



## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

### HO-CHUNK NATION LEGISLATURE PLACING PROPOSED AMENDMENTS TO THE *EMPLOYMENT RELATIONS ACT (6 HCC § 5) REGARDING THE NATION'S RIGHT TO WORK LAW OUT FOR FORTY-FIVE DAY PUBLIC COMMENT*

#### RESOLUTION 04-22-14J

**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

#### **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 *Legislative Organization Act* (2 HCC § 13) controls the process for amendments to laws of the Nation; and

**WHEREAS,** section 30, subparagraph d (1) (a) of the *Legislative Organization Act* provides that the Public Review period will typically be forty-five days; and

**WHEREAS,** the Legislature set various terms and conditions of employment with the Nation by adopting the Nation's Employment Relations Act ("ERA") on December 9, 2004 (effective on January 31, 2005); and

**WHEREAS,** the ERA is codified into Ho-Chunk law as 6 HCC § 5 and has been updated and amended from time to time, by Legislative action; and

**WHEREAS,** the Legislature created a Workgroup to review and update the ERA, and has been meeting several months; and

**WHEREAS,** one proposal from the Workgroup is to consider separating existing Chapters of the ERA into different subsections, adopted separately but still valid legal enactments, as part of the ERA; and

**WHEREAS,** one such Chapter considered for this treatment is the Nation's Right to Work law, currently within Chapter I of the ERA; and

**WHEREAS,** the Legislature finds it appropriate to further consider the separation of the Nation's Right to Work law into a subsection of the ERA, by amending the ERA and created Subsection 3.

**NOW THEREFORE, BE IT RESOLVED** that the Legislature, pursuant to its Constitutional authority places the Nation's Right to Work law out for forty-five day public comment as Subsection 3 of the ERA and an amendment to the ERA.

#### CERTIFICATION

I, the undersigned, as Tribal Secretary, hereby certify that the Legislature of the Ho-Chunk Nation, composed of 13 members, of whom 10 constituting a quorum were present at a meeting duly called and convened and held on the 22<sup>nd</sup> day of April, 2014, approved the foregoing resolution, which was adopted at said meeting by an affirmative vote of 10 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.

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

4.22.14  
Date