



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE ADOPTION OF HO-CHUNK NATION JUDICIAL BRANCH BUDGET BILL FOR FISCAL YEAR 2022-23

RESOLUTION 06-20-22 A

- 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(c) of the Constitution grants the Legislature the power to constitute a Board of Directors for each Department, except the President shall name the Executive Director, subject to confirmation by the Legislature; 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(f) of the Constitution grants the Legislature the power to set the salaries, terms and conditions of employment for all governmental personnel; and
- WHEREAS,** Article V, Section 2(l) of the Constitution grants the Legislature the power to enact laws to manage, lease, permit, or otherwise deal with the Nation's lands, interests in lands or other assets; and

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- 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,** Article V, Section 13 of the Constitution states that the Legislature shall enact an annual budget, which shall include an appropriation of operating funds for each branch of the government; further, that the Legislature shall not appropriate funds which have not been authorized by law, and no item shall be included in the budget if it is not authorized by law; and
- WHEREAS,** the Legislature first adopted the Nation’s *Appropriation and Budget Process Act* (“Budget Act”) (2 HCC §4) by Resolution 6/22/00F; and
- WHEREAS,** Section 5g of the Budget Act requires the Legislature to adopt or modify annual appropriations bill(s) for the Nation; and
- WHEREAS,** for historical context, the Legislature had been in the unprecedented situation of having to consider, and approve, Fiscal Year 2021-22 budget funds for the Nation as it was in the midst of a world-wide pandemic (known as the novel Coronavirus, or COVID-19), which caused the closure of the Nation’s casinos, impacted the Nation’s government, and Tribal Members; and
- WHEREAS,** starting in February and March of 2020, the United States Center for Disease Control and Prevention (“CDC”) was responding to an outbreak of respiratory disease caused by a novel coronavirus (“COVID-19”) which spread throughout the United States and Indian Country as a world-wide pandemic; and
- WHEREAS,** on January 31, 2020, United States Department of Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States in response to the presence of COVID-19 within the United States; and
- WHEREAS,** on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and
- WHEREAS,** on March 13, 2020 President Donald Trump issued a proclamation declaring that the COVID-19 outbreak in the United States constituted a national emergency, and March 12, 2020, Wisconsin Governor Tony Evers declared a public health emergency, and on March 24, 2020, Governor Tony Evers issued Emergency Order #12, titled Safer at Home Order; and
- WHEREAS,** through the adoption of Resolution 3-12-20A and Executive Administrative Order March 13, 2020-1, the Legislature and President of the Nation declared a state of emergency concerning the tribal and national response to the coronavirus (known as COVID-19), and set in place measures to protect the Nation, its Members and employees, including travel restrictions and adherence to certain federal recommendations and guidance to protect against the spread of such virus; and

WHEREAS, Ho-Chunk Nation President Marlon White Eagle issued Administrative Order March 17, 2020-1, which closed the Nation's casinos to the public, effective no later than March 20, 2020, due to the public health emergency; and

WHEREAS, the Nation's casinos re-opened in late-June and early-July, thus starting the process of providing gaming revenue to the Nation again; and

WHEREAS, since the onset of the pandemic, the Legislative Finance Committee (now Commission), and Legislature, has been in the unprecedented situation of having to consider budgets, and approve such funds, when the Nation's gaming operations had been closed, a Declaration of Emergency remains in place, and the Nation is still recovering, thus leaving the Nation in an uncertain time to project future revenues; and

WHEREAS, the public health concerns about COVID-19 have improved in the United States, and for the Ho-Chunk Nation, in light of precautions such as mask-wearing, social distancing, and the availability of vaccinations, so much so that various jurisdictions have lifted mask mandates for the general public; and

WHEREAS, although the Nation is still under a Declaration of Emergency, the Nation's Gaming Operations have remained open and steadily improved performance and, accordingly, their projections of gaming revenue into Fiscal Year 2022-23; and

WHEREAS, pursuant to the Budget Act, the Legislature set spending limits for the Branches of Government through the adoption of Resolution 2-15-22A, aiming to keep costs down and avoid deficits, in light of the continued Declaration of Emergency and presence of COVID-19; and

WHEREAS, the Finance Commission convened several Special Meetings from February to May 2002, to consider all budgets, obtain information, and provide input to the President and all Branches of Government, resulting in the adoption of various recommendations to approve budgets for the Nation, which have been referred to the Legislature for possible inclusion in final Budget Appropriation Bills; and

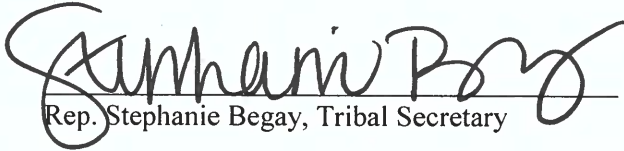
WHEREAS, the Legislature has considered the recommendation of the Finance Commission and determined to make the annual budget appropriation as set forth below;

NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority, and the Budget Act, hereby adopts the Fiscal Year 2022-23 Budget Bill for the Judicial Branch, including the appropriations set forth therein pursuant to its terms and conditions and consistent with the budget report that was provided to the Finance Commission and Legislature.

