HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

45-Day Public Review

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

RESOLUTION 10-06-26 C

WHEREAS, on November 1, 1994, the Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation ("Constitution"), formerly known as the Wisconsin Winnebago Tribe; and

WHEREAS, the Ho-Chunk Nation ("Nation") is a federally recognized Indian Tribe, organized pursuant to the Indian Reorganization Act of 1934; and

WHEREAS, Article V, Section 2(a) of the Ho-Chunk Nation Constitution ("Constitution") grants 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(e) of the Constitution grants the Legislature the power to raise revenue, including the power to levy and collect taxes and license fees;

WHEREAS, Article V, Section 2(h) of the Constitution grants 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 13 of the Constitution states that the Legislature shall enact an annual budget; and

WHEREAS, the Ho-Chunk Nation Legislature passed the *Legislative Organization Act* (2 HCC § 11), which was last amended on August 19, 2025; and

WHEREAS, the *Legislative Organization Act* provides the procedures for enacting or amending a Ho-Chunk Nation law; and

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WHEREAS, Section 45, 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

WHEREAS, the Legislature enacted the *Appropriations and Budget Process Act* (2 HCC § 4) on June 22, 2000, which was last amended on June 7, 2022; and

WHEREAS, the Legislature has drafted proposed amendments to the *Appropriations and Budget Process Act* (2 HCC § 4) in order to more readily be able to access available cash through the handling of unexpended funds, budget timelines and mitigating budget shortfalls; and

WHEREAS, the Legislature finds it appropriate to place the proposed amendments to the *Appropriations and Budget Process Act* (2 HCC § 4) out for public review and comment;

NOW, THEREFORE, BE IT RESOLVED, that the Legislature, pursuant to its Constitutional authority, and the *Legislative Organization Act*, hereby places the attached proposed amendments to the *Appropriations and Budget Process Act* (2 HCC § 4) out for forty-five (45) day public comment, to run from the date the proposed amendments are posted on the Nation's website.

CERTIFICATION

I, the undersigned, as Secretary for the Ho-Chunk Nation Legislature, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **12 members**, of whom **11** constituting a quorum were present at a meeting duly called and convened and held on the **6th day of October, 2026,** 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) and (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.

Stephanie Begay

Rep. Stephanie Begay, Tribal Secretary

10.06.26

Date

HO-CHUNK NATION CODE (HCC)
TITLE 2 – GOVERNMENT CODE
SECTION 4 – APPROPRIATIONS AND BUDGET PROCESS ACT

ENACTED BY LEGISLATURE: JUNE 22, 2000

LAST AMENDED AND RESTATED: June 7, 2022

CITE AS: 2 HCC § 4

This Act supersedes HCC 96-002, Appropriations and Budget Process Act as amended by Ho-Chunk Nation Legislative Resolutions 6/6/00B, 4/11/00E and 05/03/11D, and up through 06/23/20A

1. **Authority**.

a. Article V, Section 2(a) of the Constitution grants the Legislature the power to make laws, including codes, ordinances, resolutions, and statutes.

b. 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.

c. Article V, Section 2(e) of the Constitution grants the Legislature the power to raise revenue, including the power to levy and collect taxes and license fees.

d. Article V, Section 2(h) of the Constitution grants the Legislature the power to enact all laws prohibiting and regulating conduct and imposing penalties upon all persons within the jurisdiction of the Nation.

e. Article V, Section 13 of the Constitution state that the Legislature shall enact an annual budget. The budget shall include an appropriation of operating funds for each branch of the government. The Legislature shall not appropriate funds which have not been authorized by law. No item shall be included in the budget if it is not authorized by law.

2. **Purpose**. This Act provides the Ho-Chunk Nation branches of government policy and guidance in preparing budgets to ensure fiscal responsibility and integrity within the Nation.

3. **Declaration of Policy**.

a. The President is charged with the responsibility to submit proposed budgets to the Legislature according to law in order for the Executive Branch to receive uninterrupted funding.

b. The Legislature may not fund programs if it determines that such funding would result in duplication of existing programs and services to the Ho-Chunk Nation members.

c. Funds appropriated under this Act may only be used for the specific purpose for which they have been appropriated.

d. It shall be unlawful for any person to violate any provision of this Act.

e. It shall be unlawful for any person to order, coerce, command, or attempt to persuade any other person to violate any provision of the Act.

f. An officer or employee of the Nation may not:

(1) Make or authorize an expenditure or obligation exceeding an amount available in an appropriation or to fund such expenditures or obligations, unless otherwise provided within this Act.

(2) Involve the Nation in a contract of obligation for the payment of money before an appropriation is made for such contract or obligation unless authorized by law.

g. To the extent that this Act may conflict with the Nation's *Finance Ordinance* or any other law of the Nation, this Act shall supersede such procedures or law.

h. The Nation shall prepare the various Budgets for the Branches so grant funds shall be used in accordance with the grant guidelines and expended prior to NPD funds.

