



## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

### HO-CHUNK NATION LEGISLATURE PER-CAPITA DECLARATION FOR AUGUST 1, 2022

#### RESOLUTION 07-12-22 A

**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, 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(d) of the Constitution grants the Legislature the power to authorize expenditures by law and appropriate funds to the various Departments of the Nation in an annual budget; 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**, the Legislature adopted the Ho-Chunk Nation *Per Capita Distribution Ordinance* on July 3, 2001, and has codified the law in the Ho-Chunk Nation Code at 2 HCC § 12; and

**WHEREAS**, the *Per Capita Distribution Ordinance* provides for per capita distribution of revenues appropriated by the Legislature from gaming revenues; and

**WHEREAS**, Section 5 of the Per Capita Distribution Ordinance states that the Nation may use net gaming revenues for specific purposes, such as a per capita distribution; and that the Legislature, after due consideration of the need to fund Tribal government operations and programs, the overall needs of the Nation and its Members, and the need to promote tribal economic development, shall determine what amount, if any, of the revenues allocated for general welfare purposes shall be appropriated for distribution of per capita payments; and

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**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 (“WHO”) declared the COVID-19 outbreak a pandemic,

**WHEREAS**, through the adoption of *Resolution 3-12-20A* the Legislature 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**, on March 12, 2020, Wisconsin Governor Tony Evers declared a public health emergency; and

**WHEREAS**, on March 13, 2020, the U.S. President issued a proclamation declaring that the COVID-19 outbreak in the United States constitutes a national emergency; 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**, based on reduced operations, the Executive Branch of the Nation implemented temporary layoffs of non-essential employees, effective April 3, 2020; and

**WHEREAS**, the Executive Branch of the Nation announced that many of the temporary layoffs would become permanent layoffs on June 25, 2020; and

**WHEREAS**, on June 15, 2020, the Office of the President announced that the Nation’s Gaming facilities would re-open on June 29, 2020; and

**WHEREAS**, as of June 30, 2020, the Legislature was in the unprecedented situation of having to consider budgets for Fiscal Year 2021-22, and appropriate such funds, when the Nation’s gaming operations had been closed due to a world-wide pandemic, and Declaration of Emergency, thereby depriving the Nation of revenues, and leaving the Nation in an uncertain time to project future revenues; and

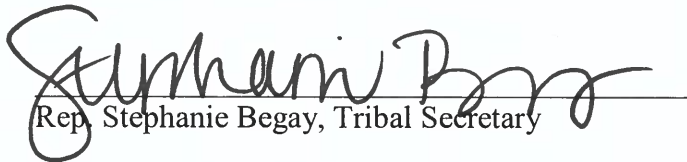
**WHEREAS**, the Legislature adopted Resolution 06-22-21W Adoption of Ho-Chunk Nation Legislative Branch, General Fund and Gaming Commission Budget Bill for Fiscal Year 2021-2022 which did not budget any funds for per capita distribution payments to tribal members as a result of the closure of the Nation’s gaming operations and the decrease in gaming revenues due to the COVID-19 pandemic; and

**WHEREAS**, the Legislature finds that the declaration of per capita distribution for August 1, 2022 is impacted as a result of the closure of the Nation's gaming operations and the Nation's continual recovery from the impacts of the pandemic on the Nation's gaming revenues;

**NOW THEREFORE BE IT RESOLVED**, that the Legislature, in light of the unprecedented circumstances, and pursuant to its Constitutional authority, and the Per Capita Distribution Ordinance, does hereby declare that no per capita distribution will be made to the 7757 eligible tribal members on August 1, 2022.

#### **CERTIFICATION**

I, the undersigned, as Tribal Secretary for the Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **13 members**, of whom **12** constituting a quorum were present at a meeting duly called and convened and held on the **12<sup>th</sup> day of July, 2022**, that the foregoing resolution was adopted at said meeting by an affirmative vote **12 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.

  
Rep. Stephanie Begay, Tribal Secretary

07.12.22  
Date