HO-CHUNK NATION LEGISLATURE
Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE
QUICK PASSAGE PROCEDURE TO AMEND
THE *LEGISLATIVE ORGANIZATION ACT*
RESOLUTION 12-7-10 S

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(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

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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 Legislative Administration Committee held a Special meeting on July 19, 2010 to review the *Legislative Organization Act* and discuss any amendments deemed necessary and beneficial to the Legislature and the Ho-Chunk Nation; and

WHEREAS, the Legislative Administration Committee identified that "Off-site(s)" carry out the same function as the current Legislative Standing Committees at duly called meetings in the current *Legislative Organization Act*; and

WHEREAS, the following motion was made, and adopted, at the Legislative Administration Committee on July 19, 2010: "MOTION by Rep. Greendeer to strike all references to "Off-site(s)" from the Legislative Organization Act and use Legislative Standing Committees and Subcommittees to carry out the same function, as necessary, by convening special meetings. Second by Rep. Holst. 4-1 (Rep. Greengrass)-0. MOTION CARRIED."; and

WHEREAS, the July 19, 2010 minutes of the Special Administration Committee were ratified by the Legislature on July 20, 2010, thereby ratifying the motion to strike Off Sites from the Legislative Organization Act; and

WHEREAS, based on the above, the Legislature deems that the *Legislative Organization Act* should be amended to strike all references to "Off-site(s)", in order to carry out the business/daily operations of the Legislative Office; and

NOW, THEREFORE, BE IT RESOLVED, that the Legislature concludes that the *Legislative Organization Act* 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 is internal to the efficient operation of the Nation's government; and

NOW THEREFORE, BE IT FURHER RESOLVED that the Legislature, pursuant to its Constitutional Authority, using the Quick Passage procedures of the *Legislative Organization Act* (2 HCC § 11), amends the *Legislative Organization Act* by striking and removing all references to Off Site meetings or Off Sites; and that the Office of Legislative Counsel shall make the necessary changes in the Act.

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 **__11__** constituting a quorum were present at a meeting duly called and convened and held on the **7th** day of **December, 2010**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **__10__ members, __0__ opposed, and __1__ 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 — December 7, 2010

Hope B. Smith, Tribal Secretary — Date