4. **Definitions**. As used in this Act, the following shall have the meaning provided here.

a. "Appropriations Act" means any detailed budget bill, including accompanying narratives and line-item appropriations, or any amendments thereof approved by a majority of the Legislature acting at a duly called meeting at which a quorum is present.

b. "Appropriations Bill" means final budget recommendations assembled by the Finance Commission which detail both discretionary and mandatory spending along with identifying any funds designated for particular purpose and which is presented to the Legislature for consideration, amendment and/or passage.

c. "Budget Modification" means any replacement, alteration, or change to a specific line item or an obligation of funds from a specific line item in order to adjust a line item(s) that has been over/under spent or is identified as a financial need prior to overspending. See paragraph 6.a. for exclusions, which are specifically prohibited.

d. "Department of Justice" means the Ho-Chunk Nation Department of Justice.

e. "Discretionary Spending" refers to the budgetary amounts controlled by an Appropriation Act(s). "Discretionary Appropriation" refers to those budgetary resources that are provided in Appropriation Acts, other than those that fund mandatory programs.

f. "Enterprise" means any business entity or enterprise owned or operated by the Nation, including gaming facilities and any other Entity controlled by the Nation.

g. "Executive Branch" means those programs and departments, including the Office of the President, which are designated under the Executive Branch as defined in Article VI of the Constitution of the Ho-Chunk Nation.

h. "Fiscal Year" means the period beginning on July 1 of any particular calendar year

to June 30 of the following calendar year unless a different period is designated by the Legislature.

i. "Goal" is a general achievable outcome.

j. "Judiciary Branch" means the Supreme Court, Trial Court, and Traditional Court and any other courts which are designated pursuant to Article VII of the Constitution of the Ho-Chunk Nation.

k. "General Council" means those programs and department(s), including General Council Agency and General Council, which are designated pursuant to Article IV of the Constitution of the Ho-Chunk Nation.

l. "Finance Commission" means the Finance Commission of the Ho-Chunk Nation Legislature with jurisdiction over fiscal issues addressed by the Legislature.

m. "Legislature" means the Ho-Chunk Nation Legislature.

n. "Mandatory Spending" refers to budget authority that is provided in laws other than Appropriations Acts. Mandatory spending includes but is not limited to payments on interest, payments on loan principle or any other spending obligations enacted by law.

o. "Measurable Results" are the collection, analysis and reporting of data that is generated by work performance.

p. "Minor Budget Modification" means any budget modification that is under $80,000.

q. "Monitoring and Evaluation Performance Form (MEP)" is a form identifying a series of metrics designed to monitor, track and evaluate performance of a division or department.

r. "Nation" means the Ho-Chunk Nation.

s. "Net Gaming Revenues" means gross revenues of tribal gaming activities less amounts paid out as, or paid for, prizes and total operating expenses including debt service.

~~s.~~t. "Net Income" means gross revenues of tribal gaming activities less amounts paid out for total operating expenses, debt service, and depreciation.

~~t.~~u. "Non-Governmental Agencies" are those that do not fall within the Ho-Chunk Nation Government such as Gaming Commission, Ethics Review Board, and Ho-Chunk Housing Community Development Agency.

~~u.~~v. "Objectives" are the actions needed to achieve the stated goals.

~~v.~~w. "Operating Income" means gross revenue less cost of goods sold less operating expenses ~~as defined in the Finance Ordinance~~.

~~w.~~x. "Performance Based Budget" is the allocation of budgetary resources based on past performance to achieve organizational goals.

~~x.~~y. "Performance Summary" refers to the identification of a mission, goals, measurable

objectives, analysis of year over year variances, MEP form, and strategy to meet forecasted performance.

~~y.~~z. "President" means the President of the Ho-Chunk Nation.

~~z.~~aa. "Quarterly Budget Reviews" will occur at the regular monthly Legislative Finance Commission Meeting in the month following Quarter End.

~~aa.~~bb. "Single Audit" means the audit designed to meet the needs of all federal grantor agencies and performed in accordance with the Single Audit Act of 1984 (as amended in 1996) and Office of Management and Budget (OMB) Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*. The Single Audit Act of 1984 (and as amended) is federal legislation that provides for state and local government recipients of federal financial awards to have one audit performed to meet the needs of all federal grantor agencies.

ccaa. "Special Revenue Funds" as defined in the Finance Ordinance.

ddbb. "State of Emergency" as declared by the President or Legislature of the Ho-Chunk Nation.

eeee. "Strategic Plan" is a document used to determine the organizational goals the method to achieve those goals and the desired performance measures.

ffdd. "SWOT" is defined as strength, weakness, opportunities and threats.

ggee. "Treasury" means the Ho-Chunk Nation Department of Treasury.

hhff. "True Increase" will be the ability to allocate funds above the current Legislative approved Fiscal Year budgetary appropriations following the review of actual results.

