



**HO-CHUNK NATION CODE (HCC)
TITLE 2 – GOVERNMENT CODE
SECTION 11 – LEGISLATIVE ORGANIZATION ACT OF 2001**

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by Ho-Chunk Nation Legislative Resolution 02/08/95A and amended by Legislative
Resolution 7/2/96D.*

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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, but not limited to the enumerated 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; that quorum shall be necessary to transact official business of the Legislature; and that each session of the Legislature shall require a quorum. See paragraph 9b(4), which applies a stricter standard for conducting Legislative Meetings.

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.

2. Purpose.

a. This Act is enacted to establish procedures and rules to govern individual and collective actions of members of the Legislature and to establish uniformity in the proceedings of legislative business; thereby increasing the efficiency of the Legislature.

b. 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 supplement rather than supersede any and all other actions previously or subsequently taken by the Legislature with respect to its organization and procedure. 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 specifically amended by the Legislature.

b. The Legislature shall promulgate, as necessary, separate standard operating procedures for staff operations within the Legislative Office.

c. Legislators and staff members of the Legislative Office shall be subject to the Nation's employment laws.

4. Definitions.

a. "Amendment" means a change to a code, act, statute, ordinance, or policy.

b. “Bill” means the draft code, act, statute, ordinance, or policy presented to the Legislature for adoption. Bills are further defined to reflect the phase the bill is in during the bill process. During the applicable phase a bill shall be marked with one of the following labels.

(1) Proposed Bill. A bill originating in the Executive Branch and submitted to the Legislative Office by the President.

(2) Draft Bill. A Proposed Bill or a Proposal for Legislation that has been researched, edited, and formatted by the Responsible Legislative Attorney for committee action and public review.

(3) Final Draft Bill. A bill in which the Responsible Legislative Attorney has incorporated committee and public review comments and provided to each Legislator for final review and comment.

c. “Branch Office” means those district offices under the Division of Facilities within the Department of Administration.

d. “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.)

e. “Constitution” means the Constitution of the Ho-Chunk Nation.

f. “District Meeting” means the regular and special meetings of the Legislative Districts.

g. “Executive Department” means the Departments of Treasury, Business, Justice, Personnel, Administration, Health and Social Services, Education, Labor, and Housing. Other Departments deemed necessary may be established by the Legislature. Departments established by the Legislature may be disestablished or abolished by the Legislature.

h. “Executive Department Sponsor” means the individual designated by the President who shall be the point of contact responsible for coordination with the Legislative Office throughout the bill process. This individual should have technical subject matter expertise, oversight, and, if applicable, enforcement responsibility for the bill and subsequent law.

i. “Forfeit Pay” or “Forfeiture of Pay” means to lose or forego a minimum of eight (8) work hours for a payroll reporting period. Individual forfeiting pay is limited to a maximum of 32 hours of pay for that pay period.

j. “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.

k. “Legislature” means members of the Legislature officially convened to exercise constitutional powers pursuant to Article V of the Constitution of the Ho-Chunk Nation.

l. “Legislation” means bills, amendments, and resolutions presented to the Legislature.

m. “Legislative Sponsor” means the Legislator who refers or introduces a bill to a Legislative Committee or to the full Legislature.

n. “Meeting” means the official convening of a quorum of the Legislature for the purpose of exercising legislative power as granted in Article V of the Constitution of the Ho-Chunk Nation and subject to the Nation’s *Open Meetings Act* (2 HCC § 2).

o. “Off-Site” means a gathering of individual Legislators assembled for the purpose of staff coordination and internal administrative review of issues. This is not a law-making meeting and therefore not a public meeting subject to the Nation’s *Open Meetings Act* (2 HCC § 2).

p. “Proposal for Legislation” means a letter or other document submitted by a Tribal member to a Legislator that outlines the need for a particular law. It differs from a Proposed Bill in that a Proposed Bill is substantially complete with respect to content and format. A Proposal for Legislation becomes a Draft Bill after the Responsible Legislative Attorney reviews, edits, and formats the proposal for the approval of the sponsor.

q. “Public” means the enrolled members of the Ho-Chunk Nation.

r. “Public Hearing” means a meeting held by a member(s) of the Legislature in accordance with the Nation’s *Open Meetings Act* (2 HCC § 2) to solicit comment from the public on a pending bill or other action or concern.

s. “Regular Meeting” means any meeting of the Legislature, which is held on a regular schedule.

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

u. “Responsible Legislative Attorney” means the Legislative Attorney or Counsel assigned to research, edit, and shepherd proposed bills through the bill process.

v. “Restate” means to amend a code, act, statute, ordinance, or policy by completely rewriting and replacing it.

w. “Review Periods” means the periods of time during the bill process that a bill is available for review, comment, and hearings. The following formal review periods are part of the bill process.

(1) Executive Review and Coordination. That period of time the Legislative Office provides the Executive Branch to review and comment on Proposed Bills authored within the Legislative Office.

(2) Public Review. That period of time, a minimum of 45 days, that a Draft Bill is available to Legislators for review and comment by the Tribal membership. The Public Review period may be waived or modified if the Legislature deems necessary.

(3) Final Review. That period of time, a minimum of seven (7) working days, that a Final Draft Bill is available for Legislators to review and comment prior to submission to the full Legislature.

x. "Secretary" or “Legislative Secretary” means the Secretary of the Legislature.

y. “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.

z. “Standing Committee” or “Committee” means those committees listed in paragraph 11a and any other committee created by the Legislature to assist it in exercising its powers, including legislative oversight.

