HO-CHUNK NATION CODE (HCC)
TITLE 2 – GOVERNMENT CODE
SECTION 11 – LEGISLATIVE ORGANIZATION ACT OF 2011

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This Act supersedes the Ho-Chunk Nation's Bill Process rules enacted February 8, 1995 by Ho-Chunk Nation Legislative Resolution 02/08/95A and amended by Legislative Resolution 7/2/96D and as further substantially amended by Resolution 08-05-08-D and subsequent Amendments to specific provisions on 11/05/08, 12/10/08, 06/09/09, 06/29/10, 8/03/10, 12/07/10, 01/21/14, 03/17/20 and 03/25/20.

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CHAPTER I
GENERAL

1. **Authority**.

a. Article IV, Section 2 of the Constitution authorizes the legislative branch to make laws and appropriate funds in accordance with Article V.

b. Article V, Section 2(a) of the Constitution grants the Legislature the power to make laws, including codes, ordinances, resolutions, and statutes.

c. Article V, Section 2(g) of the Constitution grants the Legislature the power to set its own procedures, select its officers, and to enact laws governing attendance of its members, including penalties for absences.

d. Article V, Section 2(x) of the Constitution grants the Legislature the power to enact 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.

e. Article V, Section 8 of the Constitution requires that the Legislature shall hold regular monthly meetings.

f. Article V, Section 11 of the Constitution requires that a majority of the Legislature shall constitute a quorum. A quorum shall be necessary to transact official business of the Legislature. Each session of the Legislature shall require a quorum.

g. Article V, Section 12 of the Constitution requires that a majority vote of the quorum shall be necessary to exercise the powers of the Legislature, except as otherwise provided by the Constitution.

h. Article V, Section 2(q) of the Constitution gives the Legislature the power to issue charters of incorporation, to charter corporations and other organizations for economic or other purposes, and to regulate their activities.

2. **Purpose**.

a. This Act is enacted to establish the lawmaking process, to govern certain corporations, to observe its duties and obligations as representatives of the Owner of federally chartered corporations, and to govern individual and collective actions of members of the Legislature.

b. This Act is designed to enable the Legislature to respond quickly to items and enable the Legislature when the need arises to quickly pass Legislation or address a matter brought before the Legislature.

c. This Act provides for the continuity of the Nation's government by the Legislature in the event that Quorum for Legislative Meetings cannot be attained due to the loss or absence of Legislators attributed to emergencies of a natural or manmade disaster.

3. **Scope**.

a. This Act is intended to supersede any and all other actions previously or subsequently taken by the Legislature with respect to its lawmaking process. Provided, however, that in the case of conflict between the provisions of this Act and any other Law and Policy of the Legislature, this Act will control, unless this Act is specifically amended by the Legislature.

b. The Legislature will promulgate, as necessary, separate rules/policies and standard operating procedures for staff operations within the Legislative Office.

c. The Legislature shall decide what terms and conditions of employment the Legislative staff will be bound by as part of its rules/policies except for the grievance process contained within this Act, which refers to the Nation's Employment Relations Act.

4. **Definitions**. Throughout this Legislation the following words have the following definitions and will be capitalized:

a. "Attorney General" means the Attorney General of the Ho-Chunk Nation.

b. "Amendment" means a change to a Code, Act, Statute, Ordinance, Bylaw or Policy. An Amendment will have the full force and effect of a duly enacted law.

c. "Board of Directors" means a person or a group of persons vested with management of the affairs of the Corporation.

d. "Bylaws" mean the code of rules adopted for the regulation or management of the affairs of a Corporation.

e. "Cause" means conduct (including a failure to act) that is deemed unauthorized, illegal or unethical, including but limited to conduct as defined in the Federally Chartered Corporations Act, 5 HCC §12 (5)(c)(1-10).

f. "Charter" means a federal corporate charter issued by the Secretary of the Interior to the Nation under 25 U.S.C. § 477.

g. "Confirmation Hearing" means that hearing conducted by the Legislature for the purpose of considering Background Investigation results of an Interim Director in rendering a confirmation. (See also the *Confirmation Process of Executive Directors for the Ho-Chunk Nation Act* (2 HCC § 9)).

h. "Constitution" means the Constitution of the Ho-Chunk Nation.

i. "Control" means the power to vote twenty-five percent (25%) or more of the outstanding voting stock or similar ownership interest of a Subsidiary.

j. "Corporation" or "Section 17 Corporation" means a corporation chartered under 25 U.S.C. § 477(F).

k. "District Meeting" means the regular and Special Meetings of the Legislative Districts.

l. "Duly Called Meeting" means the official convening of a Quorum of Legislators for the purpose of conducting public business.

m. "Executive Department" means those Departments contained within the Executive Branch and include, pursuant to the requirements of the Constitution, the Departments of Treasury, Business, Justice, Personnel, Administration, Health, Social Services, Education, Labor, and Housing.

n. "Executive Session" means the portion of a Legislative Meeting where all persons will be excluded from the meeting chamber, except the President if he or she is presiding over the meeting, the President Pro Tempore, members of the Legislature, its officers, and any person whose presence will be required by the Legislature.

o. "Internal Review Phase" means the first of three steps within the Normal Legislation Process for Legislation to potentially become a law. The Internal Review Phase occurs when a Legislator, or the Legislature, supports a Resolution or motion authorizing legislative action.

p. "Legislator" means any duly elected and sworn individual elected to represent the Ho-Chunk People pursuant to Article V, Section 1(b) of the Constitution of the Ho-Chunk Nation.

q. "Legislature" means members of the Legislature officially convened to exercise Constitutional powers pursuant to the Constitution of the Ho-Chunk Nation.

r. "Legislation" means a proposal made by a Legislator to create new Laws or Amendments to already existing Laws presented to the Legislature.

s. "Legislative Sponsor(s)" unless noted in the motion or Resolution, means the Legislator who introduces a Resolution or motion to the Legislature for purposes of enacting Legislation.

t. "Nation" or "Owner" means the Ho-Chunk Nation.

u. "Normal Legislation Process" means the typical process whereby Legislation becomes a new Law or an Amendment to an existing Law. At a minimum the process to enact Legislation as the Law of the Nation will include the Internal Review Phase, the

Public Review Phase, and Passage Phase. Legislation may be enacted as the Law of the Nation without going through the Normal Legislation Process by the Quick Passage process.

v. "Off Site" means a gathering of individual Legislators assembled for the purpose of staff coordination, internal Administrative review of issues, and planning for legislative initiatives. This is not a law-making meeting and therefore not a Public meeting subject to the Nation's Open Meetings Act (2 HCC § 2). Off-Sites will be conducted as required for internal Legislative business, functions, and staff coordination. These will usually be conducted away from the Nation's Executive Offices to provide the necessary environment devoid of office distractions and the regular public business of the Legislators. Off Site meetings may only be called by adopted motion of the Legislature, for the initial meeting, but additional meetings on the same subject or of the same Committee do not need ongoing authorization. If travel is required to attend an Off Site, approval shall be required in the initial motion, including any per diem and mileage. Advance notice of Off Site meetings shall be provided within the Legislative Office.

w. "President" means the President or President pro tempore of the Ho-Chunk Nation.

x. "Presiding Officer" means the Legislator(s) selected by the Legislature to be the First or Second Presiding Officer to call Standing Committee meetings to order, chair said meetings, and otherwise exercise all duties to conduct and carry out the functions of the Standing Committee Presiding Officer set forth in this Act.

y. "Public" means the enrolled members of the Ho-Chunk Nation.

z. "Public Hearing" means a meeting held by the Legislature in accordance with the Nation's *Open Meetings Act* (2 HCC § 2) and this Act, to solicit comments from the Public on Legislation or other action or concern.

aa. "Public Review Phase" means the second of three possible phases within the Normal Legislation Process for a Proposal for Legislation to potentially become a Law.

bb. "Quarterly Report" means minutes of the meeting of the Board of Directors and of any committee of the Board of Directors, the Corporation's balance sheet, income statement and cash flow statement for the period then ended prepared in accordance with generally accepted accounting principles, a report of compensation and expense reimbursements or payment to directors of the Corporation, prospective sale of any corporate property or assets, any other information as the Owner may request regarding the Corporation, and any other information the Board deems, in good faith, important to the Owner with or without Owner's request.

cc. "Quick Passage" means a process to amend or enact a law of the Nation whereby the Legislature determines that the steps required under the Normal Legislation Process would unduly harm a person, multiple persons, or the Nation and the Legislature determines that immediate action is needed to modify the Nation's law.

dd. “Quorum” means the number of members of Legislature required to be present to transact business legally. Unless specifically enumerated within this Act, the number of Members to constitute a Quorum will be a majority of Members of the Legislature seated or Legislators on that particular Standing Legislative Committee.

ee. “Regular Monthly Meeting” means any meeting of the Legislature, which is held on a regular schedule as required by Article V, Section 8 of the Constitution.

ff. “Resolution” means a formal expression of opinion of the Legislature on matters of temporary interest.

gg. “Shares” mean the interests in a corporation as such interests are vested in the Ho-Chunk Nation as Owner of the Corporation.

hh. “Special Meeting” means any meeting of the Legislature which is not a regular meeting, including but not limited to any meeting which must be called because of an emergency. Pursuant to Article V, Section 8, the Legislature may hold Special Meetings as necessary.

ii. “Standing Legislative Committee” or “Committee” means those Committees created by the Legislature pursuant to Chapter III herein to assist it in exercising its powers, including Legislative oversight.

jj. “Standing Resolution” means a formal expression of opinion or authorization of the Legislature that remains in place, as described for the purposes therein, until otherwise rescinded or superseded by the Legislature.

kk. “Subsidiary” means an Entity over which a Corporation has Control, regardless of the jurisdiction of its business activities.

ll. “Supreme Court” means the Ho-Chunk Nation Supreme Court.

mm. “Trial Court” means the Ho-Chunk Nation Trial Court.

nn. “Tribal Secretary” means a Legislator selected by the Legislature to serve in this capacity throughout his or her term in office and with the duties outlined in Section Seven (7) of this Act.

oo. “Vice President” means the Vice President or Vice President pro tempore of the Ho-Chunk Nation who is selected by the Legislature from among its members pursuant to Article V Section 1(c) of the Ho-Chunk Nation Constitution.

