



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

**HO-CHUNK NATION LEGISLATURE
PLACING PROPOSED AMENDMENTS TO THE
CHARITABLE REQUEST ACT (4 HCC § 8) AND APPROPRIATIONS
AND BUDGET PROCESS ACT (2 HCC § 4) OUT FOR
FORTY-FIVE DAY PUBLIC COMMENT
RESOLUTION 8-04-09 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, 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(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(r) of the Constitution grants the Legislature the power to protect and foster Ho-Chunk religious freedom, culture, language, and traditions; 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(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 § 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 adopted the *Charitable Request Act* (4 HCC § 8), which was last amended on November 2, 2004; and

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WHEREAS, the *Charitable Request Act* regulates the funding and management of various charitable funds created by the Legislature; and

WHEREAS, the Legislature has been considering proposed amendments to the *Charitable Request Act*; and

WHEREAS, to make the *Appropriations and Budget Process Act* (2 HCC § 4) consistent with the proposed amendments to the *Charitable Request Act* would require amendments to the *Appropriations and Budget Process Act*; and

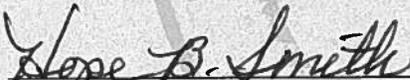
WHEREAS, these proposed amendments would incorporate decisions of the Traditional Court and remove the Legislature from making decisions regarding individual charitable request by Tribal Members.

NOW THEREFORE BE IT RESOLVED, that the Legislature, pursuant to its Constitutional authority places the proposed amendments to the *Charitable Request Act* (4 HCC § 8) out for forty-five day public comment.

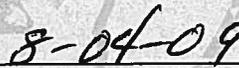
BE IT FURTHER RESOLVED, that the Legislature, pursuant to its Constitutional authority, places the proposed amendments to the *Appropriations and Budget Process Act* (2 HCC § 4) out for forty-five day public comment.

CERTIFICATION

I, the undersigned, as Tribal Secretary, hereby certify that the Legislature of the Ho-Chunk Nation, composed of 13 members, of whom 12 constituting a quorum were present at a meeting duly called and convened and held on the 4th day of August, 2009, that the foregoing resolution was adopted at said meeting by an affirmative vote of 12 members, 0 opposed, and 0 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.



Hope B. Smith, Tribal Secretary



Date