



# HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

## DEFEATED RESOLUTION

### HO-CHUNK NATION LEGISLATURE

#### QUICK PASSAGE AMENDMENTS TO THE *LEGISLATIVE ORGANIZATION ACT (2 HCC § 11)*

#### RESOLUTION 07-19-22 I

- WHEREAS,** on November 1, 1994, the Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation (“Constitution”), formerly known as the Wisconsin Winnebago Nation; 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(g) of the Constitution grants the Legislature the authority 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 June 23, 2015; and
- WHEREAS,** the *Legislative Organization Act* (2 HCC § 11) provides the procedures for enacting or amending a Ho-Chunk Nation law; and
- WHEREAS,** Section 43 of the *Legislative Organization Act* (2 HCC § 11) provides Quick Passage Procedures; and
- WHEREAS,** under certain limited circumstances, Section 43 provides “[t]he Legislature may vote to immediately pass Legislation”; and

#### **Executive Offices**

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**WHEREAS,** Section 43.a. of the *Legislative Organization Act* (2 HCC § 11) 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 44 would result in a delay that would adversely impact the Nation, a Member of the Nation, or Members of the Nation; and

**WHEREAS,** Section 43.b. of the *Legislative Organization Act* (2 HCC § 11) 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 the full Legislature seated in office”; and

**WHEREAS,** through the adoption of *Resolution 3 12 20A*, the Legislature of the Nation previously declared a state of emergency concerning the tribal and national response to the coronavirus (known as COVID-19), and set in place measures to protect the Nation, its Members and employees, including travel restrictions and adherence to certain federal recommendations and guidance to protect against the spread of such virus; and

**WHEREAS,** in response to the declared state of emergency, and the updated needs of the Legislature, the Legislature found it necessary to amend the *Legislative Organization Act* (2 HCC § 11) in order to protect the health and welfare of the Nation, its Members, and workforce, while also improving the efficiency of the internal functioning of the tribal government; and

**WHEREAS,** in 2020, the Legislature adopted amendments to the *Legislative Organization Act* that allowed greater flexibility, scheduling and telecommuting; and

**WHEREAS,** in 2020, the Legislature also temporarily suspended Legislative Committee meetings, and opted to utilize full Legislative meetings instead; and

**WHEREAS,** the Legislature found the use of full Legislative meetings to be a more efficient and productive manner of addressing the needs of the Nation and its Members; and

**WHEREAS,** in order to promote better efficiency, more responsiveness, and to enhance a situation that is internal to the operation of the Government, the Legislature found, and concluded, that it necessary to amend the *Legislative Organization Act* (“LOA”) to remove most of the previous Legislative Committees, while retaining a Standing Legislative Finance Commission, and thus the Legislature adopted Resolution 1-06-22E

- WHEREAS,** after the Legislature adopted Resolution 1-06-22E, the Legislature determined to include the Ho-Chunk Nation Treasurer as a non-voting member of the Standing Legislative Finance Commission, and to make it an amendment to the LOA, and therefore adopted Resolution 1-06-22E; and
- WHEREAS,** since the adoption of Resolution 1-06-22E, the Treasurer has expressed reluctance to attend Legislative Finance Commission meetings as a non-voting member, in light of her concerns that such a requirement is not stated in the job description or employment contract for the Treasurer; and
- WHEREAS,** in light of the Treasurer's reluctance, the goal and aim of Resolution 1-06-22E has not been realized, due to the reluctance and refusal of the Treasurer; and
- WHEREAS,** the Legislature finds it appropriate to amend the LOA to delete language making the Treasurer a non-voting member of the Legislative Finance Commission, and to do so by Quick Passage procedure under the LOA; and
- WHEREAS,** thus, on the same basis as set forth in Resolution 1-06-22E, the Legislature makes the same findings and conclusions with respect to amending the LOA via Quick Passage, but this time to remove the Treasurer from the Standing Legislative Finance Commission; and
- WHEREAS,** such amendments are internal to the operation of the Nation's Government, in that they impact the function of the Finance Commission and Treasury Department; and
- WHEREAS,** following the Normal Legislation Process set forth in the LOA would result in a delay that adversely impact the Nation, in that it would continue the breakdown in carrying out the law and appointment of the Treasurer that was previously enacted in Resolution 1-06-22E; and
- WHEREAS,** pursuant to Section 43.a(3) of the LOA, conclusions of the Legislature with respect to the criteria provided under Section 43.a.(2) will be final.

**NOW, THEREFORE, BE IT RESOLVED,** that the Legislature, pursuant to its Constitutional authority, hereby adopts, by Quick Passage, the below amendment to the *Legislative Organization Act* (2 HCC § 11), showing added language underlined and deleted language as struck-through:

**Section 11. Establishment and Composition of Standing Legislative Commissions.**

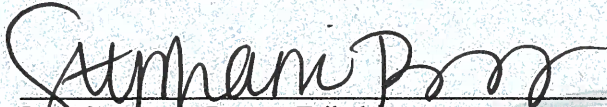
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b. Composition.

(1) The Legislative Finance Commission will consist of all Legislators as voting members, and the Ho-Chunk Nation Treasurer as a non-voting member.

**CERTIFICATION**

I, the undersigned, as Secretary for the Ho-Chunk Nation Legislature, hereby certify 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 19<sup>th</sup> day of July, 2022, that the foregoing resolution was adopted at said meeting by an affirmative vote of 8 members, 2 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.

  
Rep. Stephanie Begay, Tribal Secretary

07.19.22  
Date

