Sisseton-Wahpeton Sioux Tribe; and, (i) to adopt resolutions regulating the procedures of the Tribal Council, its officials and committees in the conduct of the Tribal Affairs; and,

WHEREAS, Tribal Council has determined it is necessary to enact a Sisseton-Wahpeton Sioux Tribe Special Interpretive Ordinance interpreting the Revised Constitution and By-laws and the Tribe's inherent sovereign powers to issue bonds of all types; and,

WHEREAS, Adoption of a Special Interpretive ordinance will affirm and assert that the Tribe, as a sovereign government and a federally recognized Indian Tribe, acting through the Tribal Council, in exercising its governmental duty to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Sisseton-Wahpeton Sioux Tribe, and in exercising the confirmed inherent sovereignty of the Tribe and its governmental responsibilities to enhance the general well-being of members of the Tribe and others within the jurisdiction of the Tribe, possesses the authority, by express powers of the Tribe, to issue bonds of all types by resolution in order to acquire, construct, finance, operate and maintain public improvements of the Tribe as may, from time to time, be designated by the Sisseton-Wahpeton Sioux Tribal Council.

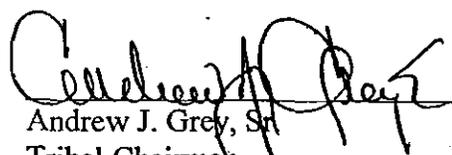
NOW, THEREFORE, BE IT RESOLVED, That the Tribal Council of the Sisseton-Wahpeton Sioux Tribe hereby approves and adopts Chapter 72 of the Sisseton-Wahpeton Sioux Tribe Codes of Law to serve as the Sisseton-Wahpeton Sioux Tribe's Special Interpretive Ordinance on the Tribe's ability to issue bonds of all types by resolution in order to acquire, construct, finance, operate and maintain public improvements of the Tribe as may from time to time be designated by the Sisseton-Wahpeton Sioux Tribal Council; and,

FINALLY, BE IT RESOLVED, That the Sisseton-Wahpeton Sioux Tribe's Special Interpretive Ordinance shall be come effective upon adoption, and shall govern all activities now and hereafter conducted on lands owned, presently and in the future, by the Tribe or land owned by the United States on behalf of the Tribe and within the Tribe's jurisdiction.

CERTIFICATION

We, the undersigned duly elected Chairman and Secretary of the Sisseton-Wahpeton Sioux Tribal Council, do hereby certify that the above resolution was duly adopted by the Sisseton-Wahpeton Sioux Tribal Council, which is composed of 10 members, (representing a total of 15 Tribal Council weighted votes) of whom 9 constituting a quorum, were present at a Tribal Council meeting, duly noticed, called, convened and held at the TiWakan Tio Tipi, Agency Village, South Dakota, October 26, 1998, by a vote of 13 for, 0 opposed, 0 abstained, 0 absent from vote, 3 not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 26th of October, 1998.


Andrew J. Grey, Sr.
Tribal Chairman
Sisseton-Wahpeton Sioux Tribe

ATTEST:



Darrell Quinn, Sr.
Tribal Secretary
Sisseton-Wahpeton Sioux Tribe

cc: TZTS
Judicial Committee
Tribal Court
Constitution Revision Committee

