



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

DEFEATED

HO-CHUNK NATION LEGISLATURE RESCISSION OF RESOLUTION 08-19-14G AND RE-ESTABLISHMENT OF HO-CHUNK NATION CONSTITUTIONAL REFORM TASK FORCE WITH LIMITED SCOPE OF AUTHORITY

RESOLUTION 10-07-14Q

- 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") gives the Ho-Chunk Nation Legislature ("Legislature") the power to make laws, including codes, ordinances, resolutions, and statutes; and
- WHEREAS**, Article V, Section 2(d) of the Constitution grants the Legislature the power to authorize expenditures by law and appropriate funds to the various Departments in an annual budget; and
- WHEREAS**, Article V, Section 2(i) of the Constitution grants the Legislature the power to negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals; 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

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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, at the Nation's General Council meeting on November 16, 2002, the General Council adopted Resolution 11/19/2002-0001 mandating that the Legislature create a Constitutional Reform Task Force; and

WHEREAS, specifically, the 2002 General Council Resolution assigned the following tasks to the Constitutional Reform Task Force: to incorporate amendments to the Constitution addressing the areas of a Presidential Veto, the Office of the Vice President, term limits, and any other changes as directed by the General Council; and

WHEREAS, the 2002 General Council Resolution also stated that "said Task Force must make its findings known to the Legislature and the Nation by a report due no later than June 1, 2003, with the goal of a Secretarial Election to be held at the next annual."; and

WHEREAS, based on the General Council's Resolution, the Legislature created the Constitutional Reform Task Force ("CRTF") by adoption of Resolution 06-20-07A, and appropriated a Fiscal Year 2007-2008 budget for the CRTF in the amount of \$58,800.00; and

WHEREAS, since 2007, the CRTF continued to meet and discuss the Nation's Constitution, potential amendments, and the process for amending the Nation's Constitution through a Secretarial Election (of the Secretary of the U.S. Department of Interior), and continued to expend funds appropriated by the Legislature to them in an annual budget; and

WHEREAS, the Ho-Chunk Nation held a Secretarial Election, with assistance by the Bureau of Indian Affairs, on August 14, 2012, consider amendments to the Nation's Constitution regarding a Presidential Veto, term limits, the Office of the Vice President and other proposed amendments; and

WHEREAS, since the Legislature found that the CRTF fulfilled its function, as directed by the Nation's General Council, it was determined that the CRTF was no longer necessary; and

WHEREAS, the Legislature adopted Resolution 08-19-14G to dissolve the CRTF since it fulfilled its delegated tasks and in order to unnecessary expense; and

WHEREAS, the tribal members of Legislative District 3 have requested that the Legislature re-establish the CRTF; and

WHEREAS, in order to do so, the Legislature must take action, since the CRTF was not created, nor does it exist, pursuant to direct General Council action.

NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority, hereby rescinds Resolution 08-19-14G and re-establishes the CRTF, consistent with the following limited delegation of authority and oversight:

1. The CRTF must satisfy the mandate of the Nation's General Council and provide a report on its activities and findings to the Legislature and Nation by December 1, 2014. This is consistent with General Council Resolution 11/19/2002-0001 which required the CRTF to "make its findings known to the Legislature and the Nation by a report due no later than June 1, 2003" in anticipation of a Secretarial Election. Though the CRTF occasionally reported on its activities, the Legislature now directs that the CRFT submit a report on its activities and findings from January 1, 2014 to August 2014. Such report is due by December 1, 2014 to the Legislature and President; and

2. The CRTF will provide a copy of its meeting notices and minutes to the Legislature and also report to the Administration Committee of the Legislature at every other meeting of the Committee; and

3. The President and Treasury Department are authorized to oversee and monitor the expenses of the CRTF in order to assist the CRTF with budget expenses and application of required policies; and

4. The focus of the CRTF shall be to review and consider the Nation's Constitution, as well as ideas and concepts to improve and reform the Constitution, except that no consideration shall be given to reforms pertaining to tribal member enrollment, any measures that disenfranchise existing members, or that create different classes of membership in the Nation; and

BE IT FURTHER RESOLVED that the budget funds of the CRTF that existed up to its last expenditures in August 2014 shall be reinstated.

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 that on the 7th day of October, 2014, adopted the foregoing resolution at said meeting by an affirmative vote of 3 members, 8 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 a verified copy of said resolution.

Kathleen Lone Tree-Whiterabbit
Kathleen Lone Tree-Whiterabbit, Tribal Secretary

10.7.14
Date