



## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

### HO-CHUNK NATION LEGISLATURE ESTABLISHMENT OF RIGHTS OF NATURE WORKGROUP

#### RESOLUTION 12-18-18 F

- WHEREAS,** on November 1, 1994, the United States Secretary of Interior approved a new Constitution of 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 Constitution of the Ho-Chunk Nation grants the Legislature 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(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; 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(l) of the Constitution grants the Legislature the power to enact laws to manage, lease, permit, or otherwise deal with the Nation's lands, interests in lands or other assets; and
- WHEREAS,** Article V, Section 2(o) of the Constitution grants the Legislature the power to enact laws to regulate and zone any lands within the jurisdiction of the Ho-Chunk Nation; 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

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- 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 *Legislative Organization Act*, 2 HCC § 11, (“LOA”) provides in Section 9 that an internal Work Group or Task Force may be established in order to assist the Legislature by providing information necessary to carry out Legislative law-making and oversight functions; and
- WHEREAS,** the Nation’s *Open Meetings Act*, 2 HCC § 2, contemplates that a Work Group or Task Force will be used as a temporary, short-term ad hoc body established by a governmental entity for a focused effort on a specific issue; and
- WHEREAS,** the LOA does not restrict Legislator(s) participation in a Ho-Chunk government task force(s) as an ex officio member when appointed by the Legislature; and
- WHEREAS,** the General Council adopted Resolution 09-19-15-09 “Resolution to Amend the Ho-Chunk Nation Constitution and Provide for Rights of Nature”; and
- WHEREAS,** the Legislature responded to General Council Resolution 09-19-15-09 by adopting Resolution 10-20-15P which approved filing General Council Resolution 09-19-15-09 with the U.S. Secretary of the Interior and to request that a Secretarial Election be held to amend the Constitution; and
- WHEREAS,** a Special Election was held on April 5<sup>th</sup>, 2018 to amend the Constitution; and
- WHEREAS,** the April 5<sup>th</sup>, 2018 Special Election to amend the Constitution did not pass as 30% of the eligible voters did not participate in the election; and
- WHEREAS,** the General Council adopted Resolution 9-17-2016-05 “Special Election to Amend the Ho-Chunk Nation Constitution for the Rights of Nature”; and
- WHEREAS,** the Legislature responded to General Council Resolution 9-17-2016-05 by adopting Resolution 10-18-16G which referred General Council Resolution 09-17-2016-05 to the Election Board to hold an election to amend the Constitution; and
- WHEREAS,** a Special Election was held on June 8<sup>th</sup>, 2018 to amend the Constitution; and
- WHEREAS,** the June 8<sup>th</sup>, 2018 Special Election to amend the Constitution did not pass as 30% of the eligible voters did not participate in the election; and
- WHEREAS,** the General Council adopted Resolution 09-15-18C “Proposed Resolution to Amend the Constitution of the Ho-Chunk Nation” which sought to add the Rights of Nature to the Constitution; and

**WHEREAS,** the Legislature responded to General Council Resolution 09-15-18C by adopting Resolution 10-30-18T which included a statement that the Legislature intended to form a Rights of Nature Workgroup to move forward with the concerns and protections expressed in the General Council Resolution with respect to amending the Constitution to include the Rights of Nature; and

**WHEREAS,** the Legislature deems it necessary and appropriate to form a Workgroup consisting of employees, staff and officials from the Executive Branch, including but not limited to the Department of Natural Resources, Department of Health, and Department of Heritage Preservation, in order to pursue options for implementing the Rights of Nature within the Nation including but not limited to a Ho-Chunk Nation Constitutional amendment and/or a Ho-Chunk Nation Code; and

**NOW THEREFORE, BE IT RESOLVED,** that the Ho-Chunk Nation Legislature, pursuant to its constitutional authority, hereby authorizes the establishment of the Rights of Nature Workgroup consisting of these members: any interested Legislators; assigned Legislative Staff; Executive Branch staff, including but not limited to the Department of Natural Resources, Department of Health, and Department of Heritage Preservation, as determined by the President; and any other staff, employees, or community members invited by the Legislative Sponsor; and

**BE IT FURTHER RESOLVED** that the Rights of Nature Workgroup shall report on their activity and progress to the full Legislature on a bi-monthly basis or upon request; and

