

*****DEFEATED RESOLUTION*****

**HO-CHUNK NATION LEGISLATURE
ADOPTION OF *SPECIAL EVENT TATTOOING AND BODY PIERCING CODE (3 HCC § 11)*
THROUGH USE OF THE QUICK PASSAGE PROCEDURES CONTAINED IN THE
LEGISLATIVE ORGANIZATION ACT (2 HCC § 11)
RESOLUTION 4-06-10 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(e) of the Constitution grants the Legislature the power to raise revenue, including the power to levy and collect taxes and license fees; 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(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(s) of the Constitution grants the Legislature the power to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Ho-Chunk Nation; 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 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;
- 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 Casino Hotel and Convention Center has the opportunity to host an upcoming tattoo and body piercing conference; and

WHEREAS, hosting this conference will raise significant revenue for the Nation; and

WHEREAS, the Nation does not currently have a law to regulate tattoo and body piercing establishments on the Nation’s land and, without this law, the Nation would be dependent on Wisconsin law and Wisconsin personnel to enforce Wisconsin law on Ho-Chunk Nation land; and

WHEREAS, the Ho-Chunk Nation Division of Health has proposed that the Nation adopt its own *Special Event Tattooing and Body Piercing Code (3 HCC § 11)*, but use of the normal Legislative procedures will result in the Ho-Chunk Casino Hotel and Convention Center not being able to host the conference this upcoming summer.

NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional Authority, through use of the quick passage procedures of the *Legislative Organization Act (2 HCC § 11)* enacts the *Special Event Tattooing and Body Piercing Code (3 HCC § 11)*.

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 **8** constituting a quorum were present at a meeting duly called and convened and held that on the **6th day of April, 2010**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **4 members, 4 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.

*****Due to a three-fourth majority of aye votes are needed to adopt this law and resolution, the resolution is Defeated.*****

Hope Smith, Tribal Secretary

Date