



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE AUTHORIZATION TO PLACE PROPOSED ADULT AT-RISK CODE OUT FOR FORTY-FIVE DAY COMMENT

RESOLUTION 09-25-12F

- 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, 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(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

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W9814 Airport Road P.O. Box 667 Black River Falls, WI 54615
(715) 284-9343 Fax (715) 284-3172 (800) 294-9343

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 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 the enactment of Ho-Chunk Nation law; and

WHEREAS, Section 31, subparagraph d(l) (a) of the *Legislative Organization Act* provides that the Legislature may submit a proposed new law, or amendment to law, out for a Public Review period, which will typically be forty-five (45) days; and

WHEREAS, staff from the Nation's Social Services Department, other Executive Branch employees and Legislators have held several meetings as a workgroup to discuss the need to adopt a tribal law that protects the interests of any tribal member adults who may be considered "at risk," or in need of protection and services by the Nation; and

WHEREAS, this workgroup has developed a draft law intended to address, and protect, the interests of tribal member adults who may be in the "at risk" population; and

WHEREAS, the Nation's Social Services Department has identified a need for such a laws, since it would protect tribal member adults, their families and, in turn, the Nation as a whole; and

WHEREAS, the Legislature finds it appropriate to seek public input by placing the draft Adult At-Risk Code out for a forty-five (45) day review and comment period;

NOW THEREFORE BE IT RESOLVED, that the Legislature, pursuant to its Constitutional authority, places the Ho-Chunk Nation Adult At-Risk Code out for forty-five day public comment, to run from the date the proposed amendments are posted on the Nation's website.

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 **7** constituting a quorum were present at a meeting duly called and convened and held that on the **25th day of September, 2012**, adopted the foregoing resolution at said meeting by an affirmative vote of **6 members, 0 opposed, and 1 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 verified copy of said resolution.

Hope B. Smith
Hope B. Smith, Tribal Secretary

September 25, 2012
Date

