



HO-CHUNK NATION LEGISLATURE
Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE
LEGISLATIVE OVERTURN OF PRESIDENTIAL VETO 02.16.2023-2
REGARDING LEGISLATIVE RESOLUTION 02-14-23A
(FISCAL YEAR 2023-24 BUDGETARY SPENDING LIMITS)

RESOLUTION 02-21-23 E

- 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 allows the Legislature to review any action taken by virtue of its delegation of power to the Executive Branch; and
- WHEREAS,** Article V, Section 2(d) of the Constitution empowers the Legislature to authorize expenditures by law and appropriate funds to the various Departments in an annual budget; and
- WHEREAS,** Article V, Section 2(h) of the Constitution authorizes the Legislature to enact all laws prohibiting and regulating conduct, and imposing penalties upon all persons within the jurisdiction of the Nation; and
- WHEREAS,** Article V, Section 2(l) of the Constitution allows the Legislature 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
- WHEREAS,** Article V, Section 13 of the Constitution states that the Legislature shall enact an annual budget, that the budget shall include an appropriation of operating funds for each branch of the government and that the Legislature shall not appropriate funds which have not been authorized by law; and

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- WHEREAS,** the President of the Nation, under Article VI, Section 2(a) of the Constitution, has the power to execute and administer the laws of the Nation, including the right to veto within fourteen calendar days any action of the Legislature unless overturned by the Legislature pursuant to Article V, Section 2(y) of the Constitution; and
- WHEREAS,** Article V, Section 2(y) of the Constitution authorizes the Legislature to overturn any Presidential Veto, by a two-thirds (2/3) supermajority vote; and the Legislature must exercise its veto within fourteen (14) calendar days after the President notifies the Legislature of the veto; and the President shall serve notice of the veto to the Vice President, and in the absence of the Vice President notice will be provided to the full Legislature by placing the veto on the agenda under New Business at the next legislative meeting; and
- WHEREAS,** on February 14, 2023, the Legislature adopted Resolution 02-14-23A, which tentatively set spending limits for the upcoming Fiscal Year 2023-24 budgets for the Nation, subject to final appropriation in a budget bill; and
- WHEREAS,** on February 16, 2023, the President vetoed Resolution 02-14-23A, when the Vice President was sent a Notice of Presidential Veto 02.16.2023-2 of Legislative Resolution 02-14-23A, via email from Nathaniel Longtail, Jr., who works in the Office of the President, said document labeled as a “Notice of Presidential Veto 02.16.2023-2 of Legislative Resolution 02.14.2023A”; and
- WHEREAS,** the effect of the Notice of Presidential Veto 02.16.2023-2 is an invalidation of Legislative Resolution 02-14-23A, unless the Legislature exercises its authority to overturn the veto pursuant to Article V, Section 2(y) of the Constitution; and
- WHEREAS,** pursuant to Article V, Section 2(y) of the Constitution, the Legislature now finds it appropriate to consider overturning the President’s Veto within the fourteen (14) calendar days provided; and
- WHEREAS,** the Legislature notes that the Office of the President Executive Accounts Manager signed, and approved the budget projection submissions that were provided to the Legislature; and
- WHEREAS,** the Nation’s Appropriation and Budget Process Act required that the Legislature identify spending limits for the succeeding fiscal year not later than February 15, 2023 via resolution; and
- WHEREAS,** under the Nation’s Appropriation and Budget Process Act, the remaining process for budget consideration will occur, including statutory allowances for the President, Executive Branch, and other Branches of the Nation, to submit budget proposals to the Legislature; and
- WHEREAS,** Article V, Section 11 of the Constitution states that a majority of the Legislature shall constitute a quorum and that a quorum shall be necessary to transact official business of the Legislature; and

WHEREAS, Article V, Section 12 of the Constitution states that a majority vote of the quorum shall be necessary to exercise the powers of the Legislature, except as otherwise provided in this Constitution; and

WHEREAS, that on February 14, 2023, in a duly convened Legislative meeting, thirteen (13) elected Representatives were present and, therefore, a majority of the Legislature was seven (7) Legislators; and

WHEREAS, that since a majority of the Legislature sitting in session on February 14, 2023 was seven (7) Representatives, the quorum needed to transact official business was 7; and

WHEREAS, on February 14, 2023, during the vote on Resolution 02-14-23A a majority vote of the quorum (a majority vote of the 7) voted in favor of Resolution 02-14-23A, and it was duly adopted pursuant to the Legislature's authority under the Constitution;

NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority, hereby overturns Presidential Veto 02.16.2023-2 by the two-thirds (2/3), supermajority vote noted below.

BE IT FURTHER RESOLVED that by adoption of this veto overturn resolution, Resolution 02-14-23A goes back into effect as of today's date.

VETO OVERTURN CERTIFICATION

I, the undersigned, as Tribal Secretary of Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **13 seated members** of whom **11** constituting a quorum were present at a meeting duly called and convened and held that on the **21st day of February, 2023**, adopted the foregoing resolution at said meeting by an affirmative two-thirds (2/3), supermajority vote of **11 members, 0 opposed, and 0 abstaining**, pursuant to the Article V, Section 2(a), (x) and (y) 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

02.21.23
Date