



# HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

## HO-CHUNK NATION LEGISLATURE ESTABLISHMENT OF TRIBAL LAND LEASE WORKGROUP

### RESOLUTION 02-19-13I

- 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
- 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; and
- WHEREAS,** the Ho-Chunk Nation *Legislative Organization Act*, 2 HCC §11, ("LOA") provides in Section 10 that an internal Work Group or Task Force may be established in order to assist the Legislature by providing information necessary to carry out Legislative law-making and oversight functions; 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,** the Nation's *Open Meetings Act*, 2 HCC §2, contemplates that a Work Group or Task Force will be used as a temporary, short-term ad hoc body established by a governmental entity for a focused effort on a specific issue; and

**WHEREAS,** the LOA does not restrict Legislator(s) participation in a Ho-Chunk government task force(s) as an ex officio member when appointed by the Legislature, and

**WHEREAS,** the Legislature deems it necessary to form a workgroup in order to review the application of the HEARTH Act of 2012, and any applicable law such as 25 U.S.C. § 415(a), to the leasing practices and needs of the Ho-Chunk Nation in order to develop and implement tribal laws or regulations that assumes tribal control of leasing;

**NOW, THEREFORE, BE IT RESOLVED,** that the Legislature, pursuant to its authority under the Constitution and tribal law, hereby establishes the Tribal Land Lease work group, consisting of: any interested Legislators, or other Legislative employees or staff designated by Legislators; and any Executive Branch employees or staff so authorized to participate by the Office of the President;

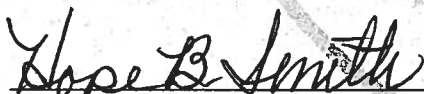
**BE IT FURTHER RESOLVED** that the workgroup shall report on their activity and progress to the Legislature after each meeting; and

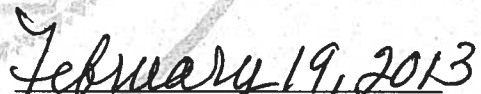
**BE IT FURTHER RESOLVED,** that the workgroup created herein shall not be considered a Public Body under the HCN Open Meetings Act and shall be not be required to adhere to Quorum or meeting posting requirements; and

**BE IT FURTHER RESOLVED,** that the Tribal Land Lease workgroup is authorized to begin meeting after adoption of this resolution.

#### 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 that on the 19<sup>th</sup> day of February, 2013, adopted the foregoing resolution at said meeting by an affirmative vote of 11 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.

  
\_\_\_\_\_  
Hope B. Smith, Tribal Secretary

  
\_\_\_\_\_  
Date