



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE AMENDMENT TO COMPUTER USAGE ACT (6 HCC §4) RESOLUTION 4-29-08 I

- 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(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 Legislature enacted the *Internet & Intranet Usage Act* by Resolution 4-11-00 D; and
- WHEREAS,** the *Internet & Intranet Usage Act* was subsequently amended, restated, and renamed the *Computer Usage Act* (4 HCC §6) (hereinafter "Act") by Resolution 05-22-07 B; and
- WHEREAS,** Special Counsel Michael Murphy, along with Legislative Counsel's Office, drafted Amendments to the Act; and
- WHEREAS,** the Amendments protect the Nation from having its computers used to support outside non-charitable organizations; and
- WHEREAS,** Legislative Counsel's Office sent a version of the Act with the Amendments to the Office of the President, Department of Personnel, Department of Justice, and Information Technology Office; and
- WHEREAS,** the Legislative Counsel's Office requested, but did not receive, any comments from the Executive Branch on the Amendments; and

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WHEREAS, the Nation has an interest in ensuring that the its computers are not used to support outside non-charitable organizations; and

WHEREAS, Pursuant to the *Legislative Organization Act* (2 HCC §11) paragraph 31 a., the Legislature waives the forty-five (45) day public comment period to amend the Act.

NOW THEREFORE BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority, hereby amends the *Computer Usage Act* (4 HCC §6).

CERTIFICATION

I, the undersigned, as Tribal Secretary for the Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **11 members**, of whom **9** constituting a quorum were present at a meeting duly called and convened and held on the **29th day of April, 2008**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **8 members, 1 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.



Elliott Garvin, Tribal Secretary

4-29-08

Date

