



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE ECONOMIC DIVERSIFICATION INITIATIVE THROUGH LEGISLATIVE WORKGROUP ON SEPARATION OF BUSINESS FROM GOVERNMENT

RESOLUTION 07-09-13E

- WHEREAS,** on November 1, 1994, the United States Secretary of Interior approved a new Constitution of 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 pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS,** Article V, Section 2 (a) of the Constitution of the Ho-Chunk Nation grants the Legislature 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(q) of the Constitution grants the Legislature the power to issue charters of incorporation, to charter corporations and other organizations for economic or other purposes, and to regulate their activities; 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 Nation's General Council adopted Resolution 10-11-03I entitled, "Separation of Business Ventures from Government," and directed the Legislature to expedite the organization of a Business Board of Directors in order to fulfill the goals described in the Nation's Ten Year Strategic Plan (approved in May 2002); and
- WHEREAS,** the Nation's Executive Branch and Legislative Branch have taken various steps in the past to generate ideas for the best practices for tribes to separate business from government, in order to maximize revenues, development and security for the tribe and its members; and

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- WHEREAS,** the Ho-Chunk Nation *Legislative Organization Act*, 2 HCC §11, (“LOA”) provides in Section 10 that an internal Work Group or Task Force may be established in order to assist the Legislature by providing information necessary to carry out Legislative law-making and oversight functions; and
- WHEREAS,** in 2009 the Legislature considered the creation of a Workgroup to analyze the benefits of organizing the Nation’s business entities through Section 17 of the Indian Reorganization Act of 1934, but the resolution was defeated through Resolution 11-03-09D; and
- WHEREAS,** though the resolution to create a workgroup for the specific purpose of organization under Section 17 was defeated, the general issue of business separation was referred to the Legislative Development Committee, where a motion was adopted on November 19, 2009 to establish a Legislative workgroup focused on the separation of business from government, with staff participating from the Executive Branch (pursuant to the President’s discretion) and the Legislature Branch (pursuant to the Vice President’s direction), said motion being later ratified by the full Legislature; and
- WHEREAS,** the effort to create a workgroup was put on hold while the Nation’s Business Department studied the potential separation of business from government, including various approaches toward separation, yet leading to incomplete results; and
- WHEREAS,** the Legislature adopted Resolution 2-21-12K to establish a Legislative Workgroup to begin the discussion, again, about the potential for the Ho-Chunk Nation to diversify its economy and separate business from government; and
- WHEREAS,** the Separation of Business from Government Workgroup met from time to time, but was eventually disbanded by the adoption of Resolution 7-17-12F; and
- WHEREAS,** the Legislature adopted Resolution 9-25-12O and approved a Charter of Incorporation for a federally chartered Section 17 Corporation under the Indian Reorganization Act, and filed the same with the Bureau of Indian Affairs for review and approval; and
- WHEREAS,** since the approval of the Section 17 Charter, the Legislature has had meetings with tribal membership to discuss the topic of separation of business from government and the specific model of Section 17; and
- WHEREAS,** the Legislature re-established the Separation of Business from Government Legislative Workgroup on January 8, 2013 to analyze, review and consider the implementation and planning steps for separating tribal business from tribal government, including Section 17; and
- WHEREAS,** the Workgroup has continued to meet, and continued the effort to provide information to tribal membership on the improvement and diversification of the Nation’s economy, including any models of business creation and restructuring that would enhance the Nation’s efforts; and
- WHEREAS,** the Legislature held an off-site meeting on July 8, 2013 to discuss the history, status, and benefits of creating an independent business structure for the Nation that might diversify the Nation’s economy and, specifically, determined that the focus and scope of the effort should be re-focused, then memorialized by resolution;

NOW, THEREFORE, BE IT RESOLVED that the discussion and consideration of Separation of Business from Government is re-characterized and hereafter shall be described instead as economic diversification, the building and expansion of the Nation's tribal economy, and the consideration of business restructuring in order to expand the Nation's sovereignty and provide broader opportunities;

BE IT FURTHER RESOLVED, that the previously established Workgroup on Separation of Business from Government will still analyze, review and consider the implementation and planning steps the economic diversification described above, as it pertains to tribal business and government structuring and organization in a manner that grows and supports the Nation's economy, including consideration of various models for establishing business entities; and

BE IT FURTHER RESOLVED that this initiative will be a standing agenda item on the Legislature's meeting agenda, until further notice; and

BE IT FURTHER RESOLVED that, in order to fully support this economic initiative, a budget will be prepared and presented to the Legislative Finance Committee that includes, but is not limited to, the following: funds to promote and market this initiative; funds to further the discussion and analysis of this initiative through various media forms; and funds for additional staff, if deemed necessary.

CERTIFICATION

I, the undersigned, as Tribal Secretary for the 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 **9th day of July, 2013**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **12 members, 0 opposed, and 0 abstaining**, pursuant to the authority of Article V, Section 2(a) through (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

7.9.13
Date