



## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

**HO-CHUNK NATION LEGISLATURE  
PLACING PROPOSED HO-CHUNK NATION  
SEWAGE AND WASTE WATER USE ORDINANCE (3 HCC § 10)  
OUT FOR FORTY-FIVE DAY PUBLIC COMMENT PERIOD  
RESOLUTION 2-09-10 I**

- 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(e) of the Constitution grants the Legislature the power to raise revenue, including the power to levy and collect taxes and license fees; 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(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(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(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 Legislature passed the *Legislative Organization Act* (2 HCC § 11), which was last Amended June 9, 2009; and
- WHEREAS,** the *Legislative Organization Act* provides the procedures for enacting a Ho-Chunk Nation law; and
- WHEREAS,** Section 31 of the *Legislative Organization Act* provides the procedures for the Normal Legislation Process to enact a law of the Nation; and

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- WHEREAS,** Section 31, subparagraph d (1) (a) of the *Legislative Organization Act* provides that the Public Review period for consideration of proposed laws will typically be forty-five days; and
- WHEREAS,** on April 23, 2009 the *Sewage and Waste Water Use Ordinance* (3 HCC § 10) was introduced to the Development Committee; and
- WHEREAS,** on May 23, 2009 the Development Committee passed a motion to refer the *Sewage and Waste Water Use Ordinance* to the full Legislature to place out for forty-five day public comment; and
- WHEREAS,** on June 10, 2009 the Legislature passed a Resolution to place the *Sewage and Waste Water Use Ordinance* out for public comment; and
- WHEREAS,** on November 3, 2009 the Legislature passed a motion "to table Sewage & Wastewater Usage Ordinance for further review and clarification."; and
- WHEREAS,** Carol Rollins of the Ho-Chunk Nation Department of Environmental Health proposed changes to the *Sewage and Waste Water Use Ordinance* to address the concerns of the Legislature raised at its November 3, 2009 Legislative Session; and
- WHEREAS,** these proposed changes have been incorporated into the *Sewage and Waste Water Use Ordinance*; and
- WHEREAS,** the Ho-Chunk Nation Legislature wants to ensure that all Tribal Members potentially impacted by the *Sewage and Waste Water Use Ordinance* have another opportunity to review and comment on the Ordinance.

**NOW THEREFORE BE IT RESOLVED,** that the Legislature, pursuant to its Constitutional authority, places the *Sewage and Waste Water Use Ordinance* (3 HCC § 10) out for forty-five day public comment.

**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 8 constituting a quorum were present at a meeting duly called and convened and held that on the 9th day of February, 2010, that the foregoing resolution was adopted at said meeting by an affirmative vote of 8 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, Tribal Secretary

2-09-10  
Date