



## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

### **DEFEATED**

**(In accordance with 2 HCC §11.30.b an affirmative vote of more than two-thirds of the Legislators present was required to adopt this Resolution by Quick Passage.)**

### **HO-CHUNK NATION LEGISLATURE QUICK PASSAGE PROCEDURE TO AMEND THE *LEGISLATIVE ORGANIZATION ACT* REGARDING ACTIONS OF THE FINANCE COMMITTEE**

#### **RESOLUTION 02.18.14J**

- 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(g) of the Constitution authorizes the Legislature to set its own procedures, select its officers, and to enact laws governing attendance of its members, including penalties for absences; 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 Ho-Chunk Nation Legislature passed the *Legislative Organization Act* (2 HCC § 11), which was last amended on January 21, 2014; and

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**WHEREAS,** the *Legislative Organization Act* provides the procedures for enacting or amending a Ho-Chunk Nation law; and

**WHEREAS,** Section 29 of the *Legislative Organization Act* provides Quick Passage Procedures; and

**WHEREAS,** under certain limited circumstances, Section 29 provides “[t]he Legislature may vote to immediately pass Legislation.”; and

**WHEREAS,** Section 29 of the *Legislative Organization Act* in relevant parts provides:

(2) For the Legislation to be considered for Quick Passage the Legislature must conclude:

(a) The Legislation must take effect immediately to address a situation that:

1 Adversely affects the health, safety, welfare, or economic well-being of the Nation;

2 Adversely affects a person or multiple people for which Legislative relief is deemed appropriate and necessary by the Legislature;

3 Is internal to the operation of the Government; or

4 Impacts negotiations with a sovereign entity; and

(b) Adherence to the Normal Legislation Process outlined in Section 30 would result in a delay that would adversely impact the Nation, a Member of the Nation, or Members of the Nation; and

**WHEREAS,** Section 29 of the *Legislative Organization Act* provides “[f]or the Legislation to immediately become the law of the Nation it will require an affirmative vote of two-thirds (2/3) of the full Legislature seated in office”; and

**WHEREAS,** the Legislature deems it necessary to amend the *Legislative Organization Act* to allow the Finance Committee to adopt a motions by emergency action, similar to how the full Legislature may take such action in Section 10e of the Act, so that the Committee can address situations that may demand immediate action and that justifies a departure from the usual process of subsequent ratification of Committee minutes; and

**WHEREAS,** the Legislature finds that amending the Act by Quick Passage to allow the Finance Committee to take emergency action will address a situation that is internal to the Nation’s government and will avoid the delay that would come from placing the Act out for comment to adopt the same amendment, since such delay could adversely impact the Nation or a Member of the Nation at the next two Finance Committee meetings.

**NOW THEREFORE, BE IT RESOLVED** that the Legislature, pursuant to its Constitutional Authority, using the Quick Passage procedures of the *Legislative Organization Act* (2 HCC § 11), amends the *Legislative Organization Act*, in Section 11a, as follows in the underlined language:

“a. Standing Legislative Committees. The Standing Legislative Committees of the Legislature shall be the Finance, Administration, Development, Housing, and Health, Social Services & Insurance Committees. Each will have the jurisdiction and related functions assigned to it by this section and applicable law. If this section or applicable law does not determine the jurisdiction of a matter, the Vice President or Legislature shall determine the appropriate Standing Committee to refer the matter. Action taken by the Legislative Committees is only effective upon subsequent ratification, except that the Finance Committee may take emergency action upon a motion adopted by two-thirds of Legislators present at the Finance Committee. For purposes of the preceding sentence, “emergency action” is defined as a situation that demands unusual or immediate action and that justifies the Finance Committee circumventing the usual ratification procedure.”

#### 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 12 constituting a quorum were present at a meeting duly called and convened and held that on the 18<sup>th</sup> day of February, 2014, that the foregoing resolution was adopted at said meeting by an affirmative vote of 8 members, 2 opposed, and 2 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

2.18.14  
Date