



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

**HO-CHUNK NATION LEGISLATURE
PLACING PROPOSED AMENDMENTS TO THE
COMPUTER USAGE ACT (6 HCC § 4) OUT FOR
FORTY-FIVE DAY PUBLIC COMMENT
RESOLUTION 5-19-09 B**

- 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(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 Ho-Chunk Nation Legislature passed the *Legislative Organization Act* (2 HCC § 11); and
- WHEREAS,** the *Legislative Organization Act* (2 HCC § 13) 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 adopted the *Computer Usage Act* (6 HCC § 4), which was last amended on May 5, 2007; and
- WHEREAS,** the purpose of the *Computer Usage Act* is to "establish[] the policy and rules for the acceptable use of computer equipment by employees of the Nation. These rules are in place to protect the employee and the Nation. Inappropriate use exposes the Ho-Chunk Nation to risks including virus attacks, compromise of network systems and services, and legal issues."; and
- WHEREAS,** the IT Department proposed amendments to the *Computer Usage Act*, which were reviewed by the Administration Committee; and

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WHEREAS, the Administration Committee passed a motion to refer the amendments to the *Computer Usage Act* (6 HCC § 4) to the Legislature for further action; and

WHEREAS, the IT Department's proposed amendments will protect the Nation from security risks. For instance, the Nation's employees are using mass storage devices which give the users the ability to transfer potentially sensitive data and/or viruses; and

WHEREAS, the amendments to the *Computer Usage Act* elaborate more on the devices that should not be used within the Nation's computer network.

NOW THEREFORE BE IT RESOLVED, that the Legislature, pursuant to its Constitutional authority places the proposed amendments to the *Computer Usage Act* (6 HCC § 4) 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 10 constituting a quorum were present at a meeting duly called and convened and held on the 19th day of May, 2009, that the foregoing resolution was adopted at said meeting by an affirmative vote of 7 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

5-19-09

Date