BE IT FURTHER RESOLVED that in the administration of the approved budget, the Nation's Budget Act and Finance Ordinance apply, including the provisions regarding reporting, Budget Modifications and the requirement that no funds transfer from Treasury Department 670 or 680 accounts without approval by the Legislative Finance Committee.

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 **20th day of June, 2022**, adopted the foregoing resolution 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.


Rep. Stephanie Begay, Tribal Secretary

06.20.22
Date

HO-CHUNK NATION LEGISLATURE

[Legislative Bill 06-20-22. A]
Adopted by *Resolution 06-20-22 A*

A Bill

Making appropriations for the **JUDICIAL BRANCH** of the Ho-Chunk Nation, pursuant to the Ho-Chunk Nation Appropriations and Budget Process Act (2 HCC §4), for the Fiscal Year ending June 30, 2023, and for other purposes.

1 **WHEREAS**, in Article IV, Section 2 of the Ho-Chunk Nation Constitution
2 (“Constitution”), the General Council of the Ho-Chunk Nation delegated to the Legislative branch
3 of the Ho-Chunk Nation the authority to make laws and appropriate funds in accordance with
4 Article V of the Constitution; and

5 **WHEREAS**, in Article IV, Section 2 of the Constitution, the General Council authorized
6 the Executive branch of the Ho-Chunk Nation to enforce the laws and administer funds in
7 accordance with Article VI of the Constitution; and

8 **WHEREAS**, in Article IV, Section 2 of the Constitution, the General council authorized
9 the Judicial branch of the Ho-Chunk Nation to interpret and apply the laws and Constitution of the
10 Nation in accordance with Article VII of the Constitution; and

11 **WHEREAS**, Article V, Section 2(a) of the Constitution grants the Legislature the power
12 to make laws, including codes, ordinances, resolutions and statutes; and

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

16 **WHEREAS**, Article V, Section 2(f) of the Constitution authorizes the Legislature to set
17 the salaries, terms and conditions of employment for all governmental personnel; and

18 **WHEREAS**, Article V, Section 2(x) of the Constitution authorizes the Legislature to enact
19 any other laws, ordinances, resolutions and statutes necessary to exercise its legislative powers
20 delegated by the Ho-Chunk Nation General Council pursuant to Article III of the Constitution;

21 **WHEREAS**, Article V, Section 13 of the Constitution authorizes the Legislature to enact
22 an annual budget, which shall include an appropriation of annual funds for each branch of the
23 government; and

24 **WHEREAS**, Section 5 of the *Appropriations and Budget Process Act* of the Nation (2
25 HCC §4) requires the Legislature to adopt annual appropriations bills for the Nation; and

26 **WHEREAS**, since February and March of 2020, the United States Center for Disease
27 Control and Prevention (“CDC”) has been responding to an outbreak of respiratory disease caused
28 by a novel coronavirus (“COVID-19”) which has now spread throughout the United States and
29 Indian Country as a world-wide pandemic; and

30 **WHEREAS**, on January 31, 2020, United States Department of Health and Human
31 Services Secretary Alex M. Azar II declared a public health emergency for the United States in
32 response to the presence of COVID-19 within the United States; and

33 **WHEREAS**, on March 11, 2020, the World Health Organization declared the COVID-
34 19 outbreak a pandemic; and

35 **WHEREAS**, on March 13, 2020 the United States President issued a proclamation
36 declaring that the COVID-19 outbreak in the United States constitutes a national emergency, and
37 March 12, 2020, Wisconsin Governor Tony Evers declared a public health emergency, and on
38 March 24, 2020, Governor Tony Evers issued Emergency Order #12, titled Safer at Home Order;
39 and

40 **WHEREAS**, through the adoption of Resolution 3-12-20A and Executive Administrative
41 Order March 13, 2020-1, the Legislature and President of the Nation declared a state of emergency
42 concerning the tribal and national response to the coronavirus (known as COVID-19), and set in
43 place measures to protect the Nation, its Members and employees, including travel restrictions and
44 adherence to certain federal recommendations and guidance to protect against the spread of such
45 virus; and

46 **WHEREAS**, Ho-Chunk Nation President Marlon White Eagle issued Administrative
47 Order March 17, 2020-1, which closed the Nation’s casinos to the public, effective no later than
48 March 20, 2020, due to the public health emergency; and