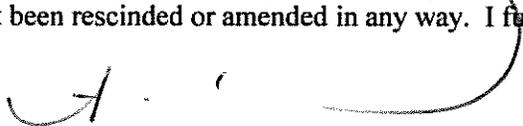
**BE IT FURTHER RESOLVED** that the Rights of Nature Workgroup, said minutes being available for members of the workgroup within 5 business days of each meeting; and

**BE IT FURTHER RESOLVED,** that the Rights of Nature Workgroup created herein shall not be considered a Public Body under the HCN Open Meetings Act and shall be not be required to adhere to Quorum requirements; and

**BE IT FURTHER RESOLVED,** that the Rights of Nature Workgroup is authorized to begin meeting after adoption of this resolution.

#### CERTIFICATION

I, the undersigned, as Tribal Secretary for the Ho-Chunk Nation, hereby certify 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 on the **18<sup>th</sup> day of December, 2018**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **11 members, 0 opposed, and 0 abstaining**, pursuant to the authority of Article V, Section 2(a) through (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.

  
\_\_\_\_\_  
Andrea Estebo, Tribal Secretary

12.18.2018  
\_\_\_\_\_  
Date



**HO-CHUNK NATION LEGISLATURE**  
*Governing Body of the Ho-Chunk Nation*

**HO-CHUNK NATION LEGISLATURE**  
**ACKNOWLEDGEMENT OF GENERAL COUNCIL RESOLUTION 9-15-2018-C**  
**AND LEGISLATIVE ACTION REGARDING PROPOSED RESOLUTION TO AMEND THE**  
**CONSTITUTION OF THE HO-CHUNK NATION**

**RESOLUTION 10-30-18 T**

- 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,** in Article IV, Section 2 of the Ho-Chunk Nation Constitution, the General Council delegated and authorized the Legislature to make laws and appropriate funds in accordance with Article V of the Constitution; and
- WHEREAS,** Article V, Section 1(a) of the Ho-Chunk Nation Constitution (“Constitution”) vests Legislative powers in the Legislature; 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 gives the Legislature the power to authorize expenditures by law and appropriate funds to the various Departments in an annual budget; and
- WHEREAS,** Article V, Section 2(h) of the Constitution empowers the Legislature 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(w) of the Constitution authorizes the Legislature to enact laws to regulate hunting, fishing, trapping, recreation and all other related activities on lands within the Nation’s jurisdiction; 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 Nation’s General Council met on September 15, 2018 at its Annual Meeting and adopted **Resolution 9-15-2018-C**, entitled “**Proposed Resolution to Amend the Constitution of the Ho-Chunk Nation**”; and
- WHEREAS,** General Council Resolution 9-15-2018-C sought to amend Article X of the Nation’s Constitution to establish “Rights of Nature.”; and
- WHEREAS,** General Council Resolution 9-15-2018-C includes all of the language intended for the Rights of Nature amendment to Article X of the Constitution; and
- WHEREAS,** Article IV, Section 3(a) of the Constitution states that “[t]he General Council retains the power to set policy for the Nation. This policy shall be resolutions proposed and approved at Annual Meetings and Special Meetings, by a majority vote of the qualified voters of the Ho-Chunk Nation General Council. This policy shall be made into laws, including codes, ordinances, resolutions and statutes by the Legislative Branch of the Ho-Chunk Nation within forty-five (45) days after a majority vote of the qualified voters of the Ho-Chunk Nation General Council at Annual Meetings and Special Meetings.”; and
- WHEREAS,** according to the Nation’s Trial Court in *Coalition for Fair Government II v. Chloris Lowe, Jr., et al.*, CV 96-22 (HCN Tr. Ct., Jul. 23, 1996) at 11, the General Council is bound to follow the Constitution of the Nation; and
- WHEREAS,** also in *Coalition for Fair Government II v. Chloris Lowe, Jr., et al.*, CV 96-22 (HCN Tr. Ct., Jul. 23, 1996) at 13, the Trial Court of the Nation emphasized that properly conducted and Constitutional actions of the General Council are binding, but action which violates the Constitution would be unlawful and not “binding”; and
- WHEREAS,** the Attorney General of the Nation rendered an opinion, analyzing the 2018 General Council Resolutions, by memo dated October 4, 2018 and
- WHEREAS,** in the opinion memo of the Attorney General, it is noted that General Council Resolution 9-15-2018-C inaccurately states the General Council itself may amend the Constitution, which is not a correct statement of the criteria under the Nation’s Constitution for amending the Constitution; and
- WHEREAS,** the Attorney General’s opinion memo highlights the proper criteria under Article XIII, Section 2 of the Nation’s Constitution for amending the Constitution, which states: “It shall be the duty of the Ho-Chunk Nation Election Board to call and hold an election on any proposed amendment to this Constitution at the request of two thirds (2/3) of the entire Legislature, at the request of the General Council, or upon presentation of a petition signed by thirty (30) percent of the eligible voters of the Ho-Chunk Nation.”; and
- WHEREAS,** as noted by the Attorney General, General Council Resolution 9-15-2018-C does not request a Secretarial Election to amend the Nation’s Constitution, but instead affirmatively states that it is amending the Constitution by adding Section 2 to Article X of the Constitution; and

