



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE QUICK PASSAGE PROCEDURE TO ENACT THE EMERGENCY POLICE VEHICLE OPERATIONS

RESOLUTION 04-23-13B

- 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(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 *Resolution 11-03-10C* authorizing the establishment of the Ho-Chunk Nation Police Department; and
- WHEREAS,** the Ho-Chunk Nation Legislature passed *Resolution 04-05-11J* authorizing the Ho-Chunk Nation Police Department to enforce Wisconsin State Laws and engage in mutual aid with county or municipal law enforcement agencies; and
- WHEREAS,** the Ho-Chunk Nation Police Department emergency vehicles are currently subject to the Ho-Chunk Nation *Fleet Ordinance*, 2 HCC § 10; and
- WHEREAS,** the Ho-Chunk Nation Police Department in accordance with their duties as law enforcement may have to transport individuals not authorized for transportation within the *Fleet Ordinance* and may at times have to operate police vehicles in a manner inconsistent with traffic laws. Accordingly, the *Emergency Police Vehicle Operations Ordinance* outlines when law enforcement may operate police vehicles in a manner inconsistent with traffic laws and whom may be transported within the emergency police vehicles when it is necessary to protect the health, safety, and welfare, of individuals and the public; and
- WHEREAS,** Section 30 of the *Legislative Organization Act* provides Quick Passage Procedures; and

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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.”

NOW, THEREFORE, BE IT RESOLVED, that the Legislature concludes the *Emergency Police Vehicle Operations Ordinance* should be enacted 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 also that Quick Passage should be carried out in order to address a situation that adversely affects the health, safety, welfare, or economic well-being of the Nation, and impacts negotiations with a sovereign entity.

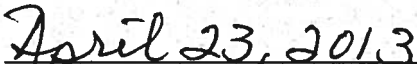
NOW THEREFORE, BE IT FURTHER RESOLVED that the Legislature, pursuant to its Constitutional Authority, using the Quick Passage procedures of the *Legislative Organization Act* (2 HCC § 11), enacts the *Emergency Police Vehicle Operations Ordinance*, at 2 HCC §18, in its entirety.

CERTIFICATION

I, the undersigned, as Tribal Secretary of the 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 on the 23rd day of April, 2013, that the foregoing resolution was adopted at said meeting by an affirmative vote of **8 members**, **0 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.



Hope B. Smith, Tribal Secretary



Date