CHAPTER II
LEGISLATIVE PROCEDURES

5. **Appointment of the Vice President**. The Legislature will select from among its members a Vice President to serve throughout such Legislator's term pursuant to Article V Section 1(c) of the Ho-Chunk Nation Constitution. Such selection will occur as early as possible after the Vice Presidency becomes vacant for any reason.

6. **Duties of the Vice President**.

a. The Vice President will preside over meetings of the Legislature in the absence of the President, pursuant to Article V, Section 1(c) of the Constitution, and at such times the Vice President will retain the power to vote.

b. The Vice President will act as the Executive Administrative Officer within the Legislative Office. In this capacity he or she will exercise the following authorities with regard to Legislators and the Legislative Staff: signature authority (electronic or otherwise) for sick, annual, and Waksik Wosga leave applications, time sheets, and other routine and standard personnel Administrative functions. The Vice President may designate another Legislator to maintain the administrative duties temporarily when the Vice President is away from the office for any reason.

c. If the Legislature votes for the Vice President to take action and he or she believes that performing the action may be or may be seen to be a violation of the *Ho-Chunk Nation Code of Ethics Act* (2 HCC § 1), the Vice President may designate another Legislator to perform that function. The Vice President may also authorize another Legislator to temporarily act as the Administrative Officer when the Vice President is away from the office for any reason.

d. Supervision of Legislative Staff will be as set forth by the Legislature within the Legislature's organizational chart and reporting structure, including administrative oversight and supervision by the Vice President, District Legislators, Financial Examiner and/or Legislative Counsel.

e. Legislative Office employee grievances will be governed by the relevant provisions of the Employment Relations Act (6 HCC § 5).

f. In the absence of the Vice President, the Tribal Secretary or either Presiding Officer of the Finance Committee (in the absence of the Tribal Secretary), may call a meeting to order, or chair a meeting when the President or Vice President is unavailable.

7. **Appointment and Duties of the Tribal Secretary**.

a. The Legislature will select from among its members a Tribal Secretary to serve throughout such Legislator's term. Such selection will occur as early as possible after the Tribal Secretary position becomes vacant for any reason.

b. The Tribal Secretary shall be responsible for signing Legislative Meeting Minutes,

signing Resolutions, and other duties as may be assigned by the Legislature through a Resolution. Signature by electronic means is authorized when necessary.

8. **Duties of the Members of the Legislature**.

a. Constitution and Laws. Legislators will abide by the Ho-Chunk Nation Constitution and all other Laws.

b. District Meetings.

(1) Legislators will hold and attend regularly scheduled meetings in their respective Districts at least once a month except when the Legislator must meet on the business of the Nation, or when on approved leave time. Failure to attend such District Meetings on a regular basis may constitute grounds for removal or recall.

(2) The Legislature will not schedule a Special Meeting at the same time as a regularly scheduled District Meeting.

c. Standing Legislative Committee Meetings. See paragraph 12.a for the Standing Legislative Committees.

d. Boards and Other Governmental or Business Bodies. Legislators will not be appointed by the Legislature to Ho-Chunk Nation governmental or business boards or commissions, with the exception of Limited Liability Companies, either as a member of the board/commission. This restriction does not include appointed Legislators to non-Ho-Chunk boards and commissions or the participation of a Legislator in a Ho-Chunk government task force(s) as an ex officio member when appointed by the Legislature, or as otherwise specifically authorized by law.

9. **Governing Authorities of the Legislature**.

a. The proceedings of the Legislature will be conducted in accordance with requirements specified in the following authorities:

(1) The Constitution of the Ho-Chunk Nation;

(2) *The Legislative Organization Act* (2 HCC § 11);

(3) *Open Meetings Act* (2 HCC § 2);

(4) Federally Chartered Corporations Act (5 HCC § 12);

(5) Other official Acts, Statutes and other Legislative enactments;

(6) Standard Operating Procedures of the Legislature;

(7) Written procedural regulation(s) adopted by the Legislature from time to time; and

(8) Procedures generally recognized by the members of the Legislature as in accordance with Legislative practice since the enactment of the Constitution, as amended, and affirmed by a majority of the Legislators voting at a Duly Called Meeting.

b. Legislative Meeting Location.

(1) The Legislature will designate the location of the next Legislative Meeting by motion prior to adjournment. Ratification of that motion is not required.

(2) Only in the case of an emergency and where there is less than forty-eight (48) hours notice, the Vice President or her/his designee in consultation with a majority of the Legislators may change the specified location of a Legislative Meeting. Each Legislator and the Office of the President will be notified electronically and by either telephone or in person and such notice posted in accordance with the Nation's *Open Meetings Act* (2 HCC § 2).

c. Legislative and Committee Agendas.

(1) Legislative Meetings.

(a) All requests for agenda items submitted by the General Council Branch (or its designee), Judicial Branch, Executive Branch (and its Departments and Divisions) shall comply with the rules/policies of the Legislature.

(2) Committee Meetings.

(a) All requests for agenda items submitted by the General Council Branch (or its designee), Judicial Branch or Executive Branch (and its Departments and Divisions) shall be submitted according to Legislative rules/policies.

(3) The Vice President and Committee Presiding Officers will ensure the following confidential matters are placed in Executive Session on the agenda in accordance with Section 6 of the *Open Meeting Act* (2 HCC § 2): certain business matters; criminal matters; intergovernmental relations; certain land issues; law enforcement; legal advice; personnel matters; and public safety or well-being.

d. Privileged Communications. Privileged communications between Legislative Counsel or Attorneys and the Legislature or individual Legislators will be protected and not disclosed outside of the Legislative Office. Written privileged documents prepared by an Attorney will be clearly marked as such. Non-disclosure of privileged communications applies to Legislators and all Legislative staff releasing such documents to constituents and other individuals outside of the Legislative personnel. Without prior approval of the Vice President, in consultation with the Legislative Counsel/Attorney, any document labeled as

confidential by the Legislative Attorney or Counsel will not be disclosed in Open Meetings as part of the Legislative agenda, or to anyone outside of the Legislative Office. Prohibited disclosure of privileged communications may constitute a serious violation of the Nation's *Code of Ethics Act* (2 HCC § 1).

e. Board, Advisory Board, Committee, Work Group, or Task Force.

(1) Vacancies on a board or committee.

(a) Unless another law provides for a different method of posting a vacancy, all vacancies on a board or committee may be posted in the following manners:

1 The Legislative Section of the Nation's Website;

2 The Ho-Chunk Nation Job Posting List, but the filling of the vacancy shall not be subject to the requirements contained in Section 8 of the *Employment Relations Act* (6 HCC § 5); or

3 Through a different method, if the Legislature motions for a different method to be used to post the vacancy.

(b) If the requirements of Section 10, subparagraph f. (1) (c) are satisfied, the Legislature shall not have to post a vacancy pursuant to the requirements of Section 10, subparagraph f. (1) (a) prior to filling the vacancy.

(c) District Legislators will consult with Tribal Members and recommend Member appointments to the full Legislature for approval.

(d) Legislative staff shall provide notification of the appointment to:

1 The person approved for appointment on the board or committee;

2The Office of the President; and

3 The chairperson or head of the board or committee, if there is a chairperson or head of the board or committee.

(2) A Board, Advisory Board, Committee, Work Group, or Task Force shall provide the Legislature with any information necessary for the Legislature to accomplish its oversight of these various Public Bodies. For purposes of the preceding sentence public bodies shall mean any official entity in which a quorum is required to conduct public business and which performs a governmental function for the Nation.

(3) The Legislature shall maintain a record of all terms of all members of all public bodies. For purposes of the preceding sentence public bodies shall mean any official entity in which a quorum is required to conduct public business and which performs a

governmental function for the Nation.

10. Procedures of Legislative Meetings.

a. Pursuant to Article V, Section 11 of the Constitution, each session of the Legislature will require a Quorum. A Quorum will be necessary to transact official business of the Legislature:

(1) Quorum.