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

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

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 Legislator's term. Such selection shall occur as early as possible after the vice presidency becomes vacant for any reason.

6. Duties of the President. The President shall perform the following duties in relation to this Act.

a. The President shall preside over meetings of the Legislature. The President shall:

(1) Call the meeting to order.

(2) Receive and submit, in the proper manner, all motions and propositions presented by the Legislators.

(3) Put to vote all questions which are regularly moved or which necessarily arise in the course of proceedings, and announce the result.

(4) Restrain the members of the Legislature while engaged in debate, within the rules of order.

(5) Enforce on all occasions the observance of order and decorum among the members of the Legislature.

(6) Cast the deciding vote in the Legislature in case of a tie. The President only votes in the event of a tie.

b. In the absence of the Vice President, the President may designate a Legislator to temporarily preside over a meeting when the President must leave the meeting temporarily. Such designated Legislator shall not call a meeting to order or adjourn such meeting. No votes shall take place during the temporary absence of the President.

c. The President shall perform any and all other duties as specified in Article VI of the Constitution.

7. Duties of the Vice President.

a. The Vice President shall preside over meetings of the Legislature in the absence of the President and at such times the Vice President shall retain the power to vote.

b. In cases or controversies involving subject matter under paragraph 11a of this Act, the Vice President shall decide in favor of jurisdiction to a particular committee or committees.

c. The Vice President shall act as the Administrative Officer within the Legislative Office. In this capacity he/she shall exercise the following authorities with regard to Legislators and the Legislative Staff: signature authority for sick, annual, and Waksik Wosga leave applications, time sheets, and other routine and standard personnel administrative functions.

d. The Vice President shall exercise supervisory authority over Legislative Counsel/Attorneys, Legislative Secretaries, Legislative Auditor, Legislative Assistants, and receptionist.

e. The Vice President shall receive and respond to Legislative Office employee grievances. The Vice President shall seek to resolve such grievances. If the grievance is not resolved, the matter shall be referred to the full Legislature for consideration. Once considered by the Legislature, the employee will have exhausted the available administrative remedies.

8. Duties of the Recording Secretary of the Legislature or Committee. The Legislative Secretary shall perform the following duties.

a. Record the minutes of each Legislative and Committee Meeting, which shall include:

(1) Roll Call.

(2) The presence, absence, and departures of every member of the Legislature and whether absences were excused or unexcused.

(3) Announcing the time of establishment of quorum.

(4) Any votes taken, and the votes of each Legislator.

b. Maintain a record of all minutes, bills, laws, ordinances, resolutions, and statutes.

c. Maintain the Legislative Calendar on Legislative Meetings and Committee Meetings.

d. Prepare, coordinate, and distribute the agenda for Legislative and Committee Meetings.

9. Duties of the Members of the Legislature.

a. Legislators shall abide by the Ho-Chunk Nation Constitution and all other laws.

b. Regular or Special Meetings of the Legislature.

(1) Attendance. The Vice President and every other Legislator shall be present at every duly called meeting of the Legislature unless excused or necessarily prevented from attending. Legislators shall be considered necessarily prevented from attending a duly called meeting of the Legislature only by the following: death in the immediate family, hazardous weather, serious illness supported by a physician or dentist statement or hospitalization, jury duty, court appearances during business of the Nation and for annual leave, sick leave, or Waksik Wosga leave, and for approved official business travel for the Nation. Legislators prevented from attending a meeting or arriving on time for a meeting will notify the Legislative Office not later than 8:30 a.m. on the day of any meeting of the Legislature as published on the monthly Legislative Calendar, unless an emergency precludes proper notification.

(2) The Legislature shall have the discretion to excuse or not excuse absences of Legislators for Regular Meetings and Special Meetings in accordance with this section. The Legislature shall have the discretion to excuse or not excuse absences of the Vice President for Regular or Special Meetings in accordance with this section.

(3) Forfeiture of Pay.

(a) A Legislator, without a proper and valid excuse and without notice (as required in paragraph (1), above, prior to the scheduled meeting shall be placed in Leave Without Pay status and forfeit a day's pay for that pay period. This limits the Legislator to a maximum of 32 hours of pay for that pay period.

(b) A Legislator who intentionally breaks quorum of any scheduled meeting without a proper and valid excuse for that day shall be placed in Leave Without Pay status and forfeit a day's pay for that pay period. This limits the Legislator to a maximum of 32 hours of pay for that pay period.

(c) If a Legislator is not present for at least 50% of a duly called meeting he or she shall forfeit pay for that day unless excused by the Vice President, or the Legislature in the case of excusing the Vice President.

(d) The Legislative Secretary shall record the unexcused absence and forfeiture of pay of Legislators in the recorded minutes.

(4) Quorum.

(a) Quorum shall be either six (6) of the eleven (11) Legislators and the President (total of seven) or, in the absence of the President, seven (7) Legislators, to include the Vice President (total of seven). The seven (7) members must be physically present to constitute a quorum for Regular or Special Meetings. In the event that less than eleven (11) Legislators are seated (elected and sworn in) a majority of seated Legislators are required for quorum.

(b) Quorum must be established within thirty (30) minutes of the initial Roll Call. If quorum is not reached within thirty (30) minutes of Roll Call, the Legislators present shall determine whether to wait an additional thirty (30) minutes, reschedule the start time to later that day, or to postpone the meeting.

