

**HO-CHUNK NATION CODE (HCC)  
TITLE 1 – ESTABLISHMENT ACTS  
SECTION 14 – LAW ENFORCEMENT COMMISSION  
ESTABLISHMENT AND ORGANIZATION ACT**

**ENACTED BY LEGISLATURE: January 8, 2008**

**CITE AS: 1 HCC § 14**

**TABLE OF CONTENTS**

1. Authority .....	1
2. Tradition.....	2
3. County-Tribal Cooperative Law Enforcement Program .....	2
4. Purpose .....	2
5. Mission .....	2
6. Functions .....	2
7. Organization .....	3
8. Meetings .....	4
9. Bylaws .....	5
10. Compensation and Personal Expenses .....	5
11. Annual Report to the Nation .....	5

**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(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.

c. 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.

d. 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 Commissioners of the Ho-Chunk Nation.

e. Article V, Section 2(t) of the Constitution grants the Legislature the power to enact laws governing law enforcement on lands within the jurisdiction of the Nation.

f. Article VI, Section 2(a) of the Constitution grants the President the power to execute and administer the laws of the Ho-Chunk Nation.

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.

h. Title 18 U.S.C. Section 1162(a) and Title 28 U.S.C. Section 1360(a) (collectively known as Public Law 83-280) grants the State of Wisconsin complete criminal and some civil jurisdiction over Indian reservations in Wisconsin except the Menominee Reservation.

i. Wisconsin Statute, Section 165.90 authorizes any county that has one or more federally recognized Indian reservations within or partially within its boundaries to enter into an agreement with an Indian tribe located in the county to establish a cooperative county-tribal law enforcement program.

2. **Tradition.** Ho-Chunk custom and tradition is based upon a clan system by which duties are shared among the various clans through their members whereas the Bear Clan traditionally maintains law and order and keeps the peace among the Ho-Chunk People.

3. **County-Tribal Cooperative Law Enforcement Program.** Pursuant to Wis. Stat. § 165.90, the Ho-Chunk Nation has entered into County-Tribal Cooperative Law Enforcement Agreements with the counties of Jackson, Monroe, Wood, Shawano, Sauk, and Juneau and may enter into other County-Tribal Cooperative Law Enforcement Agreements with other counties.

4. **Purpose.** This Act establishes the Ho-Chunk Nation Law Enforcement Commission.

5. **Mission.** The Law Enforcement Commission shall serve in an advisory capacity to the Attorney General, President, and Legislature to assist with law enforcement policy and budget development.

6. **Functions.** The Law Enforcement Commission shall:

a. Advise the Attorney General, President, and Legislature on all matters relating to law enforcement within the jurisdiction of the Nation.

b. Subject to approval of the Legislature, organize a Police Department and prescribe rules and regulations for its management and control. When a Police Department is created, the Law Enforcement Commission shall monitor the Police Department.

c. Make recommendations to the Legislature on issues to be presented to the Wisconsin Special Committee on State-Tribal Relations.

d. Represent the local County-Tribal Law Enforcement Committees in those counties which have a County-Tribal Law Enforcement Agreement with the Nation.

## 7. Organization.

a. Composition. The Law Enforcement Commission shall consist of:

(1) One (1) Commissioner and one (1) Alternate Commissioner selected from the Ho-Chunk Members of each of the local County-Tribal Law Enforcement Committees for those counties which the Nation has entered into a County-Tribal Cooperative Law Enforcement Agreement as identified in paragraph 3, and

(2) A Chairperson to be selected by the Commission who shall only vote in the case of a tie. The Chairperson shall be selected by a majority vote of the Commission from applicants who are Ho-Chunk Members living in a county with which the Nation has a County-Tribal Law Enforcement Agreement.

(2) An attorney selected by the Attorney General to represent the Department of Justice as an ex officio member.

b. Commissioners.

(1) Appointments. The Ho-Chunk Members of each county with which the Nation has a County-Tribal Law Enforcement Agreement shall select, from the members of that local County -Tribal Law Enforcement Committee, by majority vote, their Commissioner and Alternate Commissioner. The Alternate Commissioner shall serve only in the absence of the Commissioner. The Legislature shall confirm the appointment of each Commissioner and Alternate Commissioner.

(2) Qualifications. A Commissioner and Alternate Commissioner shall meet the following qualifications:

(a) A member of the Ho-Chunk Nation.

(b) At least twenty-five (25) years of age.

(c) A resident of the county of representation for at least one (1) year.

(d) A satisfactory background investigation shall be required. Any felony conviction within the immediately preceding ten (10) years would prohibit any person from serving on the Commission unless waived by the Legislature when the person has demonstrated and shown that his/her prior activities do not pose a threat to the credibility and integrity of the Commission.

(e) Not an employee of a Police Department.

(f) Not an immediate family member of either the Attorney General or the member attorney from the Department of Justice.

(3) Commissioners and Alternate Commissioners shall be subject to the Nation's *Drug, Alcohol and Controlled Substance Policy* (Chapter VI, 6 HCC § 5).