(a) Quorum will be either seven (7) of the thirteen (13) Legislators and the President (total of eight) or, in the absence of the President, seven (7) Legislators, to include the Vice President (total of seven). Legislators must be physically present to constitute a quorum for Regular or Special Meetings, unless emergency circumstances exist whereby Legislators will be allowed to utilize telephonic, computer, or other technologic means to count toward a quorum. For purposes of the preceding sentence, and "emergency circumstance" will exist when an emergency has been declared by the Ho-Chunk Nation Legislature or President, making it necessary for Legislators to attend such meetings while not physically present due to safety and health concerns. In the event that less than thirteen (13) Legislators are seated (elected and sworn in) a majority of seated Legislators are required for Quorum. Members are allowed to make motions and vote when participating by phone or telecommuting by other means.

b. Authority to Preside over Meetings of the Legislature.

(1) Pursuant to Article V, Section 1, subsection (c) of the Constitution, the President will preside over meetings of the Legislature. The President may elect to not preside over a portion of a meeting or the Legislature may direct the President's absence, if his or her presiding over the portion of the meeting could be seen to be a violation of the Ho-Chunk Nation *Code of Ethics Act* (2 HCC § 1).

(2) The Vice President will preside over meetings of the Legislature, pursuant to Article V, Section 1(c) of the Constitution, in the absence of the President and at such times the Vice President will retain the power to vote.

(3) If the Vice President is unavailable for any reason to preside over a portion of a meeting, the President is exempt from having his or her presiding over a portion of a meeting being considered a violation of the Ho-Chunk Nation *Code of Ethics Act* (2 HCC § 1). If a vote is taken on a subject matter, in the following circumstances the Legislature will vote on the matter at the next Legislative session:

(a) The vote results in a tie vote; and

(b) The President believes that his or her voting in order to break the tie would be seen as a violation of the Ho-Chunk Nation *Code of Ethics Act* (2 HCC § 1).

(4) Inability of Vice President to Preside over a Meeting:

(a) The Vice President may elect to not preside over a portion of a meeting in the following circumstances:

1 The President is unavailable for any reason to preside over the meeting; and

2 The Vice President's presiding over that portion of the meeting may appear or would result in an ethical violation of the Ho-Chunk Nation *Code of Ethics Act* (2 HCC § 1).

(b) If the Vice President elects to not preside over a portion of the meeting, the subject matter of that portion of the meeting will be addressed at the next Legislative session.

(c) If the Vice President is unable to preside over a portion of the meeting, and the President must excuse himself or herself from the meeting, the President may designate either of the Presiding Officers of the Legislative Finance Committee to preside over the meeting.

c. Pursuant to Article V, Sections 9 and 10 of the Constitution and the *Open Meetings Act*, all meetings of the Legislature will be open to all members of the Nation, except when in Executive Session.

The Legislature may at any time, upon a duly recorded vote, go in and out of Executive Session:

(1) During the Executive Session portion of the meeting, all persons will be excluded from the meeting chamber, except members of the Legislature, its officers and any person whose presence is required by the Legislature.

(2) If a matter personally impacts a member of the Legislature or one of its officers:

(a) The Legislator may voluntarily leave the room; or

(b) The Legislature may vote to have that member not participate in that portion of the Executive Session.

d. Executive Session.

(1) Except for as provided for in Section 47b, any Minutes from the Executive Session portion of a meeting will be kept strictly confidential:

(a) The recording secretary, or equivalent staff, will provide the original of these Minutes to the Department of Records and Legislative Chief Clerk.

(b) The copy of the Minutes will only be available to the Chief Clerk and the

Minutes may only be shown to Legislators and appropriate legislative staff in the performance of their duties.

(c) The Chief Clerk will only disclose the Minutes to individuals not employed by the Legislature if the Vice President authorizes the disclosure, confirmed in writing.

(2) Except for as provided for in Section 47b, the original and copy of the Minutes from the Executive Session portion of the meeting will remain the Property of the Ho-Chunk Nation.

(3) Any recordings of the Executive Session portion of a meeting will remain the Property of the Ho-Chunk Nation and will not be erased. When the Official who made the recording is done with the recording it will be stored with the Department of Records:

(a) The Department of Records will classify these recordings based on the date of the Legislative Session.

(b) Except for as provided for in Section 47b, the Department of Records will ensure that only the official who made the recording, his or her successor, or the Nation's authorized legal counsel will have access to the recordings.

(4) Except for as provided for in Section 47b and except for purposes directly connected with work related to the Ho-Chunk Nation, no person may publish, use, permit, cause to be published, disclose or use any information learned while in attendance of the Executive Session of the Legislative Meeting.

(5) The recording secretary or any other official of the Nation taking notes during the Executive Session portion of the meeting will be required to sign a restrictive Covenant, along with Members of the Legislature or any other persons in attendance:

(a) This restrictive covenant will be drafted by the Nation's Legislative Counsel/Attorney.

(b) The restrictive covenant will contractually require that the employee/Legislator not use or disclose trade secrets, written lists of names, or other similar confidential matters learned while the Legislature is in Executive Session, to third persons, other governments, corporations, or third parties. The restrictive covenant will also include that the employee maintain such confidentiality after their employment ends with the Nation.

(c) The restrictive covenant will not restrict the employee and Members of the Legislature from using information that was obtained through general skill, knowledge and experience.

e. Ratification of Legislative Action:

(1) Action taken by the Legislature by Resolution or during Executive Session at a meeting is immediately effective and does not require subsequent ratification of the meeting Minutes.

(2) Action taken by the Legislature by Motion at a meeting is only effective upon subsequent ratification of the meeting Minutes unless:

(a) A specific exception is made within this law or another law; or

(b) The Legislator making the Motion calls for emergency action to be taken on the Motion and two-thirds of Legislators who vote support the Motion. For purposes of the preceding sentence "emergency action" is defined as a situation that demands unusual or immediate action and that justifies the Legislature circumventing the usual ratification procedures.

f. Ratification of District Meeting Minutes. Request for action taken at a District Meeting or when requested by constituents who do not attend a District Meeting shall only be effective upon ratification by the full Legislature and pursuant to the Standard Operating Procedures of the Legislature.

CHAPTER III
STANDING LEGISLATIVE COMMITTEES

11. **Establishment and Composition of Standing Legislative Committees**.

a. Standing Legislative Committees. The Standing Legislative Committees of the

Legislature shall be the Finance, Administration, Development, Housing, and Health, Social Services & Insurance Committees. Each will have the jurisdiction and related functions assigned to it by this section and applicable law. If this section or applicable law does not determine the jurisdiction of a matter, the Vice President or Legislature shall determine the appropriate Standing Legislative Committee to refer the matter.

b. Composition.

(1) The Finance Committee will consist of all Legislators as members.

(2) The Administration, Development, Housing, and Health, Social Services & Insurance Committees will consist of a Presiding Officer, a Second Presiding Officer, and four (4) members, one (1) member from each Legislative District. The Presiding Officer and Second Presiding Officer may not make motions or vote, but the Presiding Officer (or Second Presiding Officer in the absence of the Presiding Officer) may vote in the event of a tie vote of the Members.

12. **Quorum.**

a. Required number of Members:

(1) For the Finance Committee a majority of Committee Members are required to be present to constitute a quorum (7 of 13 members). In the event that less than thirteen (13) Legislators are seated (elected and sworn in) a majority of seated Legislators are required for Quorum.

(2) For the Development, Administration, Housing, and Health Social Services & Insurance Committees, a majority of Committee Members are required to be present to constitute a Quorum (3 of 4 members).

(3) Legislators must be physically present to constitute a quorum for Committee Meetings, unless emergency circumstances exist whereby Legislators will be allowed to utilize telephonic, computer, or other technologic means to count toward a quorum. For purposes of the preceding sentence, an "emergency circumstance" will exist when an emergency has been declared by the Ho-Chunk Nation Legislature or President, making it necessary for Legislators to attend such meetings while not physically present due to safety and health concerns. Committee members are allowed to make motions and vote when participating by phone or telecommuting by other means.

b. Time frame for establishment of Quorum:

(1) Quorum must be established within thirty (30) minutes of the initial Roll Call. In the event the Presiding Officer calls for Roll Call and there are not enough Legislators to establish Quorum, the Legislators who are present will have the following options:

(2) If the Legislators determine that Quorum will likely be established in thirty (30) minutes, the present Legislators will wait an additional thirty (30) minutes:

(a) If enough Legislators are present to establish Quorum before the thirty (30) minutes are up, the Presiding Officer may immediately call for the Roll Call.

(b) If Quorum is not reached within thirty (30) minutes of Roll Call, the Legislators present will:

1 Reschedule the meeting for another day.

13. **Selection of Presiding and Second Presiding Officer**. The Legislature will select a Presiding Officer and a Second Presiding Officer for each Standing Legislative Committee:

a. Selection Period. A Legislator will be selected to serve in this capacity beginning after all members are sworn in after a General Election.

b. Length of Service. Presiding Officers and Second Presiding Officers shall serve in this capacity:

(1) Beginning on August 1, 2008 for a term of two (2) years or until such time as a new member has been selected to serve as Presiding Officer or Second Presiding Officer; or

(2) Until there is a unanimous vote of the remaining Committee Members to remove the Presiding Officer or Second Presiding Officer.

c. Eligibility Requirement. Any Legislator is eligible to be selected as a Presiding Officer or Second Presiding Officer.

