

*** DRAFT ***
FOR 45 DAY PUBLIC REVIEW

HO-CHUNK NATION CODE (HCC)
TITLE 3 – HEALTH AND SAFETY CODE
SECTION 16 – EMERGENCY DISASTER ASSISTANCE ACT

ENACTED BY LEGISLATURE:

CITE AS: 3 HCC § 16

1. Authority.

- a. Article V, Section 2(a) of the Constitution of the Ho-Chunk Nation (“Constitution”) grants the Legislature the power to make laws, including codes, acts, resolutions, and statutes.
- b. 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
- c. 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

2. Purpose. This Act is meant to provide the authorization to the Ho-Chunk Nation President and Vice President to declare and act upon emergency disaster situations that may pose an immediate threat to the safety and well-being of Ho-Chunk tribal members and/or communities. Although the Ho-Chunk Nation is not liable or responsible for the effects or hardships created by emergency disasters, the Ho-Chunk Nation will strive to aid those effected by these disasters in a humane and respectful manner focusing on the quality of life issues before, during and after disaster events. This act is not to be interpreted as a replacement or an alternative to renters, home, personal property insurance or other safeguards of individual’s personal property.

3. Declaration of Policy. The Ho-Chunk Nation recognizes that public safety is vital to the advancement of the general welfare of the people of the Ho-Chunk Nation and its communities. It shall be the policy of the Ho-Chunk Nation to assist tribal members that are located within a Ho-Chunk declared disaster area that poses a threat to the safety and well-being of Ho-Chunk tribal members or Ho-Chunk communities.

4. Scope. This act shall apply to all Ho-Chunk tribal members located within a declared disaster area and shall be assessed on a case by case basis. Benefits and/or expenditures related to this act will be addressed in the following order of priority; first for the elements of personal safety and then second for the consideration of property damage whose losses are not covered by insurance or other available protection or aid.

5. Definitions.

- a. "Declaration Document" means the Presidential executive order, Vice Presidential administrative order or the Legislative Resolution declaring a particular disaster.
- b. "Disaster" – "Disaster Event" – "Emergency Disaster" means events that pose a threat to the well-being of Ho-Chunk tribal members or Ho-Chunk communities that have been declared as a disaster by federal, state, tribal, local government authority or the Ho-Chunk Nation by way of this act. Disaster includes, but is not limited to: Hurricanes, Earthquakes, Tornados, Volcanic Activity, Wild Fires, and Severe Flooding.
- c. "Disaster Area" means the designated boundaries set in the declaration document.
- d. "Disaster Manager" is a temporary position, appointed by the president without confirmation, which oversees the program and relief efforts for a particular disaster event.

6. Declaration.

- a. Ho-Chunk Nation President.
 - i. At any time, if the Ho-Chunk Nation President determines that a tribal member could be in the path of or within an area in which a disaster event poses a threat to the safety and well-being of tribal members and/or tribal communities, may declare a tribal disaster area through the execution of a Presidential executive order.
 - ii. Upon making such a determination, the Ho-Chunk Nation President shall give notice to the Legislature and Attorney General at the time of declaration.
- b. Ho-Chunk Nation Vice President.
 - i. At any time, if the Ho-Chunk Nation Vice President determines that a tribal member could be in the path of or within an area in which a disaster event poses a threat to the safety and well-being of tribal members and/or tribal communities, may declare a tribal disaster area through the execution of a Vice Presidential administrative order.
 - ii. Upon making such a determination, the Ho-Chunk Nation Vice President shall give notice to the Ho-Chunk Nation President, Attorney General and the Legislature at the time of declaration.
- c. Ho-Chunk Nation Legislature.
 - i. At any time, if the Ho-Chunk Nation Legislature determines that a tribal member could be in the path of or within an area in which a disaster event poses a threat to the safety

and well-being of tribal members and/or tribal communities, may declare a tribal disaster area through the adoption of a resolution.

ii. Upon making such a determination, the Ho-Chunk Nation Legislature shall give notice to the Ho-Chunk Nation President, Attorney General and the Vice President at the time of declaration.

d. Declaration Document.

i. The declaration must contain a summary of the disaster event that has taken place or is believed will take place.

ii. The declaration must contain a geographical area determined by set boundaries and how many tribal members reside or are believed to be effected by said disaster.

e. Disaster declarations may be declared in advance of the actual disaster event if an imminent or believed threat to the safety and well-being of Ho-Chunk tribal members or communities is present or projected.

f. At the completion of the assistance required due to a particular disaster, the Legislature shall declare by the adoption of a resolution, the closing of the disaster declaration, ending all support activities.