(4) Terms. Commissioners and Alternate Commissioners shall serve a two (2) year term and may serve more than one (1) term. In the event a Commissioner fails to serve an entire term, the Alternate Commissioner shall finish the predecessor's term and become the Commissioner. A replacement Alternate Commissioner shall be nominated and confirmed by the respective Ho-Chunk Members within a reasonable time period following the predecessor's departure.

(5) Removal. A Commissioner or Alternate Commissioner may be removed for cause by a two-thirds (2/3) vote of the full Commission or the Legislature. Cause includes, but is not limited to, three (3) consecutive absences from duly called meetings, a violation of the *Code of Ethics Act* (2 HCC § 1), or any activity or action which brings discredit to the integrity of the Commission or the Ho-Chunk Nation.

(6) The Commission and the individual Commissioners and Alternate Commissioners' conduct and actions shall be subject to the Nation's *Code of Ethics Act* (2 HCC § 1).

c. Officers. The Commission shall select from its Commissioners a Chairperson, Vice Chairperson, and a Secretary.

d. Ex Officio Member. The Attorney General or his or her designee shall be a non-voting member of the Commission. The Attorney General or his or her designee shall not count in determination as to whether or not the Commission has enough members to obtain quorum.

8. **Meetings**. The Commission shall meet at least quarterly or as deemed necessary by the Attorney General:

a. Attendance. The Alternate Commissioner shall officially attend meetings only when a Commissioner from that County-Tribal Law Enforcement Committee is unable to attend.

b. Quorum. Four (4) Commissioners shall constitute a quorum. A quorum is required to conduct business and for the Commissioners or Alternate Commissioners in attendance to receive compensation.

c. Voting. Each Commissioner, or Alternate Commissioner serving in the absence of a primary Commissioner shall have one (1) vote. Unless the number of counties expands beyond six (6) counties who have entered into a County-Tribal Law Enforcement Agreement as identified in paragraph 3, the maximum number of votes possible is six (6)

and the minimum, based on quorum, is four (4). The Chairperson only votes in the case of a tie and his or her vote breaks the tie.

d. All Commission Meetings are subject to the Nation's *Open Meetings Act* (2 HCC § 2) and the Commission shall conduct its meetings in accordance with that Act.

e. Minutes. Meeting minutes shall be prepared for each Meeting. The minutes shall be promptly submitted by each Commissioner to their respective County-Tribal Law Enforcement Committee and to the Legislature prior to the Commissioners being paid a stipend or reimbursed for travel expenses.

f. Sign-In Roster. A sign-in roster for each meeting shall be maintained.

9. **Bylaws**. Within sixty (60) days of the enactment of this Act, the Commission shall submit the Bylaws of the Commission to the Legislature.

#### 10. **Compensation and Personal Expenses.**

a. Commissioners, and those Alternate Commissioners attending in a Commissioner's absence, shall be compensated in accordance with Section 27 of the *Finance Manual* (5 HCC § 5). Stipends and travel expenses shall only be paid for a duly called meeting or other official business at which quorum is achieved or in the performance of official duty as a Commissioner and pursuant to the requirements of Section 8, subparagraph e.

b. Payment Vouchers. See paragraph 27e of the *Finance Manual*.

c. Pursuant to the Nation's *Appropriations and Budget Process Act* (2 HCC §4), the President shall request an annual appropriations to fund cost associated with paying for the Commission as part of the Department of Justice budget.

11. **Annual Report to the Nation**. The Commission shall submit through the Attorney General and the President to the Legislature an annual written report within thirty (30) days of the end of the fiscal year on the activities and achievements of the Commission for that year.

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#### Legislative History:

2/7/03	Department of Justice submits proposed legislation for establishing a Law Enforcement Commission.
2/19/03	Legislature sends Draft Bill of the Law Enforcement Commission Establishment and Organization Act out for 45-day Public Review.
6/5/03	At Administration Committee Meeting, DOJ addresses substantive changes to Draft Bill and the Committee requests a red-line version and Legislative history of the Act for presentation at 6/17/03 Legislative Meeting.
6/17/03	Legislature tables Draft Bill.
7/15/05	Department of Justice submits Amended Draft Bill to Administration Committee. Legislature places out for 45-Day Public Review.

**Ho-Chunk Nation Legislature**  
**Law Enforcement Commission Establishment and Organization Act**  
**Page 6 of 6**

- 09/06/07 Attorney General and Legislative Counsel places on Legislative Agenda and Legislature refers to Administration Committee.
- 11/08/07 Administration Committee refers to Finance Committee for budget and for Attorney General and Legislative Counsel to review Act.
- 11/28/07 Motion by Finance Committee to refer to the full Legislature for expedited comment.
- 12/04/07 Legislature motions to send Act out for public comment on an expedited basis. The expedited review was for twenty days. Public Review comment ended as of 12/24/07.
- 01/08/08 Legislature passes code into law through Resolution 01-08-08B.