



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

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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, to regulate the Nation's business entities, limited liabilities companies and partnerships and to govern individual and collective actions of members of the Legislature.

b. This Act is designed to enable the Legislature to respond in a timely manner 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 Branch.

c. The Legislature shall decide what terms and conditions of employment the Legislative Branch staff will be bound by as part of its rules/policies which refers to the Nation's Employment Relations Act.

4. Definitions. Throughout this Legislation the following words have the following definitions:

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, but not limited to, those Departments 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 or the President Pro Tempore if he or she is presiding over the meeting, members of the Legislature, its officers, and any person whose presence will be required by the Legislature. In accordance with Article V, Section 10 of the Ho-Chunk Nation Constitution, the Legislature reserves the authority to determine who shall remain or leave during Executive Session.

o. “Internal Review Phase” means the first of three steps within the Normal Legislation Process for Legislation to potentially become a law.

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. 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.

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 Legislative Commission meetings to order, chair said meetings, and otherwise exercise all duties to conduct and carry out the functions of the Standing Commission 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 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 Commission 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 Commission.

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. Resolutions shall be effective, as described for the purposes therein, until otherwise rescinded or superseded by the Legislature.

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

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

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

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

mm. “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 7 of this Act.

nn. “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 shall select from among its Members a Vice President to serve throughout such Member'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 shall 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 carry out administrative duties as delineated within the Legislative Branch’s Standard Operating Procedures. In this capacity, he or she will exercise the following authorities with regard to Legislators, Gaming Commissioners, and the Legislative Staff: approval authority (electronic or otherwise) for PTO, and Waksik Wosga leave 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 unavailable. 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.

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 provide administrative functions when the Vice President is away from the Branch for any reason.

d. Legislative Branch employee administrative reviews will be governed by the relevant provisions of the Employment Relations Act (6 HCC § 5).

e. In the absence of the Vice President, the Tribal Secretary or either Presiding Officer of the Legislative Finance Commission (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 Member'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, in a timely manner, Legislative Meeting Minutes, signing Resolutions, and other duties as may be assigned by the Legislature through a Resolution. Signature by electronic means is acceptable when necessary.

c. When the Tribal Secretary is unavailable, the Presiding Officers of the Finance Commission shall be responsible for signing Legislative Minutes, signing Resolution and other duties assigned by the Legislature through a Resolution to the Tribal Secretary.

d. The Tribal Secretary shall have administrative duties in accordance with the Legislative organizational chart.

8. Duties of the Members of the Legislature.

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

b. District Meetings.

(1) Legislators shall 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. Legislators may be excused in accordance with SOPs.

(2) The purpose of District Meetings shall be to disseminate information from the Legislature to the District's tribal membership, hear concerns from the District's tribal membership and the nomination/appointment of District members to boards/committees/commissions.

(3) Legislators reserve the right to schedule, reschedule and/or cancel a District Meeting.

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

(5) District Meetings shall not be reconvened.

(6) Legislature reserves the right to hold District Meetings in person and/or virtually.

(7) When voting at District Meetings, tribal members must be a resident of the District in which they seek to vote for one (1) month, in order to vote at such District Meeting.

(8) Tribal members shall only be allowed to vote at one District Meeting within their respective District per month.

(9) Tribal members are allowed to attend District Meetings of a District that they are not a resident of, but shall not be allowed to speak unless they are on the agenda.

(10) District Meetings shall have no bylaws and shall be governed by the Constitution and this Section.

(11) In accordance with the Open Meetings Act (2 HCC § 2) Section 5.c.2., tribal member(s) who are disruptive at a duly called District Meeting may be banned from attending such meetings for a period of six (6) months.

c. Standing Legislative Commission Meetings. See paragraph 11.a for the Standing Legislative Commission(s).

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 outside of the Legislative Branch, with the exception of Limited Liability Companies or other business entities, 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 Resolution 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 Commission Agendas.

(1) Legislative Meetings.

(a) All requests for agenda items and accompanying materials submitted by the General Council Branch (or its designee), Judicial Branch, Executive Branch (and its Departments and Divisions) shall be submitted by 12:00 pm (noon) three (3) business days prior to the meeting to the designated Legislative individual and in accordance with the Legislative Standard Operating Procedures.

(b) Special Legislative Meetings. All requests for agenda items and accompanying materials submitted by the General Council Branch (or its designee), Judicial Branch, Executive Branch (and its Departments and Divisions) shall be submitted by the time the meeting is posted to the designated Legislative individual and in accordance with the Legislative Standard Operating Procedures.

