



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) TO MODIFY THE STIPEND POLICY

RESOLUTION 12-21-10 B

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(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(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

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, the Finance Manual contains a Stipend Policy that allows members of the Nation’s boards, committees and commissions to be paid a daily stipend commensurate with their service, based on a rate specified in Section 27 of the Finance Manual; and

WHEREAS, under Section 27d(1) of the Finance Manual, stipends are only paid to primary members of a particular board, committee or commission providing service, while alternate members may only receive a stipend if they attend in a member's absence.

WHEREAS, the Ho-Chunk Nation Election Board has followed the Stipend Policy by permitting a stipend for delegates, as primary members, when attending a duly called meeting of the Board, but not for alternate Board members; and

WHEREAS, when the Nation's Election Board calls for an election, pursuant to the Constitution, there is heightened need to make sure that Board member delegates and alternates are fully knowledgeable and trained in the conduct of tribal elections; and

WHEREAS, the current restriction of only offering stipends to primary Election Board delegates hampers the ability of the Election Board to conduct tribal elections with fully trained and knowledgeable alternate members (who often assist delegates and work at polling sites); and

WHEREAS, the Nation has a critical interest in assuring that all Election Board members are trained, knowledgeable and prepared to run tribal Special and General Elections, in that this may affect the general welfare of the Nation and the tribe's internal government operations; and

WHEREAS, the Legislature deems it necessary to amend the Stipend Policy of the Finance Manual in order to permit all Election Board members (delegates and alternates) to receive a stipend when the Board is carrying out its Constitutional duty to conduct tribal elections, based on the availability of budget funds; and

WHEREAS, the Legislature finds that amending the Finance Manual by Quick Passage Procedure is necessary because adherence to the Normal Legislation Process within Section 31 of the Legislative Organization Act would result in a delay that would adversely impact the Nation, in that the Election Board has already called for the General Election for the Spring of 2011 and started meetings and trainings, which Board delegates and alternates could be attending; and

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) at Section 27(d)(1) by adding subsection (A) as follows:

(A) Once the Election Board officially calls for an election, either General or Special, through the date of the swearing-in of an elected official(s), both the

delegate, as a primary member, and the alternate shall be allowed to receive a stipend in accordance with the other provisions of Section 27. Stipend payments to delegates shall be allowed to Election Board alternates and delegates as they carry out their Constitutionally mandated duty to call for and hold elections. Both the delegate and alternates shall be equally informed about the election process to aide in the operation and execution of the election.

CERTIFICATION

I, the undersigned, as Tribal Secretary of the Ho-Chunk Nation Legislature, hereby certify 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 on the 21st day of December, 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 authority of Article V, Section 2 (a) through (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.

Hope B. Smith
Hope B. Smith, Tribal Secretary

December 21, 2010
Date