HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE
PLACING PROPOSED AMENDMENTS TO THE *LEGISLATIVE ORGANIZATION ACT* (2 HCC § 11) OUT FOR FORTY-FIVE DAY PUBLIC COMMENT
RESOLUTION 4-07-09 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(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(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 Legislature enacted the *Legislative Organization Act* (2 HCC § 11) by Legislative Resolution 2/13/01D; and

WHEREAS, as a result of the Special Election for Redistricting held on November 18, 2009, certain provisions of the *Legislative Organization Act* need to be amended to reflect the results of that Special Election; and

WHEREAS, these amendments include:

(a) Changing the number of Legislators necessary to satisfy the quorum requirement to hold legislative session;
(b) Changing the number of Legislators necessary to satisfy the quorum requirement to hold Finance Committee meetings;
(c) Changing requirements with respect to filling absences on the Administration or Development Committees; and
(d) Changing the number of Legislators that must be absent to enact the provisions of Chapter V with respect to "Continuity of Government" when faced with a loss of Quorum due to the death or incapacitation of Legislators resulting from natural or manmade disasters; and

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WHEREAS, Legislators have also proposed a substantive change to the *Legislative Organization Act*; and

WHEREAS, this proposed amendment would provide that Area Members, in consultation with Legislators, may if they choose develop by-laws to govern various aspects of their respective District meetings; and

WHEREAS, the Legislature referred these proposed amendments to the Administration Committee; and

WHEREAS, the Administration Committee reviewed the proposed amendments and motioned for the *Legislative Organization Act* to be sent to Legislature for it to be placed out for forty-five day public comment; 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.

CERTIFICATION

I, the undersigned, as Tribal Secretary, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **11 members**, of whom **7** constituting a quorum were present at a meeting duly called and convened and held on the **7th day of April, 2009**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **6 members, 1 opposed, and 0 abstaining**, pursuant to the authority of 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 said resolution has not been rescinded or amended in any way. I further certify that this is a verified copy of said resolution.

Elliott Garvin, Tribal Secretary — Date: 4-7-09