(2) Commission Meetings.

(a) All requests for agenda items and accompanying materials submitted by the General Council Branch (or its designee), Judicial Branch or Executive Branch (and its Departments and Divisions) shall be submitted by 12:00 (noon) three (3) business days prior to the meeting to the designated Legislative individual and in accordance with the Legislative Standard Operating Procedures.

(3) The Vice President and Commission 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, Commission, or Task Force.

(1) Vacancies on a board or Commission.

(a) Unless another law provides for a different method of posting a vacancy, all vacancies on a board or Commission 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 9, subparagraph e. (1) (c) are satisfied, the Legislature shall not have to post a vacancy pursuant to the requirements of Section 9, subparagraph e. (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 Commission;

2 The Office of the President; and

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

(2) A Board, Advisory Board, Commission, 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.

f. Workgroups. The Legislature may establish and utilize Workgroups to informally address a topic or issue in greater depth. Legislative Workgroups are not subject to the Open Meetings Act as a quorum is not required at Workgroup meetings.

g. Off Site. The Legislature may hold an Off Site Meeting as required for internal Legislative business, functions, and staff coordination. This is not a law-making meeting and therefore, no official action can be taken and is not a Public meeting subject to the Nation's Open Meetings Act (2 HCC § 2). 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 Commission 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.

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 present to constitute a quorum for Regular or Special Meetings. Legislators are allowed to utilize telephonic, computer, or other secure technologic means to count toward a quorum. 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. Legislators may be excused from Legislative meetings in accordance with the Legislative Standard Operating Procedures.

(b) Time frame for establishment of Quorum: Quorum must be established within thirty (30) minutes of the initial Roll Call. In the event the individual presiding over the meeting calls for Roll Call and there are not enough Legislators to establish Quorum, the Legislators who are present will have the following options:

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

(i) If enough Legislators are present to establish Quorum before the thirty (30) minutes are up, the President/individual presiding over the meeting may immediately call for the Roll Call.

(ii) If Quorum is not reached within thirty (30) minutes of Roll Call, the Legislators present will reschedule the meeting for another day.

2 If the Legislators determine that Quorum will not likely be established in thirty (30) minutes, the Legislators present will reschedule the meeting for another day.

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 shall preside over meetings of the Legislature, pursuant to Article V, Section 1(c) and Article VI, Section 2(h) 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 Vice President may designate the Tribal Secretary or either of the Presiding Officers of the Legislative Finance Commission 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.

d. Executive Session.

(1) The Legislature may at any time, upon a duly recorded vote, go in and out of Executive Session in accordance with Article V, Section 9 of the Ho-Chunk Constitution.

(a) 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.

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

1 The Legislator may voluntarily leave the room; or

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

(2) Except for as provided for in Section 49c 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.

(3) 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 Confidentiality Oath, along with Members of the Legislature or any other persons in attendance:

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

(b) The Confidentiality Oath 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 Confidentiality Oath will also include that the employee maintain such confidentiality after their employment ends with the Nation.

(c) The Confidentiality Oath 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 is immediately effective and does not require subsequent ratification of the meeting Minutes.

(2) Action taken by the Legislature during Executive Session at a meeting is ratified by motion upon return to open session.

(3) 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. District Meeting Minutes and Constituent Requests. Motions made at a District Meeting or requests by constituents will be forwarded to the Legislature for consideration.

CHAPTER III STANDING LEGISLATIVE COMMISSIONS

11. Establishment and Composition of Standing Legislative Commissions.

a. Standing Legislative Commissions. The Legislature is empowered to create a Standing Legislative Commission, or Commissions, as the case may be, and delegate Legislative powers to any such Commission. There shall be a Legislative Finance Commission, and any other Commissions that the Legislature may establish from time to time. Any Standing Legislative Commission so established 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 Commission to refer the matter.

b. Composition.

(1) The Legislative Finance Commission will consist of all Legislators as voting members and the Ho-Chunk Nation Treasurer as a non-voting member.

12. Quorum.

a. Required number of Members:

(1) For the Finance Commission, only voting members count toward quorum. A majority of Commission voting 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) Legislators must be present to constitute a quorum for Commission Meetings. Legislators are allowed to utilize telephonic, computer, or other secure technologic means to count toward a quorum. Legislative Commission members are allowed to make motions and vote when participating by phone or telecommuting by other means.