5. **Appropriations**.

a. Budget Projections.

(1) The Finance Commission shall, not later than February 15, provide notification of budget projections due from each of the gaming facilities and all enterprises for the succeeding and subsequent fiscal years.

~~(1)~~

b. Budget Submissions.

(1) Executive Branch.

(a) The President shall submit a proposed annual fiscal year budget, including detailed narratives for each executive department and/ or program to the Finance Commission not later than the last business day of March of each year for the succeeding fiscal year. The proposed budgets shall include an explanation detailing in which matter the proposed funding is vital for the services to the Ho-Chunk Nation members, detailed justification for continued or increased funding for such services listing of budget priorities for the upcoming fiscal year including measurable goals and objectives clear metrics as identified in the Monitoring and

Evaluation Performance Form (MEP) and a brief performance summary of the differences between the proposed and current budget. The proposed budgets shall also identify other funding sources that any governmental branch, department, or program of the Nation is receiving, anticipates receiving, has applied for, or will apply for from any other source, i.e., federal, state, foundation grants, etc.

(b) The President shall submit the proposed annual budget, containing information required in (a), for the Nation's enterprises to the Finance Commission not later than January 15 of each year for the succeeding fiscal year.

(c) The President shall submit the General Fund Revenue proposed annual budget to the Finance Commission not later than January 15 of each year for the succeeding fiscal year.

(2) Legislative Branch. The Vice-President shall submit the proposed annual budget for the Legislature and the General Fund Expenses Budget to the Finance Commission not later than the last business day in March of each year for the succeeding fiscal year. The proposed budgets shall include an explanation detailing in which matter the proposed funding is vital for the services to the Ho-Chunk Nation members, detailed justification for continued or increased funding for such services contain a listing of budget priorities for the upcoming fiscal year including measurable goals and objectives, clear metrics as identified in the MEP and a brief performance summary of the differences between the proposed and current budget. The proposed budgets shall also identify other funding sources that any governmental branch, department, or program of the Nation is receiving, anticipates receiving, has applied for, or will apply for from any other source, i.e., federal, state, foundation grants, etc.

(3) Judicial Branch. The Chief Trial Judge shall submit the proposed annual budget for the Judicial Branch to the Finance Commission not later than the last business day in March of each year for the succeeding fiscal year. The proposed budgets shall include an explanation detailing in which matter the proposed funding is vital for the services to the Ho-Chunk Nation members, detailed justification for continued or increased funding for such services contain a listing of budget priorities for the upcoming fiscal year including measurable goals and objectives clear metrics as identified in the MEP and a brief performance summary of the differences between the proposed and current budget. The proposed budgets shall also identify other funding sources that any governmental branch, department, or program of the Nation is receiving, anticipates receiving, has applied for, or will apply for from any other source, i.e., federal, state, foundation grants, etc.

(4) General Council Branch. The Office of General Council shall submit the proposed annual budget for the General Council and Office of General Council to the Finance Commission not later than the last business day in March of each year for the succeeding fiscal year. The proposed budgets shall include an explanation detailing in which matter the proposed funding is vital for the services to the Ho-Chunk Nation members, detailed justification for continued or increased funding for such services contain a listing of budget priorities for the upcoming fiscal year including measurable goals and objectives clear metrics as identified in the MEP and a brief performance summary of the differences between the proposed and current budget. The proposed budgets shall also identify other funding sources that any governmental branch, department, or program of the Nation is receiving, anticipates receiving, has applied for, or will apply for from any other source, i.e., federal, state, foundation grants, etc..

(5) The President, Vice President, Chief Trial Judge, or Chair of the General Council Agency may request an extension of time beyond the last business day of March to submit a proposed annual fiscal year budget provided such request is submitted in writing to the Chairperson of the Finance Commission prior to March 15. An extension may be granted by the Legislature if it finds there is good cause to grant an extension. Any extension beyond the last business day in March shall be authorized by Legislative Resolution.

c. The Finance Commission shall create spending limits based on budget operating income projections, historical and current year performance and expected trends.

d. The Finance Commission shall, prior to February 15, provide a recommendation to the Legislature, in the form of a motion, for the spending limits for the succeeding fiscal year for each and every branch of the Nation's government. The Legislature shall, not later than February 15, identify spending limits for the succeeding fiscal year through adoption of a budget resolution on each and every branch of the Nation's government along with budget priorities in order to assist the development of timelyand responsible budget bill/act(s).

e. The Finance Commission may hold and conduct either regular or special committee hearings to determine whether the proposed budgets are in accordance with program goals as stated in the budgets. The Finance Commission may require any person to appear before the commission members to explain and answer any questions that the commission members may have regarding the proposed budget.