(c) Disciplinary action shall be taken against a Legislator(s) for failing to appear on time for a scheduled meeting, up to and including the imposition of a fine not to exceed \$250.

c. 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. Failure to attend such district meetings on a regular basis may constitute grounds for removal or recall.

(2) The Legislature shall not schedule a special meeting at the same time as a regularly scheduled District Meeting.

(3) The Legislator(s) shall select the District Meeting site, day, and time in consultation with their District constituents and shall preside over district meetings unless the Legislator(s) and district constituents have approved other person(s) to preside over such meetings.

d. Legislative Committee Meetings. See paragraph 11a for the standing committees.

(1) Attendance. All members of a Legislative Committee shall be present at every duly called Committee Meeting unless excused or necessarily prevented from attending. Such members of the Committee shall be necessarily prevented from attending a duly called meeting of the Legislature only by the following: death in the immediate family, hazardous weather, serious illness supported by a physician or dentist statement or hospitalization, jury duty, court appearances during business of the Nation and for annual leave, sick leave, Waksik Wosga leave, and for approved official business travel for the Nation. Legislators prevented from attending a Committee Meeting or arriving on time for the meeting will notify the Legislative Office not later than 8:30 a.m. on the day of any Committee Meeting as published on the monthly Legislative Calendar, unless an emergency precludes proper notification.

(2) The Committee's Presiding Officer shall approve or disapprove any absences of his/her Committee Members.

(3) Voting. The Presiding Officer only votes in the event of a tie vote of the members.

(4) Forfeiture of Pay.

(a) A Committee Member or the Presiding Officer without a proper and valid excuse and without notice (as required in paragraph c(1), above) prior to the scheduled meeting shall be placed in Leave Without Pay status and forfeit a day's pay for that pay period. This limits the Legislator to a maximum of 32 hours of pay for that pay period.

(b) A Committee Member, who intentionally breaks quorum of any scheduled meeting without a proper and valid excuse for that day shall be placed in Leave Without Pay status and forfeit a day's pay for that pay period. This limits the Legislator to a maximum of 32 hours of pay for that pay period.

(c) If a member or the Presiding Officer is not present for at least 50% of a duly called meeting he or she shall forfeit pay for that day unless excused by the Presiding Officer, or the Vice President in the case of excusing the Presiding Officer.

(d) The Legislative Secretary shall record the unexcused absences and forfeiture of pay of the Presiding Officer or members in the recorded minutes.

e. Boards and Other Governmental or Business Bodies. Legislators shall 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.

10. Rules of the Legislature.

a. The proceedings of the Legislature shall be conducted in accordance with rules specified in the following sources expressed in the order of their priority.

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

(2) Acts, statutes and other legislative enactments.

(3) Written procedural regulation adopted by the Legislature from time to time.

(4) Procedures generally recognized by the members of the Legislature as in accordance with legislative practice since the enactment of the present Constitution, and affirmed by a majority of the Legislators voting at a duly convened meeting.

b. Legislative Meeting Location.

(1) The Legislature shall 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 shall be notified by e-mail and by either telephone or in person and such notice posted in accordance with the Nation's *Open Meetings Act*.

c. Legislative and Committee Agendas.

(1) Legislative Meetings.

(a) All requests for agenda items submitted by the Judiciary Branch or Executive Branch (and its Departments and Divisions) are to be received by the Legislative Secretary not later than noon on the Thursday preceding the Legislative Meeting scheduled for Tuesday of the following week.

(b) All Executive Branch agenda item submittals shall have the approval of the Office of the President attached.

(c) Submitted agenda items shall include supporting documents and the name(s)/title(s) of the individual(s) attending and presenting the matter.

(d) Legislator requests for the submission of additional documents or the presence of additional people to appear at the meetings will be delivered to the Office of the President or to the Chief Trial Judge by 4:30 p.m. on the same Thursday (day that the agenda item is submitted to the Legislature).

(e) By 9:00 a.m. on the Friday before the scheduled Legislative Meeting, the agenda shall be finalized.

(f) By noon on Monday of the week of the scheduled Legislative Meeting, the agenda and packet providing the supporting documents shall be delivered to the Office of the President.

(2) Committee Meetings.

(a) All requests for agenda items submitted by the Judiciary Branch or Executive Branch (and its Departments and Divisions) are to be received by the responsible Legislative Secretary not later than noon on the Friday preceding the Committee Meeting scheduled for Wednesday of the following week.

(b) All Executive Branch agenda item submittals shall have the approval of the Office of the President attached.

(c) Submitted agenda items shall include supporting documents and the name(s)/title(s) of the individual(s) attending and presenting the matter.

(d) Presiding Officer or Committee Member requests for the submission of additional documents or the presence of additional people to appear at the meetings will be delivered to the Office of the President or to the Chief Trial Judge by 4:30 p.m. on the same Friday (day that the agenda item is submitted to the Committee).

(e) By 9:00 a.m. on the Monday before the scheduled Committee Meeting, the agenda for the Committee Meeting shall be finalized.

(f) By noon on Monday of the week of the scheduled Committee Meeting, the agenda and packet providing the supporting documents shall be delivered to the Office of the President.

(3) If a situation arises after the agenda deadlines, above, where an item must be heard at the next Legislative or Committee Meeting, inclusion on the agenda may only be made upon the mutual consent of the Vice President or Committee Presiding Officer and either, as applicable, the President or the Chief Trial Judge.

