



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE AUTHORIZATION TO PLACE PROPOSED AMENDMENTS TO THE HO-CHUNK NATION OCCUPATIONAL SAFETY AND HEALTH PROGRAM ACT OUT FOR PUBLIC COMMENT

RESOLUTION 07-08-14AA

WHEREAS, on November 1, 1994, the Secretary of the Interior approved a new Constitution for 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 and established pursuant to the Indian Reorganization Act of 1934; and

WHEREAS, the Ho-Chunk Nation Legislature ("Legislature") is the duly constituted governing body of the Nation pursuant to the Nation's Constitution ("Constitution"); and

WHEREAS, Article V, Section 2(a) of the Constitution of the Ho-Chunk Nation ("Constitution") grants the Legislature the power to make laws, including codes, ordinances, resolutions, and statutes; and

WHEREAS, Article V, Section 2(f) of the Constitution of the Ho-Chunk Nation ("Constitution") grants the Legislature the power to set salaries, terms and conditions of employment for all governmental personnel; 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(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

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WHEREAS, the Ho-Chunk Nation Legislature passed the *Legislative Organization Act* (2 HCC § 11), which was last amended on January 21, 2014; and

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

WHEREAS, Section 30, subparagraph k (1) (a) of the *Legislative Organization Act* provides that the Public review period of a law will typically be forty-five (45) day; and

WHEREAS, the Legislature enacted the Occupational Safety and Health Program Act of 2002 (Act) by Resolution 05-20-02E, which set various terms and conditions for occupational safety and health in the Nation's workplace, and last amended the Act on June 8, 2004; and

WHEREAS, the Labor Department (Act) Review Committee met several times to review the Act, discuss and update any necessary revisions to the Act to improve its coverage and application for the Nation and all its entities; and

WHEREAS, the Review Committee included the Department of Labor Safety Division and Executive Director; and

WHEREAS, after final review of the Occupational Safety and Health Program Act, a draft working document, showing proposed amendments, has been created and is ready for distribution to the public for comment; and

WHEREAS, the Nation's Occupational Safety and Health Division has recommended changes to the Act to provide for stricter enforcement of the Nation's Occupational Safety and Health Program; and

WHEREAS, the Legislature finds it appropriate to place the proposed amendments to the Occupational Safety and Health Program Act out for comment pursuant to the procedures of the Legislative Organization Act.

NOW THEREFORE, BE IT RESOLVED, that the Ho-Chunk Nation Legislature, pursuant to its constitutional authority, places the amendments proposed to the Occupational Safety and Health Program Act of 2002 (6 HCC § 8) by the Labor Department Review Committee out for forty-five (45) day public comment, to be posted on the Nation's website.

CERTIFICATION

I, the undersigned, as Tribal Secretary for the Ho-Chunk Nation Legislature, 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 8th day of July, 2014, adopted the foregoing resolution at said meeting by an affirmative vote of 8 members, 1 opposed, and 3 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

7.8.14
Date