f. Upon review, the Finance Commission may determine if the proposed budget meets expected performance measures and specific goals and make adjustments to proposed budgets where appropriate in response to whether such performance measures and goals were met, not met or exceeded. Any adjustments may not exceed 10% of the prior years' budget.

g. Prior to May 15 the Finance Commission shall assemble final budget recommendations into one or more draft appropriations bill/act(s) which detail both discretionary and mandatory spending along with identifying any funds designated for a particular purpose. The Finance Commission shall also prepare an accompanying report containing a section by section description of the appropriations act(s), and any additional justifications, narratives and details.

h. The Finance Commission shall have until May 15 of each year to submit final budget recommendations in the form of one or more draft appropriations bills and accompanying report(s) to the full Legislature for consideration and final review. If the Finance Commission cannot have their recommendations submitted by May 15, the Finance Commission shall refer to the full Legislature a Continuing Resolution, which would fund a branch, department, or program budget for a period not to exceed ninety (90) days successively into the following fiscal year. Depending on the circumstances, the Legislature may alter the deadlines identified in this section. However, any changes to the deadlines must be identified and accomplished by written resolution.

i. Following a recommendation from the Finance Commission, the full Legislature shall adopt or modify the annual appropriations bill(s) for the Nation, or adopt a Continuing Resolution, no later than five (5) days before the next fiscal year. As a component part of the annual budget, the Legislature may adopt a Continuing Resolution for funding a branch, department, or program budget for a period of ninety (90) days into the following fiscal year and may adopt successive Continuing Resolutions if reasonably necessary. At any point after a Continuing

Resolution is adopted, the Legislature may adopt the annual appropriations bill(s) for the Nation. Once an appropriations bill is adopted by the Legislature, no budget shall be modified except in accordance with paragraph 6 of this Act. Continuing Resolutions may modify previously adopted Continuing Resolutions applicable to the same fiscal year.

j. The Legislature reserves the power to review action taken by the Executive Branch, Judicial Branch and General Council Branch during implementation of the fiscal year budget approved by the Legislature. The Legislature shall conduct periodic review of all budgets to determine whether funds are being expended according to the annual budget adopted by the Legislature. Such review may include random reviews of enterprise or departmental budgets. The Legislative Finance Commission may also exercise this authority, as a delegation from the Legislature.

k. When one or more of the Nation's gaming enterprises experiences below budget performance causing a violation of the spending limits, the Legislature may request a projected cash flow analysis, tribal government budgetary impact and corrective action plan from the Treasurer to strengthen and promote financial stability. The Legislature may request that the corrective action plan be presented at the next regular Legislative session.

~~k.~~l. When one or more of the Nation's gaming enterprises have been closed due to a Declaration of Emergency by the President or Legislature, all budgets are subject to review as follows:

(1) Upon the closing and re-opening of a gaming enterprise, the Legislature, or Legislative Finance Commission, will review all budgets on a monthly basis for the first six (6) months. If a gaming enterprise closes again during the six (months) following a re-opening, the budgets will be subject to a new six (6) month review period based upon re-opening. The Legislature may determine that continued review during the six (6) months is unnecessary and move to the timeline set forth in paragraph 5.j(2) of this Act.

(2) After the initial six (6) months of review of all budgets, the Legislature, or Legislative Finance Commission, will review the budgets on a quarterly basis during the remainder of the fiscal year.

(3) The purpose of the six (6) month and quarterly budget review described in above paragraphs 5.l.~~j.~~(1) and (2) is to determine if the Nation's branches and gaming enterprises will meet budget and performance projections in the unique circumstances where a Declaration of Emergency has been issued by the President or the Legislature. In the circumstances described in above paragraphs 5.l.~~j.~~(1) and (2), all budgets are subject to modification, and revised appropriation, if: circumstances require continued closure of one or more of the Nation's gaming enterprises, or one or more of the gaming enterprises will not be able to meet or exceed budget and performance projections. The Legislature or Legislative Finance Commission are authorized to request information from the Treasurer, branches of government, Departments, and gaming enterprises in order to carry out the review set forth herein.

6. **Budget Modifications.**

a. Once an appropriations bill is adopted by the Legislature for a given fiscal year, no budget shall be modified except in accordance with the provisions stated herein. There shall be no true increases to a budget, except in emergency circumstances when it has been considered by the Legislative Finance Commission and approved by a two-thirds vote of the Legislature.

b. The following budget modification exclusions are specifically prohibited, unless a budget modification for one of the following is presented to and approved by the Finance Commission:

(1) The modification does not reduce any revenue line item.

(2) The modification does not reduce any cost of goods sold line item.

(3) The modification does not reduce any program expense line item within Lawson Account Code 67, as promulgated in the Finance Ordinance.

(4) The modification does not affect any capital expense line item.

(5) The modification does not reduce depreciation or indirect cost expense line item.

(6) The executive branch or enterprise's total appropriated budget does not increase or decrease as result of the modification.

