



## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

### HO-CHUNK NATION LEGISLATURE QUICK PASSAGE PROCEDURE TO AMEND THE *CODE OF ETHICS ACT* REGARDING QUORUM AND BYLAWS

#### RESOLUTION 2/22/11E

- 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(h) of the Constitution grants the Legislature the power to enact all laws prohibiting and regulating conduct, and imposing penalties upon all persons within the jurisdiction of the Nation; and
- WHEREAS,** Article V, Section 3 of the Constitution provides that the Legislature shall adopt Codes governing, among other things, Ethics, including conflicts of interest, nepotism, and the conduct of all elected and appointed officials and employees; 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 June 9, 2009; 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
- WHEREAS,** under certain limited circumstances, Section 30 provides “[t]he Legislature may vote to immediately pass Legislation”; 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,** 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 Legislature adopted the Ho-Chunk Nation Code of Ethics Act in 1999 and has reviewed, restated and amended the Act at various times up through November 2009; and

**WHEREAS,** the Code of Ethics Act (“Code of Ethics”) establishes standards for elected and appointed officials and certain employees of the Nation intended to be a guide to avoid conflicts of interest and to improve the level of public service of such officials and employees of the Nation; and

**WHEREAS,** the Code of Ethics establishes an Ethics Review Board comprised of members of the Nation and intended to hear reports of alleged violations under the Code of Ethics; and

**WHEREAS,** the Legislature recently reconstituted the Ethics Review Board and appointed several new members, after a period of time when the Board was not active or functioning; and

**WHEREAS,** the Ethics Review Board (“Board”) met on February 12, 2011 to review the Code of Ethics and determine whether any parts of the Code were lacking in specificity, in need of clarification, or should be changed in order to make the Board fully functioning; and

**WHEREAS,** the Board noted that the current Code does not contain any language requiring a Quorum for the Board to meet; nor does it contain any language authorizing the Board to adopt Bylaws to address internal, administrative procedural matters; and

**WHEREAS,** the Board adopted motions to proposed amendments to the Code that establish a Quorum requirement and authorize the Board to adopt Bylaws ; and

**WHEREAS,** the Board proposes the above amendment to the Code as a Quick Passage amendment, since it affects the internal operation of the Government (the Ethics Review Board) and the delay of following the Normal Legislation Process would adversely affect the Nation inasmuch as it would cause inefficiency in the Board’s operation since it would not be authorized by law to adopt Bylaw and would not be required to maintain a Quorum to conduct its business;

**NOW, THEREFORE, BE IT RESOLVED**, that the Legislature concludes that the Code of Ethics Act, 2 HCC § 1, 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 is internal to the operation of the Nation's government;

**NOW THEREFORE, BE IT FURTHER RESOLVED** that the Legislature, pursuant to its Constitutional Authority, using the Quick Passage procedures of the *Legislative Organization Act*, amends Section 11a of the Code of Ethics Act (showing the affected statutory language) as follows:

...

(2) A majority of the confirmed Ethics Review Board members shall constitute a quorum. A quorum shall be necessary to transact official business of the Ethics Review Board. Each meeting of the Ethics Review Board shall require a quorum.

(2) (3) The Ethics Review Board shall select by a vote of at least six (6) Members the Chairperson from the Nation's membership to serve . . .

(3) (4) Subject to confirmation by the Legislature, the fourteen (14) Ethics Review Board Members shall be nominated by each District as follows: . . .

(4) (5) Upon a District nominating an individual to serve on the Ethics Review Board . . .

(6) The Ethics Review Board shall establish bylaws to address the internal procedures of the Board.

(5) (7) Steps upon the Ethics Review Board Chairperson receiving a report pursuant to Section 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 7 constituting a quorum were present at a meeting duly called and convened and held that on the 22<sup>nd</sup> day of February, 2011, that the foregoing resolution was adopted at said meeting by an affirmative vote of 7 members, 0 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.

Hope B. Smith  
Hope/B. Smith, Tribal Secretary

February 22, 2011  
Date