(4) The Vice President and Committee Presiding Officers shall 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. Order of Business. Legislative and Committee Meetings shall follow the below order of business:

- (1) Call to Order. (At the time the meeting is to begin as stated on the agenda.)
- (2) Roll Call.
- (3) Determination of Quorum.
- (4) Opening Prayer.
- (5) Approval of Agenda.
- (6) Approval of Legislative (or Committee) Minutes.
- (7) Committee Reports and Approval. (Legislature only.)
- (8) Reports.
- (9) Unfinished Business.
- (10) New Business.
- (11) Executive Session. (Legislature or Committee may vote to go into Executive Session at anytime.)
- (12) Adjournment.

e. Governmental and Business Conferences and Meetings. The Legislature shall be notified of Legislator attendance at conferences and meetings outside of the Executive Offices by placing such meeting or conference on the Legislative Calendar a minimum of four (4) working days prior to the meeting or conference. A Legislator scheduling a meeting or conference or who is notified of a meeting or conference that is to be attended on less than four (4) days notice shall notify, or cause to be notified through the Legislative Assistant, all other Legislators by e-mail and by either telephone or in person.

f. Off-Sites. 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. These sessions are not law-making meetings and as such are not subject to the Nation's *Open Meetings Act* (2 HCC § 2).

g. Privileged Communications. Privileged communications between Legislative Counsel or Attorneys and the Legislature or individual Legislators shall be protected and not disclosed outside of the Legislative Office. Written privileged documents prepared by an attorney shall be clearly marked as such. Non-disclosure of privileged communications applies to Legislators releasing such documents to constituents. Prohibited disclosure of privileged communications may be considered malfeasance and may constitute a serious violation of the Nation's *Code of Ethics Act* (2 HCC § 1).

11. Establishment and Jurisdiction of Legislative Standing Committees.

- a. There shall be in the Legislature the below named Standing Committees. Each

shall have the jurisdiction and related functions assigned to it by this section, applicable law, and other jurisdiction as determined by the Vice President or the Legislature.

(1) Administration Committee.

(a) Composition. The Administration Committee shall consist of a Presiding Officer and five (5) members, one from each Legislative District. In the event that the Presiding Officer is not present, a temporary presiding officer shall be appointed from any of the remaining Legislators not serving on that particular committee.

(b) Quorum.

1 A majority of Committee Members are required to be present to constitute a quorum (3 of 5 members).

2 Quorum must be established within thirty (30) minutes of the initial Roll Call. If quorum is not reached within thirty (30) minutes of Roll Call, the Committee Members present shall determine whether to wait an additional thirty (30) minutes, reschedule the start time to later that day, or to postpone the meeting.

3 Disciplinary action shall be taken against a Committee Member for failing to appear on time for a scheduled meeting, up to and including the imposition of a fine not to exceed \$250.

(c) Jurisdiction. All bills, resolutions, and other matters relating to subjects within the jurisdiction of any Committee as listed below shall be referred to such Committee.

1 Constitution of the Ho-Chunk Nation

2 Establishment Acts for:

Judiciary

Department of Administration

Department of Education

Department of Health and Social Services

Department of Heritage Preservation

Department of Housing

Department of Justice

Department of Labor

Department of Personnel

General Council Planning Committee

Ho-Chunk Housing and Community Development Agency

3 Code of Ethics Act

4 Open Meetings Act

5 Discovery Act

6 Contempt Ordinance

7 Election Ordinance

- 8 Tribal Enrollment and Membership Act
- 9 Claims Against Per Capita Ordinance
- 10 Confirmation Process of Executive Directors
- 11 Fleet Policies and Procedures Act
- 12 Per Capita Distribution Ordinance
- 13 Legislative Organization Act
- 14 Recall Petition and Recall Meeting Procedures
- 15 Solid Waste and Recycling Ordinance
- 16 Public Nuisance Act
- 17 Tribal Research Code
- 18 Fireworks Ordinance
- 19 Child Support Enforcement Code
- 20 Domesticated Animal Control Ordinance
- 21 Environmental and Public Health Ordinance
- 22 Elder Protection Act
- 23 Recognition of Foreign Child Support Orders Ordinance
- 24 Hocak Nation Children and Family Code
- 25 Juvenile Curfew Ordinance
- 26 Domestic Abuse Act
- 27 Charitable Request Act
- 28 Workers' Compensation Plan
- 29 Insurance Review Commission
- 30 Tribal Employment Rights Ordinance
- 31 Internet & Intranet Usage Act
- 32 Employment Relations Act
- 33 Occupational Safety and Health Program Act
- 34 Burial and Repatriation Law
- 35 Hunting Policy
- 36 Eviction Ordinance
- 37 Home Ownership and Benefit Housing Programs
- 38 Minor and Legally Incompetent Protective Fund Ordinance
- 39 Criminal Code
- 40 Probate Code
- 41 Residential Landlord and Tenant Code
- 42 Cultural Heritage Resource Code
- 43 Divorce and Custody Code
- 44 Marriage Ordinance
- 45 Property and Procurement Manual
- 46 Employee Classification and Compensation System
- 47 Alcohol Beverage Control Ordinance
- 48 Law Enforcement
- 49 Uniform Commercial Code

(2) Development Committee.

- (a) Composition. The Development Committee shall consist of a Presiding

Officer and five (5) members, one from each Legislative District. In the event that the Presiding Officer is not present, a temporary presiding officer shall be appointed from any of the remaining Legislators not serving on that particular committee.

(b) Quorum.

