



# HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

**HO-CHUNK NATION LEGISLATURE  
RESCISSION OF *RESOLUTION 9-25-120*  
RESCINDING APPROVAL OF CHARTER FOR HO-CHUNK NATION  
SECTION 17 CORPORATION**

## RESOLUTION 11-27-12I

- 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(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(c) of the Constitution grants the Legislature the power to constitute a Board of Directors for each Department, except the President shall name the Executive Director, subject to confirmation by the Legislature; 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(l) of the Constitution grants the Legislature the power to enact laws to manage, lease, permit, or otherwise deal with the Nation's lands, interests in lands or other assets; 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

### Executive Offices

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**WHEREAS,** the Legislature considered the issue of separation of business from government, pursuant to the wishes of the Ho-Chunk Nation General Council, for many years, including receiving guidance and recommendations from various sources and experts; and

**WHEREAS,** the Legislature had pursued the option of incorporating a separate business entity of the tribe through Section 17 of the Indian Reorganization Act, which provides for federal approval of a corporate charter for tribes to conduct business separate from the tribal government; and

**WHEREAS,** the Legislature approved a Charter for the Section 17 corporation in Resolution 9-25-120 and authorized the filing of the Charter with the Bureau of Indian Affairs for review and approval; and

**WHEREAS,** the Legislature, after hearing from constituents, and scheduling a Special Meeting to discuss the separation of business from government, deems it more appropriate, at this time, to hold-off on any review by the BIA of the Section 17 Charter;

**NOW THEREFORE, BE IT RESOLVED** that the Legislature, pursuant to its Constitutional authority, hereby rescinds Resolution 9-25-120 and the approval of the Section 17 Charter for Twelve Clans, Inc.;

**BE IT FURTHER RESOLVED** that pursuant to this rescission, the Vice President, or designee, is authorized to notify the Bureau of Indian Affairs of this action and to inform the BIA that no federal review is necessary at this time.

**CERTIFICATION**

I, the undersigned, as Tribal Secretary of the 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 **27<sup>th</sup> day of November, 2012**, adopted the foregoing resolution at said meeting by an affirmative vote of **7 members, 0 opposed, and 0 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.

*Hope B. Smith*  
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Hope B. Smith, Tribal Secretary

*November 27, 2012*  
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Date