



## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

### HO-CHUNK NATION LEGISLATURE QUICK PASSAGE PROCEDURE TO AMEND THE HO-CHUNK NATION JUDICIARY ESTABLISHMENT ACT(2 HCC § 6)

#### RESOLUTION 12-06-2011L (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(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**, Article VII, Section 1 of the Constitution provides that the Legislature shall have the power to establish lower courts special jurisdiction as deemed necessary and other forums of special jurisdiction for traditional dispute resolutions as deemed necessary; and
- WHEREAS**, the Legislature enacted the *Judiciary Act* by Resolution on April 06, 2005; and
- WHEREAS**, the Ho-Chunk Nation Legislature passed the *Legislative Organization Act* (2 HCC § 11), which was last amended on December 7, 2010; 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

#### **Executive Offices**

W9814 Airport Road P.O. Box 667 Black River Falls, WI 54615  
(715) 284-9343 Fax (715) 284-3172 (800) 294-9343

**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.

**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 Nation Judiciary and Department of Justice have proposed amendments to the *Judiciary Act* on that need legislative approval immediately, so as to not adversely affect a person or multiple people for which Legislative relief is deemed appropriate and necessary by the Legislature; and is internal to the operation of the Government; and

**WHEREAS**, the amendments to the *Judiciary Act* are as follows:

Page 2. Section 3. Organization (d), add:

(d) A Healing to Wellness Court consisting of a Treatment Team made up of a Trial Court Judge, a prosecutor, a public defender/advocate, a Treatment Team coordinator, a Researcher, a law enforcement official, a representative of the Legislature, a representative of probation, a representative of substance abuse treatment providers, a representative of Traditional Court, a representative of social services, a representative of compliance and other members to be determined by the Judiciary and/or Treatment Team.

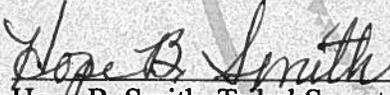
Page 3. Section 13. Healing to Wellness Court, add:

The Judiciary shall provide for the establishment, operation, and funding of the Nation's Healing to Wellness Court to assist the Judiciary in providing alternatives to prosecution and incarceration for Tribal member criminal offenders who abuse alcohol or other drugs. This program is based upon principles of restorative justice that takes into account the traditions, culture and customs of the Nation.

**NOW, THEREFORE, BE IT RESOLVED**, that the Legislature concludes that the *Judiciary 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.

#### 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 10 constituting a quorum were present at a meeting duly called and convened and held that on the **6<sup>th</sup> day of December, 2011**, that the foregoing resolution was not adopted at said meeting by an affirmative vote of **4 members, 2 opposed, and 4 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