1 A majority of Committee Members are required to be present to constitute a quorum (3 of 5 members).

2 Quorum must be established within thirty (30) minutes of the initial Roll Call. If quorum is not reached within thirty (30) minutes of Roll Call, the Committee Members present shall determine whether to wait an additional thirty (30) minutes), reschedule the start time to later that day, or to postpone the meeting.

3 Disciplinary action shall be taken against a Committee Member for failing to appear on time for a scheduled meeting, up to and including the imposition of a fine not to exceed \$250.

(c) Jurisdiction. All bills, resolutions, and other matters relating to subjects within the jurisdiction of any Committee as listed below shall be referred to such Committee.

- 1 Establishment Act for Department of Business
- 2 Zoning and Land Use Ordinance
- 3 Environmental Policy
- 4 Utilities Ordinance
- 5 Wazee Area Wastewater Commission
- 6 Gaming Ordinance
- 7 Business Corporation Ordinance
- 8 Limited Liability Company Act
- 9 Ho-Chunk Nation/State of Wisconsin Gaming Compact

(3) Finance Committee.

(a) Composition. The Finance Committee shall consist of a Presiding Officer and all remaining Legislators as members. In the event that the Presiding Officer is not present, a temporary presiding officer shall be appointed from any of the remaining Legislators.

(b) Quorum.

1 A majority of Committee Members are required to be present to constitute a quorum (6 of 10 members).

2 Quorum must be established within thirty (30) minutes of the initial Roll Call. If quorum is not reached within thirty (30) minutes of Roll Call, the

Committee Members present shall determine whether to wait an additional thirty (30 minutes), reschedule the start time to later that day, or to postpone the meeting.

3 Disciplinary action shall be taken against a Committee Member for failing to appear on time for a scheduled meeting, up to and including the imposition of a fine not to exceed \$250.

(c) Jurisdiction. All bills, resolutions, and other matters relating to subjects within the jurisdiction of any Committee as listed below shall be referred to such Committee.

- 1 Establishment Act for Department of Treasury
- 2 Appropriations and Budget Process Act
- 3 Finance Manual
- 4 Class II Gaming Operations Internal Control Manual
- 5 Class III Gaming Operations Internal Control Manual
- 6 Bonding Ordinance

b. Controversies arising as to the jurisdiction of any Standing Committee of the Legislature with respect to any matter shall be decided by the Vice President. Such decision may be overruled by a majority of the Legislature.

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

d. General Oversight Responsibilities. Standing Committees of the Ho-Chunk Nation Legislature shall perform the following functions.

(1) Assist the Legislature in its analysis, appraisal, and evaluation of the application, administration, and execution of the laws enacted by the Legislature.

(2) Assist the Legislature in its formulation, consideration, and enactment of such modification of or changes in those laws, the repeal of laws (to include establishment acts), and of such additional legislation, as may be necessary or appropriate.

(3) Each Standing Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, within the jurisdiction of that Committee and the organization and operation of the Executive Departments and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Legislature and whether such programs should be continued, curtailed, or eliminated. In addition, each such Committee shall review and study any conditions or circumstances, which may indicate the need to enact new or additional legislation within the jurisdiction of that Committee.

12. Referral of Bills, Resolutions and Other Matters to Standing Committees.

a. Each bill, resolution, or other matter which relates to a subject listed under any Standing Committee named in paragraph 11a shall be referred by the Legislative Sponsor who shall forward it to the appropriate Committee.

b. The Vice President shall refer any bill, resolution, or other matter, which is not related to a subject listed in paragraph 11a to the most appropriate Committee(s).

13. Election and Membership of Standing Committees.

a. Membership in the Standing Committees specified in paragraph 11a shall be selected by the Legislature from nominations submitted by Legislators within ten (10) calendar days after members of the Legislature have been sworn into office during an election year.

b. Standing Committees formed during an election year shall meet within two weeks after the formation process identified in paragraph a, above. Such Committees shall establish a regular meeting schedule promptly after the initial Committee Meeting.

c. The Legislature shall select a Presiding Officer and an Alternate Presiding Officer from the members of each Standing Committee at the initial meeting of each Standing Committee.

d. In the temporary absence of the Presiding Officer, the Alternate Presiding Officer of the Committee shall act as Presiding Officer. In the case of a permanent vacancy, the Legislature shall elect another Presiding Officer.

e. A Presiding Officer may be removed or replaced by the Committee Membership upon unanimous vote of the remaining Committee Members.

14. Duties of Standing Committee Presiding Officer.

a. Each Committee Presiding Officer shall call Committee Meetings in accordance with paragraphs 15c and 15d of this Act and shall preside over meetings of the Committee.

b. The Presiding Officer shall exercise those duties relating to investigative powers of Committees as specified in Section 19 of this Act; those duties relating to subpoena power of Committees in Section 20 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.

c. The Committee Presiding Officer shall supervise the execution of all action taken in the Committee.

15. Rules of Procedure for Standing Committees.

a. Each Committee shall conduct its proceedings in accordance with such rules as it shall 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 shall 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 Section 11 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 shall adopt regular meeting days. Such meetings of the Standing Committees shall be approved by the Legislature and shall be open to Tribal members in accordance with the Nation's *Open Meetings Act* (2 HCC § 2).

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

(3) Failure of a Committee to meet once in thirty-five (35) calendar days shall result in a forfeiture of pay for one day for each member of the Committee.

