



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE

ADOPTION OF HO-CHUNK NATION GENERAL COUNCIL BRANCH BUDGET BILL FOR FISCAL YEAR 2022-23

RESOLUTION 06-20-22 B

- 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
- 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

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- 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 5.h 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, the U.S. President 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 later re-opened, thus starting the process of providing gaming revenue to the Nation again; and

WHEREAS, since the onset of the pandemic, the Legislative Finance Commission (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 2022 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 considered the recommendations 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 General Council Branch Budget Bill for Fiscal Year 2022-23, including the appropriations set forth therein pursuant to its terms and conditions and consistent with the budgetary 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 appropriate approval.

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 **10 members, 0 opposed, and 1 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 B]
Adopted by *Resolution 06-20-22 B*

A Bill

Making appropriations for the **GENERAL COUNCIL 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**, Article V, Section 2(a) of the Constitution grants the Legislature the power
9 to make laws, including codes, ordinances, resolutions and statutes; and

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

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

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

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

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

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

29 **WHEREAS**, on March 11, 2020, the World Health Organization declared the COVID-
30 19 outbreak a pandemic; and

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

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

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

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

47 **WHEREAS**, for background and recent historical context, the Legislature faced the
48 unprecedented situation of having to consider budgets for Fiscal Year 2020-21, and approve such
49 funds, when the Nation’s gaming operations had been closed due to a world-wide pandemic, and
50 Declaration of Emergency, thereby depriving the Nation of revenues, and leaving the Nation in an
51 uncertain time to project future revenues; and

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

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

59 **WHEREAS**, pursuant to the Budget Act, the Legislature set spending limits for the
60 Branches of Government through the adoption of Resolution 2-15-22A, aiming to keep costs down
61 and avoid deficits, in light of the continued Declaration of Emergency and presence of COVID-
62 19; and

63 **WHEREAS**, the Legislative Finance Commission met multiple times from February 2022
64 up to May 2022, to consider budget proposals and spending limits for the Nation’s Fiscal Year
65 2023 budget, and ultimately adopted various recommendations to approve budgets for the Nation,
66 which have been referred to the Legislature for inclusion in final Budget Appropriation Bills; and

67
68 *Therefore, be it enacted by the Ho-Chunk Nation Legislature:* That the following sums are
69 appropriated for the General Council Branch of the Ho-Chunk Nation, pursuant to the Ho-Chunk
70 Nation *Appropriations and Budget Process Act* (2 HCC §4) for the fiscal year ending June 30,
71 2023 as follows:

72
73 **SECTION 1 - STATEMENT OF APPROPRIATIONS**

74 Each of the appropriations to the General Council Branch are made as an individual
75 appropriation, consistent with, and only for the purposes noted for the line items as described in
76 each budget line item and Summary Account, as defined in the Ho-Chunk Nation’s Chart of
77 Accounts. (The Chart of Accounts is a listing, maintained by the Department of Treasury, of the
78 accounts the Nation uses to define each class of items for which money is spent or received.)
79 Pursuant to Section 3.c of the Budget Act, funds appropriated under the Act may only be used for
80 the specific purpose for which they have been appropriated. Such appropriations are made with
81 the understanding that the Nation’s Treasury Department is transitioning to a new accounting

82 software system for the entire Nation, such that flexibility is the desired goal, while also ensuring
83 the financial integrity and accountability of the Nation’s budgeted funds. The appropriations made
84 herein may be added to the applicable accounting software main account level, but they are also
85 made consistent with the intent expressed by the Finance Commission at the applicable Special
86 Finance Commission meeting(s). If a budget modification is necessary, the process outlined at
87 Section 6 of the Budget Act and Section 8.f of the Ho-Chunk Nation *Finance Ordinance* (5 HCC
88 §5) is available. The Budget Act, or any other applicable laws of the Nation, may be amended as
89 necessary to accommodate the interests of the Nation and its operations.

90 The Fiscal Year 2022-23 budget appropriation for the General Council Branch is as
91 follows:

92 **TITLE I**
93 **GENERAL COUNCIL BRANCH**
94

95 For necessary expenses in support of the Ho-Chunk Nation General Council Branch and
96 Office of General Council Fiscal Year 2022-23 budget:

97 (a) \$440,797 is appropriated for the General Council Branch and Office of General
98 Council budget. This represents a decrease to the originally submitted budget by the Office of
99 General Council, of \$7,638 to the Contract Services line item.

100

101 MANDATORY SPENDING

102 Of the appropriations above made for the General Council Branch, the following are
103 deemed to be Mandatory Spending items (as that term is defined in Section 4.n of the Budget Act):
104 funds for Postage and costs associated with the Nation’s Annual General Council meeting.

105 DISCRETIONARY SPENDING

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

109

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

111 The Legislature, pursuant to the Budget Act and Resolution 2-15-22A, set spending limits
112 for the General Council Branch/Office of General Council Fiscal Year 2022-23 Budget. If
113 expenses by the General Council Branch/Office of General Council exceed such discretionary

114 spending limits, notification shall be made to the Legislative Finance Commission, along with a
115 justification for excess spending. The Budget Act applies to the administration of the
116 appropriations made herewith, and specifically the budget modification process. In the
117 administration of the funds appropriated, no funds shall be transferred between 670 and 680
118 Treasury Accounts without approval, as required by the Budget Act. While the total funds
119 appropriated within this Bill may or may not be higher than the set spending limit, the Finance
120 Commission will be notified if the limit is reached.

121

122 **SECTION 3 – REPORTING, REVIEW AND AUDIT.**

123 Pursuant to the Nation’s Budget Act, Section 5.h, the Legislature reserves the power to
124 review action taken by the Executive Branch, Judicial Branch, and General Council Branch/Office
125 of General Council during the implementation of the fiscal year budget approved by the
126 Legislature. The Legislature or its standing commission(s) shall conduct a periodic review of all
127 budgets to determine whether funds are being expended according to the annual budget adopted
128 by the Legislature. Such review may include random reviews of enterprise or departmental
129 budgets. With this Budget Bill, the Office of General Council shall report to the Legislature, or
130 such Legislative Commission as requested by the Vice President, a budget summary update
131 detailing the use and compliance with the Fiscal Year 2022-23 budget by December 31, 2022.

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

137 **SECTION 4 – TECHNICAL CORRECTIONS.**

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

143

144

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

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

149

150 **SECTION 6 – EFFECTIVE DATE.**

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

154

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: 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.

155