



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE PLACING PROPOSED AMENDMENTS TO THE HO-CHUNK NATION *CLAIMS AGAINST PER CAPITA ORDINANCE* (2 HCC § 8) OUT FOR FORTY-FIVE DAY PUBLIC COMMENT

RESOLUTION 03-06-13F

- 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(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(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 Ho-Chunk Nation Legislature passed the *Legislative Organization Act* (2 HCC § 11); and
- WHEREAS,** the *Legislative Organization Act* (2 HCC § 13) controls the process for amendments to laws of the Nation; and
- WHEREAS,** section 31, subparagraph d (1) (a) of the *Legislative Organization Act* provides that the Public Review period will typically be forty-five days; and

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WHEREAS, the Ethics Review Board proposed several amendments to the Nation's Code of Ethics Act and met Legislators to review such amendments; and

WHEREAS, the Legislature has not yet approved the amendments to the Code of Ethics Act, since the Legislature wanted to determine a method for allowing a claim to be made against tribal member per capita payments when persons covered by the Code of Ethics Act are found to have violated such Act;

WHEREAS, the Legislature has determined that it is more appropriate to amend the Claims Against Per Capita Ordinance in order to provide an incentive to comply with the Nation's Code of Ethics Act for those persons covered;

NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority places the Nation's Claims Against Per Capita Ordinance out for forty-five day public comment, and also proposes that the following amendment be considered during the public comment period:

Claims Against Per Capita Ordinance

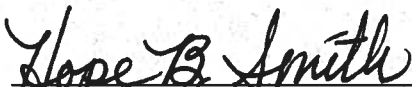
5. Permitted Claims Against Per Capita Shares

a. The following claims shall be recognized and enforced by the Nation against a Per Capita Share at the time of Payment of the Per Capita Distribution of which it is a part and prior to the distribution of such Per Capita Share to a Tribal Member:

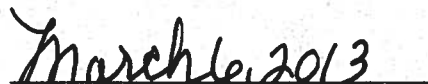
(6) Any fine issued by the Ho-Chunk Nation Ethics Review Board for violations of the Code of Ethics Act.

CERTIFICATION

I, the undersigned, as Tribal Secretary, 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 on the **6th day of March, 2013**, approved the foregoing resolution, which was adopted at said meeting by an affirmative vote of **11 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.



Hope B. Smith, Tribal Secretary



Date