



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

DEFEATED

HO-CHUNK NATION LEGISLATURE

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

RESOLUTION 06-20-22 G

- 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 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 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

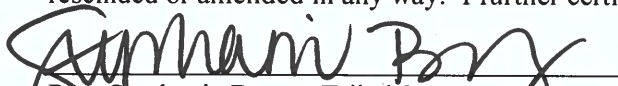
WHEREAS, the Legislature considered the recommendations of the Finance Commission and determined to make the annual budget appropriation as set forth below;

NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority, and the Budget Act, hereby adopts the Fiscal Year 2022-23 Budget Bill for the Executive 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 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**, that the foregoing resolution was not adopted at said meeting by an affirmative vote of **4 members, 6 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