HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE
PLACING OUT FOR FORTY-FIVE DAY PUBLIC
COMMENT PROPOSED AMENDMENTS TO THE
***EMPLOYMENT RELATIONS ACT* (6 HCC § 5)**
AND CREATION OF THE *BUSINESS EMPLOYMENT LABOR LAW*
(6 HCC § 9), *WORKER'S COMPENSATION LAW* (6 HCC § 6),
AND *DRUG, ALCOHOL AND CONTROLLED SUBSTANCE LAW* (6 HCC § 7)
RESOLUTION 6-23-09 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 Chapter V (Worker's Compensation Plan); and

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WHEREAS, the Legislature held an off-site to review the proposed amendments to the *Employment Relations Act*; and

WHEREAS, at that Off-Site the Legislators present informally determined to proceed with consideration of creating two employment laws for the Nation and separating the Drug Policy and Worker's Compensation Plan from the rest of the employment laws of the Nation; and

WHEREAS, one employment law called *Business Employment Labor Law* (6 HCC § 9) would be applicable to employees who work at enterprises of the Nation; and

WHEREAS, the *Employment Relations Act*, with proposed amendments, would still be applicable to employees who work for the government side of the Nation; and

WHEREAS, in addition the Legislators reviewed the proposed changes to the Employment Relations Act provided by executive branch officials and other comments received by the Legislative Counsel's Office.

NOW THEREFORE BE IT RESOLVED, that the Legislature, pursuant to its Constitutional authority, places the proposed amendments to the *Employment Relations Act* (6 HCC § 5) out for forty-five day public comment.

BE IT FURTHER RESOLVED, that the Legislature, pursuant to its Constitutional authority, places the *Business Employment Labor Law* (6 HCC § 9) out for forty-five day public comment.

BE IT FURTHER RESOLVED, that the Legislature, pursuant to its Constitutional authority, places the *Worker's Compensation Law* (6 HCC § 6) out for forty-five day public comment.

BE IT FURTHER RESOLVED, that the Legislature, pursuant to its Constitutional authority, places the *Drug, Alcohol and Controlled Substance Law* (6 HCC § 7) 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 **11** constituting a quorum were present at a meeting duly called and convened and held that on the **23rd day of June, 2009**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **10 members, 1opposed, 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

6-23-09
Date