

**TABLED**

**HO-CHUNK NATION LEGISLATURE  
AUTHORIZING USE OF UNEXPENDED FUNDS FOR FISCAL YEAR ENDING 2014  
FOR BONUS PAYMENTS TO TRIBAL MEMBER YOUTH AND ADULTS**

**RESOLUTION 10-07-14P**

- 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(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(r) of the Constitution grants the Legislature the power to protect and foster Ho-Chunk religious freedom, culture, language, and traditions; and
- WHEREAS**, Article V, Section 2(s) of the Constitution grants the Legislature the power to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Ho-Chunk Nation; 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 Ho-Chunk Nation Appropriations and Budget Process Act (2 HCC § 4) on June 22, 2000, and has amended the law at various points since then; and

**WHEREAS**, the purpose of the Appropriations and Budget Process Act (“Budget Act”) is to provide the Nation’s government with policy and guidance in preparing budgets to ensure fiscal responsibility and integrity within the Nation; and

**WHEREAS**, Section 7 of the Budget Act addresses Fiscal Accounting and provides that “it shall be the duty of the Treasurer to: (a) identify and isolate any unused (unexpended) funds from the previous fiscal year into a special restricted use account, and (b) determine any unused (unexpended) funds remaining from any prior fiscal year; and

**WHEREAS**, under Section 7, the Nation’s Treasurer is required, within ninety (90) days following the fiscal year end, to submit an Unexpended Funds and Deficits Report to the Legislature which identifies unexpended funds and deficits noted within the Budget Act; and

**WHEREAS**, once the Treasurer submits an Unexpended Funds and Deficits Report, the Legislature is required to appropriate any funds identified under Section 7 of the Budget Act; and

**WHEREAS**, for Fiscal Year ending June 2014, the Nation’s Treasurer submitted an estimate of Unexpended Funds and Deficits to the Legislative Finance Committee pursuant to the Section 7 of the Budget Act, in September 2014, showing a surplus of such funds in the amount of \$24,028,012.00; and

**WHEREAS**, the Legislative Finance Committee accepted the Treasurer’s report of Unexpended Funds and accepted the estimated surplus of \$24,028,012.00; and

**WHEREAS**, the Nation’s government continually strives to provide services and support to tribal members and their families to improve their health and welfare, whether through direct services, benefits, charitable contributions or other gifts; and

**WHEREAS**, the Legislature, in its discretion, has previously approved the use of tribal funds as gifts to tribal member children and adults prior to Christmas, based on the availability of funds; and

**WHEREAS**, in light of the Unexpended Funds available, the Legislature finds it appropriate to authorize the use of some of those funds to assist tribal member youth and adults with a discretionary bonus gift prior to Christmas 2014; and

**WHEREAS**, previously, the Legislature has relied on the Nation’s Enrollment Department to help determine the number of tribal members and their ages; and

**WHEREAS**, the Nation’s Enrollment Department estimates that, as of September 27, 2014, there are 1,937 tribal member children (ages 0-17) and 5,622 tribal member adults (ages 18-58).

**NOW THEREFORE, BE IT RESOLVED** that the Legislature, pursuant to its Constitutional authority to authorize expenditures by law and appropriate funds, hereby makes the following appropriations from the Unexpended Funds Report of the Treasurer showing a surplus for Fiscal Year 2014 of \$24,028,012.00:

(1) A discretionary bonus payment to tribal member children (ages 0-17 as of September 27, 2014) in the amount of \$300.00 each, to be paid out of the Unexpended Funds by the Nation's Treasury before November 27, 2014; and

(2) A discretionary bonus payment to tribal member adults (ages 18-59 as of September 27, 2014) in the amount of \$1,000 each, to be paid out of the Unexpended Funds by the Nation's Treasury before November 27, 2014.

### **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 \_\_\_ constituting a quorum were present at a meeting duly called and convened and held that on the **7<sup>th</sup> day of October, 2014**, adopted the foregoing resolution at said meeting by an affirmative vote of \_\_\_ members, \_\_\_ opposed, and \_\_\_ 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.

\_\_\_\_\_  
Kathleen Lone Tree-Whiterabbit, Tribal Secretary

\_\_\_\_\_  
Date