



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) RESOLUTION 12-10-08 A

- 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 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 August 5, 2008; and
- WHEREAS,** it is important that the Finance Committee be able to conduct the Nation’s business in the temporary absence of both the Presiding and Second Presiding Officer of the Finance Committee; and
- WHEREAS,** the *Legislative Organization Act* provides the procedures for enacting a Ho-Chunk Nation law; and
- 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

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(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, Section 30 of the Legislative Organization Act provides "[f]or the Legislative to Immediately become the law of the Nation it will require an affirmative vote of more than two-thirds (2/3) of Legislators 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) to provide a method for a Legislator to serve in the Role of Presiding Officer of the Finance Committee in the temporary absence of both the Presiding and Second Presiding Officer of the Finance Committee.

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 **9** constituting a quorum were present at a meeting duly called and convened and held on the **10th day of December, 2008**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **8 members, 0 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.



Elliott Garvin, Tribal Secretary

12-10-08

Date