(3) Legislators may be excused from Commission meetings in accordance with the Legislative Standard Operating Procedures.

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:

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

1 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.

2 If Quorum is not reached within thirty (30) minutes of Roll Call, the Legislators present will reschedule the meeting for another day

(b) If the Legislators determine that Quorum will not likely be established in thirty (30) minutes, the Legislators present will 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 Commission:

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. Vacancy. 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.

c. 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 Commission Members to remove the Presiding Officer or Second Presiding Officer.

d. 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 Commission will act as the Presiding Officer.

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

15. Jurisdiction.

a. Jurisdiction for the Standing Legislative Commission(s) shall be as listed below:

(1) Finance Commission:

(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 Commission. A majority vote of the Legislature may overrule the Vice President's decision.

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

16. General Oversight Responsibilities. The Legislature hereby delegates concurrent authority to Standing Legislative Commissions to 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 Commission.

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

(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 Commission.

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 Commission 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 Commissions, or to determine if the law, enactment or appropriation is adequate for its intended purpose.

(1) The Legislature and Legislative Commissions shall have the authority to establish, through legislative action or guidelines, the type of report, written or oral, and the content of those updates/reports.

(2) The Legislature and Legislative Commissions are authorized to request quarterly written/verbal updates by other Branches of the government and programs and receive such updates directly from the appropriate staff, while reserving the authority to request more frequent written/verbal updates as necessary for the Legislature to fulfill its duties.

17. Election and Membership of Legislators onto Standing Commissions.

a. Membership in the Standing Commissions specified in paragraph 11 will be selected by the Legislature 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 Commissions specified in paragraph 11 will be selected by the Legislature in the event it is deemed necessary as a result of redistricting.

18. Duties of Standing Commission Presiding Officer.

a. Each Legislative Commission Presiding Officer will call Commission Meetings in accordance with Section 19c and 19d of this Act and will preside over meetings of the Commission.

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

c. The Presiding Officer will exercise those duties relating to investigative powers of Commissions as specified in Section 22 of this Act; those duties relating to subpoena power of Commissions in Section 23 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 Commission, consistent with this Act.

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

19. Rules of Procedure for Standing Commissions.

a. Each Commission 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 Commission rule on any matter, the Legislative rules then in use pursuant to Section 10 will apply.

b. Each Commission is authorized to conduct such investigations and studies as it may determine necessary or appropriate in the exercise of its responsibilities under Section 16 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 Commission of the Legislature will adopt regular meeting days. Such meetings of the Standing Commission 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 Commission will meet at least every thirty (30) calendar days, or at such other times as Commissions determine, to conduct oversight responsibilities. The Presiding Officers have the authority to schedule, cancel or reschedule Commission meetings.

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

e. Commission Records.

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

(2) All Commission 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 Commission. 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.

(3) Commission recommendations to the Legislature may be embodied in Commission Meeting Minutes.

(4) Executive Session.

(a) When a Commission 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 Commission Meeting.

(c) A Commission may take official action when it is in Executive Session.

(d) The Executive Session portion of the minutes shall only become available to members of the Nation as provided for in Section 49c, but prior to going into Executive Session the Recording Secretary shall provide within the Commission Meeting Minutes a reason for the Commission to go into Executive Session.

20. Hearings and Investigative Hearings of the Legislature and Standing Commissions.

a. The Legislature and its Standing Legislative Commissions 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 16, any Standing Legislative Commission is authorized to conduct Investigative Hearings in accordance with this section and Sections 21 and 22.

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

e. The Legislature and Standing Legislative Commissions shall have the authority to go into executive session during a hearing.

21. Quorum for Taking Testimony. The Legislature and each Standing Legislative Commission must have a Quorum for taking testimony and receiving evidence when conducting a hearing upon any measure or matter.