14. **Absence of Presiding Officer, Second Presiding Officer, or Member.**

a. Absence of Presiding or Second Presiding Officer.

(1) In the absence of the Presiding Officer, the Second Presiding Officer of the Committee will act as the Presiding Officer.

(a) In the absence of the Presiding Officer and Second Presiding Officer of the Development, Administration, Housing, or Health, Social Services & Insurance Committee, a member of the Legislature not serving on the Committee may serve in the role of Presiding Officer.

(b) In the absence of the Presiding Officer and Second Presiding Officer of the Finance Committee, another Legislator who represents a District with multiple Legislators may serve in the role of the Presiding Officer.

(2) In the case of a vacancy in the seat of the Legislator serving as Presiding Officer or Second Presiding Officer, the Legislature shall elect another Presiding Officer or Second Presiding Officer.

b. Absence of Member on Development, Administration, Housing, or Health, Social Services & Insurance Committee.

(1) In the absence of a member of the Development, Administration, Housing, or Health, Social Services & Insurance Committee, a Legislator who is not serving on the particular Committee from which the Legislator is absent may serve as a substitute in the place of the member who is temporarily absent.

(2) In the case of a permanent absence of a member of the Development, Administration, Housing, or Health, Social Services & Insurance Committee, that member Legislator shall be replaced by another Legislator on a temporary basis. The selection of the temporary member Legislator shall be done according to the following rules:

(a) The temporary member shall be from the same District as the previously selected member who is unable to serve .

(b) If a Special Election results in the filling of a vacant Legislative seat, the individual elected as a result of the Special Election will be immediately appointed to the Committee and the temporary member will no longer serve on the Committee.

(c) If the member Legislator who was unable to serve becomes able to serve on the Committee, that member will immediately serve on the Committee and the temporary member will no longer serve on the Committee.

15. **Jurisdiction**.

a. Jurisdiction for the Standing Legislative Committees shall be as listed below:

(1) Administration Committee:

(a) Constitution of the Ho-Chunk Nation
(b) Establishment Acts for:
1 Judiciary
2 Department of Administration
3 Department of Education
4 Department of Heritage Preservation
5 Department of Justice
6 Department of Labor
7 Department of Personnel
8 General Council Agency
(c) Code of Ethics Act
(d) Open Meetings Act
(e) Discovery Act
(f) Contempt Ordinance
(g) Election Code
(h) Tribal Enrollment and Membership Code
(i) Confirmation Process of Executive Directors
(j) Legislative Organization Act
(k) Recall Petition and Recall Meeting Procedures
(l) Public Nuisance Act
(m) Tribal Research Code
(n) Computer Usage Act
(o) Employment Relations Act
(p) Occupational Safety and Health Program Act
(q) Criminal Code
(r) Probate Code
(s) Divorce and Custody Code
(t) Marriage Ordinance
(u) Employee Classification and Compensation Plan

(2) Development Committee:

(a) Establishment Act for Department of Business
(b) Zoning and Land Use Ordinance
(c) Environmental Policy
(d) Utilities Ordinance
(e) Wazee Area Wastewater Commission
(f) Business Corporation Ordinance
(g) Limited Liability Company Act
(h) Fleet Policies and Procedures Act
(i) Solid Waste and Recycling Ordinance
(j) Law Enforcement
(k) Uniform Commercial Code
(l) Fireworks Ordinance
(m) Domesticated Animal Control Ordinance
(n) Burial and Repatriation Law
(o) Hunting Policy
(p) Cultural Heritage Resource Code
(q) Alcohol Beverage Control Ordinance
(r) Establishment Act for Administrative Law Commissioner
(v) Tribal Employment Rights Ordinance
(w) Redistricting
(x) Federally Chartered Corporations Act

(3) Housing Committee:

(a) Establishment Acts for:
1 Department of Housing
2 Ho-Chunk Housing and Community Development Agency
(b) Eviction Ordinance
(c) Home Ownership and Benefit Housing Programs
(d) Residential Landlord and Tenant Code
(e) Veterans Home Ownership Act and program

(4) Health, Social Services & Insurance Committee:

(a) Establishment Acts for the Departments of Health and Social Services
(b) Environmental and Public Health Ordinance
(c) Elder Protection Act
(d) Hocak Nation Children and Family Code
(e) Juvenile Curfew Ordinance
(f) Domestic Abuse Act
(g) Insurance Review Commission

(5) Finance Committee:

(a) Establishment Act for Department of Treasury

(b) Appropriations and Budget Process Act
(c) Finance Manual
(d) Class II Gaming Operations Internal Control Manual (ICM)
(e) Class III Gaming Operations Internal Control Manual (ICM)
(f) Bonding Ordinance
(g) Claims Against Per Capita Ordinance
(h) Per Capita Distribution Ordinance
(i) Child Support Enforcement Code
(j) Recognition of Foreign Child Support Orders Ordinance
(k) Charitable Request Act
(l) Minor and Legally Incompetent Protective Fund Ordinance
(m) Materials Management Policies and Procedures Manual
(n) Gaming Ordinance
(o) Ho-Chunk Nation/State of Wisconsin Gaming Compact
(p) Trial Claims Act of 2006
(q) Tax Code

b. The Vice President shall determine all controversies arising as to the jurisdiction of any Standing Legislative Committee. A majority vote of the Legislature may overrule the Vice President's decision.

c. Nothing in this section will prohibit one or more Committees from possessing joint jurisdiction as directed by the Vice President or a majority vote of the Legislature.

16. **General Oversight Responsibilities**. Standing Legislative Committees will perform the following government functions:

a. Assist the Legislature in its analysis, appraisal, and evaluation of the application, administration, and execution of the Laws enacted by the Legislature.

b. Assist the Legislature in its formulation, consideration, amendment, enactment or repeal of such Laws (to include establishment acts), and of such additional Legislation, as may be necessary or appropriate.

c. Review and study, on a continuing basis:

(1) The application, administration, execution, and effectiveness of those Laws, or parts of Laws, within the jurisdiction of that Committee.

(2) The organization and operation of the Executive Departments and entities that administer and execute the laws within the jurisdiction of the Committee.

(3) The conditions or circumstances, which may indicate the need to enact new or additional Legislation for a subject matter within the jurisdiction of the Committee.

d. Determine whether the Laws and the programs under its jurisdiction are being

implemented and carried out in accordance with the intent of the Legislature, as expressed within the law, enactment or appropriation, and whether such programs should be continued, curtailed, or eliminated.

e. Assist the Legislature in the setting of goals, objectives and priorities for the Committees and the Legislature, as the duties of each are carried out under the laws of the Nation.

f. Receive updates and information from other Branches of the government and programs regarding their activities, in order to determine if any assistance is needed from the Legislature or the Standing Committees, or to determine if the law, enactment or appropriation is adequate for its intended purpose. The Committees are authorized to request quarterly updates by other Branches of the government and programs and receive such updates directly from the appropriate staff.

17. **Election and Membership of Legislators onto Standing Committees**.

a. Membership in the Standing Committees specified in paragraph 12a will be selected by the Legislature from nominations submitted by Legislators within ten (10) calendar days after all members of the Legislature have been sworn into office during an election year.

b. Membership in the Standing Committees specified in paragraph 12a will be selected by the Legislature from nominations submitted by Legislators in the event it is deemed necessary as a result of redistricting.

18. **Duties of Standing Committee Presiding Officer**.

a. Each Committee Presiding Officer will call Committee Meetings in accordance with Section 20c and 20d of this Act and will preside over meetings of the Committee.

b. The Presiding Officer is authorized to set the agenda for the Committee in question, and may set procedures and processes for the Committee that are consistent with this Act.

c. The Presiding Officer will exercise those duties relating to investigative powers of Committees as specified in Section 21 of this Act; those duties relating to subpoena power of Committees in Section 24 of this Act; and other duties and responsibilities informally used by Presiding Officers before passage of this Act, which are not inconsistent with this Act.

d. The Presiding Officer is authorized to set rules for submission of information or materials to the Committee, consistent with this Act.

e. The Committee Presiding Officer will supervise the execution of all action taken in the Committee.

19. **Rules of Procedure for Standing Committees.**

a. Each Committee will conduct its proceedings in accordance with such rules as it will determine consistent with the requirements of the Constitution and Laws of the Ho-Chunk Nation, including this Act. In the absence of any specifically adopted Committee rule on any matter, the Legislative rules then in use pursuant to Section 10 will apply.

b. Each Committee is authorized to conduct such investigations and studies as it may determine necessary or appropriate in the exercise of its responsibilities under Section16 and to incur expenses (including travel expenses) in connection therewith, in accordance with such budgets and policies as the full Legislature may determine from time to time.

c. Regular Meeting Days.

(1) Each Standing Committee of the Legislature will adopt regular meeting days. Such meetings of the Standing Committees will be approved by the Legislature and will be open to Tribal Members in accordance with the Nation's *Open Meetings Act* (2 HCC § 2).

(2) Each Standing Committee will meet at least every thirty (30) calendar days to conduct oversight responsibilities.

d. Additional and Special Meetings. The Presiding Officer of each Standing Committee may call and convene, as he or she considers necessary, additional meetings of the Committee for the consideration of any Legislation or Resolution pending before the Committee or for the conduct of other Committee business. The Committee will meet for such purpose pursuant to that call of the Presiding Officer.

e. Committee Records.