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 bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to that call of the Presiding Officer.

e. Order of Business. See paragraph 10d.

f. Committee Records.

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

(2) The Committee shall 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 shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against 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 shall be kept separate and distinct from the Legislative Office records of the member serving as Presiding Officer of the Committee. Such records shall be the property of the Legislature and all members shall have access to such records.

(4) Committee recommendations to the Legislature may be embodied in Committee meeting records.

16. Hearings.

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.

17. Investigative Hearings of the Standing Committees.

a. For the purpose of carrying out any of its functions and duties under paragraph 11d, any Committee is authorized to conduct Investigative Hearings in accordance with this section and Sections 18 and 19.

b. All hearings of the Standing Committees shall 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).

18. 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 paragraph 11d.

19. Investigative Hearing Procedures.

a. The Presiding Officer at an investigative hearing shall announce in an opening statement the subject of the investigation.

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

c. Witnesses requested to appear at an investigative hearing shall 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 shall apply.

(1) Such testimony or evidence shall be presented in executive session.

(2) The Committee shall 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 shall 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 paragraph e, above, the Presiding Officer shall receive and the Committee shall dispose of request 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 pertinence of testimony and evidence adduced at its hearing.

i. A witness may obtain any record of his testimony given and recorded at a public hearing.

20. Subpoena Power.

a. For the purpose of carrying out any of its functions and duties under paragraph 11d and Section 19, a 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, memorandums, papers, and documents as it deems necessary.

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

c. A subpoena under paragraph a, above, may be only authorized by a majority vote of the Committee. The power to authorize subpoenas under paragraph a, 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 shall 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 shall 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, memorandums, papers, and documents as it deems necessary.

(1) Any order issued in accordance with this paragraph shall be issued within 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 shall 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 shall apply.

g. An injunction of a Trial Court order issued under this section shall not be granted unless the Court has given much weight to recognizing the Legislature's need for information in budgetary and financial matters to establish Nation policy and has duly considered the Constitutional rights of the person subpoenaed.

21. Adoption of Standing Committee Recommendations by the Full Legislature.

a. Legislative Committee recommendations shall 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.

22. Telephone Polls. Telephone polls of the members of the Legislature shall be prohibited. All official business of the Legislature shall be conducted at a duly called Legislative Meeting.

23. Legislative Recognition Citations.

a. Upon a majority vote of a quorum of the Legislature, the Legislature may issue a

citation on behalf of the Legislature to a particular person or particular occasion as specified in the citation.

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 shall not be abused.

c. The Administration Committee shall establish a procedure for reviewing each citation proposed under this rule.

24. Distribution Policy.

a. All codes, ordinances and official meeting minutes (excluding Executive Session) shall be available through the Legislative Office.

b. All codes, ordinances, and official meeting minutes (excluding Executive Session) shall be made available free of charge to members of the Nation through the Legislative Office upon a written request identifying the materials desired.

c. Paper copies of all codes, ordinances and official meeting minutes (excluding Executive Session) shall be made available through the Legislative Office to any non-member or organization at a cost of \$.10 per page and any postage fees, if applicable.

d. Codes and ordinances will be placed on the Ho-Chunk Nation Web Site as they are enacted or amended. They may be copied as required.

CHAPTER III **BILL PROCESS**

25. General. For the purpose of this chapter, a bill proposes to make 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), to include Nation policies adopted by resolution.

26. Ho-Chunk Nation Code. The Ho-Chunk Nation Code (HCC) shall consist of acts, ordinances, statutes, policies, programs, processes, procedures, and manuals adopted by the Legislature having the force and effect of Nation law. The HCC shall 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.

27. Originating Legislation. Legislation may originate as a Proposal for Legislation or as a Proposed Bill depending on who or where it originates.

a. Proposal for Legislation. Any Tribal member may author a Proposal for Legislation that outlines the need for a particular law.

(1) A Proposal for Legislation is submitted directly to the Tribal member’s Legislator who becomes the Legislative Sponsor for that legislation.

(2) The Legislative Sponsor then refers the proposal for legislation to the Vice President for assigning it to a Responsible Legislative Attorney.

(3) The attorney shall review, edit, and format the proposal into a Proposed Bill and return it to the Legislative Sponsor.

(4) Upon the Legislative Sponsor’s review and approval as a Proposed Bill, the attorney shall forward the Proposed Bill to the Office of the President for Executive Review and Coordination. (See paragraph 28d.)

b. Proposed Bill. A governmental entity shall originate legislation as a Proposed Bill.

28. Proposed Bills.

a. A governmental entity determining a need for a new law or an amendment to an existing law shall prepare a Proposed Bill.

b. A Proposed Bill shall conform, as nearly as possible, to the specifications and format provided in Section 35.

c. A Proposed Bill originating in the Executive Branch shall be assigned an Executive Department Sponsor to effect coordination within the Executive Branch and with the Legislative Office.

d. Executive Review and Coordination. The Office of the President is responsible for Executive Review and Coordination of all proposed bills.

(1) A Proposed Bill originating in the Legislative Office shall be referred to the Office of the President for Executive Review and Coordination. The Executive Review and Coordination period shall be fifteen (15) working days, unless otherwise extended by the bill’s Legislative Sponsor.

(2) A Proposed Bill originating in an executive department shall be forwarded to the Office of the President for submission to the Legislature. The President shall ensure that the Proposed Bill has been properly reviewed and coordinated by all departments having an interest in the bill.

(3) In submitting or returning a Proposed Bill to the Legislative Office, the President shall ensure that the following actions have been completed.

