HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE
QUICK PASSAGE PROCEDURE TO AMEND
CONFIRMATION PROCESS
OF EXECUTIVE DIRECTORS
FOR THE HO-CHUNK NATION ACT
RESOLUTION 07-07-11 E
DEFEATED RESOLUTION

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 *Confirmation Process of Executive Directors for the Ho-Chunk Nation Act* (2 HCC § 9), which was last amended on May 4, 2010; and

WHEREAS, the *Confirmation Process of Executive Directors for the Ho-Chunk Nation Act* provides the procedures to assist in an orderly transition between Executive administrations through a confirmation process, and to assist in an orderly confirmation process of an Executive Director whenever an Executive Director position is deemed vacant for whatever reason; 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:

Executive Offices
W9814 Airport Road P.O. Box 667 Black River Falls, WI 54615
(715) 284-9343 Fax (715) 284-3172 (800) 294-9343

(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 Executive Branch believes that some discretion in setting the base wage for Interim Directors would assist in the orderly transition between Executive administrations and is in the best interests of the Nation ; 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 adversely affects the health, safety, welfare, or economic well-being of the Nation, and is internal to the 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 *Confirmation Process of Executive Directors for the Ho-Chunk Nation Act*, at Chapter II, Section 9, 5(i), by deleting the following sentence in its entirety:

"Compensation of the Interim Director shall be set at the base wage for that position until confirmed, unless the Interim Director was the immediate prior office holder, served as the confirmed Executive Director in the immediate prior Presidential Administration and is being put forth as a nominee."

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 **13** constituting a quorum were present at a meeting duly called and convened and held that on the 7th day of July, 2011, that the foregoing resolution was adopted at said meeting by an affirmative vote of **8 members, 4 opposed,** and **1 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 — July 7, 2011

Hope B. Smith, Tribal Secretary — Date