**WHEREAS,** General Council Resolution 9-15-2018-C is drafted differently than the two previous General Council Resolutions that sought to amend the Constitution by including Rights of Nature, in that General Council Resolution 9-19-2015-09 and General Council Resolution 9-17-2016-05 both requested a Secretarial Election be conducted to amend the Constitution; and

**WHEREAS,** as noted by the Attorney General, both previous requests by the General Council to amend the Constitution to address the Rights of Nature were defeated in a Secretarial Election, due to low voter turnout;

**WHEREAS,** according to Article IV, Section 3(c) of the Constitution, the General Council retains the power to propose amendments to the Constitution, in accordance with Article XIII of the Constitution; and

**WHEREAS,** the Attorney General's October 4, 2018 opinion memo indicated that the Nation's Election Board had to determine whether the language in General Council Resolution 9-15-2018-C was adequate to request a Secretarial Election; and

**WHEREAS,** based on updated information, the Election Board has decided that the General Council Resolution 9-15-2018-C is not a proper request for a Secretarial Election and, thus, the Election Board will not proceed with an election to potentially amend the Constitution;

**NOW, THEREFORE, BE IT RESOLVED,** that the Legislature, pursuant to its Constitutional authority, and in satisfaction of the Constitution, hereby acknowledges General Council Resolution 9-15-2018-C, but shall not refer it to the Nation's Election Board to hold an election to amend the Constitution pursuant to Article XIII, Section 2 of the Constitution, since General Council Resolution 9-15-2018-C does not follow the criteria of the Constitution for such action;

**BE IT FURTHER RESOLVED,** that the Legislature does, however, intend to establish a Legislative Workgroup to consider ways in which to move forward with the concerns and protections expressed in the Rights of Nature amendment.

#### 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 **9** constituting a quorum were present at a meeting duly called and convened and held that on the **30<sup>th</sup> day of October, 2018**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **9 members, 0 opposed, and 0 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.

  
\_\_\_\_\_  
Andrea Estebo, Tribal Secretary

10.30.2018  
Date

## **Proposed Resolution to Amend the Constitution of the Ho-Chunk Nation**

WHEREAS, we the people of the Ho-Chunk Nation recognize that we live at a time of unprecedented species extinction, ecosystem collapse, and global warming;

WHEREAS, we recognize that environmental laws which regulate the use and exploitation of nature are incapable of protecting Mother Earth;

WHEREAS, in the tradition of our Nation's relationship with Mother Earth, from which we came and upon which we depend, we recognize that to protect nature, we must secure the highest protections for her through the recognition of rights in the Nation's highest law, our Constitution; and

WHEREAS, pursuant to Article IV, Section 3 of the Constitution, we the people of the Ho-Chunk Nation, through a vote of the General Council, may amend the Constitution;

NOW THEREFORE BE IT RESOLVED, we the people of the Ho-Chunk Nation exercise our inherent and inalienable right of sovereignty and self-governance, and hereby amend the Constitution with the addition of Article X, Section 2:

### **Article X, Section 2: Rights of Nature**

**(a) Rights of Nature.** Ecosystems, natural communities, and species within the Ho-Chunk Nation territory possess inherent, fundamental, and inalienable rights to naturally exist, flourish, regenerate, and evolve. This includes, but is not limited to, rights to maintain, recover, and preserve their life cycles, structures, and functions; rights to a healthy climate system free from human-caused global warming emissions; and rights to the defense, protection, and enforcement of their rights.

