



## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

**HO-CHUNK NATION LEGISLATURE  
AMENDMENT OF THE HO-CHUNK NATION  
LEGISLATIVE ORGANIZATION ACT (2 HCC § 11)  
AND DEPARTMENT OF HOUSING ESTABLISHMENT  
AND ORGANIZATION ACT OF 2001 (1 HCC § 7)  
RESOLUTION 11-05-08 D**

- 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(i) of the Constitution grants the Legislature the power to negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals; 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 Legislature passed the Ho-Chunk Nation *Legislative Organization Act* (2 HCC § 11), which was last Amended August 5, 2008; and
- WHEREAS,** the *Legislative Organization Act* provides procedures for posting of the vacancies on select boards and committees of the Nation; and
- WHEREAS,** the current procedures for posting these vacancies on these select boards and committees has created issues for the Nation to timely fill these vacancies; and
- WHEREAS,** the *Department of Housing Establishment and Organization Act of 2001* (1 HCC § 7) provides procedures for posting vacancies on the Department of Housing Board of Directors; and
- WHEREAS,** the *Legislative Organization Act* also provides the procedures for enacting or amending a Ho-Chunk Nation law; and

### **Executive Offices**

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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;
    - 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.

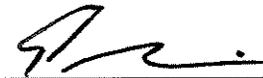
WHEREAS, the posting of vacancies on boards or committees is a matter the Legislature deems as “internal to the operation of the Government.”; and

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, pursuant to its Constitutional Authority, amends the *Legislative Organization Act* (2 HCC § 11) and *Department of Housing Establishment and Organization Act of 2001* (1 HCC § 7) to provide different procedures for the posting of vacancies on boards or committees in general and on the Department of Housing Board of Directors.

**CERTIFICATION**

I, the undersigned, as Tribal Secretary for the Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **11 members**, of whom **11** constituting a quorum were present at a meeting duly called and convened and held on the **5<sup>th</sup> day of November, 2008**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **11 members, 0 opposed, and 0 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.

  
\_\_\_\_\_  
Elliott Garvin, Tribal Secretary

**11-5-08**  
\_\_\_\_\_  
Date