



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE RESTATEMENT OF RESOLUTION 4-08-13D QUICK PASSAGE PROCEDURE TO AMEND THE *FINANCE MANUAL* (5 HCC § 5)

RESOLUTION 08-06-13B

- 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(b) of the Constitution grants the Legislature the power to establish Executive Departments, and to delegate legislative powers to the Executive branch to be administered by such Departments, in accordance with the law; any Department established by the Legislature shall be administered by the Executive; the Legislature reserves the power to review any action taken by virtue of such delegated power; and
- WHEREAS,** Article V, Section 2(c) of the Constitution grants the Legislature the power to constitute a Board of Directors for each Department, except the President shall name the Executive Director, subject to confirmation by the Legislature; and
- WHEREAS,** 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; 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 August 5, 2008; and
- WHEREAS,** the *Legislative Organization Act* provides the procedures for enacting or amending a Ho-Chunk Nation law; and

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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, the Ho-Chunk Nation Legislature adopted the *Finance Manual* (5 HCC § 5) on April 15, 2003 and has amended the law several times since then; and

WHEREAS, the Finance Manual prescribes the internal accounting policies the Nation’s Departments and Branches of Government must use for various tribal government funds and assets; and

WHEREAS the Finance Manual establishes a policy for Travel expenses and advances, as well as a Stipend policy that would pertain to various Boards, Committees and Agencies of the Nation; and

WHEREAS, the General Council Agency submitted a request to the Legislature to consider amendments to the Finance Manual in March 2012, including an exemption from the Travel Advance reimbursable expense requirement for the General Council Agency (similar to the Traditional Court), and a request to amend the law to indicate the Stipend Policy would not apply to the General Council Agency; and

WHEREAS, the Legislature prepared a draft Finance Manual reflecting these potential amendments for 45 day public comment in May 2012, but also included a provision to increase the general stipend rate for meetings to \$125; and

WHEREAS, after the 45 day comment period expired, the Legislature voted to defeat the proposed amendments; and

WHEREAS, the General Council Agency has again asked the Legislature to consider their previously proposed amendment to the Finance Manual, in light of the fact that a Special General Council meeting took place on April 20, 2013 and the Agency wanted their Alternate Members to be able to attend meetings in preparation for said meeting; and

WHEREAS, the Legislature continued to separately consider an increase to the stipend rate of pay to \$125; and

WHEREAS, in Session on April 8, 2013, the Legislature adopted a Quick Passage amendment to the Finance Manual, making allowances for the General Council Agency to permit them to plan and prepare for General Council meetings on a more efficient basis and addressing a situation that was deemed internal to the operation of the Nation's Government; and

WHEREAS, the Legislature also found that a Quick Passage amendment to the Finance Manual was appropriate to increase the Stipend rate, in order to encourage broader participation by tribal membership on Boards, Committees, Commissions and Agencies internal to the Nation, and that a Quick Passage amendment would address a situation that was internal to the operation of the Nation's Government; and

WHEREAS, the Legislature adopted Resolution 4-08-13D as a Quick Passage amendment to the Finance Manual reflecting the two changes described above (regarding the GCA Alternates and the increase in Stipend rate), but the Resolution did not reflect an effective date of either;

NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional Authority, hereby restates Resolution 4-08-13D to clarify that the effective date of the amendments concerning the GCA were effective the date of adoption (April 8, 2013), but that the effective date of the increase in the Stipend rate to \$125 was intended to be July 1, 2013:

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 **13** constituting a quorum were present at a meeting duly called and convened and held on the **6th day of August, 2013**, and that the foregoing resolution was adopted at said meeting by an affirmative vote of **13 members, 0 opposed, and 0 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.

Kathyleen Lone Tree-Whiterabbit
Kathyleen Lone Tree-Whiterabbit, Tribal Secretary

8.6.13
Date