



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE AUTHORIZING AN AMENDMENT TO HO-CHUNK NATION INSURANCE POLICY TO MEET THE REQUIREMENTS FOR PARTICIPATION IN MUTUAL ASSISTANCE PROGRAM UNDER WISCONSIN STATE STATUTES

RESOLUTION 09-20-11K

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(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(f) of the Constitution grants the Legislature the power to set the salaries, terms and conditions of employment for all governmental personnel; 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

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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(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 Legislature adopted the Law Enforcement Commission Establishment and Organization Act on January 8, 2008; and

WHEREAS, the Legislature authorized the establishment and implementation of the Ho-Chunk Nation Police Department to promote the safety of all Tribal members and all residents of Ho-Chunk-owned properties by Resolution 11-03-10 C; and

WHEREAS, the Legislature authorized Ho-Chunk Nation police officers to enforce applicable laws of the State of Wisconsin on the Nation's trust lands and engage in mutual assistance with municipal and county law enforcement agencies by Resolution 04-05-11 J; and

WHEREAS, in order to engage in mutual assistance authorized by Resolution 04-05-11 J, the Nation must amend its insurance policy so that the Nation's liability coverage applies to the activities of its own officers and officers from other law enforcement agencies who are providing mutual assistance as required by Wis. Stat. § 165.92(3m)(a)2 and Wis. Stat. § 66.0313(4)(a)2; and

WHEREAS, such additional coverage must be secured by the Ho-Chunk Nation for those items listed in Wis. Stat. §66.0513 such as wages, benefits, and other expenses, to cover any officer's who assist the Nation's officers; and

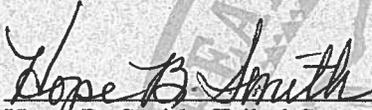
WHEREAS, in securing coverage for purposes of mutual assistance, all employees of the Ho-Chunk Nation will benefit from additional coverage; and

WHEREAS, the benefits received by the Nation in engaging in mutual assistance with other police departments far outweigh the minimal cost to the Nation in securing this additional coverage.

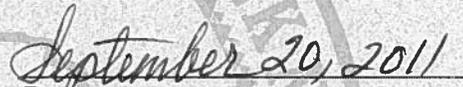
NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority, authorizes the Ho-Chunk Nation's insurance policy to be amended to secure additional coverage for all the Nation's employees including Ho-Chunk Nation officers and officers from other law enforcement agencies who are providing mutual assistance under Wis. Stat. §§165.92 and 66.0313.

CERTIFICATION

I, the undersigned, as Tribal Secretary of Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of 13 members of whom 12 constituting a quorum were present at a meeting duly called and convened and held that on the **20th day of September, 2011**, adopted the foregoing resolution at said meeting by an affirmative vote of **5 members, 1 opposed, and 6 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



Date