22. Investigative Hearing Procedures.

a. The individual chairing Legislative Session or Standing Legislative Commission Presiding Officer, at an investigative hearing, will announce in an opening statement the subject of the investigation.

b. A copy this section will be made available to each witness.

c. Witnesses requested to appear at an investigative hearing will receive notice of the request to appear before the Legislature or Commission 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 individual chairing Legislative Session or the Standing Legislative Commission 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 to be present for the purpose of taking testimony), the Legislature or Commission 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 Legislature or Commission will proceed to receive such testimony in open session only if a majority of the members of the Legislature or Commission, 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 Legislature or Commission 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 23, the individual presiding over Legislative Session or Standing Legislative Commission Presiding Officer will receive and the Legislature or Commission 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 Legislature or Commission.

h. It is within the discretion of the Legislature or Commission, that witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Legislature or Commission 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 Legislative Commission 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. Legislative and Standing Commission 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 Legislature or Commission. The power to authorize subpoenas under Section 23 a and b, above, may be delegated to the Vice-President of the Legislature or Presiding Officer of the Standing Legislative Commission pursuant to such rules and under such limitations as the Legislature or Standing Legislative Commission may prescribe. Authorized subpoenas will be signed by the Vice-President of the Legislature or Presiding Officer of the Standing Legislative Commission, or by any member designated by the Commission.

d. Upon application by the Vice-President or 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 Vice-President or 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 Vice-President of the Legislature or Presiding Officer of the Standing Legislative Commission 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 Business 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 Legislative Commission 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 Legislative Commission under the following situations:

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

(2) The outside vendor is a 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 Legislative Commission 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 Commission 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 Commission 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 Legislative Commission Recommendations by the Full Legislature.

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

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

26. Ho-Chunk Nation Recognition Citations.

a. The Legislature or Standing Legislative Commission 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. Delivery of such notice shall be electronic, by mail with return receipt requested, or 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 Sections 48 and 49 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. The Legislature may select a new liaison at any time 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 intent to sell, convey or other disposition of any land or, unless such sale or disposition is in the ordinary course of business, and/or the intent to sell or dispose 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 sixty (60) days prior to such intent to sell, convey, 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, and shall be afforded sixty (60) days 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 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 may chair meetings of the Owner if the Legislature, as representative of the Owner in attendance has not appointed a 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 in 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,

(1) 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

(2) 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 Owner deems, in good faith,

important to the Owner upon the 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. **Resolutions.** 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

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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. **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.

44. **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 both:

(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 integral 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 45 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 44.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 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.

45. The Legislative Process

a. Except for as provided in Section 44, 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) A Legislator, in coordination with any other Legislators, 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 Commissions.

(2) The Executive Branch may also prepare Legislation for consideration by the Legislature.

d. Public Review Phase. The Legislator(s), known as sponsor(s), or the Executive Branch shall present any Legislation to be placed out for Public Comment to the Legislature for consideration by Resolution. The Legislator that makes the motion to adopt a Resolution placing proposed Legislation presented by the Executive Branch out for Public Review shall be known as the Legislative Sponsor of the proposed Legislation. This section excludes any legislation adopted by Quick Passage Procedure. The Legislature will take by motion one (1) or more of three (3) actions. The three (3) possible actions of the Legislature are as follows:

(1) The Public Comment period will typically be forty-five (45) days but may be shortened or lengthened if deemed as necessary. The Public Review period begins after the Legislation is placed on the Nation's website. Any individual that submits a public comment to the Legislature on the proposed Legislation shall be notified of the receipt by the Legislature of their submitted comment.

(2) Legislators will provide notification of the proposed Legislation, at a regularly scheduled District Meeting. Comments received by Legislators within ten (10) business days will be provided to the Responsible Legislative Attorney/Counsel, Legislative Paralegal, outside counsel, or other Official selected to draft the Legislation.

(3) 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.

e. Passage Phase. Upon completion of the Public Review Phase:

(1) The Legislative Sponsor(s) shall review all comments received by the Legislature on the proposed Legislation and make any recommended changes to the proposed Legislation to the Legislative Attorney/Counsel.

(2) The Legislative Attorney/Counsel, will prepare a final proposed version of the Legislation.

(3) The final proposed version of the Legislation shall be provided to Legislators prior to being on the Legislative session agenda.

(4) The Legislation will be placed on the Legislative agenda by the appropriate Legislative Staff.

(5) The Legislative Attorney/Counsel will prepare a Resolution adopting the Legislation as Law and attach the Resolution to the final version of the proposed Legislation.

(6) Legislative Action.

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

(b) The Legislature will 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 for further legislative internal review, additional public review, or provide an updated draft for consideration.

4 Take no action and remove from the Agenda.

5 A motion or resolution to adopt fails or is withdrawn.

46. 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, resolutions, or bills, those may be made without full Legislative approval; provided the Vice President and Legislative Counsel shall indicate their approval in writing.

