



## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

### HO-CHUNK NATION LEGISLATURE ENACTMENT OF HO-CHUNK DISABILITY CODE (4 HCC §13)

#### RESOLUTION 06-18-13B

- 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(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(r) of the Constitution grants the Legislature the power to protect and foster Ho-Chunk religious freedom, culture, language, and traditions; 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(t) of the Constitution grants the Legislature the power to enact laws governing law enforcement on lands within the jurisdiction of the Nation; and
- WHEREAS,** Article V, Section 2(u) of the Constitution grants the Legislature the power to enact laws to regulate domestic relations of person within the jurisdiction of the 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

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**WHEREAS,** the Legislature enacted the *Legislative Organization Act* (2 HCC § 11) by Legislative Resolution 2/13/01D; and

**WHEREAS,** The *Legislative Organization Act* 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

**WHEREAS,** the Ho-Chunk Disability Code recognizes that there are enrolled Ho-Chunk tribal members who have physical, cognitive and sensory impairments who may require assistance and defines those who are considered to have a disability for program purposes; and

**WHEREAS,** the Ho-Chunk Nation Legislature created the Elder/Disabled Insurance Workgroup on December 21, 2010; and

**WHEREAS,** the Legislature passed resolution 03-06-13N to place the Ho-Chunk Disability Code out for 45-day comment; and

**WHEREAS,** two (2) comments were received and the Workgroup has incorporated them within the body of the proposed Ho-Chunk Disability Code since the comments did not change the purpose or focus of the code from the original draft; and

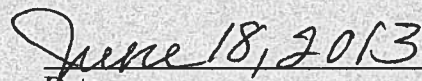
**WHEREAS,** the legislative procedure for drafting legislation has been met and the Ho-Chunk Disability Code is ready for passage;

**NOW THEREFORE, BE IT RESOLVED** that the Legislature, pursuant to its Constitutional authority, enacts the attached Ho-Chunk Disability Code (4 HCC § 13).

#### 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 on the **18<sup>th</sup> day of June, 2013**, adopted the foregoing resolution at said meeting by an affirmative vote of **10 members, 0 opposed, and 2 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

  
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Date