



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE QUICK PASSAGE PROCEDURE TO AMEND THE *CHARITABLE REQUEST ACT* TO ADDRESS ELITE ELDER HOMEOWNERS INSURANCE NEEDS

RESOLUTION 02-21-12M (Defeated Resolution)

- 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(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 *Charitable Request Act (4 HCC § 8)*, which was last amended on November 4, 2004; and
- WHEREAS,** the *Charitable Request Act* provides the policy for regulating the funding, management, and use of the Elder Assistance Fund; 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:

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(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 Legislature acknowledges that central to health, safety, welfare and economic well-being of the Nation’s Elite Elders in safe and adequate housing; and

WHEREAS, the Legislature recognizes that many Elite Elders need assistance in paying their homeowners insurance;

NOW, THEREFORE, BE IT RESOLVED, that the legislature concludes that the *Charitable Request Act* should be amended through the Quick Passage procedure, since adherence to the Normal Legislation process of the *Legislative Organization Act* would result in a delay that could adversely impact the Nation, and also that Quick Passage should be carried out in order to address a situation that adversely affects the health, safety, welfare, or economic well-being of the Nation, and is internal to the operation of the Nation’s government; and

NOW THEREFORE, BE IT FURTHER Resolved, that the Legislature, pursuant to its Constitutional Authority, using the Quick Passage procedures of the *Legislative Organization Act (2 HHC § 11)*, amends the *Charitable Request Act*, at Section 7 to include an exception in this provision for the Elite Elder Homeowners Insurance Program in addition to the Elder Tax Assistance Program and at Section 5, b(5), by adding the following language under sub. (5) and renumbering the existing (5) to (6):

“(c) Elite Elder Homeowners Insurance Program. Assistance shall be given to Elite Elders to pay for homeowners insurance for one home. The home and insurance policy must be in the name of the Elite Elder to qualify for assistance under this provision. Assistance provided under this provision shall be paid directly to insurance company y. The Department of Treasury shall administer this program. The Department shall develop and publish any application forms, instructions and guidelines necessary to implement the program.”

CERTIFICATION

I, the undersigned, as Tribal Secretary of the Ho-Chunk Nation Legislature, hereby certifies 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 **21st day of February, 2012**, that the foregoing resolution was not adopted at said meeting by an affirmative vote of **7 members, 1 opposed, and 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.

Hope B. Smith
Hope B. Smith, Tribal Secretary

February 21, 2012
Date