**(b) Prohibitions.** It shall be unlawful within the Ho-Chunk Nation territory for any business entity or government to engage in activities that would violate, or infringe upon, the rights recognized and secured by this Section, including but not limited to, damage or destruction of flora or fauna possessing traditional medicinal significance to the Ho-Chunk Nation or its members, fossil fuel extraction, frac sand mining, and the introduction or use of genetically engineered organisms.

**(c) Implementation and Enforcement.** To implement and enforce the provisions of this Section:

- (a) The Legislature and government shall take all necessary actions to protect, implement, defend, and enforce the provisions of this Section;
- (b) Ecosystems, natural communities, and species within the Ho-Chunk Nation territory may enforce or defend the provisions of this Section through an action brought in any proper administrative body or court, in the name of the ecosystem, natural community, or species as the real party in interest;

(c) The Ho-Chunk Nation and any tribal member may enforce or defend the provisions of this Section in any proper administrative body or court; and

(d) Any business entity or government that violates the provisions of this Section shall be liable for any damages to an ecosystem, natural community, or species caused by the violation. Damages shall be measured by the cost of restoring the ecosystem, natural community, or species to its state before the injury, and shall be paid to the Ho-Chunk Nation to be used exclusively for the full and complete restoration and recovery of the ecosystem, natural community, or species.



## **HO-CHUNK NATION LEGISLATURE**

*Governing Body of the Ho-Chunk Nation*

### **HO-CHUNK NATION LEGISLATURE ACKNOWLEDGEMENT OF GENERAL COUNCIL RESOLUTION 9/17/2016-05 AND LEGISLATIVE ACTION REGARDING A SPECIAL ELECTION TO AMEND THE CONSTITUTION FOR THE RIGHTS OF NATURE**

#### **RESOLUTION 10-18-16G**

- 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(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 Nation’s General Council met on September 17, 2016 at its Annual Meeting and adopted Resolution 9/17/2016-05 entitled “Special Election to Amend the Ho-Chunk Nation Constitution for the Rights of Nature”; and
- WHEREAS**, General Council Resolution 9/17/2016-05 specifically proposes a Special Election to amend Article X, Section 2 of the Bill of Rights within the Nation’s Constitution that will recognize the Rights of Nature and allow ecosystems and natural communities to enforce their rights through action brought in the Nation’s Court system; and

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**WHEREAS,** General Council Resolution 9/17/2016-05 also proposes amending language prohibiting any corporation or government within Ho-Chunk Territory from engaging in activities that would violate the rights of nature including, but not limited to, damage or destruction of flora possessing traditional medicinal significance to the Nation or its members, fossil fuel extraction, frac sand mining, and the introduction of genetically engineered organisms; and

**WHEREAS,** General Council Resolution 9/17/2016-05 includes all of the proposed language intended for the Rights of Nature amendment to Article X, Section 2 of the Constitution; and

**WHEREAS,** Article IV, Section 3(a) of the Constitution states that “[t]he General Council retains the power to set policy for the Nation. This policy shall be resolutions proposed and approved at Annual Meetings and Special Meetings, by a majority vote of the qualified voters of the Ho-Chunk Nation General Council. This policy shall be made into laws, including codes, ordinances, resolutions and statutes by the Legislative Branch of the Ho-Chunk Nation within forty-five (45) days after a majority vote of the qualified voters of the Ho-Chunk Nation General Council at Annual Meetings and Special Meetings.”; and

**WHEREAS,** the Legislature finds it appropriate to refer General Council Resolution 9-17-2016-05 to the Nation’s Election Board, since the process for amending the Nation’s Constitution is set forth in Article XIII and requires the Election Board to call and hold an election on a proposed constitutional amendment at the request of the General Council;

**NOW THEREFORE, BE IT RESOLVED** that the Legislature, pursuant to its Constitutional authority, and in satisfaction of Article IV, Section 3(a) of the Constitution, hereby acknowledges General Council Resolution 9/17/2016-05, and refers it to the Nation’s Election Board to call and hold an election to amend the Constitution pursuant to Article XIII, Section 2 of the Constitution.