(1) Each Committee will keep a complete record of all Committee action, which will include a record of all votes on each Committee action. Such record will be embodied in the Committee Meeting Minutes.

(2) The Committee will make the result of each such vote available for inspection by the Public at reasonable times in the Legislative Office. Information so available for Public inspection will include a description of the Amendment, Motion, Order, or other proposition and an indication of the voting for, against and abstaining on such Amendment, Motion, Order, or proposition, and the names of those members present but not voting.

(3) All Committee hearings, minutes, records, data, charts, and files will be kept separate and distinct from the Legislative Office records of the member serving as Presiding Officer of the Committee. Such records will be the property of the Legislature and all members will have access to such records. A copy of such records will also be provided to the Nation's Records Department or equivalent archival office or entity.

(4) Committee recommendations to the Legislature may be embodied in Committee Meeting Minutes.

(5) Executive Session.

(a) When a Committee elects to go into Executive Session, the minutes of that portion of the meeting shall be confidential.

(b) The Recording Secretary shall only distribute the Executive Session meeting minutes at the next Legislative session.

(c) A Committee may not take official action when it is in Executive Session. Instead, the Committee may go into Executive Session to discuss matters deemed confidential, but may not vote to take action during the Executive Session portion of the meeting.

(d) The Executive Session portion of the minutes shall only become available to members of the Nation as provided for in Section 36, but prior to going into Executive Session the Recording Secretary shall provide within the Committee Meeting Minutes a reason for the Committee to go into Executive Session.

20. **Hearings and Investigative Hearings of the Standing Committees**.

a. The Legislature and its Committees are empowered to conduct hearings on matters of importance to the Nation for the purpose of obtaining information and rendering recommendations or decisions.

b. Confirmation Hearings will be conducted pursuant to the *Confirmation Process of Executive Directors for the Ho-Chunk Nation Act* (2 HCC § 9) and will follow Legislative procedures.

c. For the purpose of carrying out any of its functions and duties under Section 16d, any Committee is authorized to conduct Investigative Hearings in accordance with this section and Sections 21 and 22.

d. All hearings of the Standing Committees will be open to the Tribal Members, and to non-members upon invitation of the Standing Committee, except in certain instances as specified in the Nation's *Open Meetings Act* (2 HCC § 2).

21. **Quorum for Taking Testimony**. Each Standing Committee must have a Quorum for taking testimony and receiving evidence when the Committee is conducting a hearing upon any measure or matter in relation to the oversight functions as specified in Section 13b.

22. **Investigative Hearing Procedures**.

a. The Presiding Officer, at an investigative hearing, will announce in an opening

statement the subject of the investigation.

b. A copy of Committee rules and this section will be made available to each witness.

c. Witnesses requested to appear at an investigative hearing will receive notice of the Committee's request to appear before the Committee at least four (4) days in advance of the hearing. A witness may be accompanied by their own counsel at their own expense for the purpose of advising them concerning their Constitutional rights.

d. The Presiding Officer may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings.

e. Degrading Evidence. If by a majority of those present (there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony), the Committee determines that evidence or testimony may tend to defame, degrade, or incriminate any individual, the following will apply:

(1) Such testimony or evidence will be presented in Executive Session.

(2) The Committee will proceed to receive such testimony in open session only if a majority of the members of the Committee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

(3) In either case the Committee will afford such person an opportunity voluntarily to appear as a witness, and receive and dispose of requests from such person to subpoena additional witnesses.

f. Except as provided in Section 23e, above, the Presiding Officer will receive and the Committee will dispose of requests to subpoena additional witnesses.

g. No evidence or testimony taken in Executive Session may be released or used in Public sessions without the consent of the Committee.

h. It is within the discretion of the Committee, that witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Committee is the sole judge of the relevance of testimony and evidence received at its hearing.

i. A witness may obtain any record of his or her testimony given and recorded at a Public Hearing.

j. Witnesses may testify and participate without fear of reprisal and may seek Whistleblower protection through the Nation's laws and procedures in place at the time.

23. **Subpoena Power**.

a. For the purpose of carrying out any of its functions and duties, the Legislature and

any Standing Committee is authorized to:

(1) Hold such hearings at times and places in the manner allowed under this Act.

(2) Require, by a formal written request or a subpoena, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it deems necessary.

b. Standing Committee use of subpoena power will be limited and used as a last resort if other means of obtaining information is unsuccessful.

c. A subpoena under Section 23 a and b, above, may be only authorized by a majority vote of the Committee. The power to authorize subpoenas under Section 23 a and b, above, may be delegated to the Presiding Officer of the Standing Committee pursuant to such rules and under such limitations as the Standing Committee may prescribe. Authorized subpoenas will be signed by the Presiding Officer of the Standing Committee or by any member designated by the Committee.

d. Upon application by the Presiding Officer, the Ho-Chunk Nation Trial Court will have jurisdiction to issue to any person an order requiring the attendance and testimony of such person or witnesses and the production of books, records, correspondence, memoranda, papers, and documents as it deems necessary.

(1) Any order issued in accordance with this paragraph will be issued within forty-eight (48) hours after application by the Presiding Officer.

(2) The affected party may plead to the Trial Court to hear the party's right to contest the subpoena because of executive privilege or other privileges or immunities.

e. Compliance with any order issued by the Trial Court will be enforced by the Court upon petition by the Presiding Officer of the Standing Committee requesting the presence of a certain person(s).

f. Any failure to obey any order issued by the Trial Court under this section may be punished by said Court as contempt thereof and civil penalties will apply.

24. **Presentation of Outside Vendor Proposals.**

a. Except for situations covered under Section 24 b., all proposals brought before the Legislature for the Nation to work with an outside vendor shall be referred to the appropriate Standing Committee or to the Legislature when acting as Owner of a federally chartered corporation wholly owned by the Nation.

b. A proposal does not need to be referred to a Standing Committee under the following situations:

(1) The Vice President or full Legislature determines that the delay in sending the proposal to a Standing Committee would adversely impact the interest of the Nation;

(2) The outside vendor is a TERO Certified Vendor or Native American owned business;

(3) The outside vendor has had a continuing relationship with the Nation and the proposal represents a continuation of the outside vendor's previous work; or

(4) The aggregate dollar amount of the proposal is less than $25,000.

c. The Legislature shall select which Standing Committee shall hear the proposal.

d. Background investigation.

(1) If the dollar amount of the proposal is $25,000 or higher, a thorough background investigation of the outside vendor shall be conducted.

(2) The Compliance Department shall assist in the background investigation.

e. The Legislature shall pass a Resolution to develop an Outside Vendor Proposal Review Committee to review all proposals from outside vendors that are to be presented to the Legislature for approval if the dollar amount of the proposal is above $100,000. The Outside Vendor Proposal Review Committee shall present a report outlining the pros and cons of entering into the proposal.

f. The Vice President or full Legislature determines that a referral of the proposal to a federally chartered corporation wholly owned by the Nation would best serve the interests of the Nation consistent with the Federally Chartered Corporations Act (5 HCC § 12).

25. **Adoption of Standing Committee Recommendations by the Full Legislature**.

a. Legislative Committee's recommendations will be referred to the full Legislature for review and/or action within fourteen (14) days of the adjournment of the Committee Meeting.

b. The Legislature may adopt the recommendations of the Committee in whole or in part.

26. **Ho-Chunk Nation Recognition Citations**.

a. The Legislature or Standing Legislative Committee upon a majority vote, may issue upon its behalf, a citation to a particular person or for a particular occasion as specified in the citation. The President or Vice President may be authorized to sign any Citation or make any necessary related presentation.

b. Citations may be used in place of Resolutions for commendations, congratulations of persons or organizations, or to give recognition to unusual or important events, except the use of citations will not be abused.

CHAPTER IV
GOVERNANCE AND REPRESENTATION AS OWNER OF FEDERALLY CHARTERED CORPORATIONS

27. **General.** The Nation's Legislature shall either govern federally chartered corporations as the Nation's Legislature, in its governmental capacity, or shall observe its ownership of a federally chartered corporation/s in its capacity as representative of the Owner, in accordance with Chapter IV of this Act, the Federally Chartered Corporations Act (the "FCCA"), 5 HCC §12, and other applicable law. Unless the Charter or the Federally Chartered Corporations Act otherwise provides, the Legislature as representative of the Owner shall exercise the powers to vote for the Nation. Unless otherwise provided in the Charter, the Legislature as representative of the Owner shall, as sole owner of the Corporation, exercise for the Nation all powers as the shareholder.

28. **Notice.** Unless the Charter otherwise provides, whenever Notice to or the Consent or Approval of the Nation's Legislature, in its governmental capacity or in its capacity as representative of the Owner, shall be required pursuant to the FCCA or the Charter, the following shall apply:

a. Notice shall be filed with the Office of the Vice President.

b. Notice shall be in writing and delivered by mail, return receipt requested, in person whereby a dated stamped copy of the Notice shall be obtained in person.

c. All communications and/or notices received by the Vice President shall be timely forwarded to the Owners and within an Owner's meeting and is subject to Section 47 of this Act.

d. In those situations where Legislative Consent or Approval is required in connection with the Notice, the Legislature, in its governmental capacity or as representative of the Owner as the case may be, shall take action to provide its Consent or Approval, or its denial or disapproval, within twenty (20) days of receipt of the Notice. The Legislature, in its governmental capacity or as representative of the Owner as the case may be, will deny or disapprove the matter in the event that all information reasonably necessary for the Legislature, in its governmental capacity or as representative of the Owner as the case may be, to act on the matter is not provided with the Notice.

e. Unless the Legislature, in its governmental capacity or as representative of the Owner as the case may be, denies or disapproves the matter within twenty (20) days of receipt of the Notice, the matter shall be deemed to be consented to or approved by the Legislature.