(7) The executive department or enterprise's proposed modification does not reduce funds in an employee payroll, insurance benefits, and tax line items in order to increase an amount in a non-payroll or non-benefit line item unless approved by the Finance Commission; provided, this does not prohibit a modification to move funds between payroll, benefit and/or tax line items.

c. During the last quarter of the fiscal year, all budget modifications shall be presented to and approved by the Finance Commission.

d. Executive Branch.

(1) The Executive Branch may perform budget modifications as a means to control Executive Branch and Enterprise spending. Any budget modifications will be detailed as to line item supported with proper documentation and subject to periodic review from the Legislative Finance Commission.

(a) Any proposed minor budget modification for an Executive Branch department, program, or enterprise must be submitted for review and approval through the respective Executive Director to the President. Review by the Treasurer may be required as well pursuant to Budget Modification standard operating procedures developed by Treasury.

(b) No such budget modification shall reduce funds in a payroll wage, tax or benefits line item in order to increase an amount in a non-payroll or non-benefit line item unless approved by the Finance Commission; provided, this does not prohibit a modification to move funds between payroll, tax and/or benefits line items. Any modifications of this nature will be identified and reported by the Treasurer to the Finance Commission immediately and the Treasurer will include an analysis of the impact of this restriction in such report.

e. Judiciary Branch.

(l) The Judicial Branch may perform budget modifications as a means to control spending and preserve the appropriated budget. Any budget modifications will be detailed as to line item and subject to periodic review from the Legislative Finance Commission.

(a) Any proposed budget for the Judiciary Branch may be approved by the Chief Trial Judge. Review by the Chief Justice may be required as well pursuant to Budget Modification standard operating procedures developed by Treasury and the Judiciary Branch.

(b) No such budget modification shall reduce funds in a payroll wage, tax or benefits line item in order to increase an amount in a non-payroll or non-benefit line item unless approved by the Finance Commission; provided, this does not prohibit a modification to move funds between payroll, tax and/or benefits line items. Any modifications of this nature will be identified and reported by the Treasurer to the Finance Commission immediately and the Treasurer will include an analysis of the impact of this restriction in such report.

f. General Council.

(l) The Office of General Council may perform budget modifications as a means to control spending and preserve the appropriated budget. Any budget modifications will be detailed as to line item and subject to periodic review from the Legislative Finance Commission.

(a) Any proposed budget modification for the General Council Branch shall be approved by the Finance Commission.

g. Legislature.

(l) The Legislature may perform budget modifications as a means to control spending and preserve the appropriated budget. Any budget modifications will be detailed as to the line item and subject to periodic review from the Legislative Finance Commission.

(a) Any proposed budget modification for the Legislative Branch may be approved by the Vice President. Review by the Finance Chair and/or Budget Analyst may be required pursuant to Budget Modification standard operating procedures developed by the Legislative Branch.

(b) No such budget modification shall reduce funds in a payroll wage, tax or benefits line item in order to increase an amount in a non-payroll or non-benefit line item unless approved by the Finance Commission; provided, this does not prohibit a modification to move funds between payroll, tax and/or benefits line items. Any modifications of this nature will be identified and reported by the Treasurer to the Finance Commission immediately and the Treasurer will include an analysis of the impact of this restriction in such report.

h. State of Emergency.

(l) When the President or Legislature declares a state of emergency, and any Ho-Chunk Nation Class II or Class III gaming operations close for business, the process for

budget modifications set forth in this Section will require that all proposed modifications be submitted to the Legislative Finance Commission for consideration; provided, however, that such budget modifications will go to the Legislature if the Finance Commission is unable to meet for any reason. The duration of this emergency budget modification procedure will last no longer than the state of emergency declared by the President or Legislature and when the gaming operations have reopened, but it may revert back to the process set forth above as determined by the Legislature.

(2) All budgets may be modified by action of the Legislature or Legislative Finance Commission, pursuant to paragraph 5.j above.

7. **Fiscal Accounting**.

a. Unexpended Funds & Deficit Report.

(1) Notwithstanding any provision of this or any other Act or law, it shall be the duty of the Treasurer to:

(a) Identify and isolate any unused (unexpended) funds from the current and previous fiscal year.

(b) Determine any unused (unexpended) funds remaining from ~~any~~the current and prior fiscal year and monitor any unused funds~~, remaining from any previous fiscal quarter~~.

(2) Within thirty (30) days of receipt of the Nation's Single Audit, the Treasurer shall submit a Comprehensive~~n~~ Unexpended Funds and Deficits Report to the Legislature based upon the audited *Statement of Revenues, Expenditures and Changes in Fund Balance* report within the Single Audit report and items c, and d, within this section to identify any unexpended funds and deficits.

(3) Within 30 days following the end of each quarter, the Treasurer shall submit a Quarterly Cash Flow Analysis which identifies any unused (unexpended) funds.