#### **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 10 constituting a quorum were present at a meeting duly called and convened and held that on the 18<sup>th</sup> day of October, 2016, that the foregoing resolution was adopted at said meeting by an affirmative vote of 9 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.

Kathleen Lone Tree-Whiterabbit  
Kathleen Lone Tree-Whiterabbit, Tribal Secretary

10.18.16  
Date



## **HO-CHUNK NATION LEGISLATURE**

*Governing Body of the Ho-Chunk Nation*

### **HO-CHUNK NATION LEGISLATURE ACKNOWLEDGEMENT OF GENERAL COUNCIL RESOLUTION 9/19/2015-09 AND LEGISLATIVE ACTION REGARDING THE RESOLUTION TO AMEND THE CONSTITUTION AND PROVIDE FOR THE RIGHTS OF NATURE**

#### **RESOLUTION 10-20-15P**

- 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(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 Nation's General Council met on September 19, 2015 at its Annual Meeting and adopted Resolution 9/19/2015-09 entitled "A Resolution to Amend the Ho-Chunk Nation Constitution and Provide for the Rights of Nature"; and
- WHEREAS,** General Council Resolution 9/19/2015-09 seeks to amend the Nation's Constitution by adding a provision to the Bill of Rights in Article X thereof, bestowing constitutional rights to nature in order to grant a higher legal right that might be protected by the Nation; and

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**WHEREAS,** under Article XIII, the Constitution of the Nation may be amended by a majority vote of the qualified voters of the Nation voting at an election called for that purpose by the Secretary of the Interior; and

**WHEREAS,** Article IV, Section 3(a) of the Constitution states that “[t]he General Council retains the power to set policy for the Nation. This policy shall be resolutions proposed and approved at Annual Meetings and Special Meetings, by a majority vote of the qualified voters of the Ho-Chunk Nation General Council. This policy shall be made into laws, including codes, ordinances, resolutions and statutes by the Legislative Branch of the Ho-Chunk Nation within forty-five (45) days after a majority vote of the qualified voters of the Ho-Chunk Nation General Council at Annual Meetings and Special Meetings.”; and

**WHEREAS,** the Attorney General of the Nation issued an opinion dated October 5, 2015 on all resolutions adopted by the General Council on September 19, 2015; and

**WHEREAS,** in the opinion of the Attorney General, Resolution 9/19/2015-09 shows that the General Council wishes to add “constitutional rights to protect the rights of nature and add a provision” under the Bill of Rights of the Nation’s Constitution, through a Secretarial Election to amend the Constitution; and

**WHEREAS,** the Attorney General also noted the current language from the Nation’s Constitution regarding the process by which an amendment may be made; and

**WHEREAS,** the attorney for the GCA issued a draft opinion dated October 1, 2015 on the resolutions adopted by the General Council on September 19, 2015; and

**WHEREAS,** in the opinion of the GCA’s attorney, Resolution 9/19/2015-09 will require a Secretarial Election before enactment, which is within the retained power of the General Council; and

**WHEREAS,** the Legislature finds that General Council Resolution 9/19/2015-09 specifically requests a Secretarial Election, and proposes specific language for amendment;

**NOW, THEREFORE, BE IT RESOLVED,** that the Legislature, pursuant to its Constitutional authority, and in satisfaction of Article IV, Section 3(a) of the Constitution, hereby acknowledges General Council Resolution 9/19/2015-09, and takes the following action:

1. Approves General Council Resolution 9/19/2015-09 to be filed with the U.S. Secretary of the Interior, Bureau of Indian Affairs, as a request of the Nation for a Secretarial Election to be held to amend the Constitution, pursuant to the terms of the request made, but without comment on any General Council Power of Attorney; and

2. Requires that as General Council Resolution 9/19/2015-09 is processed with the Secretary of the Interior and the Bureau of Indian Affairs, the Legislature be notified and updated by the Bureau of Indian Affairs and General Council Agency, so that it may participate in the selection of a Secretarial Election Board.

### 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 7 constituting a quorum were present at a meeting duly called and convened and held that on the 20<sup>th</sup> day of October, 2015, that the foregoing resolution was adopted at said meeting by an affirmative vote of 7 members, 0 opposed, and 0 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.

Kathleen Lone Tree-Whiterabbit  
Kathleen Lone Tree-Whiterabbit, Tribal Secretary

10.20.15  
Date