49 **WHEREAS**, the Nation’s casinos re-opened in late-June and early-July 2020, thus
50 starting the process of providing gaming revenue to the Nation again; and

51 **WHEREAS**, for background and recent historical context, the Legislature faced the
52 unprecedented situation of having to consider budgets for Fiscal Year 2021, and approve such
53 funds, when the Nation’s gaming operations had been closed due to a world-wide pandemic, and
54 Declaration of Emergency, thereby depriving the Nation of revenues, and leaving the Nation in an
55 uncertain time to project future revenues; and

56 **WHEREAS**, the public health concerns about COVID-19 have improved in the United
57 States, and for the Ho-Chunk Nation, in light of precautions such as mask-wearing, social
58 distancing, and the availability of vaccinations, so much so that various jurisdictions have lifted
59 mask mandates for the general public; and

60 **WHEREAS**, the recovery from the pandemic continues, and the Nation is still under a
61 Declaration of Emergency, while the Nation’s Gaming Operations have remained open and
62 steadily improved performance, in uncertain economic times; and

63 **WHEREAS**, pursuant to the Budget Act, the Legislature set spending limits for the
64 Branches of Government through the adoption of Resolution 2-15-22A, aiming to keep costs down
65 and avoid deficits, in light of the continued Declaration of Emergency and presence of COVID-
66 19; and

67 **WHEREAS**, the Legislative Finance Commission met multiple times from February 2022
68 up to May 2022, to consider budget proposals and spending limits for the Nation’s Fiscal Year
69 2023 budget, and ultimately adopted various recommendations to approve budgets for the Nation,
70 which have been referred to the Legislature for inclusion in final Budget Appropriation Bills; and

71 *Therefore, be it enacted by the Ho-Chunk Nation Legislature:* That the following sums are
72 appropriated for the Judicial Branch of the Ho-Chunk Nation, pursuant to the Ho-Chunk Nation
73 *Appropriations and Budget Process Act* (2 HCC §4) (“Budget Act”) for the fiscal year ending
74 June 30, 2023 as follows:

75 **SECTION 1 - STATEMENT OF APPROPRIATIONS**

76 Each of the appropriations to the Judiciary Branch Departments are made as an individual
77 appropriation, consistent with, and only for the purposes noted for the line items as described in
78 each budget line item and Summary Account, as defined in the Ho-Chunk Nation’s Chart of
79 Accounts. (The Chart of Accounts is a listing, maintained by the Department of Treasury, of the

80 accounts the Nation uses to define each class of items for which money is spent or received.)
81 Pursuant to Section 3.c. of the Budget Act, funds appropriated under the Act may only be used for
82 the specific purpose for which they have been appropriated. As such, and unless otherwise
83 expressly stated herein, the funds appropriated pursuant to this Budget Bill are specific to the
84 enumerated job titles and organization charts submitted to the Finance Commission. Any revisions
85 to the same during the Fiscal Year must obtain any necessary budget modification or job
86 description change, under applicable lawful procedure. Such appropriations are made with the
87 understanding that the Nation’s Treasury Department is transitioning to a new accounting software
88 system for the entire Nation, such that flexibility is the desired goal, while also ensuring the
89 financial integrity and accountability of the Nation’s budgeted funds. The appropriations made
90 herein may be added to the applicable accounting software main account level, but they are also
91 made consistent with the intent expressed by the Finance Commission at the applicable Special
92 Finance Commission meeting(s). If a budget modification is necessary, the process outlined at
93 Section 6 of the Budget Act and Section 8.f of the Ho-Chunk Nation *Finance Ordinance* (5 HCC
94 §5) is available. The Budget Act, or any other applicable laws of the Nation, may be amended as
95 necessary to accommodate the interests of the Nation and its operations.

96 The appropriations made by the Legislature herein are made with the following conditions
97 and understanding:

98 (a) that Fiscal Year 2022-23 travel expenses for all training, including mileage, per
99 diem, lodging, and registration for all branches of government will be restricted, with the exception
100 of those necessary for employee-required certifications, continuing licensure, CEU's, which will
101 be funded through the Department of Labor.

102 The total Fiscal Year 2022-23 budget appropriation to the Judicial Branch is \$1,725,354,
103 with specific appropriations as follows:

104
105 **TITLE I**
106 **HO-CHUNK NATION JUDICIARY**
107 **(TRADITIONAL COURT, SUPREME COURT,**
108 **TRIAL COURT, and WELLNESS COURT)**
109

110 For necessary expenses in support of the Ho-Chunk Nation Judiciary Fiscal Year 2022-23
111 budget:

112 (a) \$1,430,768 is appropriated for the Trial Court;

- 113 (b) \$199,509 is appropriated for the Supreme Court;
- 114 (c) \$28,675 is appropriated for the Traditional Court; and
- 115 (d) \$66,402 is appropriated for the Healing and Wellness Court.

