



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE AUTHORIZATION TO PLACE PROPOSED AMENDMENTS TO THE LAW ENFORCEMENT COMMISSION ESTABLISHMENT AND ORGANIZATION ACT OUT FOR FORTY-FIVE DAY PUBLIC COMMENT

RESOLUTION 10-21-14GG

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, organized pursuant to the Indian Reorganization Act of 1934; and

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

WHEREAS, Article V, Section 2(a) of the Constitution grants the Legislature the power "to make laws, including codes, ordinances, resolutions, and statutes;" 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(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 authorizes the Legislature the power to promote public health, education, charity and such other services as may contribute to the social advancement of the Tribal 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

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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; and

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 of the *Legislative Organization Act* provides Quick Passage Procedures; and

WHEREAS, Section 30, 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

WHEREAS, the Legislature enacted the *Law Enforcement Commission Establishment and Organization Act* (1 HCC § 14) (hereinafter *LEC Establishment Act*) by Resolution on January 8, 2008; and

WHEREAS, the Ho-Chunk Nation Law Enforcement Commission (LEC) has proposed amendments to the *LEC Establishment Act* (1 HCC § 14) to assist with issues of quorum and an inability to vote due to vacancies.

NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority, hereby places the following proposed amendments to the *Law Enforcement Commission Establishment and Organization Act* (1 HCC § 14) out for forty-five (45) day public comment, to run from the date the proposed amendments are posted on the Nation's website:

Section 7. Organization (a)(2), amend:

(2) ~~A Chairperson to be selected by the Commission who shall only vote in the case of a tie.~~ The Chairperson shall be selected by a majority vote of the Commission from applicants who are Ho-Chunk Members living in a county with which the Nation has a County-Tribal Law Enforcement Agreement.

Section 7. Organization (a), the second (2), amend:

~~(2)~~ (3) An attorney selected by the Attorney General to represent the Department of Justice as an ex officio member.

Section 8. Meetings (b), amend:

Quorum. Four (4) Commissioners shall constitute quorum. In the event there is a vacancy of both the Commissioner and Alternate in any county, then quorum shall be the majority of currently confirmed Commissioners. A quorum is required to conduct business and for the Commissioners or Alternate Commissioners in attendance to receive compensation.

Section 8. Meetings (c), amend:

Voting. Each Commissioner, or Alternate Commissioner serving in the absence of a primary Commissioner shall have one (1) vote. Unless the number of counties expands beyond six (6) counties who have entered into a County-Tribal Law Enforcement Agreement as identified in paragraph 3, the maximum number of votes possible is (6) and the minimum, based on quorum, is four (4), unless there is a vacancy in both the Commissioner and Alternate for a county, then quorum and minimum voting may be less as identified in Section 8b. ~~The Chairperson only votes in the case of a tie and his or her vote breaks the tie.~~

CERTIFICATION

I, the undersigned, as Tribal Secretary of Ho-Chunk Nation, hereby certifies 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 **21st day of October, 2014**, that the foregoing resolution was adopted at said meeting by an affirmative vote of 11 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 a verified copy of said resolution.

Kathyleen Lone Tree-Whiterabbit
Kathyleen Lone Tree-Whiterabbit, Tribal Secretary

10.21.14
Date