(a) A formal legal review by the Department of Justice.

(b) An Executive Department Sponsor has been identified.

(c) Review comments are attached or the Proposed Bill is marked up with recommended changes.

(d) A statement of fiscal impact has been included.

29. Draft Bills.

a. Proposed Bills submitted to or returned to the Legislative Office after Executive Review and Coordination shall be referred to the Vice President. The Vice President shall:

(1) Seek and appoint a Legislative Sponsor, if a sponsor has not previously been identified. If no Legislator shall sponsor the bill, the bill shall be returned to the Office of the President. The Office of the President may resubmit the Proposed Bill for consideration without a Legislative Sponsor.

(2) Have the Legislative Paralegal assign a bill citation number (in accordance with the codification system at Section 26) to the Proposed Bill. Each bill and subsequent drafts shall be labeled with this citation.

(3) Refer the proposed bill to the assigned Responsible Legislative Attorney.

b. The Responsible Legislative Attorney shall:

(1) Research the applicable law and edit the Proposed Bill for both content and format.

(2) Coordinate as required with the Executive Department Sponsor and Department of Justice.

c. Upon completion of this Legislative Attorney edit, the proposed bill officially becomes a Draft Bill and is labeled as such.

d. A copy of the Draft Bill shall be provided to the Vice President and to both the

Legislative and Executive Department Sponsors.

e. The Vice President, in consultation with the Legislative Sponsor, shall decide which Legislative Committee to refer the Draft Bill.

30. Committee Action.

a. The Legislative Committee assigned a Draft Bill shall consider it at its next scheduled meeting.

b. If the Committee determines a hearing is required, it shall provide sufficient advance notice to the Executive Department Sponsor and other interested parties.

c. The Committee shall report to the Vice President within ten (10) working days following the Committee Meeting. The report shall recommend one of the following courses of action.

(1) Refer to Legislature as written.

(2) Refer to Legislature as amended.

(3) Return to the Responsible Legislative Attorney and/or the Executive Department Sponsor for additional information or coordination.

d. Draft Bills referred to the full Legislature shall be placed on the agenda of the next scheduled Legislative Meeting. If approved by the Legislature, the Draft Bill shall be sent out for Public Review.

31. Public Review.

a. The public review period shall be forty-five (45) days. The 45 day period starts the day following ratification of the Legislative Minutes, which includes the recommendation to send the Draft Bill out for review and comment. The Public Review period may be waived or modified if the Legislature deems necessary.

b. Each Draft Bill shall be immediately sent by postal mail and e-mail to each district branch office and to the Office of the President for public posting.

c. A Legislator shall conduct a public hearing on each Draft Bill at a regularly scheduled District Meeting during the 45-day review period.

d. Comments received by Legislators shall be provided to the Responsible Legislative Attorney to prepare the Final Draft Bill.

32. Final Draft Bill and Final Review.

a. The Responsible Legislative Attorney shall prepare the Final Draft Bill at the end of the public review period. Those comments that do not become part of the text of the Final Draft Bill shall be explained in the attorney's transmittal memo.

b. The Responsible Legislative Attorney shall prepare a draft resolution adopting the bill as law and attach the draft resolution to the Final Draft Bill.

c. The Legislative Sponsor, the Executive Department Sponsor, and the Department of Justice shall be given the opportunity to review and comment on the Final Draft Bill prior to it being provided to the Legislators.

d. The Final Draft Bill and draft resolution with the cover transmittal memo shall then be submitted to each Legislator for a Final Review Period.

(1) The Final Review Period shall be seven (7) working days.

(2) The bill shall be calendared by the Legislative Secretary for the first scheduled Legislature Meeting following the end of the Final Review Period.

33. Legislative Action.

a. The bill's Legislative Sponsor shall introduce the Final Draft Bill to the full Legislature.

b. The Legislature shall take one of the following actions:

(1) Adopt the bill as written as law.

(2) Adopt the bill as amended during the Legislative Meeting.

(3) Table the bill with appropriate instructions to the Responsible Legislative Attorney as required.

(4) Reject the bill and return it to the Sponsor with or without comment.

34. Publishing a Law.

a. Bills approved and ratified by the Legislature and enacted as law shall be published by the Legislative Secretary 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), to include Nation policies adopted by resolution.

b. The Legislative Secretary shall distribute the published law to all government entities and publish the law in the Hocak Worak (Tribal Newspaper).

c. The Legislative Paralegal shall place the published law in the Ho-Chunk Nation

Code Folder on the Legislature Web Page on the Intranet.

d. A copy of the law with the original adopting resolution shall be maintained by the Secretary of the Legislature in the official file of Ho-Chunk Nation Code (HCC).

e. The legislative history of an act, code, statute, ordinance, or policy shall be maintained and recorded at the end of each published law.

35. **Bill Format.** A Proposed Bill shall be formatted using this Act as a general format with the following technical specifications.

a. Page Setup. Margins. L/R: 1.25; Top: 1.1 and Bottom 0.9; Header/Footer: 0.5.

b. Tabs: .25".

c. Font and Format. Times New Roman.

(1) Title of the Code: Upper Case; 14 pt; Bold; Centered.

(2) Enacted by Legislature: Upper Case; 14 pt; Bold; Centered.

(3) Last Amended and Restated Date (if applicable): Upper Case; 12 pt; Bold; Centered.

(4) Cite: Upper Case; 14 pt; Bold; Centered.

