



# HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

## HO-CHUNK NATION LEGISLATURE ESTABLISHMENT OF CRIMINAL CODE LEGISLATIVE WORK GROUP

### RESOLUTION 12-17-13C

- WHEREAS,** on November 1, 1994, the United States Secretary of Interior approved a new Constitution of the Ho-Chunk Nation, 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 Constitution of the Ho-Chunk Nation grants the Legislature 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(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(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 Ho-Chunk Nation *Legislative Organization Act*, 2 HCC §11, ("LOA") provides in Section 10 that an internal Work Group or Task Force may be established in order to assist the Legislature by providing information necessary to carry out Legislative law-making and oversight functions; and
- WHEREAS,** the Nation's *Open Meetings Act*, 2 HCC §2, contemplates that a Work Group or Task Force will be used as a temporary, short-term ad hoc body established by a governmental entity for a focused effort on a specific issue; and

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**WHEREAS,** the LOA does not restrict Legislator(s) participation in a Ho-Chunk government task force(s) as an ex officio member when appointed by the Legislature; and

**WHEREAS,** the Legislature finds that there is a dire need to protect the safety and well-being of tribal members, the community and Ho-Chunk lands from criminal activity that is occurring within the Ho-Chunk Nation's jurisdiction; and

**WHEREAS,** the Legislature wishes to exercise its sovereignty by a creating a Criminal Code in order to take an active stance in controlling the criminal activity that is occurring with the Ho-Chunk jurisdiction; and

**WHEREAS,** the Legislature deems it necessary and appropriate to form a Work Group consisting of employees, staff and officials from the Executive Branch and Legislative Branch to develop a Ho-Chunk Nation Criminal Code.

**NOW THEREFORE, BE IT RESOLVED,** that the Ho-Chunk Nation Legislature, pursuant to its constitutional authority, hereby authorizes the creation of a Criminal Code Work Group consisting of these members: any interested Legislators, assigned Legislative Staff; Executive Branch staff, as determined by the President; also, any other staff, employees, or community members invited by the Legislative Sponsor; and

**BE IT FURTHER RESOLVED** that the Criminal Code Work Group shall report on their activity and progress to the full Legislature on a semi-monthly basis or upon request; and

**BE IT FURTHER RESOLVED** that the Legislative Sponsor shall determine who shall take minutes of meetings for the Criminal Code Work Group, said minutes being available for members of the workgroup within 5 business days of each meeting; and

**BE IT FURTHER RESOLVED,** that the Work Group created herein shall not be considered a Public Body under the HCN Open Meetings Act and shall be not be required to adhere to Quorum requirements; and

**BE IT FURTHER RESOLVED,** that the Criminal Code Work Group is authorized to begin meeting after adoption of this resolution.

#### CERTIFICATION

I, the undersigned, as Tribal Secretary for the Ho-Chunk Nation, 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 **17<sup>th</sup> day of December, 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) through (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

12.17.13  
Date