



## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

### HO-CHUNK NATION LEGISLATURE RESCISSION OF BOTH RESOLUTION 12- 22-09 D AND RESOLUTION 3-23-10 D AND FURTHER STUDY OF WELLNESS INITIATIVE RESOLUTION 5-04-10 B

- WHEREAS,** on November 1, 1994, the 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 Constitution of the Ho-Chunk Nation ("Constitution") grants the 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(f) of the Constitution grants the Legislature the power to set the salaries, terms and conditions of employment for all government personnel; and
- WHEREAS,** Article V, Section 2(i) of the Constitution grants the Legislature the power to negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals; and
- WHEREAS,** the Ho-Chunk Nation offers health insurance to employees and their families and Ho-Chunk Nation elders, and seeks to offer competitive health benefits; and
- WHEREAS,** the Ho-Chunk Nation seeks to improve the health of employees and their families and Ho-Chunk Nation elders; and
- WHEREAS,** the Legislature contracted with Cottingham & Butler Consulting Services as the Consultant for the Nation's Employee Benefits Insurance; and
- WHEREAS,** the Legislature held three meetings with Benjamin Butler, Vice President of Cottingham & Butler Consulting Services, to develop Wellness and Cost Savings Strategies for the Nation; and
- WHEREAS,** Mr. Butler made a number of recommendations and provided a hand-out entitled "Ho-Chunk Nation Wellness and Cost Savings Strategies December 2009" regarding wellness and cost savings strategies the Nation could use for its health insurance plan; and
- WHEREAS,** as a result at its December 22, 2009 Legislative Session the Legislature adopted Resolution 12-22- 09 D entitled "Wellness Initiative Resolution"; and
- WHEREAS,** a motion adopted at the Wisconsin Rapids District Meeting sought to modify Resolution 12-22- 09 D to lessen the increase called for by Resolution 12-22- 09 D with respect to the amount of the deductible for Ho-Chunk Nation Tribal Member employees; and

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**WHEREAS,** as a result the Legislature adopted Resolution 3-23-10 D; and

**WHEREAS,** Resolution 3-23-10 D rescinded Resolution 12-22-09 D and implemented the wellness initiative with a smaller increase in the amount of the deductible for Ho-Chunk Nation Tribal Member employees; and

**WHEREAS,** a number of unstudied issues still remain regarding the wellness initiative program. These concerns include:

- (a) The negative publicity to the Nation of increasing employees' deductibles under the Nation's health insurance program;
- (b) Privacy concerns regarding whether the medical data collected as a result of employees participating in the wellness initiative will be properly protected;
- (c) Whether the use of Interactive Health Solutions as the vendor to administer the test, without a three-bid process prior to selecting them, potentially would violate the Ho-Chunk Nation *Material Management Policies and Procedures Manual* (5 HCC § 9);
- (d) Whether, pursuant to the *Tribal Research Code* (3 HCC § 3), the collection of medical data by Interactive Health Solutions should have first been approved by the Ho-Chunk Nation Institutional Review Board; and

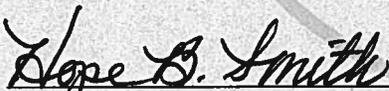
**WHEREAS,** before potentially implementing this program the Legislature wants these and other outstanding issues to be studied and addressed.

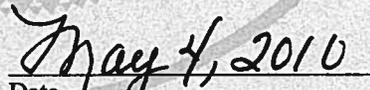
**NOW THEREFORE BE IT RESOLVED,** that the Legislature, pursuant to its Constitutional authority, rescinds both Resolution 12-22-09 D and Resolution 3-23-10 D.

**BE IT FURTHER RESOLVED,** that the Legislature, pursuant to its Constitutional authority, directs that further study be done regarding the benefits and costs of a wellness initiative program for the Nation.

**CERTIFICATION**

I, the undersigned, as Tribal Secretary of Ho-Chunk Nation, hereby certifies that the Legislature of the Ho-Chunk Nation, composed of 13 members of whom 7 constituting a quorum were present at a meeting duly called and convened and held that on the 4th day of May, 2010, that the foregoing resolution was adopted at said meeting by an affirmative vote of 5 members, 2 opposed, and 0 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.

  
Hope B. Smith, Tribal Secretary

  
Date