



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

**HO-CHUNK NATION LEGISLATURE
QUICK PASSAGE PROCEDURE TO AMEND
THE APPROPRIATIONS AND BUDGET PROCESS ACT (2 HCC § 4)
REGARDING CARRYFORWARD FUNDS**

RESOLUTION 06-18-13I

- WHEREAS,** on November 1, 1994, the United States Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation, formerly known as the Wisconsin Winnebago Tribe; and
- WHEREAS,** the Ho-Chunk Nation ("Nation") is a federally recognized Indian Tribe, organized pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS,** Article V, Section 2(a) of the Ho-Chunk Nation Constitution ("Constitution") grants the Ho-Chunk Nation Legislature ("Legislature") the power to make laws, including codes, ordinances, resolutions, and statutes; and
- WHEREAS,** Article V, Section 2(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 Ho-Chunk Nation Legislature adopted the Appropriation 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
- 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

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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 carry forward Non-Elder unexpended funds to the next fiscal year. The current Nation’s Budgets Act addresses the expenditure commitments for Elder grants and not the Non-Elder expenditure commitments;

WHEREAS, the Legislative Finance Committee finds that a Quick Passage amendment to the Budget Appropriations Act is appropriate because it will allow Non-Elder approved clients to proceed with their construction projects, existing home processes, and refinance / remodel of current mortgages due to time constraints with our current fiscal year dates, and will address a situation that is internal to the operation of the Nation’s Government; and


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

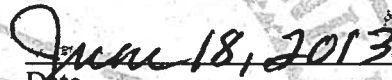
WHEREAS, the Legislature finds that a Quick Passage amendment to the Budget Appropriations Act is appropriate in allowing the Non-Elder committed expenditures to carry forward to the next fiscal year, and will address a situation that is internal to the operation of the Nation's Government;

NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional Authority, using the Quick Passage procedures of the *Legislative Organization Act*, amends the *Budget Appropriations Act*, as set forth in the attached amending language; and

CERTIFICATION

I, the undersigned, as Tribal Secretary of Ho-Chunk Nation, hereby certifies that the Legislature of the Ho-Chunk Nation, composed of **13 members** of whom **10** constituting a quorum were present at a meeting duly called and convened and held on the **18th day of June, 2013**, and that the foregoing resolution was adopted at said meeting by an affirmative vote of **8 members, 0 opposed, and 2 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, Tribal Secretary


Date

