

HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

**HO-CHUNK NATION LEGISLATURE
TECHNICAL CORRECTION TO RESOLUTION 5- 20- 08 F
PLACING THE ADMINISTRATIVE LAW COMMISSIONER
ESTABLISHMENT ACT, TRIAL CLAIMS ACT, AND
EMPLOYMENT RELATIONS ACT OUT FOR FORTY - FIVE DAY REVIEW
RESOLUTION 6-03-08 K**

- 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(d) of the Constitution grants the Legislature to authorize expenditures by law and appropriate funds to the various Departments in an annual budget; 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(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,** on December 5, 2007, the Legislature motioned for Legislative Counsel's Office to develop an *Administrative Law Commissioner Establishment Act* (hereinafter "*Act*") (1 HCC §15); and
- WHEREAS,** Section 16 of the Ho-Chunk Nation *Gaming Ordinance* (5 HCC §1) provides that if the Legislature adopts the *Act*, the Administrative Law Commissioner shall hear all enforcement hearings against a licensee; and
- WHEREAS,** the Legislature has reviewed the *Act*; and
- WHEREAS,** provisions of the *Act* will affect sections of the *Trial Claims Act of 2006* (2 HCC §17) and *Employment Relations Act* (6 HCC §5); and
- WHEREAS,** while considering the *Act*, the Legislature consulted with and will continue to consult with officials from the Office of the President, Department of Justice, Department of Treasury, and Department of Personnel; and

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WHEREAS, the *Legislative Organization Act* (2 HCC §11) “is enacted to establish procedures and rules to govern individual and collective actions of members of the Legislature and to establish uniformity in the proceedings of legislative business; thereby increasing the efficiency of the Legislature.”; and

WHEREAS, the Legislature held an Off-Site to review provisions of the *Act*; and

WHEREAS, Chapter III of the *Legislative Organization Act* controls the Nation’s Bill Process; and

WHEREAS, pursuant to Chapter III, Section 31 of the *Legislative Organization Act*, unless waived or modified the “public review period shall be forty-five (45) days.”; and

WHEREAS, the Legislature passed Resolution 5-20-08 F which in the **BE IT RESOLVED** section placed the *Administrative Law Commissioner Establishment Act* (1 HCC §15), the *Trial Claims Act* (2 HCC §17), and the *Employment Relations Act* (6 HCC §5) out for forty-five day review; and

WHEREAS, the language within the title of Resolution 5 - 20 - 08 F did not mention that the *Trial Claims Act* and *Employment Relations Act* would be placed out for forty-five day public comment.

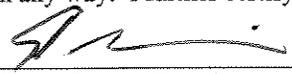
NOW THEREFORE BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority, by passing Resolution 5 - 20 - 08 F placed the *Administrative Law Commissioner Establishment Act* (1 HCC §15) out for forty-five day public review.

BE IT FURTHER RESOLVED that the Legislature, pursuant to its Constitutional authority, by passing Resolution 5 - 20 - 08 F placed the *Trial Claims Act of 2006* (2 HCC §17) and *Employment Relations Act* (6 HCC §5) out for forty-five day public review.

BE IT FURTHER RESOLVED that all three Acts shall be out for public comment the same length of time as provided for in 5 - 20 - 08 F which is until July 13, 2008.

CERTIFICATION

I, the undersigned, as Tribal Secretary for the Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **10 members**, of whom **8** constituting a quorum were present at a meeting duly called and convened and held on the **3rd day of June, 2008**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **6 members, 1 opposed, and 1 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

6-3-08
 Date