29. **Legislative Capacities**. Business by the Nation's Legislature in its governmental capacity shall be conducted during a session of the Nation's Legislature. Actions by the Nation's Legislature as the representative of the Owner shall be conducted in a separate meeting of the Nation's Legislature and designated as a meeting of the representative of the Owner. Meetings by the Nation's Legislature in its capacity as the representative of the Owner shall not be subject to the Nation's Open Meeting Act (2 HCC § 2).

30. **Designation to Act on Legislature's Behalf**. The Nation's Legislature in its governmental capacity or as the representative of the Owner, as the case may be, may in such capacity designate by Resolution a person or persons to act on its behalf in such capacity in connection with any actions required to be taken as provided in the Charter, pursuant to the FCCA or this Act.

31. **Earning.** Distribution by the Corporation to the Nation shall be used by the Nation's Legislature in its governmental capacity in a manner that is consistent with applicable law and for the benefit and general welfare of the Nation and its people and pursuant to the FCCA.

32. **Merger, Consolidation or Sale of Assets.** Pursuant to Section 20 of the FCCA, approval by the Nation's Legislature as representative of the Owner is required for a Corporation to merge or consolidate on terms set by its Board of Directors is required.

33. **Suspension of Business of Corporation.** Pursuant to Section 21 of the FCCA, the Nation's Legislature as representative of the Owner shall approve or disapprove the suspension and the terms and conditions of a Board of Directors.

34. **Dissolution of Corporation.** Pursuant to Section 22 of the FCCA, the Nation's Legislature as representative of the Owner shall approve or disapprove the Plan of Dissolution at a regular or special meeting of the Nation's Legislature as representative of the Owner.

35. **Legislative Liaison.** Pursuant to Section 17 of the FCCA, the Legislature will select from among its members or immediate staff a Legislative Liaison to serve throughout such Legislator's term as set forth in Article V Section 1(c) of the Ho-Chunk Nation Constitution or legislative staff's period of employment. Such selection will occur upon the ratification of any charter of a federally chartered corporation and as early as possible after the Legislative Liaison becomes vacant for any reason.

36. **Sale of Real Property and Other Assets.** Pursuant to Section 16(a)(4) of the FCCA, the Nation shall observe the Right of First Refusal for any Corporate Sale of Real Property and Other Assets in the following manner:

    a. Notice of any sale, conveyance or other disposition of any land or, unless such sale or disposition is in the ordinary course of business, of any sale or disposition of

substantially all of the assets of the Corporation or any Subsidiary shall be given to the Nation's Legislature, in its governmental capacity at least twenty (20) days prior to such sale, conveyance or other disposition in strict compliance with Section 28 of this Act.

b. The Nation's Legislature in its governmental capacity and acting on behalf of the Nation shall convene a meeting to consider acquisition of the property and any such terms, if any, and shall be afforded a reasonable amount of time in which to make a decision and, if a decision is made to exercise the right of first refusal, to consummate a transaction for the purchase of such land or assets.

37. **Removal of a Director**.

a. Unless the Charter otherwise provides, a director may be removed only at a meeting of the Nation's Legislature as representative of the Owner or by the Board of Directors, as the case may be, called for the purpose of removing the director(s) and pursuant to the FCCA.

b. Unless the Charter otherwise provides, the Legislature as representative of the Owner may remove director or board chairperson for or without cause and pursuant to the FCCA.

38. **Board Vacancies.** Notice of any vacancy on the Board of Directors shall be immediately given by the Corporation to the Nation's Legislature via the Vice President and filled in accordance with the FCCA.

39. **Meetings**.

a. Meetings may be called by the Vice President or by 1/3 (one-third) of the members of the Legislature at any time. Written notice of each special meeting setting forth the date, time, place and purpose(s) shall be provided to each member of the Nation's Legislature in person, by mail or electronically at least two (2) days before the meeting.

b. The Nation's Legislature as representative of the Owner may hold regular and special meetings subject to and consistent with the FCCA and this Act.

c. Unless a Charter otherwise provides, the FCCA shall apply in the determination of a quorum of the Nation's Legislature acting as representative of the Owner at any meeting.

d. The President shall chair all meetings of the Owner, and in his/her absence or conflict, the Legislature as representative of the Owner in attendance shall appoint a temporary chairperson.

e. The Nation's Legislature as representative of the Owner through a Resolution may

request a special meeting of the Board of Directors in accordance with the FCCA.

f. The Nation's Legislature shall set a new date in the event quorum is not reached at a Shareholder's meeting pursuant to the FCCA.

40. **Powers, Authority and Duties of the Vice President**.

a. Compliance. The Vice President, or it his or her absence the Owner's designee, is hereby authorized to administer and enforce the FCCA and actions directed by the Nation's Legislature under the FCCA. Excluding any action taken by the Legislature to the contrary and pursuant to Section 30 in this Chapter, the Legislature, in its governmental capacity, may determine, appoint, assign or employ staff, a person or persons to carry out and/or to act on the Vice President's behalf in such capacity, and under the supervision of the Vice President, in connection with any actions required to be taken as provided in the Charter, under the FCCA or under this Act.

b. The Vice President shall routinely and regularly ensure that each Corporation continuously maintains within the Nation's jurisdiction a registered office and registered agent pursuant to the FCCA.

c. The Vice President shall, pursuant to the FCCA,

a. hold by and for the Nation, any and all share certificates (or transaction statements for uncertificated shares) of Corporations issued in the name of the Nation; and

b. inspect and if necessary, timely correct errors in any share certificate in coordination with the applicable federally chartered corporation.

d. The Vice President shall monitor, ensure receipt and uphold compliance of any earning distributions by any Corporation pursuant to the FCCA.

e. The Vice President, acting on behalf of the Legislature as Owner, shall exclusively maintain the right to request, receive and maintain records of a federally chartered corporation's annual report prepared by the Corporation, annual audited financial statements of the Corporation, four (4) Quarterly Reports, any other information the Board deems, in good faith, important to the Owner with or without Owner's request, and such other information to which the Owner is entitled pursuant to the FCCA and this Act. All hearings, minutes, records, data, charts, and files of a Corporation shall be kept separate and distinct from the Legislative Office records of other records of the Legislature in a strictly confidential and access-controlled manner to protect the interests of the Corporation, however, such records shall be the property of the Legislature and all members will have access to such records. A Shareholder shall have no right to inspect, investigate, audit or to otherwise have access to the books and records of the Corporation. A copy of such records will

also be provided to the Nation's Records Department or equivalent archival office or entity.

f. The Vice President, acting on behalf of the Legislature as Owner, shall exclusively maintain the right and authority to inspect, investigate or audit the books and records of the Corporation and/or any of its Subsidiaries, either independently or through direction from the Legislature, through subpoena, or otherwise, and in accordance with the FCCA.

g. The Vice President shall accept and maintain a certified copy of a federally chartered corporation's bylaws and any amendment thereof, ensure that all corporations are compliant with filing of said by-laws and amendments within five (5) days of adoption or amendment and that said bylaws and/or amendment to the bylaws be consistent with the Corporation's Charter and the Federally Chartered Corporations Act.

h. Use of Tribal Assets, Employees, Products and Services. Should a Corporation or its Subsidiaries wish to contract with the Nation or the appropriate department of the Nation to use the services of the Nation's assets, including real property, employees, the Nation's products or the Nation's services and to avoid duplication of the Nation's employee services, the Vice President, at the direction of the Legislature, shall either:

(1) Refer any such request to the Office of the President; or

(2) Call a meeting of the Nation's Legislature for the purpose of considering and/or securing a contract, including contracts for the sale, lease, or rental of such assets, with terms deemed reasonable by the Corporation or Subsidiary and the Nation or the appropriate department of the Nation as the case may be.

CHAPTER V
LEGISLATION PROCESS

41. **General**. For the purpose of this chapter, passage of Legislation makes a permanent change to the General Law (excluding Constitutional Law) of the Nation by creating, amending, repealing, or renumbering a section of the Ho-Chunk Nation Code (HCC).

42. **Ho-Chunk Nation Code**. The Ho-Chunk Nation Code (HCC) will consist of Acts, Ordinances, Statutes, policies, programs, processes, procedures, and manuals adopted by the Legislature having the force and effect of the Nation's Law. The HCC will be organized into titles with subordinate sections as follows:

a. Title 1 - Establishment Acts.
b. Title 2 - Government Code.
c. Title 3 - Health and Safety Code.

d. Title 4 - Children, Family, and Elder Welfare Code.
e. Title 5 - Business and Finance Code.
f. Title 6 - Personnel, Employment and Labor Code.
g. Title 7 - Cultural and Natural Resources Code.
h. Title 8 - Housing, Real Estate, and Property Code.
i. Title 9 – Criminal Code.
j. Title 10 - Rules, Manuals, and Procedures.

