



## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

### HO-CHUNK NATION LEGISLATURE AMEND THE HO-CHUNK NATION *JUDICIARY ESTABLISHMENT ACT (2 HCC § 6)*

#### RESOLUTION 03-05-12 A

- 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**, Article V, Section 2(a) of the Ho-Chunk Nation Constitution ("Constitution") grants the Ho-Chunk Nation Legislature ("Legislature") the power to make laws, including codes, ordinances, resolutions, and statutes; 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**, Article VII, Section 1 of the Constitution provides that the Legislature shall have the power to establish lower courts special jurisdiction as deemed necessary and other forums of special jurisdiction for traditional dispute resolutions as deemed necessary; and
- WHEREAS**, the Legislature enacted the *Judiciary Act* by Resolution on April 06, 2005; and
- WHEREAS**, the Ho-Chunk Nation Legislature passed the *Legislative Organization Act* (2 HCC § 11), which was last amended on December 7, 2010; and
- WHEREAS**, the *Legislative Organization Act* provides the procedures for enacting or amending a Ho-Chunk Nation law; and
- WHEREAS**, Section 31 of the *Legislative Organization Act* provides the Normal Legislative Process Procedures; and
- WHEREAS**, pursuant to Section 31d(1)(a) of the *Legislative Organization Act*, the Legislature determined to place the proposed amendments to the *Judiciary Act* out for a 45 Day Public Review, with the 45<sup>th</sup> day landing on February 17, 2012.

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**WHEREAS,** Section 31e(1) and (2) of the *Legislative Organization Act* provides that a final proposed version of the Legislation will then be drafted and the Standing Committee shall decide if the enumerated individuals and departments should be given seven (7) days to review prior to the Legislation being provided to the Legislators for Final Review, and

**WHEREAS,** Section 31e(3) of the *Legislative Organization Act* provides “[t]he final proposed Legislation will then be submitted to each Legislator for a Final Review Period”; and

**WHEREAS,** the Ho-Chunk Nation Judiciary and Department of Justice have proposed amendments to the *Judiciary Act* that need legislative approval, so as to assist with the fully authorized creation of the Ho-Chunk Nation Healing to Wellness Court, and

**WHEREAS,** the amendments to the *Judiciary Act* are as follows:

Page 2. Section 3. Organization (d), add:

(d) A Healing to Wellness Court consisting of a Treatment Team made up of a Trial Court Judge, a prosecutor, a public defender/advocate, a Treatment Team coordinator, a Researcher, a law enforcement official, a representative of the Legislature, a representative of probation, a representative of substance abuse treatment providers, a representative of Traditional Court, a representative of social services, a representative of compliance and other members to be determined by the Judiciary and/or Treatment Team.

Page 3. Section 13. Healing to Wellness Court, add:

The Judiciary shall provide for the establishment, operation, and funding of the Nation’s Healing to Wellness Court to assist the Judiciary in providing alternatives to prosecution and incarceration for Tribal member criminal offenders who abuse alcohol or other drugs. This program is based upon principles of restorative justice that takes into account the traditions, culture and customs of the Nation.

**NOW, THEREFORE, BE IT RESOLVED,** that the Legislature concludes that the *Judiciary Act* should be amended in order to address a situation that adversely affects the health, safety, welfare, or economic well-being of the Nation, and is internal to the operation of the Nation’s government, namely to create a Court of special jurisdiction to help tribal members who would benefit more from a specialized holistic treatment approach of justice as opposed to incarceration alone.

**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 13 constituting a quorum were present at a meeting duly called and convened and held that on the **5<sup>th</sup> day of March, 2012**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **12 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.

Hope B. Smith  
Hope B. Smith, Tribal Secretary

March 5, 2012  
Date