(4) Within thirty (30) days of receipt of the Treasurer's Unexpended Funds Deficits Report or Quarterly Cash Flow Analysis at a duly called Legislative meeting, the Legislature may appropriate any excess funds identified under this section for purposes that further the general welfare of the Nation's tribal members or the Nation's financial position, assets or infrastructure, including but not limited to, land, emergency reserves funds, capital projects or debt service.

b. Capital Projects. The Legislature shall designate by Resolution, Capital Projects that are to be budgeted on a project basis. These Capital Projects shall be tracked in distinct capital project funds, separate from the General Fund, and budgeted based on the life of the project. Unexpended Capital Project budgets at the end of the fiscal year will be carried into the next fiscal year until the project is completed or terminated by Legislative action and closed by Resolution. Capital Project budgets can be modified by Resolution for true increases or decreases to the project.

c. Home Ownership Program. Monies budgeted for Home Ownership Program expenses that are contractually obligated shall be identified and approved by Legislative resolution within sixty (60) days of fiscal year end. The expense commitments in this subsection include

approved contracts for down payments, new construction, existing home purchase, refinancing, land, site development/improvements, utility extensions, and architect, engineering fees and Elder grants programs. This budgeting process will carryover committed budget monies to the next fiscal year to enable completion/purchase of homes for tribal members.

d. Memorial Relief Burial Fund. Notwithstanding any provision of this or any other Act, disbursements properly payable out of line items for the Nation's Burial Funds to include the Memorial Relief Fund, Benevolence Fund and Burial Grants Fund, may be paid even if the appropriated funds for that line item have been previously exhausted during the fiscal year due to usage beyond the budgeted estimate. Any payments in excess of the budgeted amount of the Burial Funds shall be funded from the General Fund pending the year-end adjustment described in the following sentence. The Treasury will offset any such deficit against the amount of unused funds identified in its report for a fiscal year prepared in accordance with paragraphs a(1) and a(2), above, and restore such deficits to the General Fund.

e. Monthly Financial Report. Department of Treasury shall prepare monthly financial reports for review by the Legislature. The Monthly Financial Report shall be provided to the Legislature not later than the 2~~1~~5th of the month following the close of the previous month. The Treasurer or designee shall attend all Finance Commission meetings to explain the Monthly Financial Report, answer questions concerning the monthly financial report, and provide supplemental information as required.

(1) The Monthly Financial Report shall consist of the following monthly financial statements from each of the Gaming and Enterprise facilities in addition to the Tribal Government:

(a) Monthly Financial Statements and Schedules.

(b) Monthly Comparative Actual to Budget Statements.

(c) Monthly Cash Flow Analysis.

~~(c)~~(d) Grant Listing

(2) Upon release of this financial information to the Legislature, members of the Legislature may release the Monthly Area Meeting Financial Report to Tribal members.

8. **Release of Financial Data**. Financial information of the Nation shall be considered confidential and privileged. Only financial data as explicitly provided for by this Act, or those financial reports expressly approved for release as a matter of law, including the Discovery Act, by Resolution, motion, or contract shall be released. Financial information of the Nation shall not be divulged to anyone other than persons who have a right to know, or are authorized to receive such information:

a. Release of Financial data/information to Tribal Members. Financial data/information provided to Tribal Members at District/Area Meetings shall be clearly marked For Tribal Use Only and not for further release. Upon release of this financial information to the Legislature, Legislators may release the Monthly Financial Report to Tribal Members.

b. Treasurer. The Treasurer, from time to time, may be requested to produce a fiscal

analysis or provide fiscal reports, which contain such information that the Legislature desires to limit and control access. Exceptions to this policy may only be authorized by written directive from the Legislature, President or General Council.

c. Officials and Employees of the Nation. Financial information of the Nation shall not be divulged to anyone other than persons who have a right to know, or are authorized to receive such information. The safeguarding and protection of this confidential information shall be considered a condition of employment with the Nation and applicable employment law shall apply.

9. **Enforcement and Penalties**. The penalties assigned the violations herein are mandatory and in addition to discipline administered under the Nation's employment law.

a. Enforcement and Imposition of Penalties.

(1) Executive Branch and Enterprises.

(a) Violations of this Act by the President shall be deemed a violation of fiduciary responsibility and subject that official to sanctions under the Nation's *Code of Ethics Act* (2 HCC § 1).

(b) The President shall enforce the provisions of this Act within the Executive Branch and enterprises and impose the penalties provided by paragraph b, below.

(2) Judiciary Branch.

(a) Violations of this Act by the Chief Justice or an Associate Justice of the Supreme Court or the Chief Judge or an Associate Judge of the Trial Court shall be deemed a violation of fiduciary responsibility and subject that official to sanctions under the Nation's *Code of Ethics Act* (2 HCC § 1).

