HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE
PLACING PROPOSED AMENDMENTS TO
CHAPTER VI OF THE *EMPLOYMENT RELATIONS ACT*
(6 HCC § 5) OUT FOR FORTY-FIVE DAY PUBLIC COMMENT
RESOLUTION 4-07-09 D

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(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

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(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 *Legislative Organization Act* (2 HCC § 11) controls the process for amendments to laws of the Nation; and

WHEREAS, Section 31, Subparagraph d (1) (a) of the *Legislative Organization Act* provides that the Public Review period will typically be forty-five days; and

WHEREAS, the Legislature enacted the *Employment Relations Act* (6 HCC § 5) as the Nation's employment law by Legislative Resolution 19/9/04A, which included Chapter VI (Drug, Alcohol and Controlled Substance Policy); and

WHEREAS, the Nation's Compliance Director proposed some amendments to the Drug, Alcohol and Controlled Substance Policy contained within the *Employment Relations Act*; and

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WHEREAS, these proposed amendments were reviewed by the Administration Committee at its March meeting; and

WHEREAS, the Administration Committee motioned for the proposed amendments to be placed out for forty-five day public comment.

NOW THEREFORE BE IT RESOLVED, that the Legislature, pursuant to its Constitutional authority, places the proposed amendments to Chapter VI of the *Employment Relations Act* (6 HCC § 5) 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 **11 members** of whom **9** constituting a quorum were present at a meeting duly called and convened and held that on the **7th day of April, 2009**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **9 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.

Elliott Garvin, Tribal Secretary

4-7-09
Date