



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE QUICK PASSAGE AMENDMENT TO THE APPROPRIATIONS AND BUDGET PROCESS ACT (2 HCC §4) REGARDING BUDGET MODIFICATIONS

RESOLUTION 03-06-13K

WHEREAS, on November 1, 1994, the United States Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation, formerly known as the Wisconsin Winnebago Tribe; and

WHEREAS, the Ho-Chunk Nation ("Nation") is a federally recognized Indian Tribe, pursuant to the Indian Reorganization Act of 1934; and

WHEREAS, Article V, Section 2(a) of the Ho-Chunk Nation Constitution ("Constitution") gives the Ho-Chunk Nation Legislature ("Legislature") the power to make laws, including codes, ordinances, resolutions, and statutes; and

WHEREAS, Article V, Section 2(b) of the Constitution grants the Legislature the power to establish Executive Departments, and to delegate legislative powers to the Executive branch to be administered by such Departments, in accordance with the law; any Department established by the Legislature shall be administered by the Executive; the Legislature reserves the power to review any action taken by virtue of such delegated power; and

WHEREAS, Article V, Section 2(d) of the Constitution grants the Legislature the power to authorize expenditures by law and appropriate funds to the various Departments in an annual budget; and

WHEREAS, Article V, Section 2(x) of the Constitution grants the Legislature the power to enact any other laws, ordinances, resolutions, and statutes necessary to exercise its legislative powers delegated by the General Council pursuant to Article III including but not limited to the foregoing list of powers; and

WHEREAS, the Legislature adopted the Appropriations and Budget Process Act ("Budget Act") in the year 2000 as a way for the various Branches of the Ho-Chunk Nation Government to have guidance in preparing budgets and ensure fiscal responsibility and integrity within the Nation; and

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WHEREAS, the Nation's Budget Act contains provisions detailing the manner in which the Legislature shall carry out its Constitutional function to appropriate funds for the Nation, while also noting deadlines for the Executive, Judicial, General Council and Legislative Branches to submit annual budgets; and

WHEREAS, the Ho-Chunk Nation Legislature passed the *Legislative Organization Act* (2 HCC § 11), which was last amended on May 3, 2011; and

WHEREAS, the *Legislative Organization Act* provides the procedures for enacting or amending a Ho-Chunk Nation law; and

WHEREAS, Section 30 of the *Legislative Organization Act* provides Quick Passage Procedures; and

WHEREAS, under certain limited circumstances, Section 30 provides "[t]he Legislature may vote to immediately pass Legislation"; and

WHEREAS, Section 30 of the *Legislative Organization Act* in relevant parts provides:

(2) For the Legislation to be considered for Quick Passage the Legislature must conclude:

(a) The Legislation must take effect immediately to address a situation that:

1 Adversely affects the health, safety, welfare, or economic well-being of the Nation;

2 Adversely affects a person or multiple people for which Legislative relief is deemed appropriate and necessary by the Legislature;

3 Is internal to the operation of the Government; or

4 Impacts negotiations with a sovereign entity; and

(b) Adherence to the Normal Legislation Process outlined in Section 31 would result in a delay that would adversely impact the Nation, a Member of the Nation, or Members of the Nation; and

WHEREAS, Section 30 of the *Legislative Organization Act* provides "[f]or the Legislation to immediately become the law of the Nation it will require an affirmative vote of more than two-thirds (2/3) of Legislators present at the Legislative Session."; and

WHEREAS, the Legislative Finance Committee, in recent meetings, has noted attempts by the Executive Branch to modify such budgets, under the Budget Act, by moving funds from employee payroll, insurance benefit and tax line items in order to fund other, non-employment-related expenditures; and

WHEREAS, the Finance Committee deems this to be a measure that should be limited; and

WHEREAS, the Finance Committee has considered a Quick Passage amendment to the Budget Act in order to limit any effort to process such budget modifications by the Executive Branch and enterprises, since the majority of such budget modifications would come from Executive Branch enterprise budgets; and

WHEREAS, the Finance Committee finds it appropriate to consider such amendments as Quick Passage, since the matter adversely affects the economic well-being of the Nation and is internal to the operation of the tribal government;

NOW, THEREFORE, BE IT RESOLVED, that the proposed amendments to the Budget Act, Sections 4 and 6 (attached), are hereby adopted as a Quick Passage amendment and shall be incorporated into the Budget Act, effective the date this resolution is adopted.

CERTIFICATION

I, the undersigned, as Tribal Secretary of Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **13 members** of whom **11** constituting a quorum were present at a meeting duly called and convened and held that on the **6th day of March, 2013**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **11 members, 0 opposed, and 0 abstaining**, pursuant to the Article V, Section 2(a) and (x) of the Constitution of the Ho-Chunk Nation approved by the Secretary of the Interior on November 1, 1994, and that the foregoing resolution has not been rescinded or amended in any way. I further certify that this is a verified copy of said resolution.

Hope B. Smith
Hope B. Smith, Tribal Secretary

March 6, 2013
Date

**QUICK PASSAGE AMENDMENT TO HO-CHUNK NATION
APPROPRIATIONS AND BUDGET PROCESS ACT**

*To prohibit budget modifications moving funds from employee payroll and benefits line items
to non-employment-related line items*

Proposed Amendment(s): Underlined ...

Section 4. Definitions.

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k. "Minor Budget Modification" means an obligation of funds from a specific line item in order to compensate for a line item(s) that has been overspent or is identified as a financial need prior to overspending, with the following exclusions, which are specifically prohibited:

- (1) The modification does not reduce any revenue line item.
- (2) The modification does not reduce any cost of goods sold line item.
- (3) The modification does not reduce any program expense line item within Account Code 670, as defined by the Treasury and promulgated in the Finance Manual.
- (4) The modification does not affect any capital expense line item.
- (5) The modification does not reduce depreciation or indirect cost expense line item.
- (6) The executive department or enterprise's total budget does not increase as a result of the modification.
- (7) The executive department or enterprise's proposed modification does not reduce funds in an employee payroll or insurance benefits and tax line items in order to increase an amount in a non-payroll or non-benefit line item; provided, this does not prohibit a modification to move funds between payroll and/or benefit line items.

Section 6. Budget Modifications

a. Executive Branch.

...

(2) Major Budget Modification. Any proposed major budget modification, for an Executive Branch department, program, or enterprise must be submitted by the President to the Chair of the Finance Committee for review and recommendation. Each proposed budget modification shall contain full documentation and written justification for the modification. No such modification shall reduce funds in an employee payroll or insurance benefits and tax line items in order to increase an amount in a non-payroll or non-benefit line item; provided, this does not prohibit a modification to move funds between payroll and/or benefit line items.