



**HO-CHUNK NATION CODE (HCC)
TITLE 1 – ESTABLISHMENT ACTS
SECTION 6 – DEPARTMENT OF HERITAGE PRESERVATION
ESTABLISHMENT AND ORGANIZATION ACT OF 2001**

ENACTED BY LEGISLATURE: MARCH 7, 2001

LAST AMENDED AND RESTATED: JULY 23, 2024

CITE AS: 1 HCC § 6

This Act supersedes the Department of Heritage Preservation Organization Act of 1997 (HCNL 97-004) as enacted by Legislative Resolution 11-25-97C.

1. Authority.

a. Article V, Section 2(a) of the Ho-Chunk Nation Constitution (“Constitution”) grants the Legislature the power to make laws, including codes, ordinances, resolutions, and statutes.

b. 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.

c. Article V, Section 2(c) of the Constitution grants the Legislature the power to constitute a Board of Directors for each Department, except the President shall name the Executive Director, subject to confirmation by the Legislature.

d. Article V, Section 2(d) of the Constitution grants the Legislature the power to authorize expenditures by law and appropriate funds to the various Departments in an annual budget.

e. 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.

f. Article VI, Section 1(b) of the Constitution grants the Legislature the power to create Departments deemed necessary by the Legislature.

g. Article VI, Section 2(d) of the Constitution grants the President the power to administer all Departments, boards, and committees created by the Legislature.

Legislative Office

W8914 Airport Road P.O. Box 667 Black River Falls, WI 54615
(715) 284-9343 Fax (715) 284-3172 (800) 294-9343

2. **Purpose.** The Legislature establishes and organizes the Department of Heritage Preservation.

3. **Mission.** The Ho-Chunk Nation Department of Heritage Preservation shall research, archive, protect, and conserve Tribal historical and cultural information. In doing so, the Department shall safeguard the interests of the Nation, enhance the sovereignty of the Nation, and exercise stewardship over those resources committed to it by the Nation and foreign jurisdictions.

4. **Functions.** The Department of Heritage Preservation shall:

a. Preserve, protect and perpetuate cultural, religious, and historical resources.

b. Record, manage, and monitor all air, land, and water resources within the Nation's lands regarding cultural matters in collaboration with the Department of Health and the Department of Natural Resources.

c. Provide for effective communication and dissemination of Tribal information to the Tribal population.

d. Represent the Nation regarding historical, cultural, and land issues regarding cultural resources on public boards, committees, and other forums within the scope of the Department's mission.

e. Collaborate in a government-to-government manner with tribal, state, federal and foreign agencies regarding preservation, repatriation and disposition practices.

f. Provide assistance and services to Ho-Chunk Veterans.

5. **Internal Organization.**

a. The Department of Heritage Preservation shall consist of an Executive Director and such divisions, branches, and offices necessary for the execution of its mission, performance of its mandated functions, and to achieve its annual goals and objectives.

b. The Department shall employ staff professionals, support personnel, and/or contract with professional service firms as the Executive Director shall determine consistent with the Nation's *Finance Ordinance*, other laws of the Nation, and the Legislative approved budgetary authority.

c. The Department shall maintain a current Organizational Chart. The Organizational Chart shall accompany its annual budget submission and any budget modifications during the fiscal year in accordance with the Nation's *Appropriations and Budget Process Act*.

6. **Executive Director and Board of Directors.**

a. Executive Director.

(1) The Executive Director shall be appointed by the President and confirmed by the Legislature.

(2) The Executive Director shall be a full-time employee and paid compensation commensurate with his or her skills, education, experience, and responsibilities and within the standards of compensation established by the Legislature.

(3) The Executive Director shall be responsible for operating within the annually appropriated budget for the Department.

(4) The Executive Director shall serve as an ex officio member of the Department's Board of Directors.

b. Board of Directors. The President shall establish a Board of Directors for the Department of Heritage Preservation subject to confirmation by the Legislature pursuant to paragraph 1c of this Act.

(1) Role. The Board of Directors shall serve in an advisory capacity on matters referred by the Executive Director.

(a) The Board shall not be a policy making body.

(b) The Board shall be involved in the Department's strategic planning.

(c) The Board shall be consulted during the development of the Department's annual goals and objectives required pursuant to the *Appropriations and Budget Process Act*.

(2) Qualifications. Board of Directors shall have the requisite skills, knowledge, and education to provide professional and expert advice and recommendations to the Executive Director.

(3) Membership. The Board of Directors shall be comprised of five (5) Ho-Chunk Nation members.

(a) A Director shall not be an employee of the Department of Heritage Preservation.

(b) A Director shall not be a member of more than two (2) department Boards of Directors.

(c) A Director shall not be appointed nor serve as a member of a subordinate advisory board within the Department of Heritage Preservation.

(d) A Director may be an immediate family member of a Legislator, the President, or the appointed staff of the President in accordance with the *Open Meetings Act* (2 HCC § 2).

(e) Director vacancies shall be posted pursuant to the requirements of the *Legislative Organization Act* (2 HCC § 11).

