



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE QUICK PASSAGE PROCEDURE TO AMEND THE *FINANCE MANUAL* (5 HCC § 5) RESOLUTION 2-09-10 E

- 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(b) of the Constitution grants the Legislature the power to establish Executive Departments, and to delegate legislative powers to the Executive branch to be administered by such Departments, in accordance with the law; any Department established by the Legislature shall be administered by the Executive; the Legislature reserves the power to review any action taken by virtue of such delegated power; and
- WHEREAS,** Article V, Section 2(c) of the Constitution grants the Legislature the power to constitute a Board of Directors for each Department, except the President shall name the Executive Director, subject to confirmation by the Legislature; and
- WHEREAS,** Article V, Section 2(d) of the Constitution grants the Legislature the power to authorize expenditures by law and appropriate funds to the various Departments in an annual budget; 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(i) of the Constitution grants the Legislature the power to negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals; 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 August 5, 2008; 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

WHEREAS, the Ho-Chunk Nation Legislature adopted the *Finance Manual* (5 HCC § 5), which was last amended and restated on May 18, 2005 by Resolution 5 – 18 – 05 – C; and

WHEREAS, on January 6, 2010 the Legislature held an off-site the purpose of the off-site was to develop criteria for determining what expansion/developments the Nation will focus on for the next two years; and

WHEREAS, during the off-site, the Business Department raised concerns over the definition of “Capital Expenditure” contained within the *Finance Manual*; and

WHEREAS, the current definition of a “Capital Expenditure” within the *Finance Manual* provides that a “‘Capital Expenditure’ is the purchase of furniture, equipment, vehicles, facilities, etc., with a price of \$3,000 or more and a useful life of two (2) years or more.”; and

WHEREAS, the last time the Legislature increased the capital expenditure dollar limitation contained within the *Finance Manual* was November of 1999 and the increase was from \$500 to \$3,000; and

WHEREAS, the Business Department’s concerns were that the minimum of \$3,000 within the definition of a “Capital Expenditure” hinders its ability to efficiently run the Nation’s business operations and recommends a change to \$5,000.00; and

WHEREAS, Section 13, subparagraph b. (5) (a) of the *Finance Manual* controls the procedure for the Nation to garnish the wages of an employee for debts owed to the Nation; and

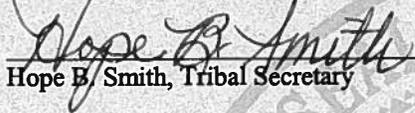
WHEREAS, concerns have also been raised regarding the procedures that are used when the Nation garnishes an employee’s wages for debts owed to the Nation; and

WHEREAS, the concerns center on the fact that a Court could possibly determine that the current procedures may not protect an employee’s due process rights prior to garnishing his or her wages for debts owed to the Nation.

NOW THEREFORE BE IT RESOLVED, that the Legislature, pursuant to its Constitutional Authority, using the Quick Passage procedures of the *Legislative Organization Act* (2 HCC § 11) amends the *Finance Manual* (5 HCC § 5) to address the above concerns.

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 9th day of February, 2010, 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, Tribal Secretary


Date