(b) The Chief Justice for Supreme Court employees and the ChiefTrial Judge for Trial Court employees shall enforce the provisions of this Act and impose the penalties provided by paragraph b, below.

(3) General Council Branch.

(a) Violations of this Act by the Chairperson of General Council Agency, any presiding officer of General Council, contract employees shall be deemed a violation of fiduciary responsibility and subject that official to sanctions under the Nation's *Code of Ethics Act* (2 HCC § 1).

(b) The presiding officer of General Council and the Chairperson of General Council Agency shall enforce provisions of this Act for employees and impose the penalties provided by paragraph b, below.

(4) Legislative Branch.

(a) Violations of this Act by a Legislator shall be deemed a violation of fiduciary responsibility and subject that official to sanctions under the Nation's *Code of Ethics Act* (2 HCC § 1).

(b) The Vice President shall enforce the provisions of this Act for employees within the Legislative Branch and impose the penalties provided by paragraph b, below.

b. Penalties.

(1) Executive Directors and Enterprise General Managers and their subordinate supervisors having responsibility for formulation and execution of a budget shall be subject to the following penalties for violations of this Act.

(a) For a first violation of this Act the individual shall be placed on probation and shall for procedural violations be required to take correction action within thirty (30) days of the notice of the violation and probation.

(b) If the violation has not been corrected within thirty (30) days or ifthere is a subsequent violation of this Act within ninety (90) days, the individual shall be terminated from that position.

(2) Employees of the government and enterprises other than those identified in paragraph (1), above, shall be subject to discipline, to include termination, as provided by the Nation's employment law.

c. Prosecution by the Attorney General.

(1) As legal counsel for the Nation, the Department of Justice shall prosecute all violations of this Act promptly whenever:

(a) On the basis of any information available to him or her, including receipt of information from any person, the Attorney General has reason to believe that any person is in violation of any provision of this Act and the appropriate official has not the required disciplinary action; or

(b) The Chair of the Finance Commission requests prosecution after the Commission has conducted a preliminary inquiry and has reason to believe a violation of this Act has occurred and the required disciplinary action has not been taken.

(2) The Attorney General or his/her designee shall not exercise prosecutorial discretion.

(3) The Attorney General shall make an initial determination as to whether a conflict of interests exists in his or her prosecution of violations of this Act, in writing to the Legislature, within ten (10) days after receiving information on an alleged violation as provided in paragraph c(1), above.

(4) Should the Legislature agree with the Attorney General that a conflict of interests exists, it may appoint special counsel for the purpose of prosecuting any violation of this Act. Any funds appropriated for special counsel shall be paid out of the Department of Justice annual budget.

d. Additional Sanctions by the Trial Court.

(1) Any person found guilty of violating any provision of this Act or failing to take appropriate disciplinary action for a subordinate's violation of this Act may be fined up to $300.00 for each violation.

(2) Notwithstanding any other provision of this Act, the Trial Court is hereby granted authority to order injunctive or declaratory relief against any person who violates any provision of this Act.

(3) It shall be a criminal offense, which may be punishable by up to ninety (90) days in jail for any person who fails to comply with any order of the Trial Court issued pursuant to this Act.

(4) All Court proceedings commenced under this Act shall occur on an expedited basis.

10. **Sovereign Immunity**.

a. In accordance with Article XII of the Constitution of the Ho-Chunk Nation, the Legislature hereby expressly waives the sovereign immunity of the Nation for the purposes of securing any right or punishing any offense under this Act.

b. In accordance with paragraph a, above, the Legislature hereby declares that any person violating any provision of this Act is acting beyond the scope of their duties or authority and is therefore to be held personally liable for violations of this Act.

11. **Severability**. If any provision or provisions of this Act in the future be declared invalid by the Judiciary, the invalid provision or provisions shall be severed and the remaining provisions shall continue in full force and effect.

Legislative History:

07/02/96	Introduced by Rep. T. Thundercloud to Legislature and tabled.
07/16/96	Tabled by Legislature.
07/23/96	Adopted by Legislature.
12/05/96	Amendment to Section301 referred to Legislature.
12/17/96	Amendment to Section 301 adopted by Legislature.
02/15/97	Amendments to Sections 305, 306, and 309 adopted by Legislature.
11/13/97	Amendment to Section 309 adopted by Legislature.
06/10/98	Legislature adopts Resolution 06/23/98A to add Section 504, Capital Projects Budget Fiscal Year Carryover.
06/23/98	Legislature adopts Resolution 06/23/98C to add Section 505, Home Ownership Program Budget Fiscal Year Carryover.
05/04/99	Legislature adopts Resolution 05/04/99A to add Section 409 setting limits for the submission of requests to modify the budget.
04/11/00	Legislature adopts Resolution 04/11/00E to add Section 410, Memorial Relief Burial Fund
06/06/00	Legislature adopts Resolution 06/06/00B amending Section 409
06/22/00	HCC 96-002 restated and superseded by 2 HCC § 4 (2000) (Appropriations and Budget Process Act) enacted Legislative Resolution 06/22/00F.
09/26/00	Amended and Restated by Legislative Resolution 09/26/00E
01/09/01	Amended and Restated by Legislative Resolution 01/09/01A amending paragraph 7.e.
01/16/01	Amended and Restated by Legislative Resolution 01/16/01C amending paragraph 7.a.
02/13/01	Amended by Legislative Resolution 02/13/01F amending Sections 301-303.
02/20/01	Amended and Restated by Legislative Resolution 02/20/01B deleting paragraph 6.d.
03/06/01	Amended and Restated by Legislative Resolution 03/6/01F amending paragraphs 6.d and