116

117 MANDATORY SPENDING

118 Of the appropriations above made for the Judiciary, the following are deemed to be
119 Mandatory Spending items (as that term is defined in Section 4n of the Budget Act): funds for
120 the position of Supreme Court Chief Justice and Associate Justice(s), the position of Trial Court
121 Chief Judge, Electricity, Heating, Trash Removal, costs associated with meetings and travel for
122 the Traditional Court, the position of Wellness Court Project Coordinator (and associated costs
123 related to compensation), the position of Behavioral Health Clinician I and II for the Wellness
124 Court (and associated costs related to compensation), the following additional budget items for the
125 Wellness Court: Postage/Shipping expense, Vehicle Fuel, Office Supplies, Computer Supplies,
126 and Contract Services.

127 DISCRETIONARY SPENDING

128 Those items not appropriated as Mandatory Spending are deemed Discretionary Spending
129 pursuant to Section 4f of the Budget Act, and are appropriated as such within this Bill and
130 consistent with the report that accompanies the Finance Commission’s final recommendations.

131 **SECTION 2 - ADJUSTMENTS TO DISCRETIONARY SPENDING.**

132 The Legislature, pursuant to the Budget Act and Resolution 02-15-22A, set spending limits
133 for the Judiciary Branch Fiscal Year 2022-23 Budgets. If expenses by the Judiciary Branch exceed
134 such discretionary spending limits, notification shall be made to the Legislative Finance
135 Commission, along with a justification for excess spending. The Budget Act applies to the
136 administration of the appropriations made herewith, and specifically the budget modification
137 process. In the administration of the funds appropriated, no funds shall be transferred from 670
138 and 680 Treasury Accounts (or similar accounts starting with the numbers 67 or 68) without
139 approval, as required by the Budget Act. While the total funds appropriated within this Bill may
140 or may not be higher than the set spending limit, the Finance Commission will be notified if the
141 limit is reached.

142

143 **SECTION 3 – REPORTING, REVIEW AND AUDIT**

144 Pursuant to the Nation’s Budget Act, Section 5.h, the Legislature reserves the power to
145 review action taken by the Executive Branch, Judicial Branch, and General Council Branch during
146 the implementation of the fiscal year budget approved by the Legislature. The Legislature or its
147 standing commissions shall conduct a periodic review of all budgets to determine whether funds
148 are being expended according to the annual budget adopted by the Legislature. Such review may
149 include random reviews of enterprise or departmental budgets. With this Budget Bill, the Judiciary
150 Branch shall report to the Legislature, or such Legislative Commission as requested by the Vice
151 President, a budget summary update detailing the use and compliance with the Fiscal Year 2022-
152 23 budget by December 31, 2022; provided, that any specific reporting mandates applicable to a
153 specific appropriation shall also govern.

154 All appropriations within this Bill are made by law on the basis that the Legislature reserves
155 the power to review action taken by the branches of government that receive such funds. As part
156 of the power to review, the Legislature shall also have the authority to audit the use of such
157 appropriated funds for consistency with tribal law and the purposes for which such appropriations
158 are made.

159 **SECTION 4 – TECHNICAL CORRECTIONS.**

160 Any technical corrections (*i.e.*, grammar, punctuation, explanatory phrasing, dates,
161 formatting) to this Bill for funding in Fiscal Year 2022-23 may be made after enactment, provided
162 such correction does not alter the appropriations recommended and Legislative Finance
163 Commission Presiding Officers are notified of such correction. Any other changes beyond those
164 that are technical must be approved by the Legislative Finance Commission.

165 **SECTION 5 – COMPLIANCE WITH & CONFLICT OF LAWS.**

166 During the implementation of this budget, all laws of the Nation must be followed. As to
167 conflicts of law, if any conflict arises between the terms of this Bill and the Nation’s Budget Act,
168 the Budget Act shall supersede and govern the use and administration of such funds.

170 **SECTION 6 – EFFECTIVE DATE.**

171 This Bill shall take effect on the date of enactment by Resolution of the Legislature. Any
172 adjustments to funding shall be effective pursuant to the processes of the Legislature and Finance
173 Commission, and do not require an amendment or restatement of this Bill.

Legislative History:

Meetings convened to consider and recommend approval of the Fiscal Year 2022-23 Ho-Chunk Nation Budget Bills: Legislative Special Finance Commission meetings on March 3, 9, 23, 29, 2022; April 6, 20, 26, 28, 2022; May 4 and 12, 2022. Final approval of the budget recommendations given by the full Legislature by adoption of the Ho-Chunk Nation Budget Bills on June 20, 2022 by legislative resolution.