



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

ESTABLISHMENT OF LEGISLATIVE WORKGROUP TO ADDRESS IMPLEMENTATION OF FEDERAL HEALTH CARE REFORM AND ITS INCORPORATION OF THE INDIAN HEALTH CARE IMPROVEMENT ACT

RESOLUTION 05-03-11 E

- WHEREAS,** on November 1, 1994, the United States Secretary of Interior approved a new Constitution of the Ho-Chunk Nation, formerly known as the Wisconsin Winnebago Nation; 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 grants the Legislature 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 (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 Ho-Chunk Nation *Legislative Organization Act*, 2 HCC §11, ("LOA") provides in Section 10 that an internal Work Group or Task Force may be established in order to assist the Legislature by providing information necessary to carry out Legislative law-making and oversight functions; and
- WHEREAS,** the Nation's *Open Meetings Act*, 2 HCC §2, contemplates that a Work Group or Task Force will be used as a temporary, short-term ad hoc body established by a governmental entity for a focused effort on a specific issue; and
- WHEREAS,** the LOA does not restrict Legislator(s) participation in a Ho-Chunk government task force(s) as an ex officio member when appointed by the Legislature, and
- WHEREAS,** on March 23, 2010, President Obama signed into law a comprehensive health care reform bill, the Patient Protection and Affordable Care Act (PPACA; P.L. 111-148); the new law reauthorized the Indian Health Care Improvement Act (IHCA), while also making

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WHEREAS, on March 23, 2010, President Obama signed into law a comprehensive health care reform bill, the Patient Protection and Affordable Care Act (PPACA; P.L. 111-148); the new law reauthorized the Indian Health Care Improvement Act (IHCIA), while also making

several changes related to American Indians and Alaska Natives enrolled in and receiving services from the Medicare, Medicaid, and Children's Health Insurance Program (CHIP)—also called Social Security Act (SSA) health benefit programs; and

WHEREAS, Section 10221 of the PPACA incorporated and enacted the Senate IHCIA bill (S.1790) as reported by the Senate Committee on Indian Affairs in December 2009; and the PPACA reauthorized the IHCIA permanently and indefinitely, while appropriating such sums as may be necessary for Fiscal Year 2010 and each fiscal year thereafter, to remain available until expended; and

WHEREAS, the Legislature deems it necessary and appropriate to form a workgroup consisting of employees, staff and officials from the Executive Branch and Legislative Branch in order to review the PPACA and its impacts on the Ho-Chunk Nation, and make adequate preparations for the Nation as the federal law is implemented at the Tribal, Federal and State level; and

WHEREAS, a Work Group focused on the PPACA, IHCIA and the impacts on the Nation will have the flexibility to meet and offer recommendations to the Legislature or President in order to best prepare the Nation for the law's implementation;

NOW THEREFORE, BE IT RESOLVED, that the Ho-Chunk Nation Legislature, pursuant to its constitutional authority, hereby authorizes the creation of a Legislative Workgroup, focused on implementation of Federal health care reform in Indian Country, and within the Ho-Chunk Nation, as well as at the Federal, State, and local levels; and

BE IT FURTHER RESOLVED, that said Workgroup may consist of these members: any interested Legislators, the Legislative Chief of Staff, such Legislative Aides as deemed necessary by the Chief of Staff and Legislators, any Legislative Paralegal, Legislative Counsel or Attorney, and any other Legislative Staff; also, staff from the Office of the President, as determined by the President; also, staff from the Nation's Department of Health and Department of Social Services, as deemed necessary by the Department management; and any Department of Justice attorneys; and any other staff or employees invited by the Legislature or Chief of Staff; and

BE IT FURTHER RESOLVED that the Health Care Reform Implementation Workgroup shall report on their activity and progress to the Legislature after each meeting of the Workgroup; and

BE IT FURTHER RESOLVED that the Legislative Chief of Staff shall determine who shall take minutes of meetings for the LOA Work Group, said minutes being available within 5 business days of each meeting; and

BE IT FURTHER RESOLVED, that the Workgroup created herein shall not be considered a Public Body under the HCN Open Meetings Act and shall be not be required to adhere to Quorum requirements; and

BE IT FURTHER RESOLVED, that the LOA Work Group is authorized to begin meeting after adoption of this resolution.

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 constituting a quorum were present at a meeting duly called and convened and held on the **3rd** day of **May, 2011**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **8** members, **2** 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

May 3, 2011

Date