Any resolutions proposed to the Legislature for adoption shall contain a designation indicating the drafter. All Resolutions proposed from the Executive Branch shall first be reviewed by the Nation's Department of Justice before presentation to the Legislature to ensure consistency with the Constitution. Such resolutions shall be presented to the Legislature in advance of the particular Legislative meeting in which they are to be considered, pursuant to the rules for preparation of meeting agendas adopted by the Legislature. Any governmental documents, such as Resolutions or minutes, issued and approved by the Legislature shall only be executed by tribal member officials.

43. **Quick Passage Procedures.** The Legislature may vote to immediately pass Legislation.

a. The Legislature may only exercise this option under the following circumstances:

(1) The Legislature passes a motion to consider Quick Passage of the Legislation. The motion will be immediately effective and not require ratification of the minutes of the meeting at any subsequent Legislative Meeting.

(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.

(3) Conclusions of the Legislature with respect to the criteria provided under

Section 30 a. (2) above will be final.

b. For the Legislation to immediately become the law of the Nation it will require an affirmative vote of than two-thirds (2/3) of the full Legislature seated in office. The passage of the Legislation will be immediately effective and not require ratification of the minutes of the meeting at any subsequent Legislative Meeting.

44. **The Legislative Process**

a. Except for as provided in Section 30, Legislation will go through the Normal Legislation Process.

b. The Normal Legislation Process will consist of three (3) phases:

(1) Internal Review Phase.

(2) Public Review Phase.

(3) Passage Phase.

c. Internal Review Phase.

(1) The Normal Legislation Process will begin through a Resolution or motion by a Legislator:

(a) Unless the Resolution or motion provides for no Legislative Sponsor or the Executive Branch proposed the Legislation, the Legislator who introduces the Resolution or makes the motion will be known as the Legislative Sponsor of the Legislation.

(b) The Resolution or motion may provide that other Legislators are co-sponsor(s) of the Legislation.

(c) The Legislative Sponsor, in coordination with any co-sponsors, is authorized to review, discuss, analyze and otherwise obtain any input needed for the development of any Legislation, by the use of informal group meetings, Workgroups, Taskforces or the Legislative Standing Committees.

(2) The Standing Legislative Committee assigned the Legislation will then:

(a) Consider the Legislation at its next scheduled Meeting;

(b) Hold, if necessary, a hearing on the Legislation. If the Standing Legislative Committee determines a hearing is required, it will provide sufficient advance notice to Executive Department personnel and other interested parties;

(c) Take one (1) of five (5) actions:

1 Return the Legislation to the Legislative Attorney/Counsel, outside counsel, or other Official selected to draft the Legislation for additional information, coordination, and possible rewriting of the Legislation. If the Legislation is referred for additional information, coordination, and possible rewriting, it will be placed on the agenda of the Standing Legislative Committee at its next meeting;

2 Determine to not go forward with the Legislation;

3 Table the Legislation for more input from Executive Branch personnel or from the public;

4 Refer the Legislation to the full Legislature for consideration, or passage pursuant to the requirements of Section 30; or

5 Vote to move the Legislation to the Public Review Phase. The Standing Legislative Committee may immediately vote on one of the five options provided in the Public Review Phase.

d. Public Review Phase. The Standing Legislative Committee will take by motion one (1) of five (5) actions. If the Committee elects it may vote to take the first two (2) actions simultaneously. The five (5) possible actions of the Committee are as follows:

(1) Refer the Legislation as drafted or as amended for Public Review and set a date after the Public Review period for the Legislation to be considered by the Committee. This action will not require ratification by the full Legislature:

(a) The Public Review period will typically be forty-five (45) days but may be shortened or lengthened as the Committee deems necessary. The Public Review period begins after the Legislation is placed on the Nation's Legislative website.

(b) Legislators will provide notification of the Legislation at a regularly scheduled District Meeting during the Public review period. Comments received by Legislators will be provided to the Responsible Legislative Attorney/Counsel, Legislative Paralegal, outside counsel, or other Official selected to draft the Legislation.

(2) Hold a Public Hearing. This action will not require ratification by the full Legislature, and the following will apply:

(a) At the discretion of the Vice President, a record of the Public Hearing may be made by a court reporter or recorded by a videographer and/or other electronic means.

(b) No official Legislative action may be taken regarding the Legislation or any other matter at the Public Hearing.

(3) Amend the Legislation and refer it as Amended to the full Legislature. The

Legislation will then be referred to the next Regular Monthly Meeting of the Legislature.

(4) Refer the Legislation as drafted to the full Legislature.

(5) Determine to not go forward with the Legislation.

e. Passage Phase. Steps after Standing Committee Votes to Refer Legislation to Legislature:

(1) The Legislative Attorney/Counsel, Department of Justice, outside counsel, or other official selected to draft the Legislation will prepare a final proposed version of the Legislation.

(2) Unless this requirement is waived by the Standing Committee, the Legislative Sponsor(s), any co-sponsors, any interested Executive Departments, and the Department of Justice will be given thirty (30) calendar days to review and comment on the final proposed Legislation prior to it being provided to the Legislators for the Final Review Period.

(3) The final proposed Legislation will then be submitted to each Legislator for a Final Review Period.

(a) Unless shortened by the Committee, the Final Review Period will be fifteen (15) business days.

(b) The Legislation will be placed on the agenda by the appropriate Legislative Staff for the first scheduled Meeting of the Legislature following the end of the Final Review Period.

(4) The Legislative Attorney/Counsel, Department of Justice attorney, outside counsel, or other official selected to draft the Legislation will prepare a Resolution adopting the Legislation as Law and attach the Resolution to the final version of the proposed Legislation.

(5) Legislative Action.

(a) Any Legislator may introduce the final proposed Legislation to the full Legislature.

(b) Upon a Legislator introducing the Legislation, the Legislature will designate an appropriate tracking number or designation to the Legislation and take one of the following actions:

1 Adopt the Legislation as written into law;

2 Adopt the Legislation as Amended during the Legislative Meeting;

3 Table the Legislation and provide instructions to the Legislative Attorney/Counsel, Department of Justice, outside counsel, or official designated to draft the Legislation; or

4 Reject the Legislation and return it to the Legislative Sponsor(s).

45. **Technical Violations**.

a. Any technical violation of the procedures for Legislation becoming Law will not serve as a basis for invalidating that Law.

b. If the Legislature passes a Resolution to enact a Law, it shall be presumed that the Legislature complied with all necessary steps contained within this Act.

c. In the event technical corrections of punctuation, spelling, formatting or numbering are necessary for any laws, those may be made without full Legislative approval; provided the Vice President and Legislative Counsel shall indicate their approval in writing.

46. **Publishing a Law**.

a. Legislation approved and ratified by the Legislature and enacted as Law will be published by the designated Legislative Staff as a new Law, a Restated Law, an Amendment to an existing Law, a repeal of an existing Law, or as a renumbered section of the Ho-Chunk Nation Code (HCC). This will be carried out by the Legislative Counsel, Attorney, Paralegal and appropriate staff.

b. The designated Legislative Staff will distribute the published Law to all government entities and publish a notice of the passage of the law in the Nation's official newspaper (currently the *Hocak Worak*). This will be carried out by the Legislative Counsel, Attorney, Paralegal and appropriate staff.

c. The designated Legislative Staff will place the published law in the Ho-Chunk Nation Code Folder and on the Legislature's web page on the Ho-Chunk Nation Internet web site. This will be carried out by the Legislative Counsel, Attorney, Paralegal and appropriate staff.

d. A copy of the law with the original adopting Resolution will be maintained by the Legislative Paralegal, the Chief Clerk, and any other designated Legislative Staff, in the official file of Ho-Chunk Nation Code (HCC).

e. The Legislative History of a law will be maintained and recorded at the end of each published law.

47. **Distribution Policy**.

a. All Codes, Ordinances and official meeting minutes (excluding Executive Session except for as provided in Section 36c) will be available through the Legislative Office.

b. For any matter discussed in Executive Session the Legislature has the right to have the matter remain confidential to protect the interest of the Nation. The Legislature, in Executive Session, may pass a Resolution or motion to authorize the release of specified information to the public, or move the discussion of specified Executive Session items outside of Executive Session. The Legislature may also pass a Resolution or motion to determine the procedures for when a matter that is discussed in Executive Session may be made public.

c. Codes and Ordinances will be placed on the Ho-Chunk Nation website as they are enacted or amended. They may be copied as required.

CHAPTER VI
CONTINUITY OF GOVERNMENT

48. **Purpose.** This Chapter provides emergency procedures for the Legislature to fulfill its Constitutional mandate to conduct Regular Monthly Meetings when faced with a loss of Quorum.

