



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE QUICK PASSAGE PROCEDURE TO AMEND THE *LEGISLATIVE ORGANIZATION ACT* REGARDING THE SUBCOMMITTEE OF OFFICERS AND THE POWERS AND DUTIES OF THE VICE-PRESIDENT

RESOLUTION 08-08-11D (*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(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 authorizes the Legislature 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 February 11, 2011; and
- WHEREAS,** since its enactment, the Legislature has amended the *Legislative Organization Act* to accommodate the needs of the Legislature and the Ho-Chunk Nation in operating an effective government; and
- WHEREAS,** since 2010, the Legislature has been evaluating and modifying its staffing and office structure to improve its effectiveness and service to the Nation and its constituents, and such efforts continue; and
- WHEREAS,** the *Legislative Organization Act* provides the procedures for enacting or amending a Ho-Chunk Nation law; and
- WHEREAS,** Section 30 of the *Legislative Organization Act* provides Quick Passage Procedures; and

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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

NOW, THEREFORE, BE IT RESOLVED, that the Legislature concludes that the *Legislative Organization 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 HCC § 11), amends the *Legislative Organization Act*, by:

- Striking Section 4 (ee) and any other reference to the Subcommittee of Officers in the Act.
- Striking Sections 6 (b) & (d) and inserting the following language:

(b) The Vice-President will act as the Executive Administrative Officer within the Legislative Office. In this capacity he or she will exercise the following authorities with regard to Legislators and the Legislative Staff: signature authority for sick, annual, and Waksik Wosga leave applications, time sheets, and other routine and standard personnel Administrative functions.

(d) The Vice President will exercise supervisory authority over Legislative Counsel(s)/Attorney(s), Legislative Secretary(ies), Legislative Auditor(s), Legislative Assistant(s), Legislative Policy Analyst(s), and other staff as deemed necessary.

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 12 constituting a quorum were present at a meeting duly called and convened and held that on the 8th day of August, 2011, that the foregoing resolution was adopted at said meeting by an affirmative vote of **7 members, 3 opposed, and 2 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

August 8, 2011

Date

