



## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

### HO-CHUNK NATION LEGISLATURE PRESERVATION AND MAXIMIZATION OF FEDERAL MEDICAID FUNDING FOR AMERICAN INDIANS IN WISCONSIN SECTION 1115 WAJVER

#### RESOLUTION 11-08-110

- 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(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; 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

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**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 provision of federal funding for health programs and benefits to American Indians has been a fundamental part of the federal trust relationship between the United States and American Indian Nations, and

**WHEREAS,** the federal government seeks to fulfill this responsibility in part by providing 100% federal reimbursement for American Indians who are enrolled in Medicaid and who seek care through tribally-operated and Indian Health Service facilities, and

**WHEREAS,** the State of Wisconsin will be requesting a Section 1115 demonstration waiver from the federal government to change Medicaid eligibility standards, and

**WHEREAS,** implementation of the state waiver language would result in approximately 75% of current Medicaid-enrolled Ho-Chunk members to lose coverage particularly due to the "Income Determination Update" provisions, and

**WHEREAS,** this loss of coverage will result in a significant decrease in federal Medicaid revenue for the Ho-Chunk Nation, and

**WHEREAS,** to preserve and maximize federal Medicaid funding to the tribal health facilities, the state waiver must be amended to prevent unintended consequences caused by the current waiver language;

**NOW THEREFORE, BE IT RESOLVED** that the Ho-Chunk Nation Legislature, pursuant to its Constitutional authority, supports the inclusion of language in the State of Wisconsin Section 1115 demonstration waiver to the federal Department of Health and Human Services which recognizes the 100% Federal Medical Assistance Percentage reimbursement for American Indian Medicaid recipients and allows these funds to continue be allocated under the current Medicaid eligibility requirements.

**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 **8** constituting a quorum were present at a meeting duly called and convened and held that on the **8<sup>th</sup> day of November, 2011**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **8 members, 0 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  
Hope B. Smith, Tribal Secretary

November 8, 2011  
Date

