



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 *EMPLOYMENT RELATIONS ACT* (6 HCC §5)
REGARDING THE FUNERAL LEAVE POLICY**

RESOLUTION 04-22-14K

- 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 set various terms and conditions of employment with the Nation by adopting the Nation’s Employment Relations Act (“ERA”) on December 9, 2004 (effective on January 31, 2005); and

WHEREAS, the ERA is codified into Ho-Chunk law as 6 HCC § 5 and has been updated and amended from time to time, by Legislative action; and

WHEREAS, the Legislative Administration Committee recently discussed the possibility of amending the ERA’s policy on allowing paid funeral leave for Ho-Chunk legion and auxiliary members who are asked to honor Ho-Chunk veterans with military rites, so that tribal member veteran spouses of Ho-Chunk members can also receive the same honor; and

WHEREAS, on April 10, 2014, the Legislative Administration Committee adopted a motion to draft a resolution that would amend the ERA by Quick Passage action under the Legislative Organization Act; and

WHEREAS, the Legislature finds that by amending the ERA through Quick Passage to allow paid funeral leave for Ho-Chunk legion and auxiliary members who are asked to honor tribal member veteran spouses of Ho-Chunk members with military rites, the change will address a situation that adversely effects a person or multiple people for which relief is appropriate and necessary.

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 Employment Relations Act, in Chapter IV, Section 19i, as follows in the underlined language:

“i. The Ho-Chunk people honor their warriors. Paid funeral leave will be granted to Ho-Chunk legion and auxiliary members who are asked to honor Ho-Chunk veterans and veteran spouses of Ho-Chunk people with military rites when asked to do so.”

CERTIFICATION

I, the undersigned, as Tribal Secretary of Ho-Chunk Nation, hereby certify 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 22nd day of April, 2014, adopted the foregoing resolution at said meeting by an affirmative vote of 6 members, 0 opposed, and 4 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

4.22.14
Date