(4) Terms. Directors shall serve three (3) year terms and may serve up to two (2) consecutive terms. The terms shall be staggered so that one (1) Director is appointed or re-appointed in one year, followed by two Directors the next year, and two (2) Directors the third year.

(a) In order to achieve this staggering of terms, in 2024, one (1) Director shall be appointed for a one (1) year term, two Directors shall be appointed for two (2) year term, and two (2) Directors shall be appointed for a three (3) year term. After 2024, all terms shall be three (3) years, unless there is a vacancy, in which case Section 6.b.(4)(b) shall apply.

(b) Vacancy. If a vacancy occurs on the Board of Directors, the new Director will fill the remainder of the term if there is more than a year remaining in the term. If there is less than a year remaining in the term, then the new Director shall serve the remainder of the term and the next term, which shall be considered as appointment to one term.

(5) Compensation. Directors shall be compensated for attendance at Board Meetings at a rate established by the Legislature. A Director must be present for a majority of the Meeting to receive compensation.

(6) Board Meetings.

(a) The Board of Directors shall meet at least twice a year and for special meetings as required and subject to the Board's By-Laws.

(b) Board Meetings shall be subject to the Nation's *Open Meetings Act*.

(c) Quorum. Quorum for the Board of Directors shall be three (3) of the five (5) Directors. Quorum must be attained and maintained to conduct business and for Directors to be eligible for compensation.

(d) Minutes. The Board shall publish Meeting Minutes for each Board Meeting. Minutes shall be submitted to the Office of the President and the Legislature. A copy of the Meeting Minutes must be attached to compensation pay vouchers.

(7) Every twelve (12) months the Board shall elect a Chairperson.

(8) The Directors shall be subject to the Nation's law regarding nepotism and conflicts of interest.

(9) Within sixty (60) days of the enactment of this Act, the Board of Directors shall submit the By-Laws of the Board to the Legislature for approval.

7. Annual Report to the Nation. The Department of Heritage Preservation shall submit through the President to the Legislature a final written annual report within thirty (30) days of the end of each fiscal year. It will report on the activities of the Department, achievement of the goals and objectives for the previous fiscal year, and the impact, if any, of fiscal constraints on its current goals and objectives.

8. Strategic Planning and Reporting.

(a) The Executive Director of the Department of Heritage Preservation shall be responsible for creating a Departmental Strategic Plan. This strategic plan shall at a minimum consist of the Departmental Mission Statement, goals of the Department in support of that mission, the actions necessary to achieve those goals, and a timeline to regularly review and update the strategic plan as necessary. The plan will be presented to Legislature upon completion.

(b) On a semi-annual basis, with (1) October for the first semi-annual review (October-November); and (2) March for the second semi-annual review (March-April), the Executive Director shall provide to the Legislature an update on progress made towards annual goals and objectives as defined in the Departmental Strategic Plan, as well as the goals and objectives stated in the annual budget request made in accordance with the *Appropriations and Budget Process Act* (2 HCC § 4).

(c) The Executive Director will conduct an annual review of the Departmental Strategic Plan, and make updates or revisions based on the department's achievement, or lack of progress, regarding the completion and fulfillment of the department's strategic goals and objectives for the previous fiscal year. The updated Departmental Strategic Plan shall be presented to the Legislature or any relevant committee as required by the Legislative Organization Act (2 HCC §11) and shall be submitted by January 1st of each year.

(d) Episodic Reviews of Departmental Strategic Plans, as requested by the Legislature, shall be presented to the Legislature upon completion.

Legislative History:

08.06.97	Legislature posts for thirty (30) day public review.
11.25.97	Adopted by Legislative Resolution 11-25-97C.
12.09.97	Amended by Legislative Resolution 12-9-97F.
03.07.01	Enacted as 1 HCC § 6 by Legislative Resolution 3/7/01E.

- 03.16.04 Amended and Restated by Legislative Resolution 3/16/04E reducing quorum for the Board of Directors for four (4) to three (3) and requiring Director vacancies to be posted in the Hocak Worak prior to filling.
- 10.21.08 Legislature places proposed Amendments out for forty-five day public comment solely surrounding issues of immediate family of Legislators, President, and Appointed Presidential Staff serving on the Boards of Directors.
- 02.03.09 Resolution 02-03-09F Amends and Restates Act to allow immediate family of Legislators, President, and Appointed Presidential staff to serve on the Board of Directors.
- 02.07.17 Legislature adopts Resolution 02.07.17W placing all Establishment and Organization Acts out for Forty-Five Day Public Comment.
- 06.05.17 Legislature passed Resolution 06.05.17M which adopted proposed amendments to all Nation Establishment and Organization Acts, including 1 HCC § 19 and 1 HCC § 20, while excluding 1 HCC § 3, with amendments consisting of some general changes as suggested by public commentary, as well as the “Strategic Planning and Reporting” language, which was originally placed out for Forty-Five (45) Day Public Comment in Resolution 02.07.17W.
- 02.20.24 Legislature places proposed Amendments out for forty-five day public comment via Resolution 02.20.24B
- 07.23.24 Legislature adopts Amendments via Resolution 07.23.24G.