7. Eligibility.

a. Must be an enrolled member of the Ho-Chunk Nation. The Legislature may consider non-tribal family members in consideration of benefits.

b. Must reside within or are physically currently within the declared disaster area.

c. Must make an attempt to mitigate any damages to personal property and/or personal safety.

d. Benefits under this act shall be considered by the Legislature on a case by case basis. The Disaster Manager shall recommend the level of benefits to the Legislature for approval of funding.

e. Must seek all non Ho-Chunk funding and relief opportunities that are available such as homeowner's or renter's insurance and county, state or FEMA Individual Assistance.

f. May make initial contact through the Ho-Chunk Nation's "In-Take" process.

8. Disaster Task Unit.

a. Upon a disaster declaration, the President shall establish and administer a temporary Disaster Task Unit to manage the relief efforts relating to the specific disaster event.

- i. The disaster task unit is a temporary entity and shall be dissolved following the completion of the disaster assistance process.
 - ii. The Disaster Task Unit shall report to the Legislature on their activities no less than every regular Legislative session.
 - iii. Upon the completion of the Disaster Task Unit's work, a detailed debriefing report shall be presented to the Legislature with a full reconciliation of expenses.
- b. Upon a disaster declaration, the President shall appoint a temporary disaster manager to oversee the disaster task unit and relief efforts for that particular disaster declaration.
- i. Presidential appointment does not require confirmation.
 - ii. The Disaster Manager may be an employee of the Ho-Chunk Nation and shall be given the proper amount of employment leave to complete the duties of the position.
 - iii. Upon making an appointment determination, the Ho-Chunk Nation President shall give notice to the Legislature and Attorney General at the time of appointment.
- c. The Disaster Manager shall assess the disaster situation and formulate a plan of action which may be updated as the events take place and the total disaster ramifications are fully understood.
- i. Each particular plan is to address that particular disaster at hand and the plan may include, but is not limited to:
 - 1. Temporary on-location/near-location relief station.
 - 2. Providing food and nutrition needs.
 - 3. Providing basic hygiene and clothing items.
 - 4. Temporary immediate housing.
 - 5. Short term housing.
 - 6. Moving expenses.
 - 7. Transportation aid.
 - 8. Temporary communication/disposable cell phones.
 - 9. Mitigation of damage efforts (pre-disaster and post-disaster).
 - 10. Outreach communication before, during and after event.
 - 11. Outside agency relief applications and processes.
 - 12. Insurance claims aid.
 - 13. Insurance deductible assistance.
 - 14. Vital personal property replacement assistance.
 - 15. Collaboration of federal, state and local governmental resources.

- g. It is understood that in these disaster events, time is of the essence and immediate action may be needed to assure the safety and well-being of tribal members. The disaster task unit may take that immediate action without preapproved or confirmed funding up to the amount of \$25,000.00 from the approved restricted line item. The Disaster Manager will have signature authority for actions taken by the disaster task unit. All expenditures must be reconciled with treasury before the closeout of the particular disaster declaration.

9. Assistance/Relief

- a. Assistance is determined on a case by case basis as recommended by the Disaster Task Unit and approved by the Legislature. Any particular assistance or relief is not guaranteed and depends on the determination of need and available resources regarding any particular disaster event. Assistance is offered on a good faith basis and is limited to health, safety and quality of life issues and may not return your possessions and/or your overall life to the condition before the disaster. Any requested damage assistance must be caused by the related disaster and be the primary residence, vehicle or item used to carry out day to day activities.
- b. Pre-disaster event assistance may be offered by the Disaster Task Unit. Assistance may include, but is not limited to: damage mitigation, transportation/evacuation, food and nutritional needs, and temporary housing.
- c. During-disaster event assistance may be offered by the Disaster Task Unit. Assistance may include, but is not limited to: transportation/evacuation, emergency medical needs, temporary housing, food and nutritional needs, and temporary communication needs.
- d. Post-disaster event assistance may be offered by the Disaster Task Unit. Assistance may include, but is not limited to: short term housing, moving and/or storage expenses, reconstruction of home safety and sanitary issues, insurance deductible assistance, needed appliances or tools, and clean up expenses.

Legislative History:

- 9/19/17 Legislature adopts Resolution 9-19-17B, placing the Ho-Chunk Nation Emergency Disaster Assistance Act out for 45-day public review and comment.