	6.f.
03/20/01	Amended and Restated by Legislative Resolution 03/20/01A amending paragraphs 5.a and 5.b. and correcting Legislative Resolution 02/13/01F.
12/18/01	Amended and Restated by Legislative Resolution 12/18/01A amending paragraphs 5a(1)(b), deleting paragraph 5b, amending paragraph 5c, amending paragraph 7e, and adding a new paragraph 8 (Release of Financial Data).
03/03/04	Legislature places amending draft out for 45-Day Public Review.
05/04/04	Amended and Restated by Legislative Resolution 05/4/04D adding procedures for minor budget modification and amending enforcement and penalties.
12/7/10	Legislature adopts Resolution 12/07/10R, placing draft amendments to incorporate the General Council Branch out for 45-Day Public Review; said review period to begin on the first day the draft is placed on the Ho-Chunk Nation's website.
05/03/11	Legislature adopts Resolution 05/03/11D that amends the Act to include the General Council.
03/20/14	Legislature places the Appropriations and Budget Process Act out for forty-five (45) day public comment.
11/04/14	Legislature adopted amendments to the Appropriation and Budget Process Act (2 HCC § 4) resolution 11/04/14X.
02/03/15	Legislature adopted Quick Passage amendments to the Appropriations and Budget Process Act (2 HCC § 4) by Legislative Resolution 2-03-15G.
02/04/15	the Quick Passage amendments adopted by Resolution 2-03-15G are vetoed by the President pursuant to Article VI, Section 2(a).
02/17/15	Legislature votes to override Presidential Veto of the Quick Passage amendments set forth in Resolution 2-03-15G. Article V, Section 2(y) requires a 2/3 supermajority vote to override a veto. Upon a vote taken, there was not a 2/3 supermajority in support of override. Therefore, the veto remained in place. See Defeated Resolution 2-17-15J.
03/03/15	Legislature adopted Quick Passage amendments to the Appropriation and Budget Process Act (2 HCC § 4) by Legislative Resolution 03/03/15I. The President did not issue a veto.
04/07/20	Legislature adopted Quick Passage amendments to the Appropriations and Budget Process Act (2 HCC § 4) by Legislative Resolution 04/07/20D. Amended Paragraph 6, adding subsection e, addressing the process for budget modifications during a State of Emergency.
5/27/20	Legislature adopts Quick Passage amendments to the Appropriations and Budget Process Act, by approval of Resolution 5-27-20A. Amended Paragraph 5, allowing the Legislature and Legislative Finance Committee to conduct monthly budget reviews of gaming enterprises when they have been closed due to a State of Emergency. Such budgets are subject to modification and revised appropriation. Amendments to Paragraph 6 address Budget Modifications, specifically allowing modifications to Gaming Enterprise budgets and changing a reference from the General Council Agency to the Office of General Council.
6/23/20	Legislature adopts Quick Passage amendments to the Appropriations and Budget Process Act, by approval of Resolution 6-23-20A. Amended Paragraph 5.f and 5.g of the Act, to address Continuing Resolutions as a part of the annual budget approved by the Legislature. *Note*: The President vetoed Resolution 6-23-20A on June 26, 2020, pursuant to Article VI, Section 2(a) of the Constitution. In response, the Legislature adopted Resolution 7-07- 20C, which overturned the President's veto under Article V, Section 2(y) of the Constitution. As a result, the Quick Passage amendment is valid and enacted.
12/29/20	Legislature adopts Quick Passage amendments to the Appropriations and Budget Process Act, by approval of Resolution 12-29-20E. Amended Paragraph 6 regarding true increases.
01/26/22	Legislature adopts Quick Passage amendments to the Appropriations and Budget Process Act, by approval of Resolution 01-26-22F. Amendments to reference Finance Commission and deleting reference to the Audit Law, which was repealed by Resolution 09-07-16G.
03/08/22	Legislature adopts amendments to the Appropriations and Budget Process Act, by approval of Resolution 03-08-22E.
06.07.22	Legislature adopts Quick Passage amendments by approval of Resolution 06-07-22H.