



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

**HO-CHUNK NATION LEGISLATURE
PLACING PROPOSED NEW CODE-HO-CHUNK NATION
PARDON ACT (2 HCC § 18) -OUT FOR FORTY-FIVE
DAY PUBLIC COMMENT
RESOLUTION 4-21-09 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(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(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
- 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 Development Committee requested that a process be established to enable tribal members with a criminal background to request a pardon for employment purposes; and
- WHEREAS,** the Development Committee reviewed the proposed new code and motioned for the Ho-Chunk Nation Pardon Act to be sent to Legislature for it to be placed out for forty-five day public comment; and
- WHEREAS,** the Legislative Organization Act controls the process for amendments to laws of the Nation; and

Executive Offices

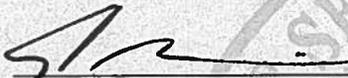
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WHEREAS, Section 31, subparagraph d (1) (a) of the Legislative Organization Act provides that the Public Review period will typically be forty-five days.

NOW THEREFORE BE IT RESOLVED, that the Legislature, pursuant to its Constitutional authority places the proposed new code, Ho-Chunk Nation Pardon Act (2 HCC § 18) out for forty-five day public comment.

CERTIFICATION

I, the undersigned, as Tribal Secretary, hereby certify that the Legislature of the Ho-Chunk Nation, composed of 11 members, of whom 11 constituting a quorum were present at a meeting duly called and convened and held on the 21st day of April, 2009, that the foregoing resolution was adopted at said meeting by an affirmative vote of 8 members, 1 opposed, and 2 abstaining, pursuant to the authority of 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 said 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

4-21-09

Date