(5) Note on Supersession (if applicable): Sentence Case; 12 pt; Italic.

(6) Table of Contents:

(a) Heading: Upper Case; 12 pt; Bold; Underlined; Centered.

(b) Chapters (if used): Title Case; 12 pt; Bold; Centered; Roman Numerals.

(c) Sections: (Number (Tab 1.25"); Title; Leader; Page Number (Tab 4.8")); Title Case; 12 pt.

(7) Body Text: See paragraphs d(4) through d(6), below.

(8) Legislative History: Sentence Case; 10 pt.

(9) Page Footer: Page Number; Centered; 10 pt.

(10) Page Header Beginning on Page 2: Title Case; 10 pt; Bold, Left Justified.
As follows:

**Ho-Chunk Nation Legislature
(Name of the Code)
Page __ of __**

d. System of Numbering:

(1) A section of the Ho-Chunk Nation Code is divided into titles, e.g., Title 1 (Establishment Acts).

(2) A title is divided into sections, e.g., 6 HCC § 8 (Occupational Safety and Health Program Act).

(3) A section may be divided into subsections when a multitude of separate topics are included, e.g., 6 HCC § 8-12 (Ergonomics subsection of the Occupational Safety and Health Program Act).

(4) A section or subsection may be further divided into chapters, e.g., 2 HCC § 11.III (Chapter III, Bill Process, of 2 HCC § 11 (Legislative Organization Act). Chapters will only be cited when citing the entire chapter. If not referring to the entire chapter, sections or paragraphs will be cited IAW paragraphs (e) and (f), below. If used, chapters will be formatted as: Upper Case; Bold; Centered; Roman Numerals.

(5) A section or subsection is further divided into subordinate sections, e.g., 4 HCC § 5.29 (Section 29, Penalty for Violation, 4 HCC § 5 (Domestic Abuse Act)). Sections will be formatted as: Title Case; 12 pt.; Bold; Left Justification; Arabic Numerals.

(6) Subordinate sections are further divided into paragraphs.

(a) A paragraph may or may not begin with a title. Titles (if used) shall be: Title Case; 12 pt; Underlined.

(b) Subordination of Paragraphs Following Section Number.

Alphabetic; Period; Tab .25"; Example: a.

Numerical; Parentheses; Tab .5"; Example: (1)

Alphabetic; Parentheses; Tab .75"; Example: (a)

Numerical; Underlined; Tab 1.0"; Example: 1

Alphabetic; Underlined; Tab 1.25"; Example: a

Numerical; Underlined; Parentheses; Tab 1.5"; Example: (1)

Alphabetical; Underlined; Parentheses; Tab 1.75"; Example:(a)

36. Citations.

a. Act, Statute, Ordinance, etc. Example: 5 HCC § 5 (for Finance Manual as Section 5 of Title 5 (Business and Finance)).

b. Subsection. Example: 6 HCC § 8-12 (for Subsection 12 (Ergonomics) to the Occupational Safety and Health Program Act (Section 8) of Title 6 (Personnel, Employment and Labor)).

c. Entire Chapter. Example: 6 HCC § 5.IV (for Chapter IV (Employee Benefits) to the Employment Relations Act (Section 5) of Title 6 (Personnel, Employment and Labor Code)).

d. Section. Example: 1 HCC § 10.5 (for Section 5 (Internal Organization) to the Department of Personnel Establishment and Organization Act.)

e. Paragraphs. Examples:

5 HCC § 5.27a (Paragraph 27a of Finance Manual).

5 HCC § 5.27a(1) (Paragraph 27a(1) of Finance Manual).

5 HCC § 5.7f(1)(a) (Paragraph 7f(1)(a) of Finance Manual).

5 HCC § 5.7f(1)(a)1 (Paragraph 7f(1)(a)1 of Finance Manual).

5 HCC § 5.27a-c (Paragraphs 27a through 27c).

CHAPTER IV **CONTINUITY OF GOVERNMENT**

37. **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 due to the death or incapacitation of Legislators resulting from natural or manmade disasters.

38. **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.

39. **Scope.** This Chapter only applies to emergency situations when vacancies of six 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.

40. **Authority.** During emergency situations and until the full Legislature is reconstituted, the remaining Legislators shall 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 shall appoint a Vice President pro tempore.
- b. The first order of business of the Legislature shall be to call for a Special Election within thirty days to elect Legislators for vacant positions.
- c. The Legislature shall not affect or alter the employment or compensation status of employees of the Nation.
- d. The Legislature shall not alter budgets previously approved by the full Legislature.
- e. The Legislature shall 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.

Legislative History:

- | | |
|----------|--|
| 2/8/95 | Legislature enacts HCC 95-001, "Bill Process" by Legislative Resolution 2/8/95A as internal operating rules for the Legislature. |
| 6/27/96 | Draft "Legislative Organization Act of 1996" presented to the Administrative Rules/Election Committee. |
| 7/2/96 | Legislature adopts rules entitled "Bill Process, Amended Legislative Internal Operating Rules of 11996" by Legislative Resolution 7/2/96D. |
| 9/13/00 | Reviewed by Administration Committee. Forwarded to Full Legislature and posted for 45-day Public Review. |
| 2/13/01 | Legislative Organization Act of 2001 enacted as 2 HCC § 11 by Legislative Resolution 2/13/01D. |
| 12/3/03 | 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. |
| 1/4/05 | Amended and Restated by Legislative Resolution 1/4/05B 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). |