



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE AUTHORIZATION TO PLACE PROPOSED WISCONSIN CRIMINAL CODE OUT FOR FORTY-FIVE DAY PUBLIC COMMENT

RESOLUTION 08-06-13H

- WHEREAS,** on November 1, 1994, the Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation ("Constitution"), 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 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(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,** 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,** the Legislature adopted the Legislative Organization Act (2 HCC §11) to govern the manner in which the Legislature adopts or amends the laws of the Nation; 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

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WHEREAS, the tribal membership through motions at area meetings have requested the passage of the Wisconsin Criminal Code; and

WHEREAS, there are still infrastructure, including additional personnel, that needs to be put in place for effective enforcement of an entire criminal code; and

WHEREAS, a traffic code was put out for 45 day comment on July 23, 2013; and

WHEREAS, Wisconsin is a P.L. 280 State and therefore state criminal laws are applicable on tribal trust land making it feasible to use the Wisconsin Criminal Code/Traffic Code as a template to developing the Nation's own criminal laws; and

WHEREAS, the Wisconsin Criminal Code is very comprehensive and may contain provisions that are not applicable to the Nation and therefore should be deleted during the public review process; and

WHEREAS, it may be necessary to extend the 45 day comment period in order to complete a full comprehensive review of the code; and

WHEREAS, it may also be necessary to extend the 45 day comment period to ensure that the Nation's Court system has time to develop procedures for handling these cases including the adoption and review of criminal rules of procedure.

NOW THEREFORE BE IT RESOLVED, that the Legislature hereby approves for forty-five (45) day comment, with possible extensions to the review time, the Wisconsin Criminal Code, and that after review and possible amendments are completed the Wisconsin Code will be considered for adoption as Ho-Chunk Nation law.

CERTIFICATION

I, the undersigned, as Secretary for the Ho-Chunk Nation Legislature, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **13 members**, of whom **11** constituting a quorum were present at a meeting duly called and convened and held on the **6th day of August, 2013**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **11 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

8.6.13
Date