49. **Vacancies in the Legislature.** Article IX, Section 10 of the Constitution states:

Section 10. Vacancies in the Legislature. If a vacancy occurs in the Legislature because of death, mental or physical incapacity, removal or recall vote, resignation, felony conviction, or for any other reason, such vacancy shall be filled in the following manner:

a. *If three (3) months or more remain before the next General Election, the Election Board shall call a Special Election in the appropriate District to be held within thirty (30) days.*

b. *If less than three (3) months remain before the next General Election, the seat shall remain vacant, except when the Vice President assumes the office of the President pursuant to Section 9(b) of this Article, an election to fill that vacancy shall be held within thirty (30) days.*

50. **Scope.** This Chapter only applies to emergency situations when vacancies of seven (7) or more Legislators occur at one time causing a loss of Quorum and these vacancies cannot be filled within thirty (30) days or sooner to reconstitute Quorum for the Legislature to conduct official business.

51. **Authority.** During emergency situations and until the full Legislature is reconstituted, the remaining Legislators will be empowered to continue to conduct the daily Legislative

and Administrative business of the Legislature with the following limited powers:

a. If the position of Vice President is vacant, the Legislature will appoint a Vice President pro tempore.

b. The first order of business of the Legislature will be to call for a Special Election within thirty (30) days to elect Legislators for vacant positions. The Election Board formed pursuant to the *Election Ordinance* (2 HCC § 6) will be empowered to waive the time requirements of the *Election Ordinance* (2 HCC § 6) to conduct the Special Elections.

c. The Legislature will not affect or alter the employment or compensation status of employees of the Nation.

d. The Legislature will not alter budgets previously approved by the full Legislature.

e. The Legislature will make no decisions binding or obligating the resources of the Nation, except when the appropriation of funding is necessary for repairing and reconstruction of the Nation's facilities caused from a disaster.

CHAPTER VII
SOVEREIGN IMMUNITY

52. **Sovereign Immunity.**

a. Nothing in this Act shall be deemed to waive the sovereign immunity of the Ho-Chunk Nation or any of its enterprises, officers, agents, or employees.

b. Pursuant to Article XII, Sections 1 and 2 of the Constitution, the Legislature in taking any action will be deemed to not have waived the Nation's sovereign immunity from suit, unless the Legislature expressly waives the Nation's sovereign immunity.

Legislative History:

02/08/95	Legislature enacts HCC 95-001, "Bill Process" by Legislative Resolution 02/08/95A as internal operating rules for the Legislature.
06/27/96	Draft "Legislative Organization Act of 1996" presented to the Administrative Rules/Election Committee.
07/02/96	Legislature adopts rules entitled "Bill Process, Amended Legislative Internal Operating Rules of 11996" by Legislative Resolution 07/02/96D.
09/13/00	Reviewed by Administration Committee. Forwarded to Full Legislature and posted for 45-Day Public Review.
02/13/01	Legislative Organization Act of 2001 enacted as 2 HCC § 11 by Legislative Resolution 2/13/01D.
12/03/03	Amended and Restated by Legislative Resolution 12/3/03A amending paragraphs 9b(1) and 9d(1) regarding Legislator attendance at meetings.
10/12/04	Administration Committee reviews provisions for Continuity of Government in the event of an emergency situation when quorum cannot be established within thirty days.
10/19/04	Legislature places draft amended and Restated Legislative Organization Act out for 45-Day Public Review.

10/23/04 HCN General Council adopts Resolution 10/23/04C, Ho-Chunk Nation Document Signature. Requires that "all documents pertaining to the actions of the Ho-Chunk Nation government contain only the signature of enrolled Ho-Chunk members."

01/04/05 Amended and Restated by Legislative Resolution 01/04/05B amending the requirements for quorum (para 9b(4)) and establishing emergency procedures for the continuity of the Legislature in the event of a disaster that results in the loss of quorum (Chapter IV).

12/20/06 Legislative discussion held on the need of amending the Legislative Organization Act. Legislative Counsel will review the Act, make revisions and forward to the Administration Committee for review.

02/16/07 Administration Committee Motion to table Code for next Administration Committee Meeting.

03/16/07 Administration Committee Motion to table Code for additional changes to be submitted by Legislative Counsel at the next Administration Committee Meeting.

04/10/07 Administration Committee Motion to table Act for one month for review and for Legislative Counsel to coordinate a work group.

05/22/07 Pursuant to the Legislative Organization Act, the Legislature motions for an Off-Site to be conducted to review possible amendments to the Legislative Organization Act.

09/23/07 Pursuant to the Legislative Organization Act, the Administration Committee motions for the Vice President and Legislative Attorney to select a time to hold an Off-Site and to conduct the Off-Site at one of the Nation's facilities.

10/10/07 Legislature holds an Off-Site.

12/12/07 Legislature holds an Off-Site.

12/18/07 Legislative motion to approve sending the amendments to the Act out for a 45-day public comment and review period.

02/22/08 Forty-five day public comment and review period ends.

07/22/08 Legislature passes motion to table passage of Amendments to Legislative Organization Act to review outstanding issue surrounding physical presence requirements for obtaining quorum.

08/05/08 Legislature passes Resolution to adopt Amendments to Legislative Organization Act.

11/05/08 Legislature passes Resolution adopting Amendments to procedures contained in Section 10, subparagraph f. regarding procedures for posting vacancies on boards and committees.

12/10/08 Legislature passes Resolution adopting Amendments to procedures contained in Section 15, subparagraph (a) (1) regarding procedures for conducting Finance Committee meetings when both the Presiding and Second Presiding officer are absent from the meeting.

02/17/09 Placed on Legislative agenda to address changes required as a result of the results of the Special Election on Redistricting, make other technical changes, and a substantive change regarding the service of members on various public bodies in Section 10, subparagraph f. (3). Legislature refers proposed amendments to Administration Committee.

03/05/09 Administration Committee reviews proposed changes and refers back to Legislature to place amendments out for forty-five day public comment.

04/07/09 Legislature passes Resolution to place out for forty-five day public comment, which will end as of May 25, 2009, and removes proposed Amendment for substantive change regarding the service of members on various public bodies in Section 10, subparagraph f. (3).

05/26/09 Forty-five day public comment period ends with only comments being received by Legislative Assistant Darcy Funmaker. All but one of her proposed changes with respect to Area Meetings are incorporated into the version presented for passage to the Legislature.

06/09/09 Legislature passes Resolution adopting amendments to Legislative Organization Act.

06/29/10 Legislature passes Resolution 6/29/10C adding additional assignments of duties of Tribal Secretary, by adding language as an amendment in section sub. c.

08/03/10 Quick Passage amendment (Resolution 8/3/10A) removing all references to "Legislative Secretary" in light of office reorganization; and replace with appropriate designate Legislative staff job titles and to include removing all non-existing job titles from the Legislative Organization Act.

12/07/10 Quick Passage amendment (Resolution 12/07/10S) to the Legislative Organization Act to remove all references to the term "Off-site" in order to reflect the Legislature's intent to use Legislative Standing Committees and Subcommittees to carry out similar functions.

12/07/10 Legislature passes Resolution 12/07/10T to create the Subcommittee of Officers based on original establishment by Legislature through office reorganization within Fiscal Year 2010-

	2011 Legislative Budget; presiding officers of Legislative Finance Committee, Administration Committee and Development Committees constitute the Subcommittee, with second presiding officers as alternates; Subcommittee of Officers takes on supervision of Legislative staff employees.
12/07/10	Quick Passage amendment (Resolution 12/07/10V) to approve the organization chart for the Legislative Office, establishing administrative oversight by Subcommittee of Officers.
08/23/11	Legislature adopts Resolution 08/23/11B to place LOA out for 45 day public comment.
02/19/13	Adoption of Resolution 02-19-13A amending the LOA to create a Legislative Housing Committee.
03/19/13	Adoption of Resolution 03-19-13A, amending the LOA to create a Legislative Committee on Health, Social Services & Insurance.
06/18/13	Quick Passage amendment to the LOA, regarding eligibility of Legislators to serve on Legislative Committees. Strike requirement that Representatives serve one year to be eligible.
07/29/13	Legislature holds Off Site meeting in St. Paul, MN, to discuss LOA and revisions.
08/06/13	Legislature adopts Resolution 08-06-13K placing the LOA out for 45 day public comment. (Comment deadline was September 21, 2013)
09/20/13	Rep. Kathyleen LoneTree-Whiterabbit submits written comments on the LOA.
11/18/13	Legislature holds Off Site meeting in Ho-Chunk Gaming-Wisconsin Dells, to discuss the LOA and proposed red-line amendments.
01/08/14	Legislature discusses proposed LOA red-line amendments at Regular Session and approves a motion to prepare the final version of the LOA amendments for next Session on January 21, 2013, while also addressing the comments of Rep. Kathyleen LoneTree-Whiterabbit.
01/21/14	Legislature adopts Resolution 01-21-14G approving amendments to the LOA.
04/15/15	Legislative Economic Diversification Workgroup reviews and finalizes draft LOA revisions to accommodate governance and owner representation over federally chartered corporations and pursuant to the draft Federally Chartered Corporations Act, 5 HCC §12, currently out for public comment.
06/23/15	Legislature adopts proposed amendments to Legislative Organization Act.
11/08/18	Legislature adopts quick passage amendments to the Legislative Organization Act.
03/17/20	Quick Passage amendment (Resolution 03/17/20F) to the LOA, regarding Quorum and Telecommuting during emergency.
03/25/20	Quick Passage amendment (Resolution 03/25/20A) to the LOA, regarding delegation of Vice President administrative duties in their absence.