



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

**HO-CHUNK NATION LEGISLATURE
ADOPTING AMENDMENTS TO CHAPTER VI OF THE
EMPLOYMENT RELATIONS ACT (6 HCC § 5)
RESOLUTION 9-09-09 L**

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

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WHEREAS, the Administration Committee motioned to refer the proposed amendments to the Legislature and for the Legislature to place the proposed amendments out for forty-five day public comment; and

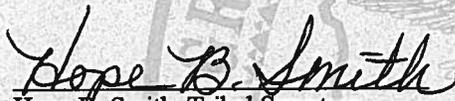
WHEREAS, the Legislature passed Resolution 04-07-09 D placing the proposed amendments out for forty-five day public comment; and

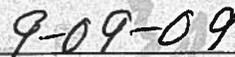
WHEREAS, the Legislature on June 1, 2009 held an off-site to review the proposed amendments and go over the comments received during the forty-five day public comment period.

NOW THEREFORE BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority, adopts the proposed amendments to the *Employment Relations Act* (6 HCC § 5).

CERTIFICATION

I, the undersigned, as Tribal Secretary of Ho-Chunk Nation, hereby certifies that the Legislature of the Ho-Chunk Nation, composed of 13 members of whom 11 constituting a quorum were present at a meeting duly called and convened and held that on the 9th day of September, 2009, that the foregoing resolution was adopted at said meeting by an affirmative vote of 10 members, 0 opposed, and 1 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.


Hope B. Smith, Tribal Secretary


Date

