



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 PROCEDURES FOR EXECUTIVE SESSION

RESOLUTION 2-22-11 I

- 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

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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 Legislative Organization Act (“LOA”) contains provisions regarding Legislative Executive Session and legal requirements for considering various issues and topics in Executive Session, see Section 10c(3) of the LOA and Section 36c of the LOA; and

WHEREAS, Section 36 c of the LOA specifically states that “for any matter discussed in Executive Session the Legislature has the right to have the matter remain confidential to protect the interest of the Nation. The Legislature may pass a Resolution or motion to determine the procedures for when a matter that is discussed in Executive Session may be made public”; and

WHEREAS, the Legislature adopted a motion to amend Section 36 c of the LOA by Quick Passage amendment since the manner in which the Legislature conducts Executive Session, or moves items into open session, affects the internal operation of the Government and may affect the health, safety and well-being of the Nation; and

WHEREAS, the Legislature seeks to amend Section 36c of the LOA by Quick Passage amendment, also, because adherence to the Normal Legislation Process of the LOA might result in undue delay, inasmuch as the Legislature may deem it appropriate to move certain matters into open session;

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 would be internal to the operation of the Nation’s government;

NOW THEREFORE, BE IT FURHER RESOLVED that the Legislature, pursuant to its Constitutional Authority, using the Quick Passage procedures of the *Legislative Organization Act*, amends Section 36c of the Legislative Organization Act (showing the affected statutory language) as follows:

c. For any matter discussed in Executive Session, the Legislature has the right to have the matter remain confidential to protect the interest of the Nation. The Legislature, in Executive Session, may pass a Resolution or motion to ~~determine the procedures for when a matter that is discussed in Executive Session may be made public.~~ authorize the release specified information to the public, or move the discussion of specified Executive Session items outside of Executive Session. The Legislature may also pass a Resolution or motion to determine the procedures for when a matter that is discussed in Executive Session may be made public.

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 **8** constituting a quorum were present at a meeting duly called and convened and held that on the **22ND** day of February, 2011, that the foregoing resolution was adopted at said meeting by an affirmative vote of **8 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 Smith, Tribal Secretary

February 27, 2011
Date

