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

HO-CHUNK NATION LEGISLATURE
AMENDING THE *APPROPRIATIONS AND BUDGET PROCESS ACT* (2 HCC §4) AND PLACING THE BUDGET ACT OUT FOR FORTY-FIVE DAY PUBLIC COMMENT

RESOLUTION 12-7-10 R

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(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 Legislature adopted the Appropriations 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

Executive Offices
W9814 Airport Road P.O. Box 667 Black River Falls, WI 54615
(715) 284-9343 Fax (715) 284-3172 (800) 294-9343

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 and Legislative Branches to submit annual budgets; and

WHEREAS, the Budget Act does not address the General Council Branch of Government or provide any guidance for the appropriation of funds to said Branch; and

WHEREAS, due to the Budget Act's silence as to the General Council Branch of Government, the Legislature deems it necessary to amend the Budget Act to include provisions addressing the budgets and appropriations for the General Council Branch; and

WHEREAS, the Ho-Chunk Nation General Council Agency noted this issue to the Legislative Finance Committee on October 28, 2010 at a Special Finance Meeting and, in response, the Committee made a motion to amend the Budget Act to include the General Council; and

WHEREAS, the General Council Agency's counsel has provided comments as to the various parts of the Budget Act that need amendment, and has worked with Legislative Counsel to confirm the appropriate amendments; and

WHEREAS, the language amending the Budget Act is contained in the attached excerpts of the Budget Act; and

WHEREAS, the Legislature adopted the Legislative Organization Act (2 HCC § 11) to govern the manner in which the Legislature adopts or amends the laws of the Nation; and

WHEREAS, Section 31, subparagraph d(1)(a) of the Legislative Organization Act provides that the Public Review period for consideration of proposed laws or amendments will typically be forty-five (45) days; and

NOW, THEREFORE, BE IT RESOLVED, that the proposed amendments to the Budget Act including the General Council shall be incorporated into the Budget Act and placed out for forty-five (45) day public comment.

BE IT FURTHER RESOLVED, that the Office of Legislative Counsel shall post the draft amended Budget Act on the Nation's website and the forty-five day comment period shall begin on the day of posting on the webpage.

CERTIFICATION

I, the undersigned, as Tribal Secretary of the Ho-Chunk Nation Legislature, 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 on the **7th** day of **December, 2010**, that the foregoing resolution was adopted at said meeting by an affirmative

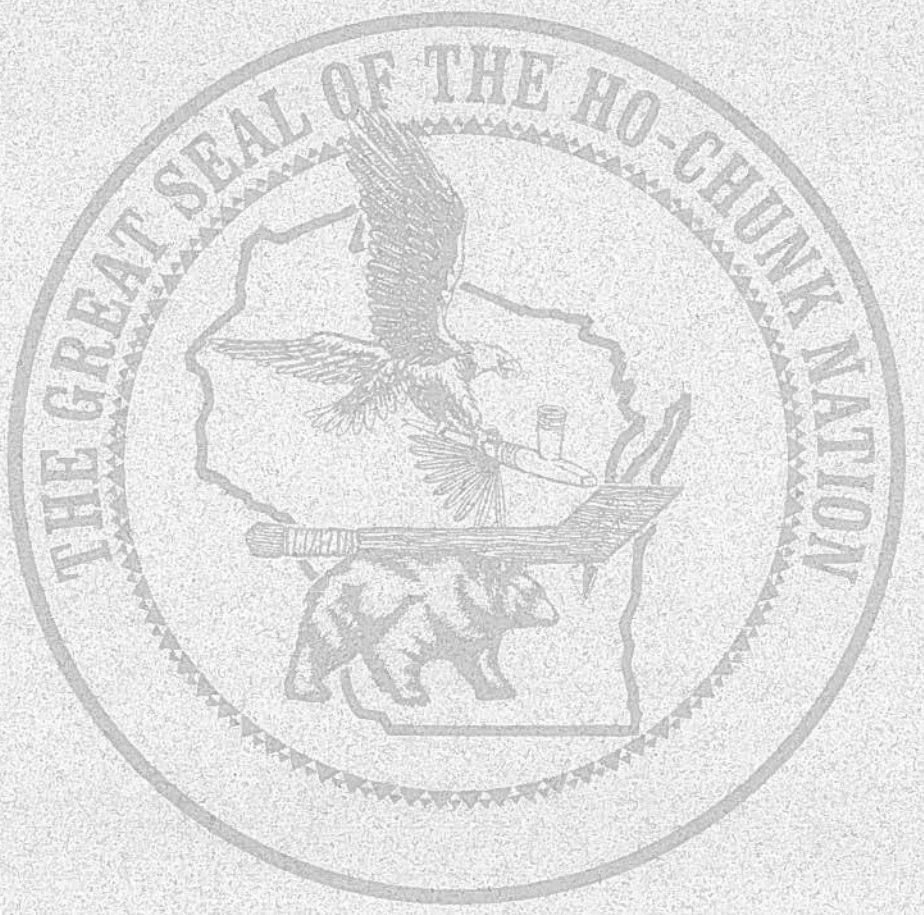
vote of **11 members, 0 opposed, and 0 abstaining,** pursuant to the authority of Article V, Section 2 (a) through (x) of the Constitution of the Ho-Chunk Nation approved by the Secretary of the Interior on November 1, 1994, and that said resolution has not been rescinded or amended in any way. I further certify that this is a verified copy of said resolution.

Hope B. Smith

Hope B. Smith, Tribal Secretary

December 7, 2010

Date



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