

**\*\*\*\*\*DEFEATED RESOLUTION\*\*\*\*\***

**HO-CHUNK NATION LEGISLATURE  
RESCISSION OF RESOLUTION 12-22-09 C AND ADOPTION OF NEW WORKING  
DEPENDENT PROVISION TO EXCLUDE HO-CHUNK NATION TRIBAL MEMBER  
EMPLOYEES  
RESOLUTION 3-23-10 A**

- 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, 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, 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 the following five Resolutions:
- Resolution 12-22-09 A entitled “Excluding Ho-Chunk Nation Elders Increase in Emergency Room Co-Pay by One-Hundred Dollars”;

- Resolution 12-22-09 B entitled “Medicare Like Rates for Contract Health Eligible Tribal Employees”;
- Resolution 12-22-09 C entitled “Working Dependent Provision to Nation’s Health Insurance Program”;
- Resolution 12-22-09 D entitled “Wellness Initiative Resolution”;
- Resolution 12-22-09 E entitled “Removal of Limitations Under All Nation Health Plans for Preventive Screenings and Immunizations for Children”; and

**WHEREAS,** subsequently, due to concerns of Tribal Members who are employees of the Nation, some Health Insurance Presentations were made at various District meetings by Mr. Butler regarding the adoption of these Resolutions; and

**WHEREAS,** these Health Insurance Presentations resulted in various District meetings making motions for the Legislature to either rescind or modify portions of the five Resolutions; and

**WHEREAS,** as a result and in relevant part, the February 22, 2010 Legislative Meeting Minutes provide:

Motion by Rep. LoneTree-Whiterabbit to recommend the Legislative Attorney and Legislative Staff collect all information, concerns addressed at the District Meetings, and to share this information with Ben Butler and request that options be provided and to have this information prepared for the March 23, 2010 Legislative Meeting. Also to request that Ben Butler be present to address these concerns. Second by Representative Greengrass. 6-1(Vice President Brown)-1(Rep. TwoBears) Motion Carried.

Motion by Vice President Brown to recommend that the Health Insurance Presentation, be presented at the District Meetings that haven't been addressed on the issue. Second by Rep. Holst. 8-0-0 Motion Carried.; and

**WHEREAS,** officials from Cottingham & Butler Consulting Services and the Ho-Chunk Nation Insurance Department made Health Insurance Presentations to various District Meetings in the month of March to ensure that all Wisconsin District Meetings have had the Health Insurance Presentation related to the five Resolutions previously adopted by the Legislature at its December 22, 2009 Legislative Session; and

**WHEREAS,** the Legislative Staff collected the meeting minutes from every District Meeting in which the Health Insurance Presentations were made and these meeting minutes are attached for the Legislators’ reference and incorporated by reference as if more fully set forth herein; and

**WHEREAS,** Tribal Members at four District Meetings adopted motions to either modify or rescind Resolution 12-22-09 C entitled “Working Dependent Provision to Nation’s Health Insurance Program.” One of the four motions provided that the Legislature should rescind Resolution 12-22-09 C altogether. This motion was made at the Black River Falls District Meeting. Three of the four motions provided that the Legislature should amend Resolution 12-22-09 C to eliminate the working dependant provision for employees if the employee is a Ho-Chunk Nation Tribal Member. These motions were made at the Madison, Baraboo, and Tomah District Meetings.

**NOW THEREFORE, BE IT RESOLVED** that the Legislature, pursuant to its Constitutional authority, rescinds Resolution 12-22-09 C.

**BE IT FURTHER RESOLVED** that the Legislature, pursuant to its Constitutional authority, implements a working dependent provision within the Ho-Chunk Nation insurance plan. The working dependant provision shall require that if an employee of the Ho-Chunk Nation has a working spouse or a working dependant, who is over the age of eighteen, he or she will have to take his or her employer's group health insurance if available. The working dependant provision shall only be applicable if the employee of the Ho-Chunk Nation is not a Ho-Chunk Nation Tribal Member.

**BE IT FURTHER RESOLVED** that the Legislature, pursuant to its Constitutional authority, directs that in order for the employer's group health insurance of the working spouse or of the adult dependant to be considered available the contributions required to participate in the plan must not be \$150.00 or more per month than the contributions required to participate in the Nation's health insurance plan.

**BE IT FURTHER RESOLVED** the Ho-Chunk Nation Insurance Department shall develop a legal form for employees to sign in order to implement this change in policy. The Ho-Chunk Nation Insurance Department shall develop this legal form working in conjunction with the Ho-Chunk Nation Department of Justice and Cottingham & Butler Consulting Services.

**BE IT FURTHER RESOLVED** that the aforementioned legal form shall be used to enable the Nation to determine if an employee, who is not a Ho-Chunk Nation Member and participates in the Nation's health insurance plan, has a spouse or adult dependant who has available group health insurance from his or her employer.

**BE IT FURTHER RESOLVED** that an employee shall sign the aforementioned legal form. In order for the employee to have to sign the legal form the employee must not be a Ho-Chunk Nation Tribal Member and must be signing up for the Nation's health insurance.

**BE IT FURTHER RESOLVED** that an employee shall annually sign the aforementioned legal form. In order for the employee to have to annually sign the legal form, the employee must not be a Ho-Chunk Nation Tribal Member and must have the Nation's health insurance.

**BE IT FURTHER RESOLVED** that if an employee who must sign the aforementioned legal form, after the effective date, knowingly falsely provides materially inaccurate information on the aforementioned legal form, he or she shall have past and future claims made under the Nation's health insurance plan denied for the spouse or adult dependent who should not have been covered under the Nation's health insurance plan.

**BE IT FURTHER RESOLVED** that the Legislature, pursuant to its Constitutional authority, makes the effective date of the addition of the working dependant provision to the Nation's Health Insurance Program as of July 1, 2009.

**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 12 constituting a quorum were present at a meeting duly called and convened and held that on the 23<sup>rd</sup> day of March, 2010, that the foregoing resolution was adopted at said meeting by an affirmative vote of 5 members, 6 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.

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Hope B. Smith, Tribal Secretary

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Date