47. Publishing a Law.

a. Legislation approved and ratified by the Legislature and enacted as Law will be published 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).

b. Designated Legislative Staff will distribute the published Law to all government entities as deemed appropriate.

c. The designated Legislative Staff will place the published law on the Ho-Chunk Nation web site. This will be carried out by the Legislative Counsel, Attorney, Paralegal and appropriate staff.

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

48. Records Retention.

a. Open Session Records.

(1) The recording secretary, or equivalent staff, will provide the original of Open Session Minutes and Resolutions to the Department of Records and Legislative Chief Clerk.

(2) The original and copy of the Minutes or Resolutions from the Open Session portion of the meeting will remain the Property of the Ho- Chunk Nation.

(3) Any recordings of the Open 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.

(4) The distribution of any Open Session records will be in accordance with Section 49.

b. Executive Session Records. Except for as provided for in Section 49c, any Minutes from the Executive Session portion of a meeting will be kept strictly confidential.

(1) The recording secretary, or equivalent staff, will provide the original of the Executive Session Minutes and Resolutions to the Department of Records and Legislative Chief Clerk.

(a) 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.

(2) Except for as provided for in Section 49c, the original and copy of the Minutes and Resolutions 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 49c, 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.

49. Distribution Policy.

a. All Codes, Ordinances and official meeting minutes and resolutions (excluding Executive Session except for as provided in Section 48b) will be available through the Legislative Office.

b. The Legislature will make the result of each Open Session Legislative and Commission vote (excluding Executive Session except for as provided in Section 48b) available for inspection by the Public at reasonable times in the Legislative Office. Information 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.

c. 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 or individual. Executive Session information may be released by one of the following manners:

(1) The Legislature, in Executive Session, may pass a Resolution or motion to authorize the release of specified information to the public or appropriate parties, or move the discussion of specified Executive Session items outside of Executive Session.

(2) The Chief Clerk or designee will only disclose specific information from Executive Session to individuals not employed by the Legislature, if the Vice President authorizes the disclosure, confirmed in writing.

(3) The Legislature may also pass a Resolution or motion or adopt Standard Operating Procedures to determine the procedures for when a matter that is discussed in Executive Session may be made public.

d. 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 LEGISLATIVE BRANCH

50. Vacancies in the Legislature. Article IX, Section 9 and 10 of the Constitution states:

Section 9(e). In the event both the Office of the President and Vice-President becomes vacant, the Representative currently service in the Legislature who has served the longest, shall immediately call a special meeting of the Legislature for the purpose of selecting from its remaining members a Vice-President, pro tempore to service pursuant to this Article.

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.*

51. **Scope.** This Chapter only applies 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.

52. **Authority.** 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. A meeting shall be held no longer than forty-eight (48) hours after quorum is lost for the purpose of selecting necessary positions, such as the Vice-President, Tribal Secretary, and First and Second Presiding Officers of the Finance Commission.

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

c. 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.

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

e. The Legislature will not alter budgets previously approved by the full Legislature, unless necessary to continue essential services of the Nation and to preserve outside grants and loans.

f. 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

53. 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 1996" 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.

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- 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 SubCommittees 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 Committee 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 Committee. 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

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- 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.
- 06/08/21 Legislature adopts quick passage amendments to the Legislative Organization Act, Resolution 06-08-21U, concerning quorum, district meetings, and Standing Committee Hearings.
- 06/16/21 President issues a veto of Resolution 06/08/21U.
- 06/22/21 A resolution, 06-22-21L, was presented for Legislative Overturn of Presidential Veto Regarding Resolution 06-08-21U and was defeated.
- 09/21/21 Technical correction made on Page 34 top of page Section 30.a.(2) should be Section 43.a(2).
- 01/06/22 Quick Passage amendment Resolution 01/06/22E eliminating Administration, Housing, Development, and Health, Social Services and Insurance Committees and changing Finance Committee to Finance Commission.
- 01/06/22 Quick Passage amendment Resolution 01/06/22H Ho-Chunk Nation Treasurer is a non-voting member and not part of quorum of the Finance Commission.
- 02/15/22 Quick Passage amendment Resolution 02-15-22C to Chapter II, Section 8.
- 06/21/22 Legislature places proposed amendments to the Legislative Organization Act out for 45-day public comment through Resolution 06-21-22 M.
- 09/13/22 Legislature adopts amendments to the Legislative Organization Act through Resolution 09-13-22 H.