



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE RESOLUTION PLACING PROPOSED AMENDMENTS TO THE *LEGISLATIVE ORGANIZATION ACT (2 HCC § 11) OUT FOR FORTY-FIVE DAY PUBLIC COMMENT*

RESOLUTION 08-23-11B

- 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 Legislature enacted the *Legislative Organization Act (2 HCC § 11)* by Legislative Resolution 2/13/01D; and
- WHEREAS,** since its enactment, the Legislature has amended the Legislative Organization Act (“LOA”) several times to accommodate the needs of the Legislature and the Ho-Chunk Nation in operating an effective government; and
- WHEREAS,** in 2010 the Legislature began a process of office reorganization and enhanced staffing in order to improve its effectiveness and service to the Nation and constituents, and such efforts to improve operations continue; and
- WHEREAS,** the Legislature has continually reviewed the Legislative Organization Act to consider any necessary amendments; and
- WHEREAS,** the Legislative Administration Committee has held Special Meetings focused solely on the LOA, its effectiveness and any necessary amendments; and
- WHEREAS,** the Legislature, as recently as April 2011, approved placing the LOA out for forty-five day public comment, with various potential amendments; and

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WHEREAS, the Legislature recently considered a proposal to amend the LOA regarding the role of the Legislative Sub-Committee of Officers and the Vice President as it pertains to administrative oversight of the Legislative office; and

WHEREAS, the proposed amendments to the LOA include:

- Striking Chapter I, Section 4 ee and any other reference to the Subcommittee of Officers in the LOA, including, but not limited to, the references in Chapter II, Section 6 b and d;

- Striking Chapter II, Sections 6 b and d of the LOA 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. Supervision of the Legislative Staff will be as set forth by the Legislature within the Legislature's Organizational Chart and reporting structure, including administrative oversight and supervision by the Legislature, Vice President, Legislative Counsel, Financial Examiner, or as otherwise noted therein.

WHEREAS, the Legislature deems it appropriate to place the proposed language amendment out for public comment, while also inviting comment on any other part of the LOA; and

WHEREAS, The *Legislative Organization Act* controls the process for amendments to laws of the Nation; and

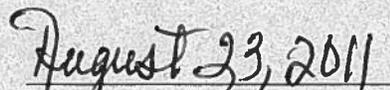
WHEREAS, Section 31, subparagraph d (1) (a) of the *Legislative Organization Act* provides that the Public Review period will typically be forty-five days.

NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority places the proposed amendments to the *Legislative Organization Act* (2 HCC § 11) out for forty-five day public comment, to run from the date the proposed amendments are posted on the Nation's website, and invites public comment on any other part of the LOA.

CERTIFICATION

I, the undersigned, as Tribal Secretary of Ho-Chunk Nation, hereby certify 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 that on the 23rd day of August, 2011, adopted the foregoing resolution at said meeting by an affirmative vote of 6 members, 4 opposed, and 1 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, Tribal Secretary


Date