



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

**HO-CHUNK NATION LEGISLATURE
AUTHORIZATION TO PLACE PROPOSED AMENDMENT TO
HOME OWNERSHIP AND BENEFIT HOUSING PROGRAM
FOR THE GENERAL WELFARE OF NON-ELDERS ACT (8 HCC § 5)
OUT FOR FORTY-FIVE DAY PUBLIC COMMENT**

RESOLUTION 04-08-14C

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(h) of the Constitution grants the Legislature the power to enact all laws prohibiting and regulating conduct, and imposing penalties upon all persons within the jurisdiction of the Nation; and

WHEREAS, Article V, Section 2(i) of the Constitution grants the Legislature the power to negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals; and

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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(m) of the Constitution grants the Legislature the power to enact laws to prevent the sale, disposition, or encumbrance of Ho-Chunk lands, or other Ho-Chunk assets; and

WHEREAS, Article V, Section 2(p) of the Constitution grants the Legislature the power to enact laws to create and regulate a system of property including but not limited to use, title, deed, estate, inheritance, transfer, conveyance, and devise; and

WHEREAS, Article V, Section 2(s) of the Constitution grants the Legislature the power to promote public health, education, charity, and such other services as may contribute to the social advancement of the members 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 Ho-Chunk Nation Legislature passed the *Legislative Organization Act* (2 HCC § 11), which was last amended on May 3, 2011; and

WHEREAS, the *Legislative Organization Act* provides the procedures for enacting or amending a Ho-Chunk Nation law; and

WHEREAS, Section 31, subparagraph d (1) (a) of the Legislative Organization Act provides that the Public Review period for consideration of proposed laws or amendments will typically be forty-five (45) days; and

WHEREAS, the Housing Committee considered changes to provisions of the *Home Ownership and Benefit Housing Program for the General Welfare of Non-Elders Act* (8 HCC § 5) concerning the Adam Walsh Act and sought the input of the full Legislature beginning on August 20, 2013; and

WHEREAS, on November 5, 2013, the Legislature referred the issue of changes to the *Home Ownership and Benefit Housing Program for the General Welfare of Non-Elders Act* (8 HCC § 5) concerning the Adam Walsh Act back to the Housing Committee; and

WHEREAS, on March 20, 2014 the Housing Committee approved recommending to the Legislature revisions to the *Home Ownership and Benefit Housing Program for the General Welfare of Non-Elders Act* (8 HCC § 5) concerning the Adam Walsh Act that address the unconstitutionality and inequality of certain provisions.

NOW, THEREFORE, BE IT RESOLVED, that the Legislature, pursuant to its Constitutional authority, places the following proposed amendments to the *Home Ownership and Benefit Housing Program for the General Welfare of Non-Elders Act* (8 HCC § 5), out for forty-five (45) day public comment, to run from the date the proposed amendments are posted on the Nation's website:

7.c.(8) Restriction on Sex Offender.

- (a) Have never been required to register as a sex offender, pursuant to the requirements of 42 U.S.C. § 16913 or any subsequent amendment to the federal legislation commonly known as the Adam Walsh Act.
- (b) If after the date of the enactment (10-02-07) of paragraph 7. c. (8) (a) an individual commits an offense that requires registration as indicated in paragraph 7. c. (8) (a), the individual shall not be eligible for any further housing services provided by this Act ~~and such individual will be evicted from his or her HOP residence.~~

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 8th day of April, 2014, that the foregoing resolution was adopted at said meeting by an affirmative vote of 9 members, 2 opposed, and 1 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

4.8.14
Date