



## **HO-CHUNK NATION LEGISLATURE**

*Governing Body of the Ho-Chunk Nation*

**(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 CHILD SUPPORT ENFORCEMENT CODE, 4 HCC § 7**

#### **RESOLUTION 04-08-14L**

- WHEREAS**, on November 1, 1994, the 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 is a federally recognized Indian Tribe, organized pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS**, the Legislature of the Ho-Chunk Nation (“Legislature”) is the duly constituted governing body of the Ho-Chunk Nation pursuant to the Constitution of the Nation; and
- WHEREAS**, Article V, Section 2 (a) of the Ho-Chunk Nation Constitution (“Constitution”) authorizes the Legislature, to make laws, including codes, ordinances, resolutions, and statutes; 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 Ho-Chunk Nation; and
- WHEREAS**, Article V, Section 2 (u) of the Constitution authorizes the Legislature to enact laws to regulate domestic relations of persons within the jurisdiction of the Nation; and
- WHEREAS**, the Legislature rendered its full support to the establishment and implementation of a Ho-Chunk Nation Child Support Program in Resolution 2-19-03B, Resolution 02-08-11G, and Resolution 03-18-14P; and

#### **Executive Offices**

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**WHEREAS,** the Ho-Chunk Nation Child Support Agency submitted the required Comprehensive Plan and received its Letter of Inquiry (LOI) from the Administration of Children and Families' Office of Child Support Enforcement (OCSE) on March 18, 2014, requiring several small changes, including several related to the *Child Support Enforcement Code*; and

**WHEREAS,** without quick action, the Child Support Agency would be faced with laying employees off, since continued funding relies upon meeting the requirements set forth in the LOI; and

**WHEREAS,** none of the proposed changes alter the meaning and intent of the Child Support Code and simply further clarify the intent of the code; and

**WHEREAS,** Section 30 of the *Legislative Organization Act* provides Quick Passage Procedures; and

**WHEREAS,** under certain limited circumstances, Section 30 provides "[t]he Legislature may vote to immediately pass Legislation"; and

**WHEREAS,** Section 30 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 31 would result in a delay that would adversely impact the Nation, a Member of the Nation, or Members of the Nation; and

**WHEREAS,** Section 30 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 more than two-thirds (2/3) of Legislators present at the Legislative Session."; and



**WHEREAS**, without quick passage, the Child Support Agency will temporarily lose funding thus adversely affecting a person or multiple persons during a layoff period as well as impeding the start of the Child Support Office.

**NOW THEREFORE, BE IT RESOLVED** that the Legislature concludes the amendments to the Child Support Enforcement Code should be adopted through the Quick Passage Procedure, since adherence to the Normal Legislation process of the Legislative Organization Act would result in a delay that could adversely impact the Nation and impacts negotiations with a sovereign entity; and

**BE IT FURTHER RESOLVED** that the Child Support Code shall be amended as follows:

p.35, Section 37(b), shall have a typographical error fixed at 39g(i)(l) shall now read 39h(i)(l); and on p. 42, Section 40h(v)(3) shall have the word "or" deleted from the end of that phrase; and lastly on p. 50, Section 44k, (iv) shall be amended to add the following language, "The Agency will promptly refund amounts which have been improperly withheld." and what was subsection(iv) shall now be identified as subsection (v). (See attached redline copy of the Child Support Code).

**BE IT FURTHER RESOLVED** that the Legislature, pursuant to its Constitutional Authority, using the Quick Passage procedures of the *Legislative Organization Act* (2 HCC § 11), adopts the amendments to *Child Support Enforcement Code*, at 4 HCC § 7, in its entirety.

#### CERTIFICATION

I, the undersigned, as Secretary for the Ho-Chunk Nation Legislature, hereby certifies 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 8<sup>th</sup> day of April, 2014, that the foregoing resolution was adopted at said meeting by an affirmative vote of 10 members, 0 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.

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

4.8.14  
Date