# ****DEFEATED RESOLUTION***

**HO-CHUNK NATION LEGISLATURE**
**QUICK PASSAGE OF AMENDMENTS TO *COMPUTER USAGE ACT* (6 HCC § 4)**
**RESOLUTION 5-19-09 A**

**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(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(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); and

**WHEREAS,** the *Legislative Organization Act* provides the procedures for enacting and 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

**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 Legislature adopted the *Computer Usage Act* (6 HCC § 4), which was last amended on May 5, 2007; and

**WHEREAS,** the purpose of the *Computer Usage Act* is to "establish" the policy and rules for the acceptable use of computer equipment by employees of the Nation. These rules are in place to protect the employee and the Nation. Inappropriate use exposes the Ho-Chunk Nation to risks including virus attacks, compromise of network systems and services, and legal issues."; and

**WHEREAS,** the IT Department proposed amendments to the *Computer Usage Act*, which were reviewed by the Administration Committee; and

**WHEREAS,** the Administration Committee passed a motion to refer the amendments to the *Computer Usage Act (*6 HCC § 4) to the Legislature for further action; and

**WHEREAS,** the IT Department's proposed amendments will protect the Nation from security risks. For instance, the Nation's employees are using mass storage devices which give the users the ability to transfer potentially sensitive data and/or viruses; and

**WHEREAS,** the amendments to the *Computer Usage Act* elaborate more on the devices that should not be used within the Nation's computer network.

**NOW THEREFORE, BE IT RESOLVED** that the Legislature, pursuant to its Constitutional Authority, uses the Quick Passage Procedures of the *Legislative Organization Act* (2 HCC § 11) to amend the *Computer Usage Act (*6 HCC § 4).

**CERTIFICATION**

I, the undersigned, as Tribal Secretary for the Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **10 members**, of whom 11 constituting a quorum were present at a meeting duly called and convened and held on the **19th day of May, 2009**, that the foregoing resolution was adopted at said meeting by an affirmative vote of 2 **members, 6 opposed, and 2 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.

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Elliott Garvin, Tribal Secretary Date